

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Dee F. Bruemmer, County Administrator
From: Brian McDonough, Planning & Development Specialist
Date: August 5, 2014
Re: Presentation of the Planning and Zoning Commission's recommendation regarding the Final Plat of Randy Luett Subdivision, a minor subdivision plat located in Part of the NW¼ NW¼ of Section 21, Lincoln Township.

At their June 3, 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 Randy Luett Subdivision. The recommendation for approval was in accordance with staff's recommendation, including two (2) additional conditions. The first condition required that a covenant be filed with the Plat restricting Lot 2 to agricultural use. The second condition required 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, including the restrictive covenant for Lot 2.

Approval of this Final Plat allows an existing approximately 7.39 acre parcel, originally created as a farmstead split, to be further subdivided into two (2) new parcels. The new Lot 1 (~ 1.92 acres) will contain a newly constructed farmhouse at 22859 200th Avenue, while Lot 2 (~ 5.48) will encompass the remaining balance of land including existing agricultural buildings. The applicant is a farmer exempt from County zoning and building codes under state law. However, the exemption does not apply to land subdivision requirements. The applicant is seeking approval of this minor plat for estate planning and mortgage purposes in order to facilitate the location of the new farmhouse on a smaller, separately described parcel. The property is zoned Agricultural-Preservation (A-P). Both lots may be transferred separately in the future, but only Lot 1 will retain a residential development right. The Agricultural-Preservation (A-P) zoning classification of the property, reinforced by the required restrictive covenant, precludes any residential development right on Lot 2. 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 traditionally approved 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. Had the applicant owned the remaining farmland in this 40 acre aliquot part, then this identical proposal would be approved administratively with a plat of survey, and no subdivision review or approval required.

The applicant, Randy Luett, was present at the Planning Commission meeting and spoke in favor of the request. No other members of the public were present. Commissioner Gary Mehrens voted to recommend denial of the request, citing his consistent stance in opposition to any new subdivisions in agriculturally zoned areas of the County.



PLANNING & ZONING COMMISSION

STAFF REPORT

JUNE 3, 2014



Applicant: Randy Luett

Request: Sketch Plan/Final Plat – Minor Subdivision Plat

Legal Description: Part of the NW¹/₄ NW¹/₄ of Section 21, Lincoln Township

General Location: 22859 200th Avenue

Existing 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 plat would subdivide an existing approximately 7.39 acre farmstead split parcel into two (2) new parcels. Proposed Lot 1 is approximately 1.915 acres in size and would contain the existing farmhouse at 22859 200th Avenue. Proposed Lot 2 is approximately 5.475 acres in size and would include the remaining balance of land and farm outbuildings associated with the current property. Subdivision review and approval is required because this constitutes the third split from the original 40 acre aliquot part (NW¹/₄ NW¹/₄ of Section 21, Lincoln Township). The applicant was recently granted Ag exempt status for the property, which frees the property owner from zoning and building code compliance under state law. The existing farmhouse has been demolished and replaced. The new farmhouse is in the same location as the previous residence and is still addressed as 22859 200th Avenue. A previous detached garage has been demolished as the new farmhouse has a new, attached garage. The property owner has also constructed a new Ag building in the area of proposed Lot 2 that replaces two (2) previous Ag buildings in the same location. The original 7.39 acre farmstead split parcel was created by the previous owner in 2006, and was approved administratively through a plat of survey. The surrounding farmland is not 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 does 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 1 and Lot 2 meet the minimum requirements for platting. The following are the minimum lot requirements in the County's A-P zoning district:



PLANNING & ZONING COMMISSION

STAFF REPORT

JUNE 3, 2014



Overall Size: 30,000 ft² / 0.69 acres

Street Frontage: 20 feet

Lot Width: 130 feet

Lot Depth: 100 feet

Following approval of this subdivision each lot may be separately transferred. The applicant has no intention of selling either lot, but is requesting the subdivision for mortgage and estate planning purposes. In accordance with the County's Ag preservation land use policies the Zoning Ordinance does not allow new homes on Ag zoned properties. Therefore, Lot 2 would not have a residential development right for a house. Lot 1 would retain a development right due to the existing residence on the property. In the future, the house on Lot 1 could be replaced. As stated previously, the applicant intends to retain ownership of both lots. If however, at some future point in time, the lots fall under separate ownership, the new owner of Lot 2 would need to make accommodations for access. A new driveway entrance, approved by the Scott County Secondary Roads Department, or a recorded access easement affording the owner use of the existing driveway contained on Lot 1 would be necessary at that time.

Staff has notified neighboring property owners within 500 feet of this request, and has not received any comments to date. The County Health Department and County Engineer have also been notified and have reviewed the request; neither had any comments or concerns.

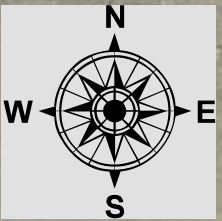
RECOMMENDATION: In accordance with the Land Use Objectives and Policies contained in the County's Comprehensive Plan, subdivisions in Ag zoned areas of the County are not historically approved or often considered. However, this request meets the minimum definition of a subdivision, and therefore must proceed through the subdivision review and approval process, even though it does not create any new residential development right. Similar requests have been approved in the past. In staff's opinion, minor subdivision requests for agricultural estate planning purposes, and which do not compromise the intent or purpose of the Comprehensive Plan or Zoning and Subdivisions Ordinances, should be viewed favorably.

Staff recommends approval of this request due to its conformity with the Scott County Zoning and Subdivision Ordinances, and its compliance with the spirit and intent of the Comprehensive Plan.

Approval is subject to the following conditions:

1. A covenant restricting Lot 2 to Ag related use only shall be signed by the owner and Scott County Planning Director, and filed and recorded with the plat.
2. All required platting documents, including the restrictive covenant required by the first condition, shall be submitted prior to final plat approval by the Board of Supervisors.

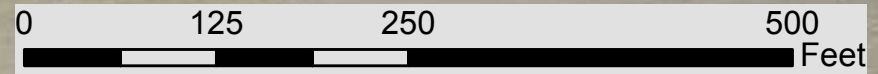
Submitted by:
Planning Staff, May 29, 2014

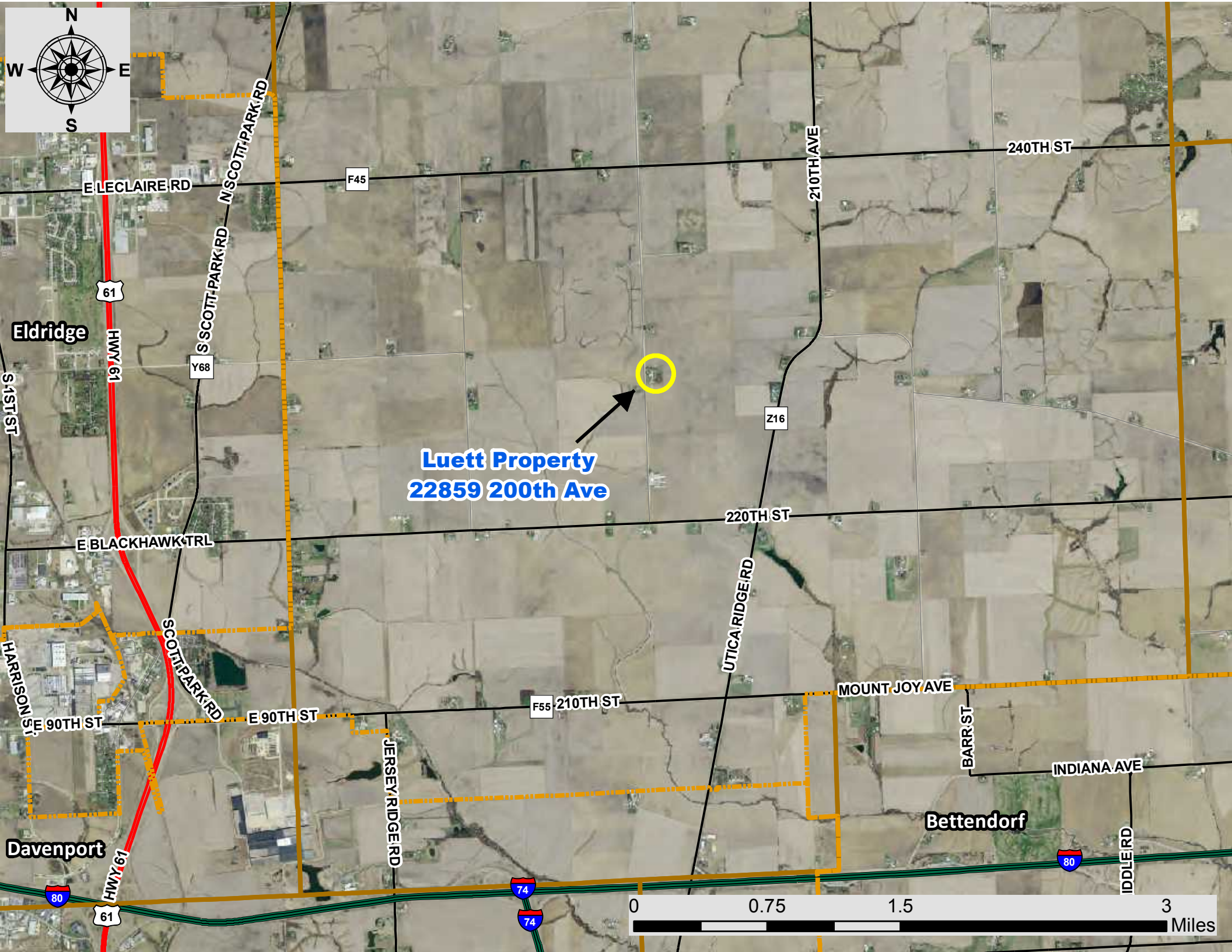
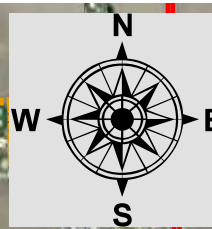


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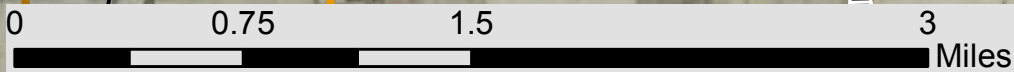
200TH AVE

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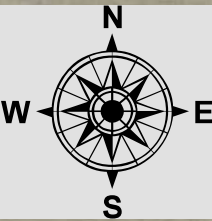




Luett Property
22859 200th Ave



Proposed Luett Subdivision

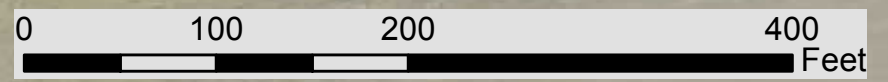


200TH AVE

22859

Lot 1

Lot 2



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 August 14, 2014 in which it approved the Final Plat of **Randy Luett 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 14th day of August 2014, considered the Final Plat known as **Randy Luett Subdivision**. Said Plat is a subdivision being Part of the NW¼ NW¼ of Section 21 in Township 79 North, Range 4 East of the 5th Principal Meridian (Lincoln 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 **Randy Luett 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 14th day of August, 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

R E S O L U T I O N
SCOTT COUNTY BOARD OF SUPERVISORS
August 14, 2014

APPROVING THE FINAL PLAT OF RANDY LUETT 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 14th day of August 2014, considered the Final Plat known as **Randy Luett Subdivision**. Said Plat is a subdivision being Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21 in Township 79 North, Range 4 East of the 5th Principal Meridian (Lincoln 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 **Randy Luett 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.