

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Dee F. Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: November 10, 2011

Re: A request by Stanley Howell for approval of the Final Plat of Howell Subdivision, a 3-lot agricultural subdivision, located south of 312th Street and just east of the Cedar County line legally described as part of the NW¹/₄ of Section 7 and part of the SW¹/₄ of the SW¹/₄ and part of the SE¹/₄ of the SW¹/₄ of Section 6, all in Liberty Township.

The Planning Commission unanimously recommended approval of the Final Plat in accordance with staff's recommendations. The applicant represents his father's estate and the purpose of the plat is to reconfigure the existing 150 acre farm to facilitate the disposition of the estate. There are two residences on adjacent parcels owned and occupied by family members. Approval of this plat will create three ag parcels of 31 acres, 28 acres and 90 acres in size.

RECOMMENDATION: The Planning Commission recommends that the Final Plat of Howell Subdivision be approved.



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Applicant: Stanley Howell

Request: Sketch Plan /Final Plat of Howell Subdivision

Legal Description: Part of the NW $\frac{1}{4}$ of Section 7 and part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, all in Liberty Township

General Location: 85 312th Street

Zoning: Agricultural Preservation (A-P)

Surrounding Zoning:

- North:** Agricultural Preservation (A-P)
- South:** Agricultural Preservation (A-P)
- East:** Agricultural Preservation (A-P)
- West:** Agricultural Preservation (A-P)

GENERAL COMMENTS: This request is for approval of a subdivision plat to divide up 150 acres of a family into three ag parcels for estate purposes. All of the property is zoned Ag-Preservation and therefore would have no development rights for non-ag purposes. A 2.77 acre parcel was created in 1981 prior to the adoption of the current regulations and a residence was built on it. The original farmhouse was split off with approval of a plat of survey of a farmstead split. Subsequently the old house was demolished and a building permit was issued for a new house on the property, which is permitted under the current regulations. The current plat is to create three separate farm parcels that will be used for ag purposes. Those parcels are 28, 31 and 90 acres in size.

STAFF REVIEW: Staff has reviewed this request for approval of a Minor Plat and to combine the sketch plan and Final Plat in one review. The Subdivision Regulations allows a plat to be reviewed as a Minor Plat if the plat creates less than five (5) lots and does not involve extension of any new streets.

The property is currently zoned Agricultural-Preservation and therefore would not retain any development rights for non-agricultural uses. There is no prohibition against subdividing either A-P or A-G zoned land. The Zoning Ordinance does state that “once the farmstead is split off, neither the new lot nor the remaining farmland may be subsequently platted into small lots for any use other than farming, unless the land is first rezoned for the proposed land use.” The purpose of the farmstead regulations is to allow a farmer to split the original farmhouse from a farm but not to allow any second or third house to be split. The Subdivision regulations allow the initial split from an unplatted piece of property to be approved as plat of survey, which is how farmstead splits are generally approved. As stated above, the existing lot for the house built in 1981 was created prior to the current regulations and therefore did not count as the first split from



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the farm. This allowed a plat of survey for the original farmhouse to be approved as a farmstead split in 2010. However staff would recommend that a note be placed on this plat stating that these three parcels are for ag purposes only and no non-ag development of the property would be permitted.

Lots 1 & 3 have frontage and access to 312th Street. An access easement is being created across the two residential (but which are also zoned A-P) lots in the location of the existing driveway to provide farm access for Lot 2.

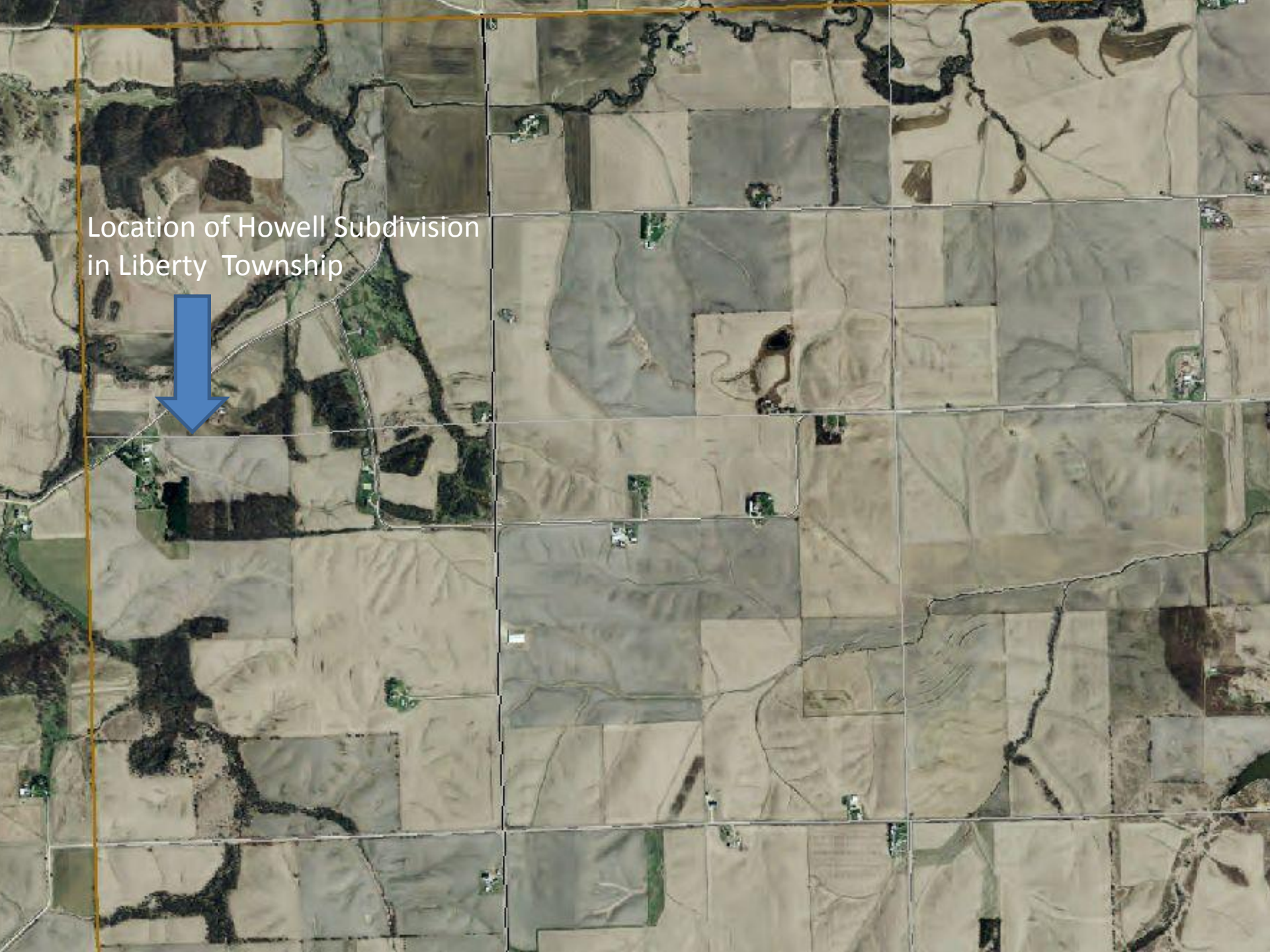
The County Health Department and County Engineer did not have any comments or concerns with this plat. The County Assessor and County Auditor also did not have any comments with this request.

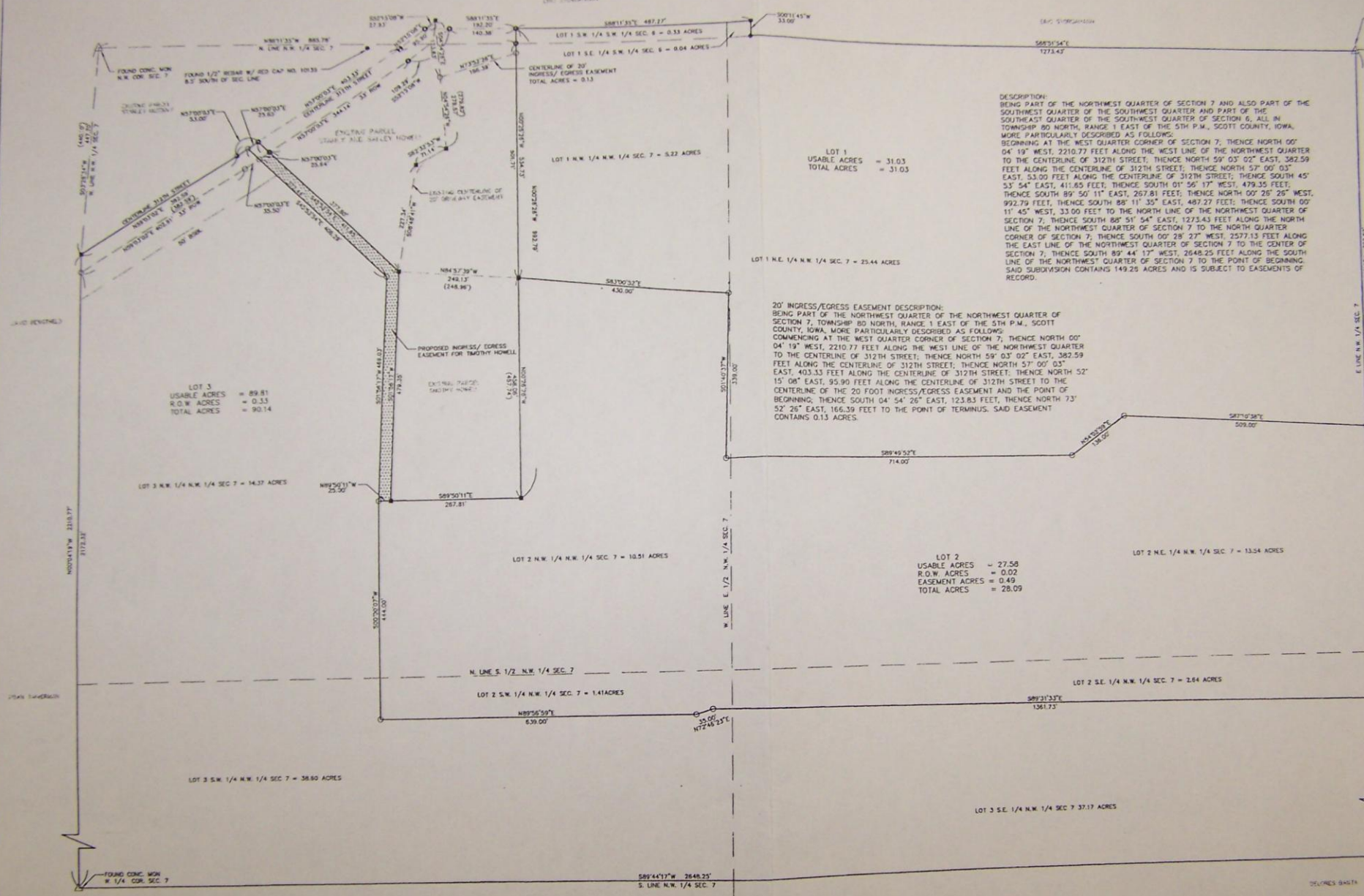
Staff has mailed notification to the adjacent property owners within five hundred feet (500') of this property regarding this subdivision request. Staff has not, as of yet, received any calls or comments on this proposed plat.

RECOMMENDATION: Staff recommends that the sketch plan and Final Plat for Howell Subdivision be approved with the condition that a note be placed on the plat stating that the parcels can only be used for permitted uses in an A-P zoning district and no non-agricultural development would be permitted unless approval of a rezoning or special use permit is granted.

Submitted by,
Timothy Huey, Director
September 28, 2011

Location of Howell Subdivision
in Liberty Township





DESCRIPTION:
BEING PART OF THE NORTHWEST QUARTER OF SECTION 7 AND ALSO PART OF THE
SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, ALL IN
TOWNSHIP 80 NORTH, RANGE 1 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE WEST QUARTER CORNER OF SECTION 7; THENCE NORTH 00°
04' 19" WEST, 2210.77 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER
TO THE CENTERLINE OF 312TH STREET; THENCE NORTH 59° 03' 02" EAST, 382.59
FEET ALONG THE CENTERLINE OF 312TH STREET; THENCE NORTH 57° 00' 03"
EAST, 53.00 FEET ALONG THE CENTERLINE OF 312TH STREET; THENCE SOUTH 45°
53' 54" EAST, 411.65 FEET; THENCE SOUTH 01° 56' 17" WEST, 479.35 FEET;
THENCE SOUTH 89° 50' 11" EAST, 267.81 FEET; THENCE NORTH 00° 26' 26" WEST,
992.79 FEET; THENCE SOUTH 89° 11' 35" EAST, 487.27 FEET; THENCE SOUTH 00°
11' 45" WEST, 33.00 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF
SECTION 7; THENCE SOUTH 88° 51' 54" EAST, 1273.43 FEET ALONG THE NORTH
LINE OF THE NORTHWEST QUARTER OF SECTION 7 TO THE NORTH QUARTER
CORNER OF SECTION 7; THENCE SOUTH 00° 28' 27" WEST, 2577.13 FEET ALONG
THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 7 TO THE CENTER
OF SECTION 7; THENCE SOUTH 89° 44' 17" WEST, 2648.25 FEET ALONG THE SOUTH
LINE OF THE NORTHWEST QUARTER OF SECTION 7 TO THE POINT OF BEGINNING.
SAID SUBDIVISION CONTAINS 149.29 ACRES AND IS SUBJECT TO EASEMENTS OF
RECORD.

20' INGRESS/EGRESS EASEMENT DESCRIPTION:
BEING PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF
SECTION 7, TOWNSHIP 80 NORTH, RANGE 1 EAST OF THE 5TH P.M., SCOTT
COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE WEST QUARTER CORNER OF SECTION 7; THENCE NORTH 00°
04' 19" WEST, 2210.77 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER
TO THE CENTERLINE OF 312TH STREET; THENCE NORTH 59° 03' 02" EAST, 382.59
FEET ALONG THE CENTERLINE OF 312TH STREET; THENCE NORTH 57° 00' 03"
EAST, 403.33 FEET ALONG THE CENTERLINE OF 312TH STREET; THENCE NORTH 52°
15' 08" EAST, 95.90 FEET ALONG THE CENTERLINE OF 312TH STREET TO THE
CENTERLINE OF THE 20 FOOT INGRESS/EGRESS EASEMENT AND THE POINT OF
BEGINNING; THENCE SOUTH 04° 54' 26" EAST, 123.83 FEET; THENCE NORTH 73°
52' 26" EAST, 166.39 FEET TO THE POINT OF TERMINUS. SAID EASEMENT
CONTAINS 0.13 ACRES.

LOT 3
USABLE ACRES = 89.81
R.O.W. ACRES = 0.13
TOTAL ACRES = 90.14

LOT 2
USABLE ACRES = 27.58
R.O.W. ACRES = 0.02
EASEMENT ACRES = 0.49
TOTAL ACRES = 28.09

LOT 2 N.E. 1/4 N.W. 1/4 SEC. 7 = 13.54 ACRES

LOT 2 N.W. 1/4 N.W. 1/4 SEC. 7 = 10.51 ACRES

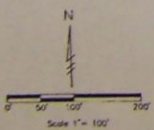
LOT 3 N.W. 1/4 N.W. 1/4 SEC. 7 = 14.37 ACRES

LOT 2 S.W. 1/4 N.W. 1/4 SEC. 7 = 1.41 ACRES

LOT 2 S.E. 1/4 N.W. 1/4 SEC. 7 = 2.64 ACRES

LOT 3 S.W. 1/4 N.W. 1/4 SEC. 7 = 38.80 ACRES

LOT 3 S.E. 1/4 N.W. 1/4 SEC. 7 = 37.17 ACRES



THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____
DATE _____

SCOTT COUNTY AUDITOR

RESOLUTION
SCOTT COUNTY BOARD OF SUPERVISORS
November 22, 2011
APPROVING THE FINAL PLAT HOWELL'S SUBDIVISION

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

Section 1. As the local governing body responsible for the approval of subdivision plats within its rural jurisdiction, the Scott County Board of Supervisors has on this 22nd day of November, 2011 considered the Final Plat of **Howell's Subdivision**, a three (3) lot subdivision, being a part of the NW ¼ of Section 7, and also part of the SW ¼ of the SW ¼ and part of the SE ¼ of the SW ¼ of Section 6, Liberty Township and having found the same made in substantial accordance with the provisions of Chapter 354, Code of Iowa, and the Scott County Subdivision Ordinance, does hereby approve the Final Plat of said subdivision with the condition that a note be placed on the plat stating that the parcels can only be used for permitted uses in an Agricultural Preservation Zoning district and no non agricultural development will be permitted.

Section 2. The Board Chairman is authorized to sign the Certificate of Approval on behalf of the Board of Supervisors and the County Auditor to attest to his signature.

Section 3. This resolution shall take effect immediately.