

PLANNING & DEVELOPMENT

500 West Fourth Street
Davenport, Iowa 52801-1106
E-mail: planning@scottcountyiowa.com
Office: (563) 326-8643 Fax: (563) 326-8257



Timothy Huey
Director

To: Dee F Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: February 7, 2012

Re: A request by Charles Brozovich for approval of the Final Plat of Charles Brozovich Subdivision, a two lot residential and agricultural subdivision located east of 100th Avenue and south of 12705 and 12581 100th Avenue and part of the South 35 acres of the West 70 acres in the NW ¼ of Section 11, Buffalo Township.

The Planning Commission unanimously recommended approval of the Final Plat in accordance with staff's recommendation with the added condition that the private covenants include a disclaimer regarding the underground mining that is conducted in the vicinity of the property.

Approval of this Final Plat will split this undeveloped residential and agricultural tract into two parcels; Lot 1, a proposed 19 acre tract and Lot 2, a proposed 12 acre tract. The western 1/3 of this 32 acre tract is zoned R-1 and the eastern 2/3's is zoned A-G. Lot 1 has 502 feet of frontage on 100th Avenue and Lot 2 has 376 feet of frontage. Both lots are approximately 1150 feet deep, with the west 550 feet zoned Single-Family Residential (R-1) and the remainder zoned Ag General.

This proposed replat would allow one house to be developed on each of these two proposed lots. Both these lots would have direct access to the adjacent County road. Any house constructed on these parcels would have to be built on the portion of the property zoned R-1 or within 550 feet of the road.

Linwood Mining Company, as an adjacent property owner, was notified of the replat and requested, as it has done with previous subdivisions in Buffalo Township that the private covenants include a disclaimer regarding the underground mining that is conducted in the vicinity of the property. The applicant did not express any objections to this condition.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the Final Plat of Charles Brozovich Subdivision with the condition that the private covenants include a disclaimer regarding the underground mining that is conducted in the vicinity of the property.



PLANNING & ZONING COMMISSION
STAFF REPORT
January 17, 2012



Applicant: Charles Brozovich

Request: Sketch Plan /Final Plat of Charles Brozovich Subdivision, a two lot residential and agricultural subdivision

Legal Description: Part of the South 35 acres of the West 70 acres in the NW ¼ of Section 11, Buffalo Township

General Location: East of 100th Avenue, South of 12705 and 12581 100th Avenue

Zoning: Single Family Residential (R-1) *the west 550 feet adjacent to the road* and Agricultural General (A-G) *the east 600 feet*

Surrounding Zoning:

North: Single Family Residential (R-1)
South: Agricultural General (A-G)
East: Agricultural General (A-G)
West: Single Family Residential (R-1) and Agricultural General (A-G)

GENERAL COMMENTS: This Plat is submitted to split an undeveloped residential and agricultural tract that is approximately 32 acres in size into two parcels; Lot 1, a proposed 19 acre tract and Lot 2, a proposed 12 acre tract. Lot 1 has 502 feet of frontage on 100th Avenue and Lot two has 376 feet of frontage. Both lots are approximately 1150 feet deep, with the west 550 feet zoned Single-Family Residential (R-1) and the remainder zoned Ag General.

STAFF REVIEW: Staff has reviewed this request for approval of a Sketch Plan and Final Plat of a Minor Plat. The Subdivision Regulations allow a plat to be reviewed as a Minor Plat if the plat creates less than five (5) lots and does not involve the extension of any new streets. This plat would comply with those requirements, since both lots would have frontage on the existing County road.

This proposed replat would allow one house to be developed on each of these two proposed lots. Both these lots would have direct access to the adjacent County road. Any house constructed on these parcels would have to be built on the portion of the property zoned R-1 or within 550 feet of the road.

The Scott County Engineer stated that the placement of the driveway entrances to these two properties would require prior approval. He states his concern is that the road in this area is quite hilly, which limits sight distances and placement of the driveway should be in the areas where such distances are determined to be adequate.

The Health Department did not have any comments or concerns with lots of this size.



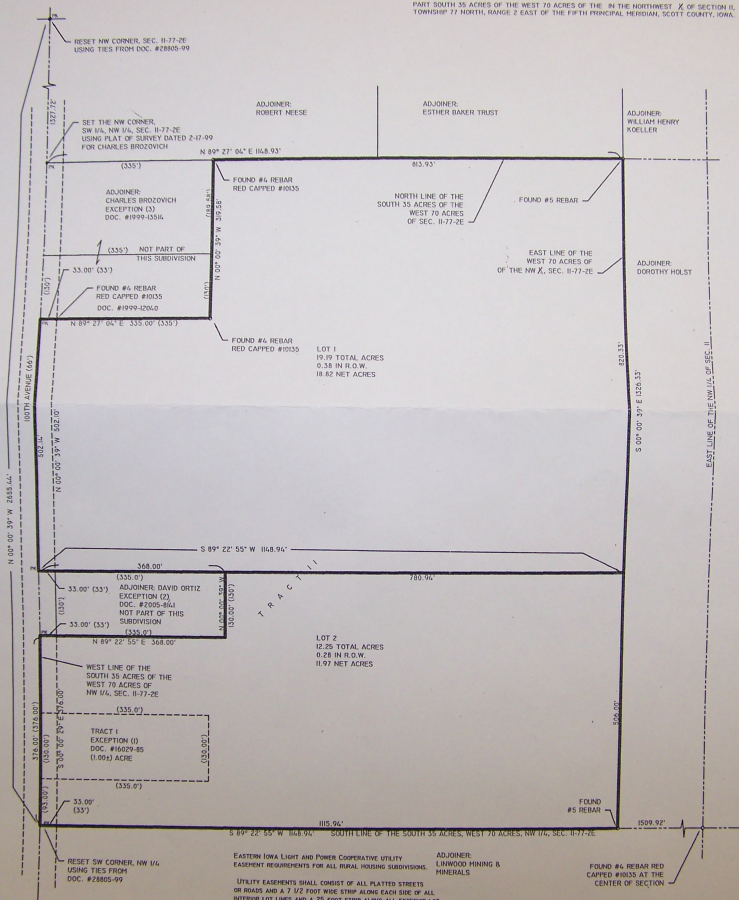
PLANNING & ZONING COMMISSION
STAFF REPORT
January 17, 2012



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 of Lots 1 & 2 of Charles Brozovich Subdivision be approved

Submitted by:
Timothy Huey, Director
January 12, 2012



RESET NW CORNER, SEC. 10-77-2E
USING TIES FROM DOC. #28605-99

SET THE NW CORNER,
SW 1/4, NW 1/4, SEC. 10-77-2E
USING PLAT OF SURVEY DATED 2-17-90
FOR CHARLES BROZOVICH

ADJOINER:
CHARLES BROZOVICH
EXCEPTION (3)
DOC. #1999-1556A

(335.7) NOT PART OF
THIS SUBDIVISION

FOUND #6 REBAR
RED CAPPED #1035
DOC. #1999-2506G

N 89° 27' 04" E 335.00' (335.7)

ADJOINER:
ROBERT MEISE

N 89° 27' 04" E 168.93'

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

LOT 1
19.99 TOTAL ACRES
0.38 IN R.O.W.
18.62 NET ACRES

NORTH LINE OF THE
SOUTH 35 ACRES OF THE
WEST 70 ACRES OF
OF SEC. 10-77-2E

EAST LINE OF THE
WEST 70 ACRES OF
OF THE NW 1/4, SEC. 10-77-2E

ADJOINER:
DOROTHY HOLST

N 00° 00' 35" W 2455.44'

1000.00'
N 00° 00' 35" W 552.00'

376.00' (276.00')
S 30° 00' 29" E 29.00'

(335.07)
33.00' (33.7)

368.00'
33.00' (33.7) ADJOINER: DAVID ORTIZ
EXCEPTION (3)
DOC. #2905-86A

15.00' (15.7) NOT PART OF THIS
SUBDIVISION

15.00' (15.7)

N 89° 22' 55" E 368.00'

WEST LINE OF THE
SOUTH 35 ACRES OF THE
WEST 70 ACRES OF
NW 1/4, SEC. 10-77-2E

(335.07)

TRACT 1
EXCEPTION (1)
DOC. #16029-85
(1.00) ACRE

(335.07)

33.00' (33.7)

RESET SW CORNER, NW 1/4,
USING TIES FROM
DOC. #28605-99

1000.00' (1027)

S 89° 22' 55" W 168.94'

368.00'

(335.07)

15.00' (15.7)

15.00' (15.7)

N 89° 22' 55" E 368.00'

WEST LINE OF THE
SOUTH 35 ACRES OF THE
WEST 70 ACRES OF
NW 1/4, SEC. 10-77-2E

(335.07)

33.00' (33.7)

33.00' (33.7)

33.00' (33.7)

33.00' (33.7)

33.00' (33.7)

33.00' (33.7)

33.00' (33.7)

33.00' (33.7)

33.00' (33.7)

33.00' (33.7)

33.00' (33.7)

780.00'

LOT 2
12.25 TOTAL ACRES
0.28 IN R.O.W.
11.97 NET ACRES

115.06'

S 89° 22' 55" W 168.94'

SOUTH LINE OF THE SOUTH 35 ACRES, WEST 70 ACRES, NW 1/4, SEC. 10-77-2E

115.06'

115.06'

863.93'

FOUND #5 REBAR

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

FOUND #4 REBAR
RED CAPPED #1035

ADJOINER:
ESTHER BAKER TRUST

ADJOINER:
WILLIAM HENRY
KOELLER

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

ADJOINER:
DOROTHY HOLST

800.00' (791.13) E 120.33'

626.00'

1509.92'

FOUND #4 REBAR RED
CAPPED #1035 AT THE
CENTER OF SECTION

EASTERN IOWA LIGHT AND POWER COOPERATIVE UTILITY
EASEMENT REQUIREMENTS FOR ALL RURAL HOUSING SUBDIVISIONS

ADJOINER:
LIMWOOD HINING &
MINERALS

UTILITY EASEMENTS SHALL CONSIST OF ALL PLATTED STREETS
OR RIGHTS AND A 7 1/2 FOOT WIDE STRIP ALONG EACH SIDE OF ALL
INTERIOR LOT LINES AND A 25 FOOT STRIP ALONG ALL EXTERIOR LOT
LINES AND A 25 FOOT WIDE STRIP ALONG AND ADJACENT TO ALL PLATTED



**LOT: 1
19.19 AC**

Charles Brozovich Subdivision

**LOT: 2
12.25 AC**

100TH AVE

20 Chs

130

130

376

455

400

5

189.58

130

130

2178

12761

12741

12705

12581

12482

12454

7211010081

721101005

721101003

721103001

721007002

721117008

721117004

721119002

721023001

721117002

721039002

721039006

721133001

335

721117009

335

455

368

455

400



Moore Creek

130TH ST

128TH ST

95TH AVE

723RD ST

100TH AVE

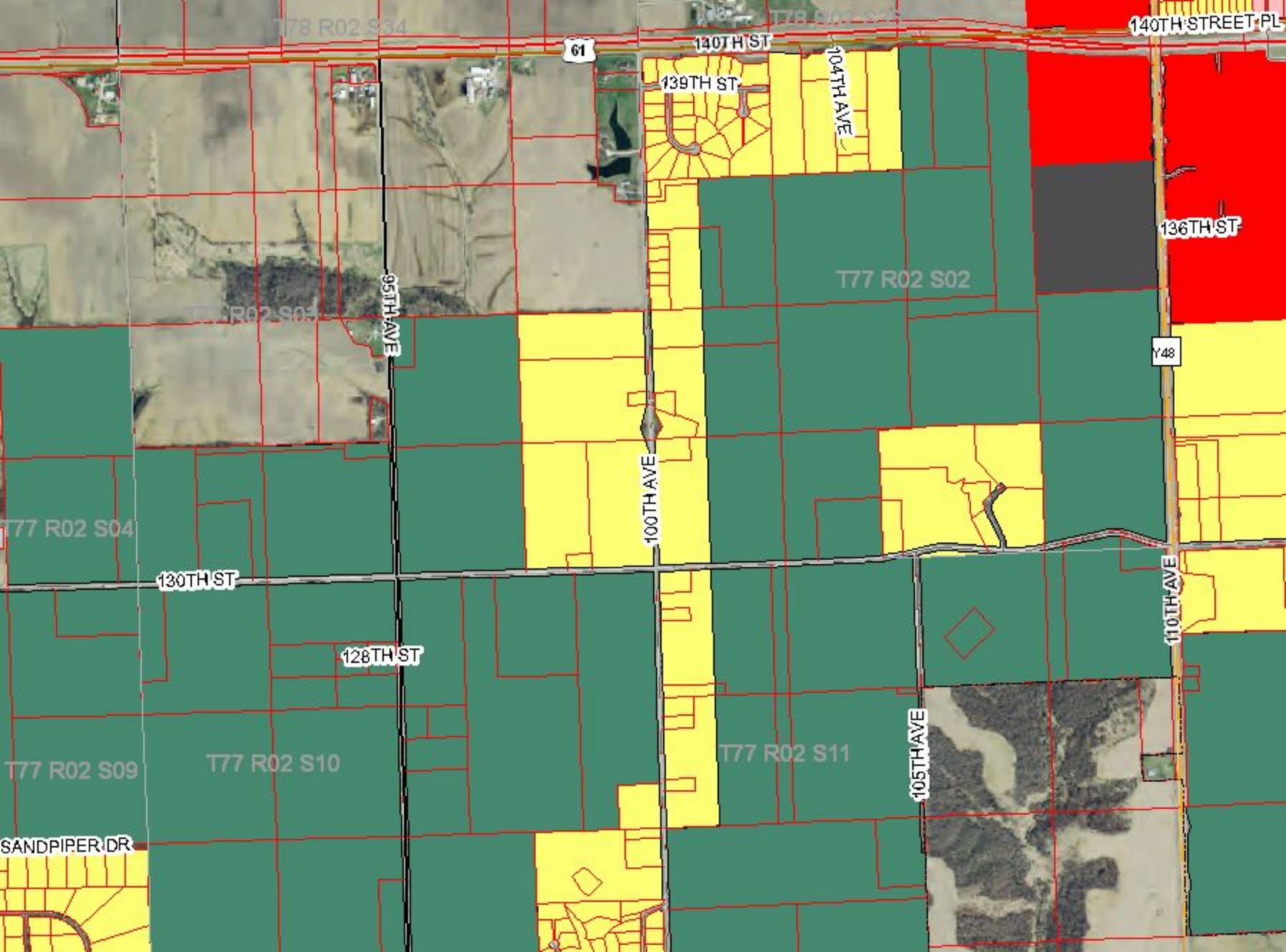
105TH AVE

110TH AVE

**AREA TO BE
PLATTED**

Buffalo

Y48



T78 R02 S34

140TH ST

140TH STREET PL

61

139TH ST

104TH AVE

T77 R02 S03

95TH AVE

T77 R02 S02

136TH ST

Y48

100TH AVE

130TH ST

128TH ST

110TH AVE

T77 R02 S04

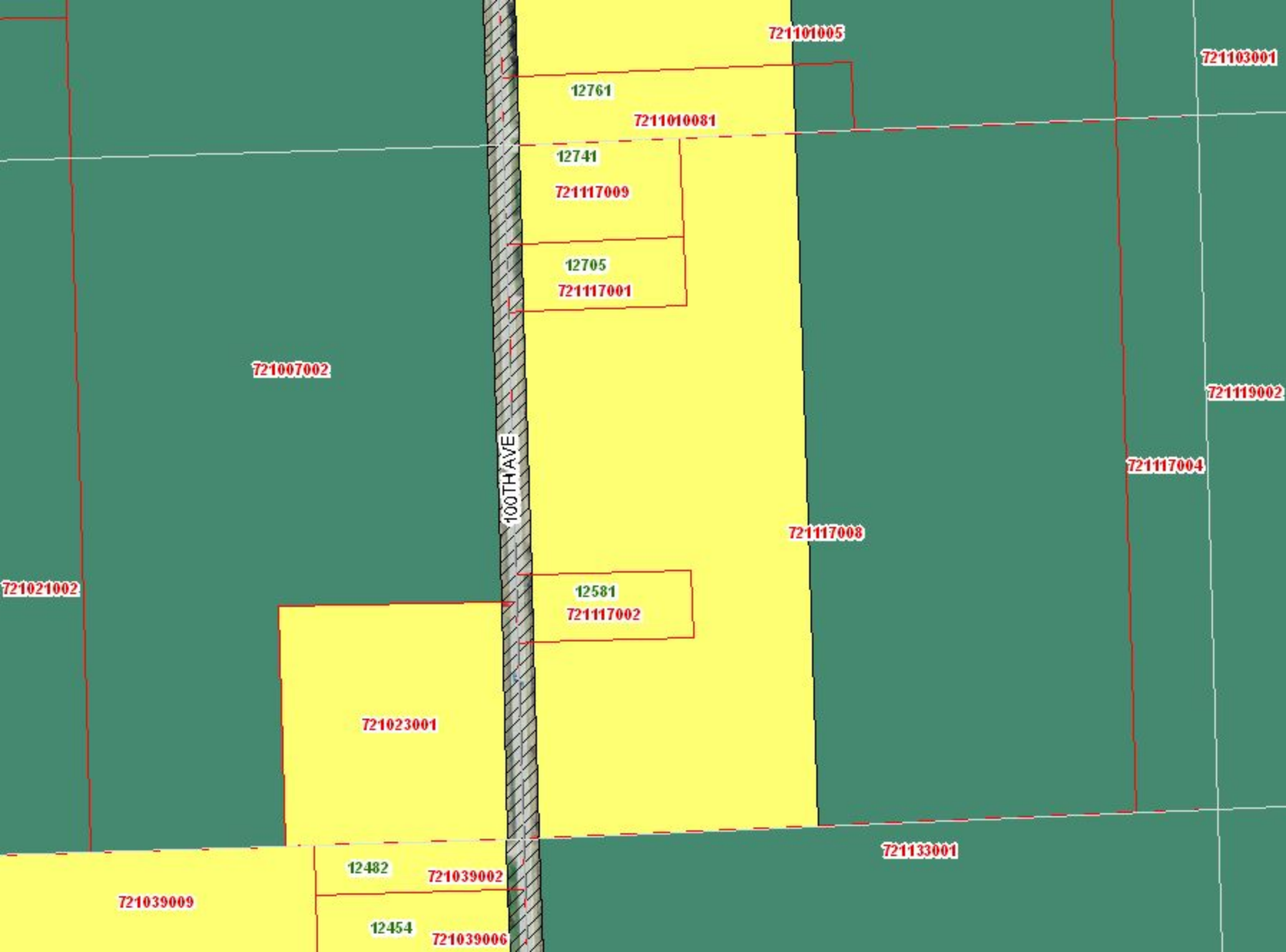
T77 R02 S09

T77 R02 S10

T77 R02 S11

105TH AVE

SANDPIPER DR



721101005

721103001

12761

7211010081

12741

721117009

12705

721117001

721007002

721119002

100TH AVE

721117004

721117008

721021002

12581

721117002

721023001

721133001

12482

721039002

721039009

12454

721039006

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\

February 16, 2012

APPROVING THE FINAL PLAT OF CHARLES BROZOVICH 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 2nd day of February considered the Final Plat of **Charles Brozovich Subdivision**, a two (2) lot subdivision, being a part of the South 35 acres of the West 70 acres in the NW ¼ of Section 11, Buffalo 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 the restrictive covenant states “The proprietor of Charles Brozovich Subdivision and all future purchasers of lots within the Addition are placed on notice that real estate near the subdivision is currently owned by a company that performs underground mining. The events of a mining operation are likely to have an impact on the lots within Charles Brozovich Subdivision. Blasting is one example that is likely to have an impact on lots within Charles Brozovich Subdivision through underground shockwaves. Other events of the mining operation will also likely impact the lots.”

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.

CERTIFICATE OF APPROVAL BY SCOTT COUNTY

I, Tom Sunderbruch, Chairman of the Scott County Board of Supervisors, do hereby certify that said Board adopted a Resolution on February 16, 2012 in which it approved the Final Plat of **Charles Brozovich Subdivision** as follows:

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 16th day of February, 2012 considered the Final Plat of **Charles Brozovich Subdivision**, a two (2) lot subdivision being a part of the South 35 acres of the West 70 acres in the NW ¼ of Section 11, Buffalo 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 the restrictive covenant states “The proprietor of Charles Brozovich Subdivision and all future purchasers of lots within the Addition are placed on notice that real estate near the subdivision is currently owned by a company that performs underground mining. The events of a mining operation are likely to have an impact on the lots within Charles Brozovich Subdivision. Blasting is one example that is likely to have an impact on lots within Charles Brozovich Subdivision through underground shockwaves. Other events of the mining operation will also likely impact the lots.”

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.

Signed this 16th day of February, 2012

SCOTT COUNTY, IOWA

BY: _____
Tom Sunderbruch, Chairman

ATTESTED BY: _____
Roxanna Moritz, Auditor