

**PLANNING & DEVELOPMENT**

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Office: (563) 326-8643 Fax: (563) 326-8257



Item 07  
03-24-15

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Timothy Huey  
Director

To: Dee F Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: March 17, 2015

**Re: A request by Tim Hobkirk for approval of the Final Plat of Lot 1 and 2 of Hobkirk's First Addition, being a Re-plat of Outlot 3 of Hamilton's 1<sup>st</sup> Addition, Part of the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Section 30 of Princeton Township, a proposed two (2) lot residential subdivision, located north of 270<sup>th</sup> Street and west of Levi Lane**

The Planning Commission unanimously recommended approval of this Final Plat in accordance with staff's recommendation. The applicant submitted a sketch plan for this subdivision that the Planning Commission reviewed last December. This Final Plat incorporates the recommended changes from that sketch plan review.

The applicant was present at the Planning Commission meeting to speak on behalf of the request. There were no other public comments. All of the conditions of the Planning Commission's recommendation for approval of this Final Plat have been met prior to this plat being submitted to the Board of Supervisors for its approval.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the Final Plat of Hobkirk's 1<sup>st</sup> Addition.



PLANNING & ZONING COMMISSION

STAFF REPORT

February 17, 2015



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**Applicant:** Tim Hobkirk

**Request:** Approval of the Final Plat of Hobkirk's First Addition, a two (2) lot minor subdivision

**Legal Description:** Lot 1 and 2 of Hobkirk's First Addition, being a Re-plat of Outlot 3 of Hamilton's 1<sup>st</sup> Addition, Part of the SW¼ SE¼, Section 30 of Princeton Township

**General Location:** North of 270<sup>th</sup> Street and west of Levi Lane

**Existing Zoning:** Single-Family Residential (R-1)

**Surrounding Zoning:**

- North:** Single-Family Residential (R-1)
- South:** Ag-Preservation (A-P)
- East:** Single-Family Residential (R-1)
- West:** Ag-Preservation (A-P)

**GENERAL COMMENTS:** The Planning Commission recommended approval of a Sketch Plan for this subdivision at the December 16, 2014 meeting. That approval allows for consideration of this Final Plat, which would further subdivide an existing tract into two new lots. The property is zoned R-1 and approval of this subdivision would create an additional development right for a single-family house. The existing tract is known as Outlot 3 of Hamilton's 1<sup>st</sup> Addition, which is a seven (7) lot residential subdivision platted in 1980. Outlot 3 is the largest of the seven lots at 16 acres in size. 270<sup>th</sup> Street runs adjacent to the subdivision and is a gravel road maintained to County standards. The lots within the subdivision are accessed via a private drive known as Levi Lane which, while also gravel surfaced, is privately maintained and to a lesser standard than 270<sup>th</sup> Street. The County does not typically approve residential subdivisions having gravel road access, however this subdivision was platted and recorded prior to the County's adoption of such land use policies. Access to both proposed lots would come from the existing private road, Levi Lane. All of the lots within this subdivision are zoned Single-Family Residential (R-1), while the surrounding farmland is zoned Ag Preservation (A-P).

**STAFF REVIEW:** Staff has reviewed this request as a minor subdivision plat. The Subdivision Regulations allow a plat to be reviewed as minor if it 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 proposed lots have frontage and access to an existing private road, and only two (2) additional lots are being created.

In 2013 staff made the determination that even though Outlot 3 was platted as an outlot, typically indicating a reservation for open space or some other undeveloped use, the subsequent adoption of the R-1 zoning regulations in 1981 conferred a development right



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for a single-family residence on this 16 acre parcel. Approval of this Plat would split this parcel into two lots, being approximately 7 and 8 acres respectively. The split would allow for the construction of two new single-family homes, where the previously 16 acre parcel reserved only one development right. The Planning Commission approved the Sketch Plan for this property back on December 16, 2014 with the following conditions – 1) That the plat be amended to show a road easement 40 feet in width centered on the existing road known as Levi Lane, 2) That an easement for the portion of Levi Lane that crosses the adjacent Lot 4 of Hamilton's 1<sup>st</sup> Addition be recorded, 3) A restrictive covenant be recorded that prohibits any future re-subdivision of these two lots and also waives the right to file nuisance suits against adjacent agricultural operations, and 4) A note be placed on the Final Plat stating that Outlots A and B are not created for individual development purposes, but may only be developed in conjunction with an adjacent property. The Planning Commission's approval of a sketch plan application is an indication that they would favorably consider a final plat incorporating any recommended changes from the sketch plan review.

In the course of reviewing the Sketch Plan for this development staff identified and brought to the applicant's attention that the majority of Levi Lane was not constructed within the platted road easement. It would appear that this is a long standing situation and likely has been the case since this subdivision was platted. The conditions for approval of the Sketch Plan addressed this issue by requiring a new easement be recorded over the existing road, and also ensuring that the easement is legally established across Lot 4. Any portion of the original easement not utilized may be vacated following the recording of this Plat.

The Planning Commission's recommendation for approval of the Sketch Plan was, in part, based on the fact that the two new lots would both obtain access via Levi Lane and not from 270<sup>th</sup> Street. The Commission determined Levi Lane and 270<sup>th</sup> Street are adequate to handle the traffic associated with an additional single-family dwelling. The condition prohibiting any future re-subdivision of these lots would prevent any further development rights from being created.

The County Health Department and Secondary Roads Department were re-notified of the Final Plat submittal, but had no new comments. During the Sketch Plan review the Health Department commented that any site grading should be minimized to ensure that adequate conditions exist for onsite well and septic systems. The County Engineer did not have any comments or concerns with this plat, as Levi Lane is an established private road, and one additional development right would produce little additional traffic.

In accordance with the Subdivision Ordinance staff notified adjacent property owners within five hundred feet (500') of the Sketch Plan meeting, and many attended that meeting back in December. None, however, objected to the request. For minor subdivision plats, neighbors are not re-notified of a final plat submittal.



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**RECOMMENDATION:** Staff recommends that the Final Plat of Hobkirk's First Addition be approved with the following conditions:

1. The following, previously recommended, conditions be satisfied prior to consideration of this Final Plat by the Board of Supervisors:
  - a. Staff receive a signed copy of the easement for the portion of Levi Lane crossing Lot 4 of Hamilton's 1<sup>st</sup> Addition
  - b. Staff receive a signed copy of the restrictive covenant prohibiting any future re-subdivision of these two lots
  - c. Staff receive a signed copy of the Ag nuisance waiver covenant

Submitted by:  
Planning Staff  
February 10, 2015

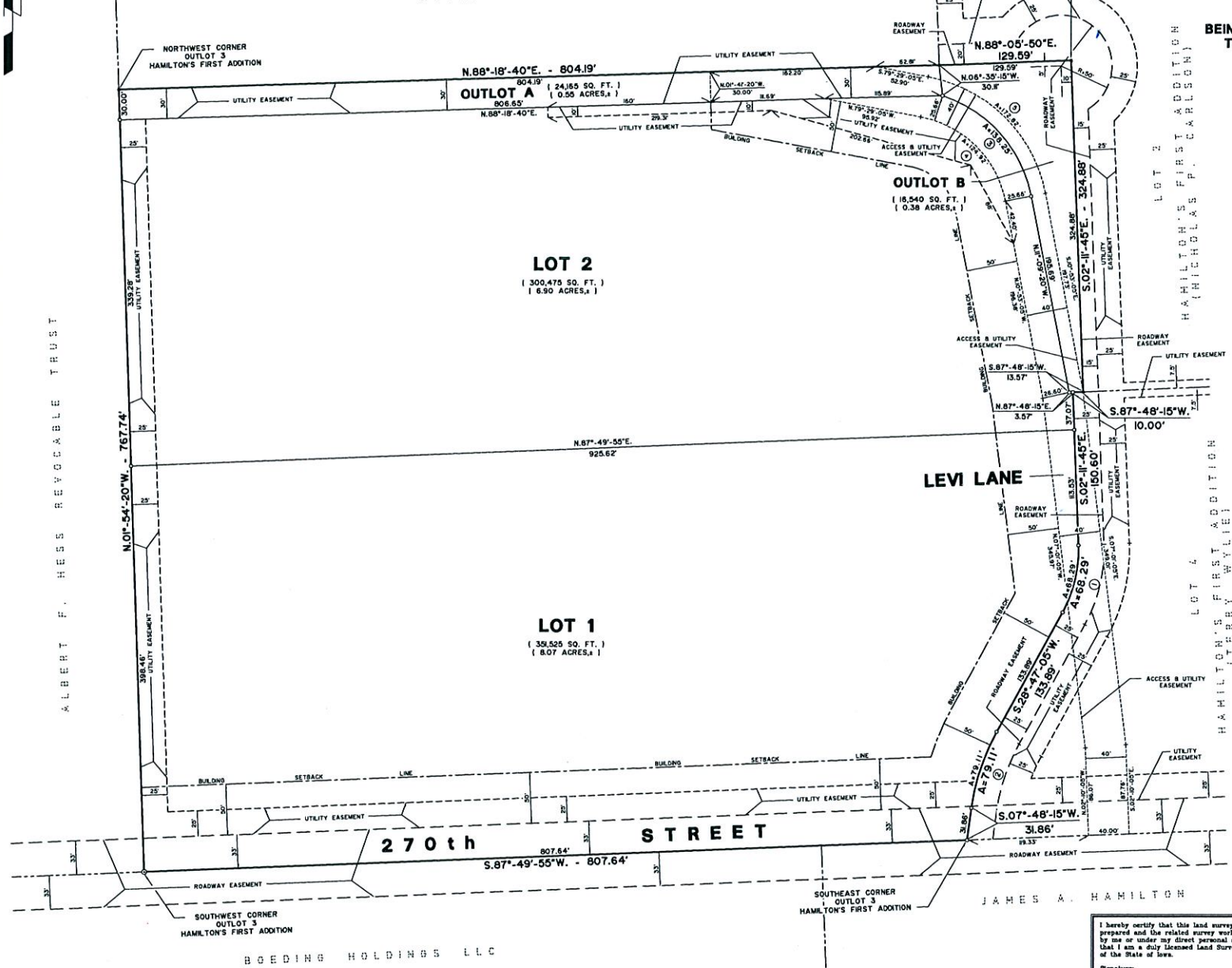


PREPARED FOR  
**TIM HOBKIRK**  
 1780 PINE GROVE COURT  
 PRINCETON, IOWA 52788

KEVIN R. GRUNDER

# FINAL PLAT OF HOBKIRK'S FIRST ADDITION SCOTT COUNTY, IOWA

BEING PART OF THE SOUTHEAST QUARTER OF SECTION 30  
 TOWNSHIP 80 NORTH, RANGE 5 EAST OF THE 5th P.M.  
 AND ALSO BEING A REPLAT OF OUTLOT 3  
 HAMILTON'S FIRST ADDITION



**GENERAL NOTES**

- IRON MONUMENTS FOUND SHOWN THUS ( 3/4" IRON PIN )
- IRON MONUMENTS FOUND SHOWN THUS ( 5/8" IRON PIN )
- IRON MONUMENTS SET SHOWN THUS ( 5/8" IRON PIN )
- ALL DISTANCES SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
- SUBDIVISION CONTAINS 15.90 ACRES, MORE OR LESS.
- BEARINGS ARE BASED ON THE IOWA STATE PLANE COORDINATE SOUTH ZONE, NAD 83. ( 2011 )
- SUBDIVISION IS ZONED R-1 ( SINGLE-FAMILY RESIDENTIAL DISTRICT ).
- OUTLOTS A AND B ARE NOT CREATED FOR INDIVIDUAL DEVELOPMENT PURPOSES, BUT ONLY MAY BE DEVELOPED IN CONJUNCTION WITH ANY ADJACENT PROPERTIES.

CURVE NUMBER	RADIUS	DELTA	ARC	CHORD	CHORD BEARING	TANGENT
1	126.29'	30°-58'-50"	68.29'	67.46'	N13°-17'-40"E	35.00'
2	216.03'	20°-58'-50"	79.1'	78.66'	N18°-17'-40"E	40.00'
3	130.00'	60°-05'-55"	138.25'	131.83'	N41°-21'-00"W	76.47'
4	104.34'	68°-36'-00"	124.92'	87.60'	N45°-11'-05"W	71.18'
5	144.34'	68°-36'-00"	172.82'	162.68'	N45°-11'-05"W	98.46'

**WIND STREAM**

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

**EASTERN IOWA LIGHT & POWER COOPERATIVE**

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

**SCOTT COUNTY PLANNING AND DEVELOPMENT**

BY \_\_\_\_\_  
 DATE \_\_\_\_\_  
 MEETS SUBDIVISION AND ZONING REQUIREMENTS

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.

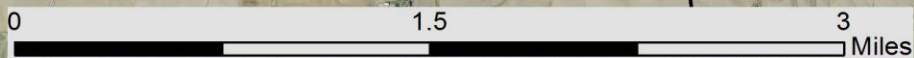
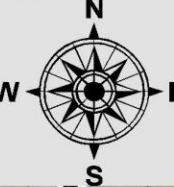
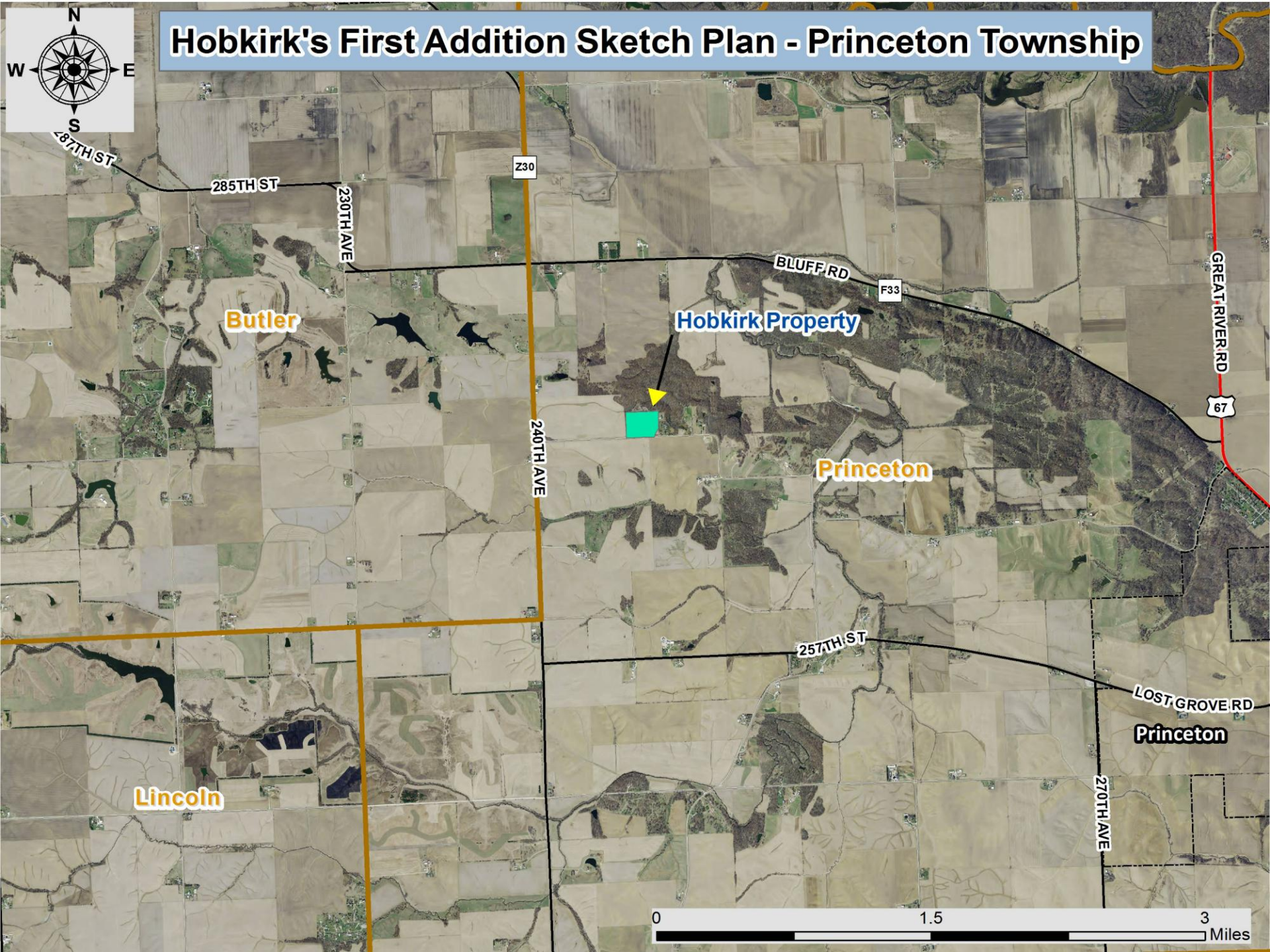
Signature: \_\_\_\_\_  
 David L. Meyer, P.E. & L.S. License Number 7222  
**JANUARY 12, 2015**  
 My license renewal date is December 31, 2018  
**THIS SHEET ONLY**  
 Pages or sheets covered by this seal: \_\_\_\_\_



PREPARED BY  
**VERBEKE - MEYER**  
**CONSULTING ENGINEERS, P.C.**  
 4111 EAST 80th STREET  
 DAVENPORT, IOWA 52807  
 PHONE NUMBER: ( 563 ) 359 - 1348

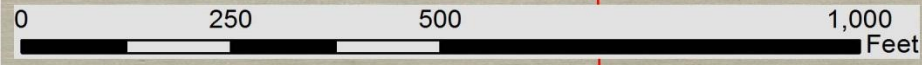
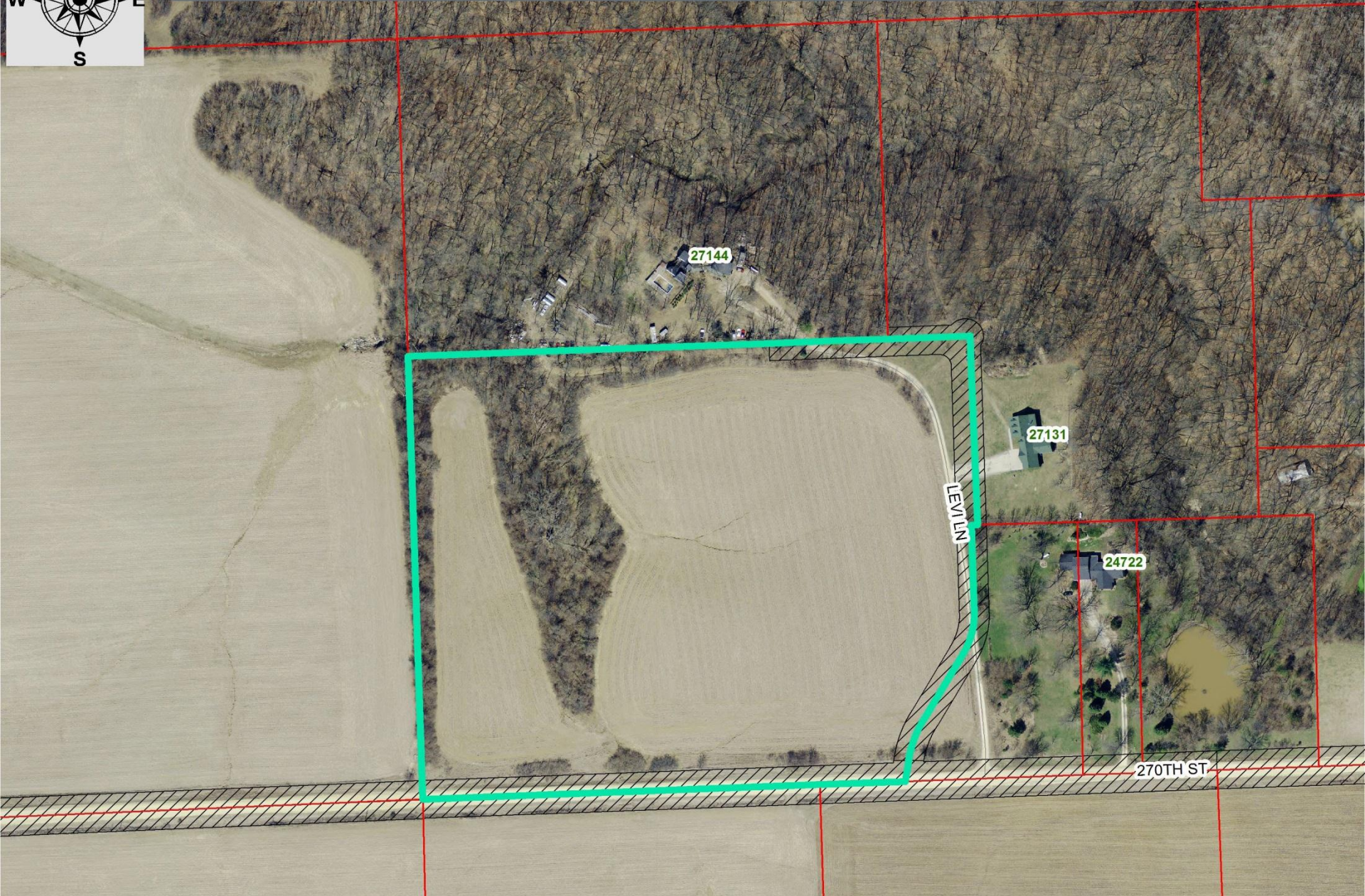
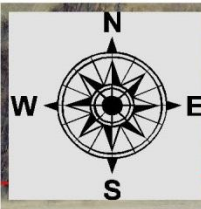


# Hobkirk's First Addition Sketch Plan - Princeton Township



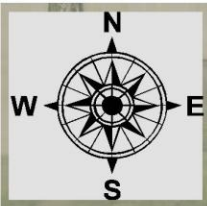


# Hobkirk's First Addition Sketch Plan - Princeton Township







# Hobkirk's First Addition Sketch Plan - Princeton Township

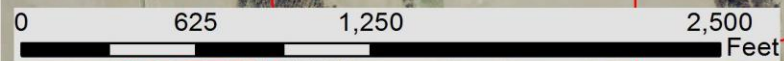
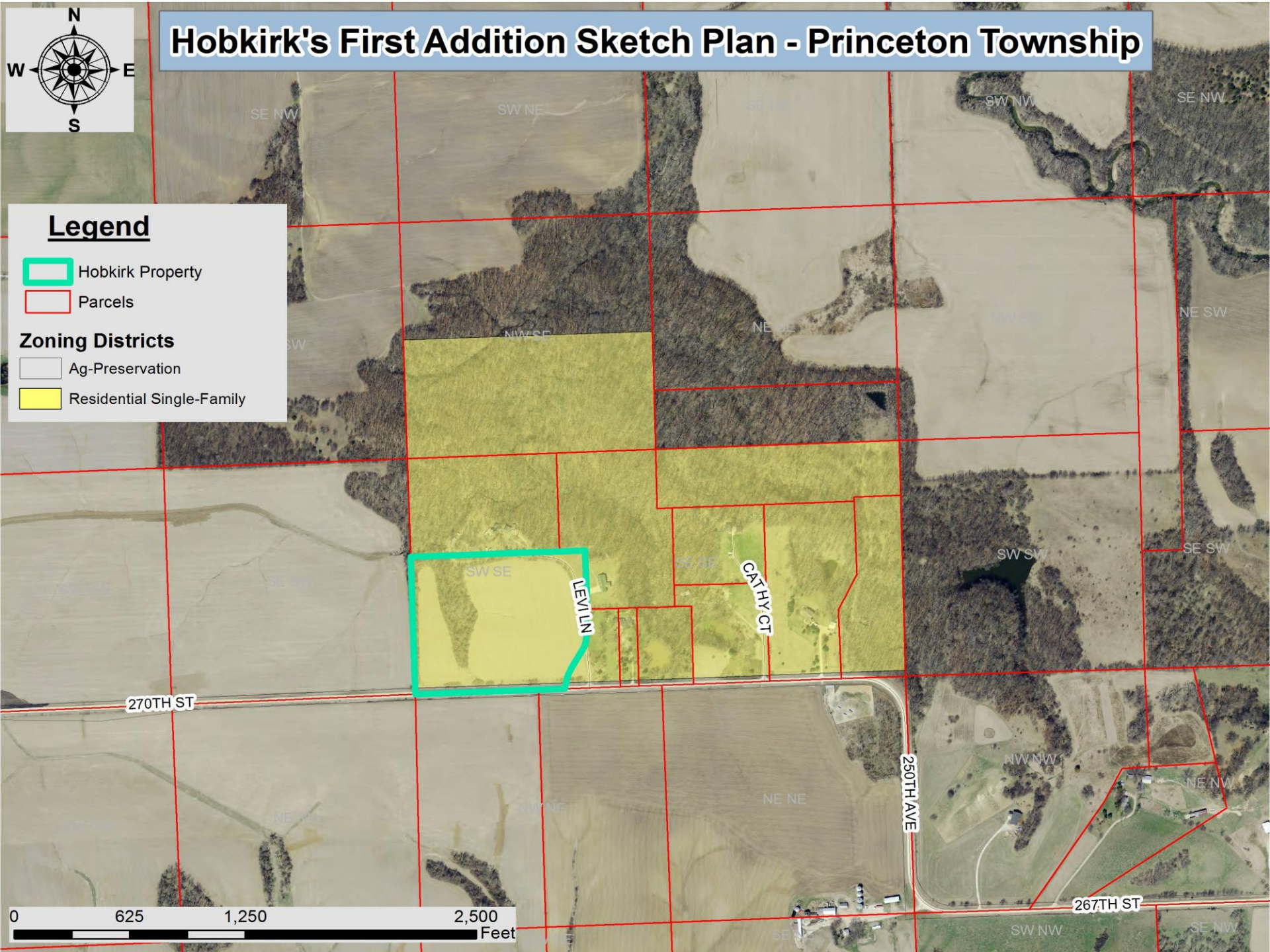


## Legend

-  Hobkirk Property
-  Parcels

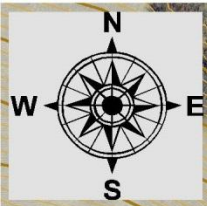
## Zoning Districts

-  Ag-Preservation
-  Residential Single-Family





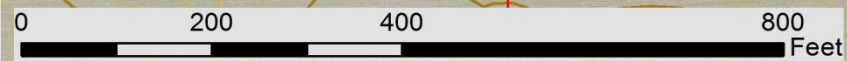
# Hobkirk's First Addition Sketch Plan - Princeton Township



## Contours - 2 FT (DNR)

### Contour Type / Distance

- Index - 10ft
- Intermediate 2 ft

















**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 March 26, 2015 in which it approved the Final Plat of **Hobkirk's First Addition** 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 26<sup>th</sup> day of March 2015, considered the Final Plat known as **Hobkirk's First Addition**. Said Plat is a subdivision being part of the SE¼ of Section 30 Township 80 North, Range 5 East of the 5<sup>th</sup> Principal Meridian (and also being a replat of Outlot 3 Hamilton's First Addition, 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 **Hobkirk's First Addition**.
- 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 26<sup>th</sup> day of March, 2015

SCOTT COUNTY, IOWA

BY: \_\_\_\_\_  
Tom Sunderbruch, 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

March 26, 2015

#### APPROVING THE FINAL PLAT OF HOBKIRK'S FIRST ADDITION

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