

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Dee F. Bruemmer, County Administrator
From: Brian McDonough, Planning & Development Specialist
Date: April 1, 2014
Re: Presentation of the Planning and Zoning Commission's recommendation regarding the Final Plat of Liberty Land Enterprises Subdivision, a minor subdivision plat located in Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Liberty Township.

At their March 4, 2014 meeting, the Scott County Planning and Zoning Commission recommended approval, by a 4-1 vote, of the combination Sketch Plan and Final Plat of Liberty Land Enterprises Subdivision. The recommendation for approval was in accordance with staff's recommendation, including two (2) conditions. The first condition requires that a covenant be filed with the Plat restricting Lot B to agricultural use. The second condition of approval requires that all platting documents be submitted prior to final consideration by the Board of Supervisors. At the time of this memo, all platting documents have been submitted.

Approval of this Final Plat allows an existing approximately 6.68 acre parcel, originally created as a farmstead split, to be further subdivided into two (2) new parcels. The new Lot A (~ 1.66 acres) will contain the existing house at 27135 1st Avenue, while Lot B (~ 5.02) will encompass the remaining balance of land including existing agricultural buildings. The applicant is seeking approval for estate planning purposes. Both lots may be transferred separately in the future, but only Lot A will retain a residential development right, as Lot B will be restricted to agricultural use only via a restrictive covenant filed with the Plat. The property is zoned Agricultural-Preservation (A-P). Subdivision review is required due to the creation of a third parcel out of the original 40 acre tract of land. New subdivisions which create additional development rights are not allowed on agriculturally zoned land in the County. However, this request comes to the Board with a recommendation for approval because only one additional parcel is being created, and it will be restricted to agricultural use.

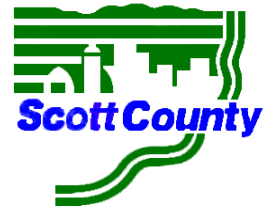
The applicant, Bryan Sievers, was present at the meeting and spoke in favor of the request. Two other members of the public, David and Diane Holst, addressed the Commission. They were primarily concerned with the creation of a new development right. Staff explained that the restrictive covenant recommended for Lot B would not allow for any future residential development.



PLANNING & ZONING COMMISSION

STAFF REPORT

MARCH 4, 2014



- Applicant:** Bryan J. and Lisa L. Sievers
- Request:** Sketch Plan/Final Plat review – proposed two (2) lot minor subdivision plat
- Legal Description:** Part of the SW¼ SW¼ of Section 30, Liberty Township
- General Location:** 27135 1st Avenue (Scott/Cedar Road)
- Existing Zoning:** Agricultural-Preservation (A-P)
- Surrounding Zoning:**
- North:** Agricultural-Preservation (A-P)
 - South:** Agricultural-Preservation (A-P)
 - East:** Agricultural-Preservation (A-P)
 - West:** Cedar County

GENERAL COMMENTS: This plat subdivides an existing approximately 6.68 acre farmstead split parcel into two (2) new parcels. Proposed Lot A (~1.66 acres) would contain the existing house at 27135 1st Avenue, and proposed Lot B (~5.02 acres) comprises the remaining balance of land including agricultural buildings. Subdivision review and approval is required because this constitutes the third split from the original 40 acre aliquot part (SW¼ SW¼ of Section 30, Liberty Township). The original 6.68 acre farmstead split parcel was created prior to 1993, which is the last recorded transfer of this property. This subdivision will separate the existing house and garage from the remaining agricultural buildings on the property. The remaining balance of land left in this 40 acre aliquot part, 34 acres more or less, is jointly owned by the applicant.

STAFF REVIEW: Staff has reviewed the plat for compliance with the requirements of *Chapter 9: Subdivision Ordinance* and *Chapter 6: Zoning Ordinance* of Scott County Code. This subdivision is classified as a minor plat because it proposes creating less than five (5) lots and would not involve the extension of any new streets or other public services. For minor subdivision plats, an applicant may combine the sketch plan and final plat phases into a single step for the Planning and Zoning Commission’s review and recommendation.

Upon review by staff both Lot A and Lot B meet the minimum requirements for platting. The following are the minimum lot requirements in the County’s A-P zoning district:

- Overall Size:** 30,000 ft² / 0.69 acres
- Street Frontage:** 20 feet
- Lot Width:** 130 feet
- Lot Depth:** 100 feet



PLANNING & ZONING COMMISSION

STAFF REPORT

MARCH 4, 2014



Approval of this subdivision request would allow for separate transfer of ownership for each newly created lot. In accordance with the County's Ag preservation land use policies the Zoning Ordinance does not allow new homes on Ag zoned properties. Lot A would retain a development right due to the location of the existing house. This house could be removed and replaced in the future. Lot B would not have a development right; only Ag related development would be allowed. The property is served by a looped driveway with two separate entrances onto 1st Avenue. This subdivision would position nearly the entire looped driveway and both approaches on Lot A, except for a small portion of the northerly approach which would remain on Lot B. A proposed access easement for the northern driveway approach will allow access to Lot B.

Staff notified neighboring property owners within 500 feet of this request, and has not received any comments to date.

RECOMMENDATION: Staff recommends approval of this request due to its conformity with the Scott County Subdivision and Zoning Ordinances.

Approval is subject to the following conditions:

1. A covenant restricting Lot B to Ag related use only shall be signed by the owners and filed and recorded with the plat following approval by the Board of Supervisors
2. All required platting documents shall be submitted prior to final plat approval by the Board of Supervisors

Submitted by:
Planning Staff
February 27, 2014

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 April 10, 2014 in which it approved the Final Plat of **Liberty Land Enterprises 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 10th day of April, 2014, considered the Final Plat known as **Liberty Land Enterprises Subdivision**. Said Plat is a subdivision being Part of the SW¹/₄ SW¹/₄ of Section 30 in Township 80 North, Range 1 East of the 5th Principal Meridian (Liberty 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 and Zoning Ordinances, does hereby approve the Final Plat of **Liberty Land Enterprises 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 10th day of April, 2014

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

RESOLUTION
SCOTT COUNTY BOARD OF SUPERVISORS
April 10, 2014

APPROVING THE FINAL PLAT OF LIBERTY LAND ENTERPRISES 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 10th day of April 2014, considered the Final Plat known as **Liberty Land Enterprises Subdivision**. Said Plat is a subdivision being Part of the SW¹/₄ SW¹/₄ of Section 30 in Township 80 North, Range 1 East of the 5th Principal Meridian (Liberty 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 and Zoning Ordinances, does hereby approve the Final Plat of **Liberty Land Enterprises 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.