

PLANNING & DEVELOPMENT

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Item 04
03-08-16

Timothy Huey
Director

To: Dee F. Bruemmer, County Administrator

From: Timothy Huey

Date: March 1, 2016

Re: A request by Joe and Jennifer Reimers for Final Plat approval of Eagle Ridge Heights, a two (2) lot residential Minor Subdivision being a re-subdivision of a part of Lot 1 of Little Acres Second Addition, located in the SW¼NW¼ of Section 21 of Winfield Township.

The Planning Commission voted unanimously to recommend 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.

The Planning Commission had voted 5-0 to approve the sketch plan with two conditions:

1. 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;
2. All required platting documents be submitted prior to approval by the Board of Supervisors.

The Planning Commission reviewed this request to split an existing 18.74 acre parcel into two new lots, with one lot containing the existing house, and the other creating a development right for a new house. The property is zoned R-1 which allows this re-subdivision to be considered. The applicant, Joe & Jennifer Reimers were present but did not have any comments. There was no one else that spoke on this request. 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 Eagle Ridge Heights.



PLANNING & ZONING COMMISSION

STAFF REPORT

FEBRUARY 2, 2016



Applicant: Joe and Jennifer Reimers, applicant and Estes Living Trust, property owner.

Request: Approval of the Final Plat of a Minor Subdivision, to subdivide an existing 18.74 acre lot into two residential lots.

Legal Description: Part of Lot 1 of Little Acres Second Addition located in part of the SW¹/₄NW¹/₄ of Section 21, Winfield Township.

General Location: 28625 140th Avenue

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

Surrounding Zoning:

North: Single-Family Residential (R-1)

South: Single-Family Residential (R-1) & Ag-Preservation (A-P)

East: Single-Family Residential (R-1) & Ag-Preservation (A-P)

West: Single-Family Residential (R-1) & Ag-Preservation (A-P)

GENERAL COMMENTS: The Planning Commission approved the sketch plan for this proposed Final Plat at the December 15, 2015 meeting. It is to subdivide part of Lot 1 of Little Acres Second Addition to create two residential lots. There is an existing house on the property; approval of this subdivision will create one additional development right for a new residence on the newly created lot. Little Acres Second Addition is a three (3) lot residential subdivision that was recorded as an Auditor's Plat in 1974 prior to the adoption of the Scott County Development Plan and subsequent Revised Zoning Ordinance. This property is the 18.74 acre balance of Lot 1 of the Second Addition, which was originally 24.5 acres in size. This property, along with Lots 2 & 3, is adjacent to 140th Avenue, a gravel surfaced, County maintained road adjacent to the west side of this subdivision. Lots 6-9 of the original Little Acres, recorded in 1969, and located to the north of this Second Addition, are ten acres in size and all have 330 feet of frontage on 140th Avenue. While the surrounding property of both of these Little Acres Additions is zoned Ag-Preservation, all of the lots within this subdivision are zoned Single-Family Residential. There are fifteen single family residences in both Little Acres additions adjacent to 140th Avenue and 290th Street/St. Anne's Road. Another sketch plan and Final Plat for Lot 7 or Little Acres was recently approved. It also created one additional home site.

STAFF REVIEW: Staff has reviewed this request for approval of the Final Plat of a Minor Subdivision. The Subdivision Regulations allow a plat to be reviewed as a Minor Subdivision if it creates less than five (5) lots and does not involve the extension of any new streets.



Zoning, lot size and land use

Little Acres Second Addition was zoned “E” Rural at the time the original Auditor’s Plat was recorded in 1974. This subdivision was zoned “R-1” Single Family Residential in 1981 with the adoption of the current Zoning Map. This portion of Lot 1 of the Second Addition is 18.74 acres in size with an existing residence. The proposed plat would subdivide the parcel into a 1.5 acre lot for a new residence and 17.24 acre balance of the lot with the existing residence. Staff is recommending that any approval of this re-subdivision of Lot 1 include a restrictive covenant that neither lot would be further subdivided.

Access and roadway improvements

This property has 500 feet of frontage on 140th Avenue, a gravel, County maintained road. Scott County Land Use Policies state that developments should have access to adequately constructed paved roads. This property is a little over ¼ mile south of 290th Street/St. Ann’s Road, which is a paved County road. The existing R-1 zoning designation allows for approval of this subdivision. Staff does not regard the creation of one additional development right for a residence fronting on 140th Avenue in this location as being significantly contrary to those policies.

Wastewater disposal systems

The Health Department has noted that this new lot will require private on-site system. The design and capacity for such will be determined at the time a house is built on the new lot. The existing house is served by its own system.

Ag nuisance Waiver

The Planning Commission has also required an agricultural nuisance waiver be recorded as a restrictive covenant in cases where rural subdivisions are adjacent to existing agricultural activities.

For the sketch plan review, Staff mailed notification to the adjacent property owners within five hundred feet (500’) of this property regarding this subdivision request. No subsequent notification is required for Final Plat review. Staff has not received any calls or comments on this proposed plat.

RECOMMENDATION: Staff recommends that the Final Plat be approved with the stipulation that 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.

Submitted by:
Timothy Huey, Director
January 27, 2016

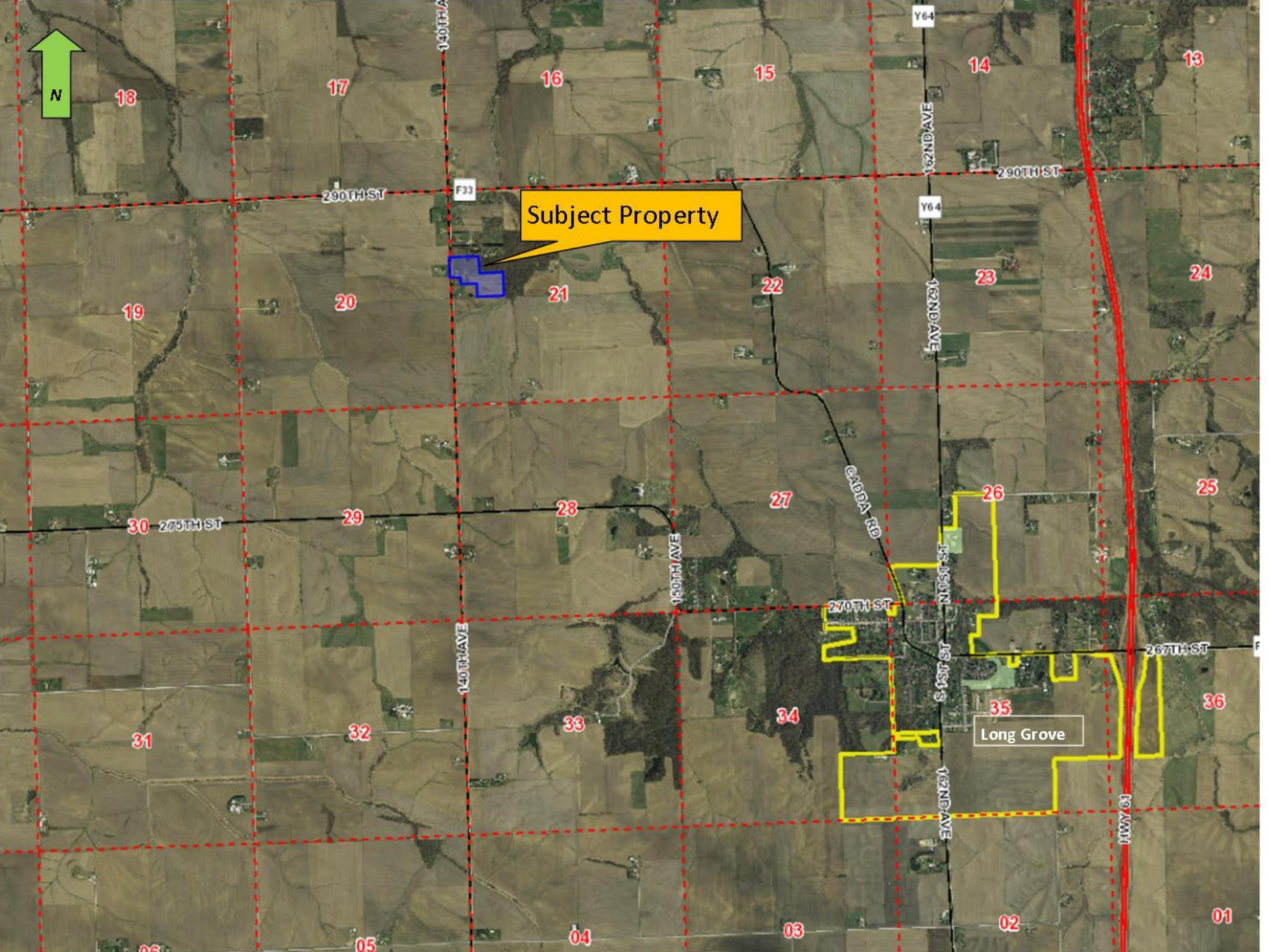
Final Plat of a Minor Subdivision

Applicant: Joe and Jennifer Reimers, applicant and Estes Living Trust, property owner.

Request: Approval of the Final Plat of a Minor Subdivision Plat, to subdivide an existing 18.74 acre lot into two residential lots.

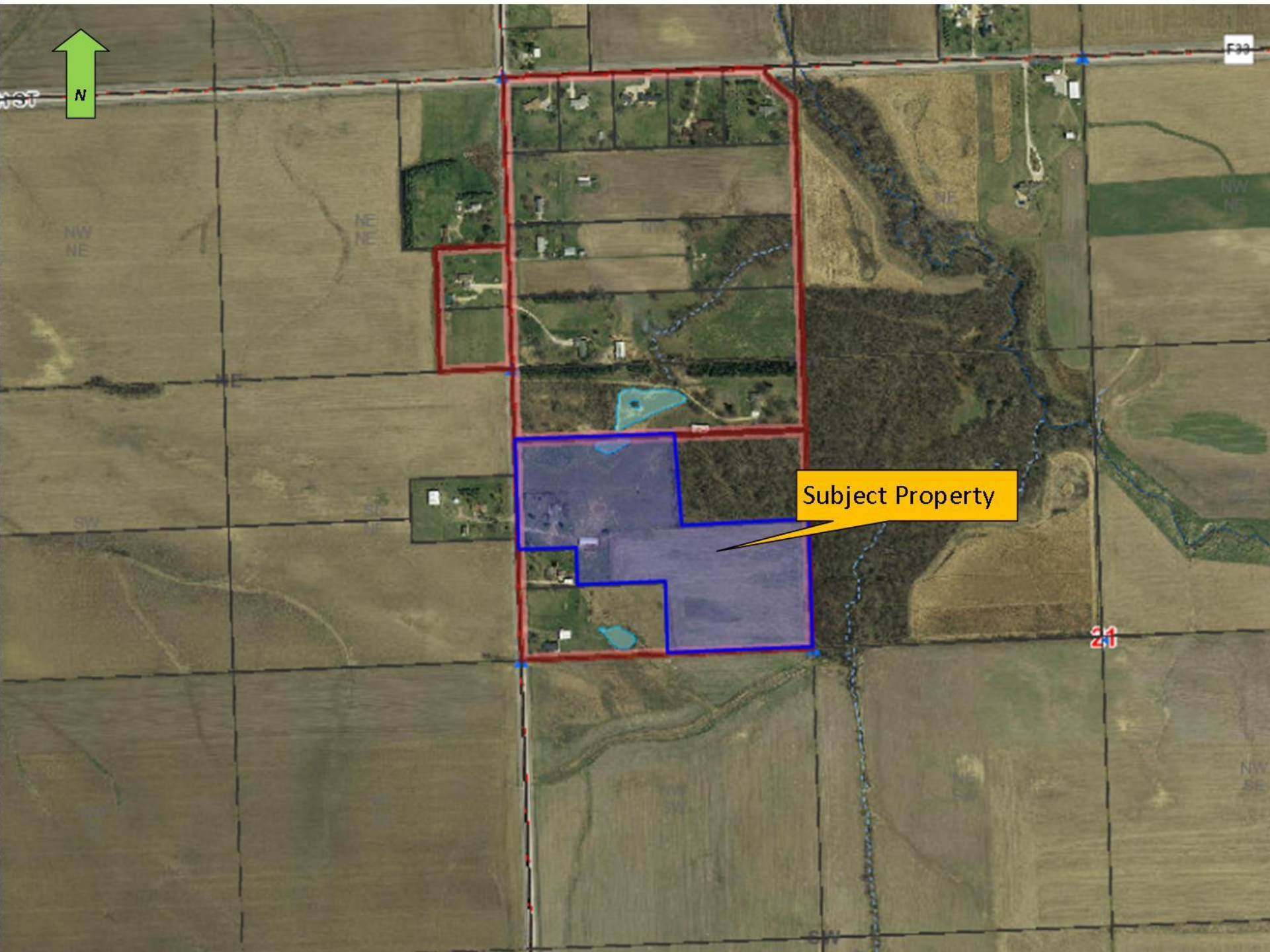
Legal Description: Part of Lot 1 of Little Acres 2nd Addition SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Winfield Twp.

General Location: 28625 140th Avenue



Subject Property

Long Grove



Subject Property

131

21

21

NW
NE

NE
NE

SW

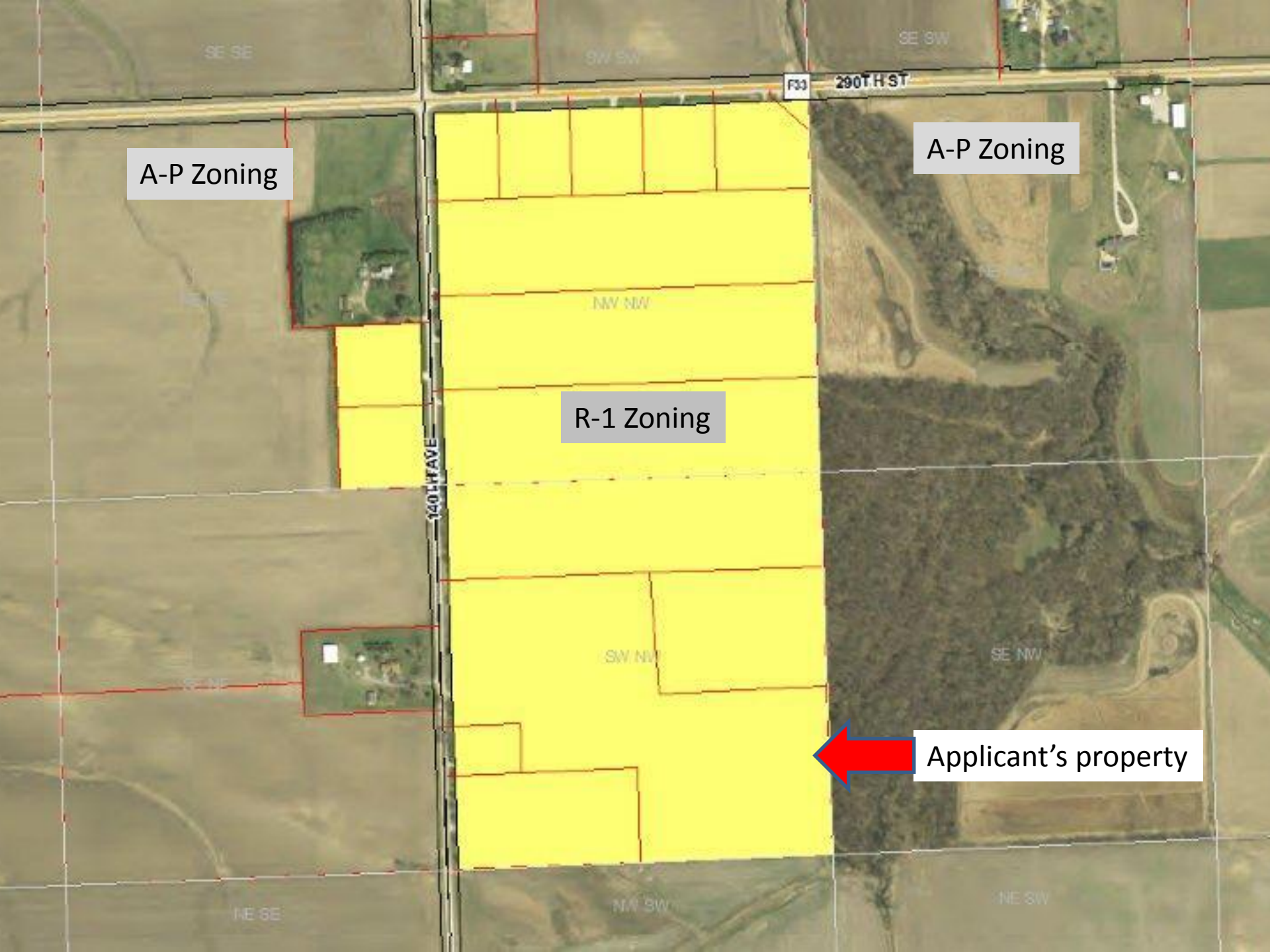
NW
SE

A-P Zoning

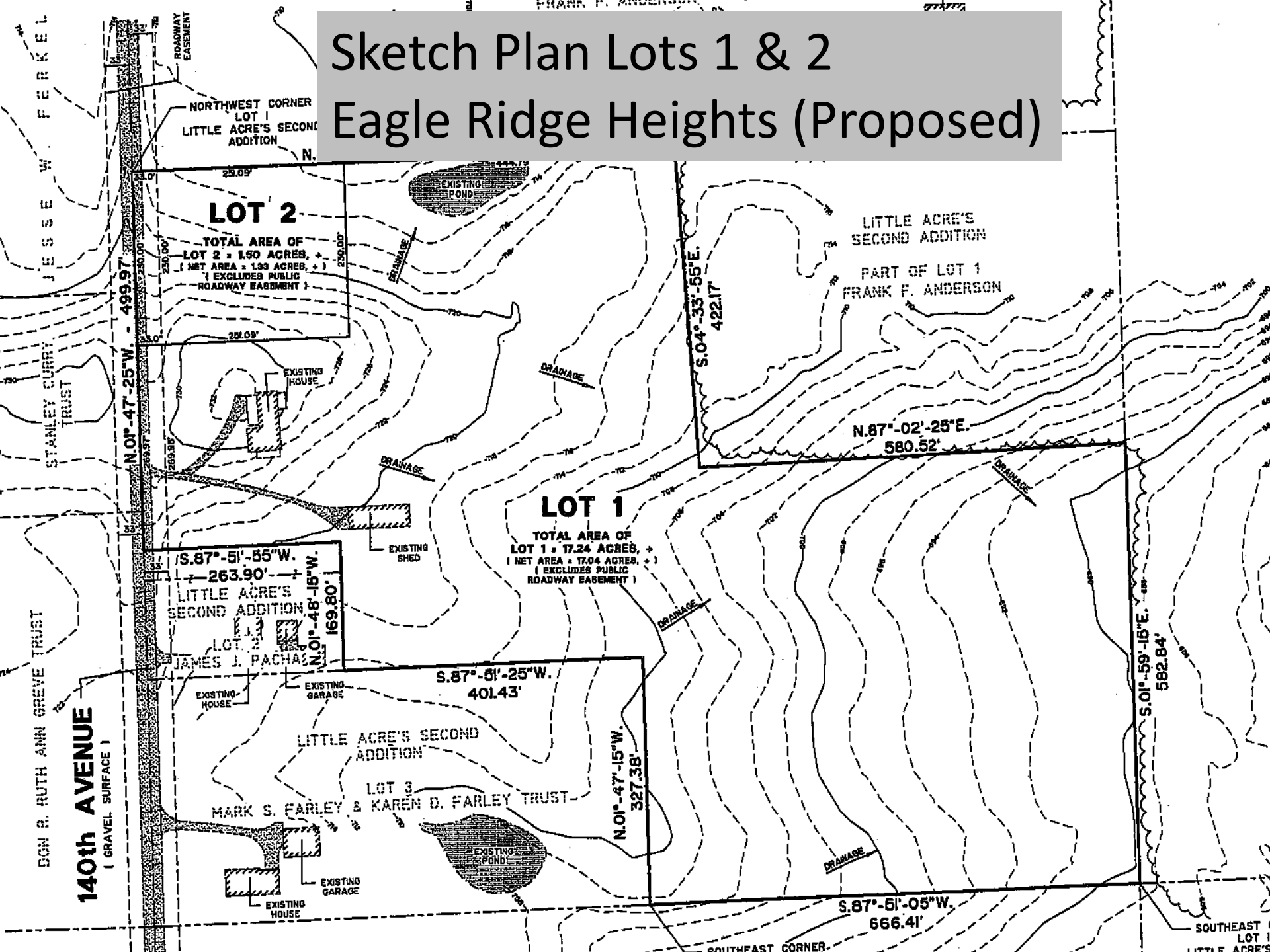
A-P Zoning

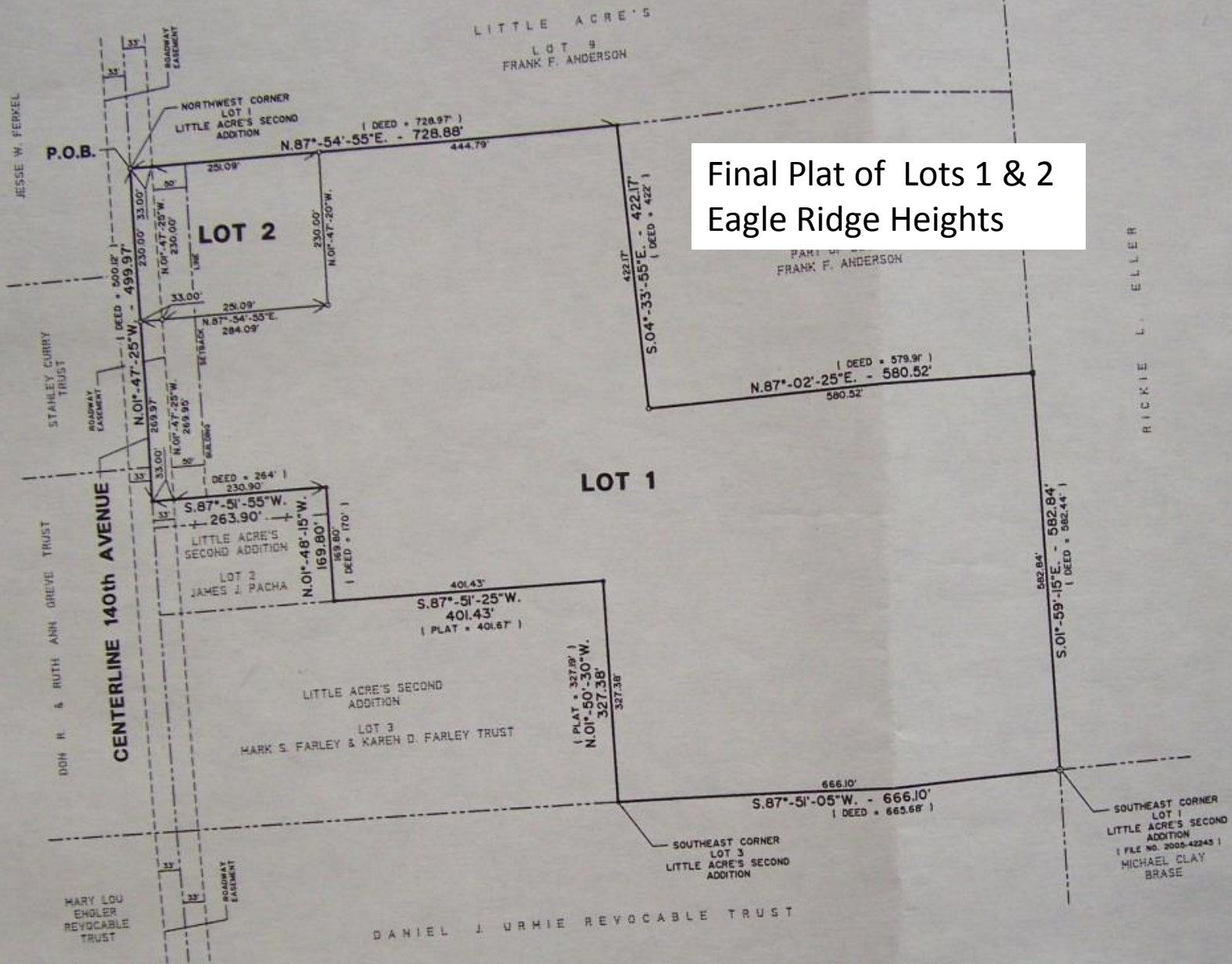
R-1 Zoning

Applicant's property



Sketch Plan Lots 1 & 2 Eagle Ridge Heights (Proposed)





Final Plat of a Minor Subdivision

Zoning, lot size and land use

Little Acres Second Addition was zoned “E” Rural when recorded in 1974.

Zoned “R-1” Single Family Residential in 1981 with the adoption of the current Zoning Map.

This 18.74 acre parcel has an existing residence.

Proposed plat would subdivide the parcel into a 1.5 acre lot for a new residence and 17.24 acre balance of the lot with the existing residence.

Final Plat of a Minor Subdivision

Access and roadway improvements

Property has 500 feet of frontage on 140th Avenue, a gravel, County maintained road.

Land Use Policies state that developments should have access to adequately constructed paved roads.

Property is a little over ¼ mile south of 290th Street/St. Ann's Road, which is a paved County road.

R-1 zoning allows for approval of this subdivision.

One additional development right for a residence at this location not significantly contrary to those policies.

Final Plat of a Minor Subdivision

Wastewater disposal systems

The Health Department has noted that this new lot will require private on-site system.

The design and capacity for such will be determined at the time a house is built on the new lot.

The existing house is served by its own system.

Final Plat of a Minor Subdivision



Final Plat of a Minor Subdivision

RECOMMENDATION:

The Final Plat be approved with the stipulation that 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.

CERTIFICATE OF APPROVAL BY SCOTT COUNTY

I, Jim Hancock, Chairman of the Scott County Board of Supervisors, do hereby certify that said Board adopted a Resolution on March 10, 2016 in which it approved the **Final Plat of Eagle Ridge Heights** 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 unincorporated jurisdiction, the Scott County Board of Supervisors has, on this 10th day of March, 2016, considered the Final Plat known as **Eagle Ridge Heights**. Said Plat is a subdivision being formerly a part of Lot 1 of Little Acres Second Addition, located in the SW¹/₄NW¹/₄ of Section 21 of Township 80 North, Range 3 East, of the 5th Principal Meridian (Winfield 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 Eagle Ridge Heights**.

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 March, 2016

SCOTT COUNTY, IOWA

BY: _____
Jim Hancock, 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 10, 2016

APPROVING THE FINAL PLAT OF EAGLE RIDGE HEIGHTS

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 unincorporated jurisdiction, the Scott County Board of Supervisors has, on this 10th day of March, 2016, considered the Final Plat known as **Eagle Ridge Heights**. Said Plat is a subdivision being formerly a part of Lot 1 of Little Acres Second Addition, located in the SW¹/₄NW¹/₄ of Section 21 of Township 80 North, Range 3 East of the 5th Principal Meridian (Winfield 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 **Eagle Ridge Heights**.
- 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.