

**PLANNING & DEVELOPMENT**

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Timothy Huey  
Director

To: Dee F Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: June 11, 2013

**Re: Approval of the Final Plat of Lot 1 of Oberbroeckling's Subdivision, located in part of the N $\frac{1}{2}$  S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 26, Blue Grass Township.**

The Planning Commission unanimously recommended approval of this Final plat in accordance with staff's recommendation. The applicant plans to construct a farm house on the property, and has been approved for Ag Exempt status to do so. Subdivision review was required, because a third lot is being created out of an original tract of land. A similar request would not be approved in an agriculturally zoned area, but given this property's residential zoning as well as the proposal's compliance with minimum lot sizes and frontage requirements contained in the Zoning and Subdivision Ordinances, it can be approved. No one from the public had any comments. The applicant briefly stated that he understood and agreed with the conditions. The purpose of the plat is to create a separate legal description for a new farmhouse to be built by the applicant.

Because this property lies within two miles of Davenport city limits this plat has been reviewed and approved by the City of Davenport. The applicant's attorney has also submitted all the required platting documents.

Finally, even though under State Law, the applicant is exempt from both zoning regulations and building codes for the proposed farmhouse the Health Department will review and approve all required permits for the well and septic system.

**RECOMMENDATION:** The Planning Commission recommends that the Final Plat with the following conditions:

- (1) The city of Davenport review and approve the Final Plat prior to Final Plat approval by the Board of Supervisors
- (2) All required platting documents be submitted prior to Final Plat approval by the Board of Supervisors
- (3) All requirements of the Scott County Health Department shall be met in accordance with the design and installation of the septic system, and in accordance with any use of well-source water supply.

# Final Plat: Minor Subdivision Plat

- **Applicant:** Daron Oberbroeckling
- **Request:** Approval of a Final Plat for a one (1) lot subdivision
- **Purpose:** To allow for the creation of a 3<sup>rd</sup> lot from an original tract of land



200TH ST

F58

89TH AVE

BUFFALO AVE

110TH AVE

Y48

280

280

6

N PINE ST

NORTHWEST BLVD

W 53RD ST

N PINE ST

N DIVISION ST

W KIMBERLY RD

**Oberbroeckling Property**

**Davenport**

160TH ST

F65



N UTAH AVE

N FAIRMOUNT ST

HICKORY GROVE RD

W LOCUST ST

MARQUETTE ST

WAVERLY RD

TELEGRAPH RD

W 3RD ST

W 4TH ST

W 2ND ST

67

140TH ST

90TH AVE

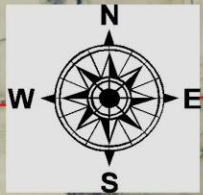
95TH AVE

S UTAH AVE

W RIVER DR

61

22



Davenport

Oberbroeckling Property

F65

160TH ST

106TH AVE

107TH AVE

159TH ST

158TH ST

BUFFALO RD

WEST LAKE BLVD

W LOCUST ST

280

156TH ST

108TH AVENUE PL

110TH AVE

W 11TH ST

Y48

West Lake Park

WEST LAKE

**Legend**

**Zoning Districts**

- Ag-Preservation
- Ag-General
- Residential Single-Family
- Commercial Light Industrial
- Parks





0TH AVE

166TH ST

LOUIS RICH CT

Davenport

N UTAH AVE

BUFFALO RD

WEST LAKE BLVD

280

**Oberbroeckling Property**

F65

106TH AVE

107TH AVE

158TH ST

160TH ST

W LOCUST ST

**Parcel ID#'s: 822623005 & 822621003**

156TH ST

110TH AVE

WEST LAKE

W 11TH ST

W 9TH ST

100TH AVE

Y48

280

N UTAH AVE

TELEGRAPH RD



150TH ST

WEST LAKE

148TH ST

WEST LAKE

WEST LAKE

WEST LAKE

SUTAH AVE

FINAL PLAT OF:  
**OBERBROECKLING SUBDIVISION**  
 LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST  
 QUARTER OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 2 EAST OF  
 THE FIFTH PRINCIPAL MERIDIAN, SCOTT COUNTY, IOWA.

EAST LINE,  
 NE 1/4, SEC. 26

(2.53 AC.)

NE CORNER, SE 1/4,  
 NE 1/4, SEC. 25  
 (S 87° 08' 00" W) (300.00')

N 1/2,  
 SOUTH 1/2,  
 NE 1/4

LOT 1  
 2.32 ACRES

NORTH LINE,  
 S 1/2, SE 1/4,  
 NE 1/4

(S 89° 08' 14" W)  
 (4.5')

S 1/2,  
 SOUTH 1/2,  
 NE 1/4

SE CORNER, NE 1/4,  
 SECTION 26-78-2E

FOUND "PK" NAIL  
 NE CORNER, NE 1/4,  
 SECTION 26-78-2E



LEGEND:

DEED DIMENSION = (0.0')  
 FIELD DIMENSION = 0.0'  
 MONUMENTS FOUND = 0  
 MONUMENTS SET #4 REBAR x 30"  
 RED CAPPED "CRAPNELL NO. 10135" = ●  
 FENCE LINE = -x-x-x-x-

APPROVED BY:  
 CITY OF DAVENPORT, IOWA

BY: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
 DATE: \_\_\_\_\_

CITY PLAN & ZONE COMMISSION

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

MEDIACOM \_\_\_\_\_ DATE: \_\_\_\_\_

IOWA - AMERICAN WATER COMPANY \_\_\_\_\_ DATE: \_\_\_\_\_

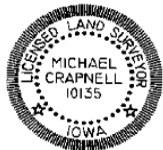
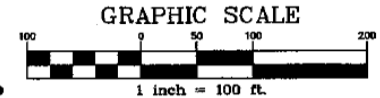
QWEST \_\_\_\_\_ DATE: \_\_\_\_\_

MIDAMERICAN ENERGY  
 APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY MIDAMERICAN \_\_\_\_\_ DATE: \_\_\_\_\_

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

UTILITY EASEMENTS SHALL CONSIST OF ALL PLATTED STREETS OR ROADS 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 STREETS OR ROADS, AND A 15 FOOT WIDE STRIP OF LAND ON ALL LOTS, 7 1/2  
 FOOT EITHER SIDE OF THE ELECTRIC SERVICE AS BUILT, FROM THE POINT OF ORIGIN TO THE  
 POINT OF SERVICE ENTRANCE.

DATE: \_\_\_\_\_  
 EASTERN IOWA LIGHT AND POWER COOPERATIVE



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED  
 AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY  
 DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND  
 SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

MICHAEL D. CRAPNELL DATE: \_\_\_\_\_  
 LICENSE NUMBER 10135  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2012

PAGES OR SHEETS  
 COVERED BY THIS SEAL: \_\_\_\_\_

PREPARED FOR:

DARON OBERBROECKLING  
 21962 - 120TH AVENUE  
 DAVENPORT, IA 52806



CRAPNELL LAND SURVEYING COMPANY  
 814 EAST RIVER DRIVE  
 DAVENPORT, IOWA 52803  
 (563) 336-3256

SURVEY DATE	3-6-13	LOCATION	SCOTT COUNTY, IOWA	
SCALE	1" = 100'	DRAWN BY	KLC	CHK'D
				MDC

PREPARED BY/RETURN TO: CRAPNELL LAND SURVEYING CO. 814 EAST RIVER DRIVE, DAVENPORT, IA 52803, (563) 336-3256

# Oberbroeckling: Minor Plat

- Property is zoned R-1, and therefore the new, 2.32 acre lot retains a development right for a new single-family dwelling
  - Applicant has received approval of Ag Exemption request to build a farm house on the property
    - Exempt from zoning regulations and building codes, **but not exempt from subdivision requirements**
- Subdivision Definition: “simultaneous or repeated creation of three (3) or more lots from a single tract of land

Looking south down 110<sup>th</sup> Ave / Y-48





**Looking southwest across Oberbroeckling property, at the edge of existing farmstead split**



**Looking northeast across the property,  
from Harmony Hills Estates subdivision**



**Looking northeast across the property,  
from Harmony Hills Estates subdivision**



# Staff Recommendation

- Staff recommends **approval** of this request based upon the following: The property's residential zoning classification, minimum road frontage and lot size requirements are met, and no new extension of services or public improvements is required

**Approval is subject to the following conditions:**

# Staff Conditions for Approval

- (1) The City of Davenport review and approve the Final Plat prior to Final Plat approval by the Board of Supervisors
- (2) All required platting documents shall be submitted prior to Final Plat approval by the Board of Supervisors
- (3) All requirements of the Scott County Health Department shall be met



PLANNING & ZONING COMMISSION  
STAFF REPORT  
May 7, 2013



- Applicant:** Daron Oberbroeckling
- Request:** Oberbroeckling subdivision; a proposed one (1) lot subdivision
- Legal Description:** Lot 1 of Oberbroeckling's Subdivision, Pt of the N½ S½ of the NE¼ of Section 26, Blue Grass Township
- General Location:** West side of 110<sup>th</sup> Avenue between Ryan & Associates and Harmony Hills Estates subdivision.
- Zoning:** Existing farmstead split property (15720 110<sup>th</sup> Avenue): Single-Family Residential (R-1)  
Remaining Row Crop Land (Approx. 37 acres): Single-Family Residential (R-1)  
Proposed Lot 1: Single-Family Residential (R-1)
- Surrounding Zoning:**
- North:** Single-Family Residential (R-1) / Commercial and Light Industrial (C-2)
  - South:** Single-Family Residential (R-1)
  - East:** Ag-General (A-G)
  - West:** Agricultural-Preservation (A-P)

**GENERAL COMMENTS:** This request is to subdivide an approximately 40 acre tract of land in order to create 2.32 acre parcel and leave the remaining balance unplatted. The owner/applicant wishes to construct a farm house on the newly created 2.32 acre parcel. The creation of this new parcel requires review under the Scott County Subdivision Ordinance, because this is the creation of a third lot from a single tract of land. The proposed 2.32 acre parcel and the remaining balance of farmland count as two parcels. The original farmstead, which was previously created with a plat of survey and sold, is considered the first split. All of the property is zoned Single-Family Residential (R-1). The land apart from the original farmstead remains in row crop production.

**STAFF REVIEW:** The Scott County Subdivision Ordinance classifies a subdivision as the simultaneous or repeated creation of three or more lots from an existing parcel, and such a division of land requires review by the Planning and Zoning Commission and approval from the Board of Supervisors. This particular subdivision contains less than five (5) lots, does not involve the creation of any new road or street, nor does it require the extension of any municipal services or public improvements. Therefore, it is classified as a Minor Plat, and staff has combined the Sketch Plan and Final Plat review into one step.

The Zoning regulations require that all residential lots have a minimum of twenty (20') feet of frontage on a public or private road designed for the proposed building or structure. The proposed new lot will have 250 feet of frontage on 110<sup>th</sup> Avenue, a paved



PLANNING & ZONING COMMISSION  
STAFF REPORT  
May 7, 2013



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two-lane county maintained road. Because the property is zoned residential, the proposed new lot would retain a development right for a new single-family dwelling; however, Mr. Oberbroeckling has received approval of an Ag Exemption request by the Planning and Development Office for the purpose of constructing a farm house on this property. Farm houses are exempt from zoning regulations but not subdivision regulations; therefore this parcel can be created with approval of a subdivision plat for a second farmstead split due to the underlying residential zoning. A similar subdivision would not be approved in an Ag zoning district of Scott County. A driveway entrance has already been installed and approved in accordance with the County Engineer's Office, and an address has been assigned to this entrance for the farm house.

This Minor Plat is within two miles of the city of Davenport, and therefore it triggers their extraterritorial review authority.

Neither the County Health Department nor the County Engineer had any comments or concerns with this plat.

Staff has mailed notification to the adjacent property owners within five hundred feet (500') of this property regarding this subdivision request. Staff has received a few calls with questions, but no objections have been raised.

**RECOMMENDATION:** Staff recommends approval of this Minor Plat Sketch Plan/Final Plat based upon the determination that it meets the Scott County Subdivision Ordinance criteria for such a plat. Specifically, this subdivision will not require new roads or streets, the extension of new utilities or public improvements, and the property is already zoned residential for future development and subdividing. Approval is subject to the following conditions:

- (1) The city of Davenport review and approve the Final Plat prior to Final Plat approval by the Board of Supervisors
- (2) All required platting documents be submitted prior to Final Plat approval by the Board of Supervisors
- (3) All requirements of the Scott County Health Department shall be met in accordance with the design and installation of the septic system, and in accordance with any use of well-source water supply.

Submitted by:  
Brian McDonough  
*Planning and Development Specialist*  
May 3, 2013

**CERTIFICATE OF APPROVAL BY SCOTT COUNTY**

I, Larry Minard, Chairman of the Scott County Board of Supervisors, do hereby certify that said Board adopted a Resolution on June 20, 2013 in which it approved the Final Plat of **Oberbroeckling 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 20th day of June, 2013, considered the final plat of **Oberbroeckling Subdivision**. Said plat is a subdivision of part of the N $\frac{1}{2}$  of the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 26 in Township 78 North, Range 2 East of the 5th Principal Meridian (Blue Grass Township), Scott County, Iowa. The Scott County Board of Supervisors, having found said plat to be in substantial compliance with the provisions of Chapter 354, Code of Iowa and the Scott County Subdivision Ordinance, does hereby approve the final plat of **Oberbroeckling Subdivision**.

**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 20<sup>th</sup> day of June 2013

SCOTT COUNTY, IOWA

BY: \_\_\_\_\_

Larry Minard, Chairman

ATTESTED BY: \_\_\_\_\_

Roxanna Moritz, Auditor



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

\_\_\_\_\_  
SCOTT COUNTY AUDITOR

**R E S O L U T I O N**  
**SCOTT COUNTY BOARD OF SUPERVISORS**  
**June 20, 2013**

**APPROVING FINAL PLAT OF OBERBROECKLING SUBDIVISION**

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

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