

PLANNING & DEVELOPMENT

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Item #6
8/21/18

Timothy Huey
Director

To: Mary Thee, Assistant County Administrator

From: Timothy Huey, Planning Director

Date: August 14, 2018

Re: Approval of the Final Plat of Terrell's 1st Addition, a proposed 4-lot commercial/light industrial subdivision in part of the NW¹/₄ of Section 18 in Pleasant Valley Township

This request is for approval of a Final Plat of a 4-lot commercial light industrial subdivision of an approximately 7.3 acre tract. The purpose of the plat is to reconfigure the existing parcels to facilitate their sale and development. Lot 1, the 1.1 acre parcel is the only lot currently developed with a building and was the only lot under that is less than the required 2-acre minimum lot size.

The Zoning Board of Adjustment held a public hearing and approved the variance request to allow the plat to be approved with Lot 1 less than the minimum lot size in accordance with staff's recommendation. The applicant was present to answer questions from the Commission and the Board of Adjustment at both the public hearings on this plat. Several residents from Pleasant Harbor, the Bettendorf subdivision to the south of the proposed Terrell's First Addition, were at the Board of Adjustment public hearing and raised questions about the maintenance of 244th Avenue, a private road. The four lots in Terrell's First Addition all access the private road that those homeowners maintain that runs through this property and provides access to both these lots and the residents in Pleasant Harbor. Those residents requested some assurance the future owners or tenants would share in the cost of maintenance and upgrades to the shared private road since residents in Pleasant Harbor currently bear all those costs. The Board suggested Terrell and Pleasant Harbor residents come to an agreement outside of the hearing before the Board of Supervisors approves the final plat.

After the Planning Commission has recommended approval of a Final Plat, an applicant has 60 days to submit the required platting documents. Those platting documents have not been submitted within this required time frame. Therefore staff would recommend that the Board approve a resolution extending the Planning Commission's recommendation for an additional 120 days to allow those materials to be submitted. The other two conditions of the Planning Commission's recommendation have been met.

P & Z COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the Final Plat of Terrell's 1st Addition with the following conditions:

- 1. The City of Bettendorf approve the Final Plat**
- 2. The Scott County Zoning Board of Adjustment approve a variance to allow the creation of a lot that is less than the minimum lot area requirements for a lot zoned "Commercial-Light Industrial (C-2)" with no sewer and water service.**

Vote: 4-0, All Ayes



PLANNING & ZONING COMMISSION

STAFF REPORT

June 19, 2018



Applicant: Sean Terrell, submitted by Townsend Engineering

Request: Sketch Plan/Final Plat of Terrell's First Addition

Legal Description: Part of the NW ¼ of Section 18 in Pleasant Valley Township

General Location: Adjacent to the corporate limits of the City of Bettendorf, south of Great River Road and the Canadian Pacific railway

Zoning: Commercial-Light Industrial (C-2)

Surrounding Zoning:

- North:** Great River Road/US Hwy 67, Commercial-Light Industrial (C-2)
- South:** *City of Bettendorf*
- East:** *City of Bettendorf*
- West:** Commercial-Light Industrial (C-2)

GENERAL COMMENTS: This request is for approval of a Final Plat of a 4-lot subdivision of an approximately 7.17-acre tract, which is currently split into two parcels: one approximately 4.3 acres, the other approximately 2.7. The current configuration of the property has the existing private road running through and entirely within the eastern lot and the western lot although not legally landlocked, does not have frontage or access to the road. This plat will reconfigure the property so that the road runs between the lots with all of the lots having access and frontage on the road. It will also result in four lots rather than just two.

STAFF REVIEW: Staff has reviewed this request for compliance with the requirements of the Subdivision Regulations and Zoning Ordinances for Final Plat approval. This subdivision is classified as a minor plat because it creates less than five (5) lots and would not involve the extension of any new streets or other public services.

Zoning, Land Use, and Lot Layout

The proposed Plat would subdivide the approximately 7.17-acre tract into four (4) lots. Lot 1 would be approximately 1.1 acres; Lot 2, 2.0 acres; Lot 3, 2.0 acres; and Lot 4, 2.1 acres. All lots would retain their "Commercial-Light Industrial (C-2)" zoning designation, meaning each lot could be developed for permitted uses in that district after site plan review and approval by the Planning and Zoning Commission. One lot, Lot 1, would include an existing mini-warehouse building.

Common Open Space

The regulations require common open space only in residential subdivisions of fifteen (15) or more lots, so open space is not required for this proposal.



Access and Roadway Improvements

All lots would be served by 244th Avenue, a private, paved road. There is also a private roadway easement, but no roadway, on the eastern boundary of Lots 1 and 2. That private easement is labeled “To Be Vacated,” as the applicants have indicated they intend to have the easement vacated in order to expand the building envelopes on the lots. If the easement were to remain, there would be a fifty (50) foot setback from both that easement and the easement for 244th Avenue.

Protection of Natural Vegetation Cover

Whenever a wooded site is to be developed, no more than fifteen percent (15%) of the naturally occurring canopy-tree cover shall be removed due to surface earth grading, roadway construction, building site clearance, or any other construction activity associated with subdivision site improvement. Whenever removal of more than fifteen percent (15%) of the naturally occurring vegetation cover is deemed necessary and unavoidable a mitigation replanting measure shall be implemented. Such mitigation shall require re-establishment of one (1) native tree of a similar specie to those removed for every three trees of three (3) inch caliper or greater removed or fatally damaged.

Given the lack of new proposed roadways, the property would not need to undergo significant earth grading or site clearance to develop the three vacant lots. The majority of the site is also in agricultural production, so there is almost no canopy-tree cover that would be vulnerable to development.

Stormwater Management

This proposal does not include any new roadways or smaller development lots, so a stormwater management plan would not be expected. Stormwater management practices would be addressed during future site plan review processes for the development of any of the vacant lots.

Erosion and Sediment Control Plan

Erosion Control Plans are typically reviewed by submitted the County Engineer in conjunction with the road construction plans. Since this proposal does not include any new roadways, an Erosion Control Plan would not be expected.

Wastewater Disposal and Water Provision

This proposal was sent to the County Health Department for its review. With no specific development proposed at this point, the Health Department did not raise any issues.

City of Bettendorf Review

This property is adjacent on two sides to Bettendorf city limits. Therefore, review and approval of the Final Plat by the City of Bettendorf is required. At this time, staff and Townsend Engineering has notified the City of the Final Plat submittal but has not received formal approval/consent. The Plat will not be forwarded to the Board of Supervisors for its consideration until formal approval/consent is received.



PLANNING & ZONING COMMISSION

STAFF REPORT

June 19, 2018



Lot Size Variance

The request includes the creation of a lot that is less than the minimum lot area requirements for a lot zoned “Commercial-Light Industrial (C-2)” with no sewer and water service. Minimum lot size for a C-2 zoned parcel without sewer and water service is 2.0 acres and Lot 1 of Terrell’s First Addition has a proposed size of approximately 1.1 acres. The applicant’s petition cites the location of a roadway easement and resulting setbacks as the exceptional situation warranting a variance. The variance request will be heard by the Zoning Board of Adjustment at its next regular meeting on June 27, 2018. Approval of the variance will be required prior to forwarding the Plat to the Board of Supervisors.

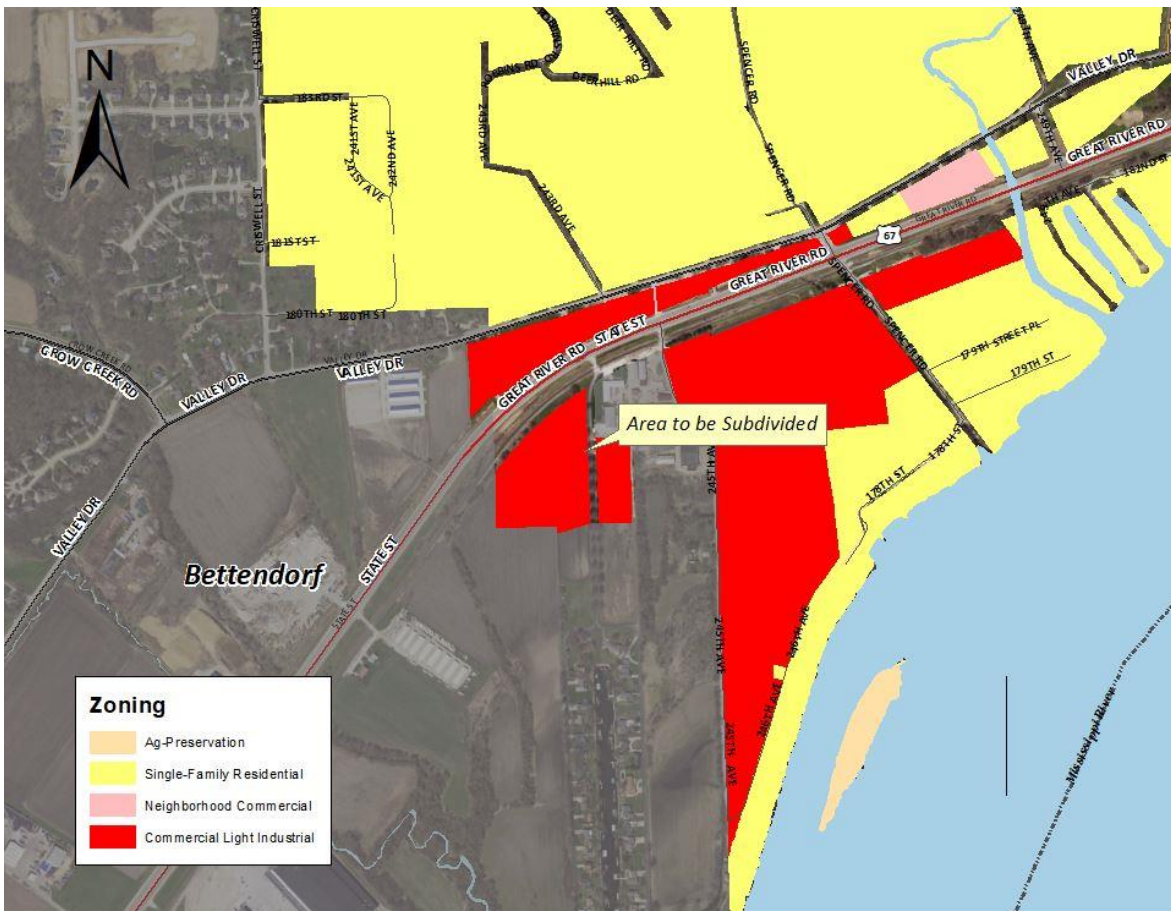
Others Notified

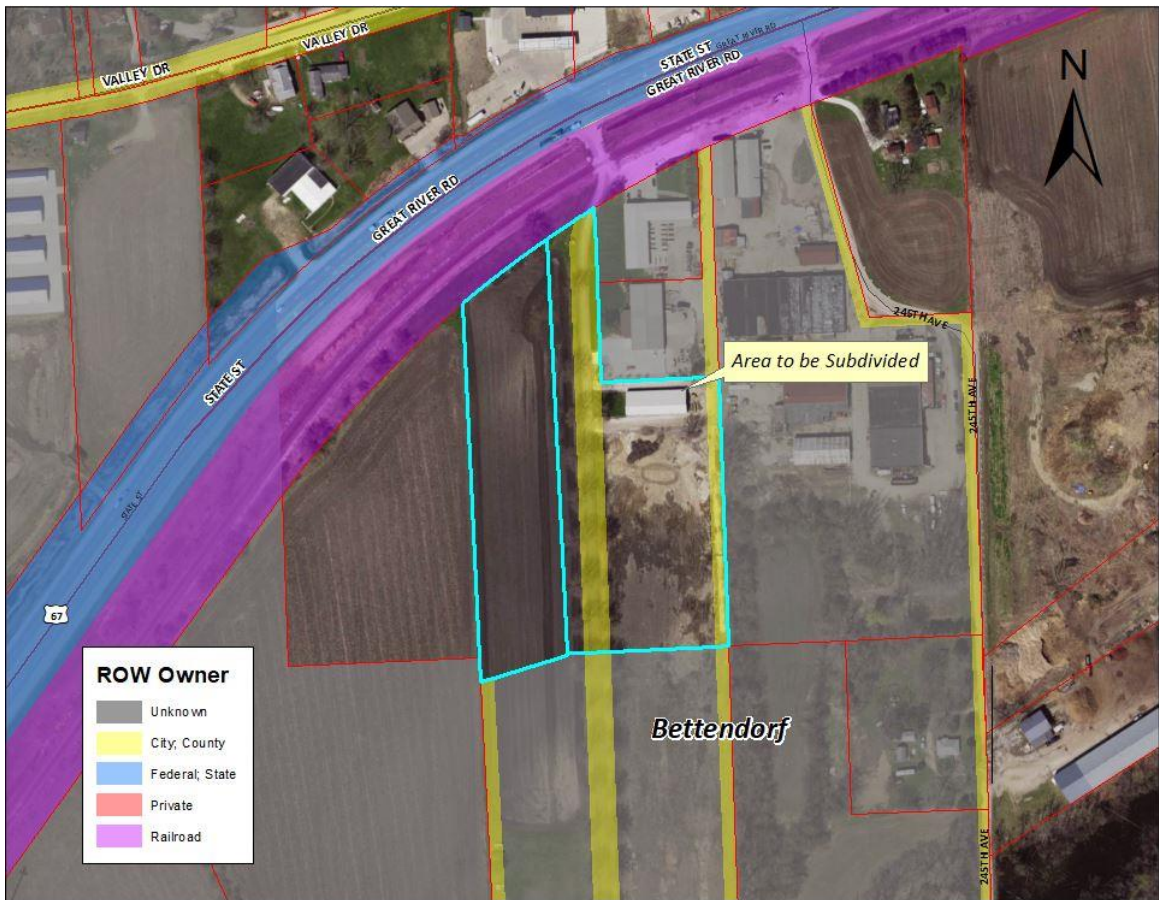
The Subdivision Ordinance requires additional notification of the following County Departments and local entities: Assessor, Auditor, Bi-State Regional Planning Commission, and District Soil Conservationist Staff. Those entities did not have any comments at this time. Staff also notified adjacent property owners within five hundred feet (500') of the public hearing before the Planning Commission.

RECOMMENDATION: Staff recommends that the Final Plat of Terrell’s First Addition be approved with the following conditions:

1. The City of Bettendorf approve the Final Plat
2. The Scott County Zoning Board of Adjustment approve a variance to allow the creation of a lot that is less than the minimum lot area requirements for a lot zoned “Commercial-Light Industrial (C-2)” with no sewer and water service

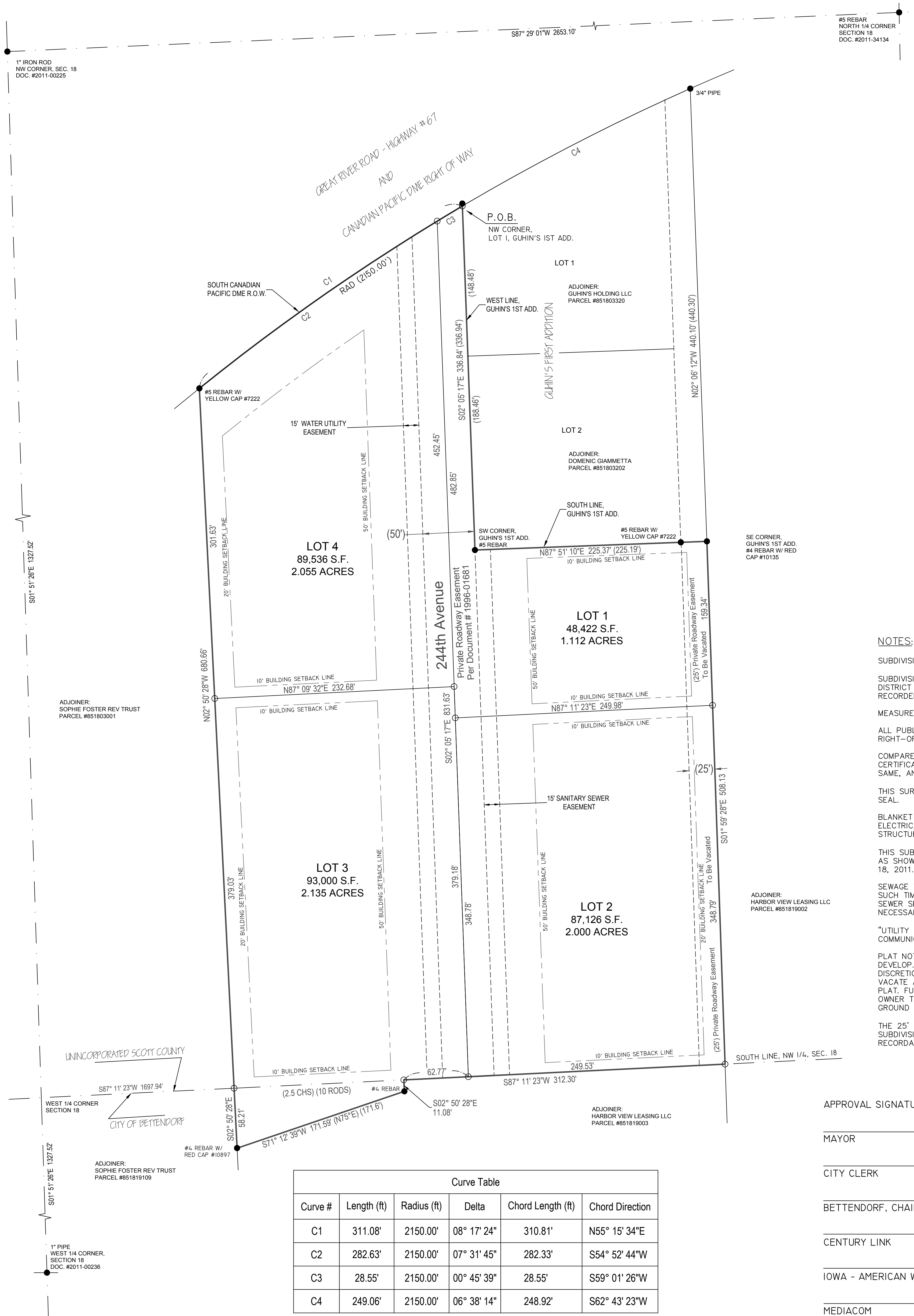
Submitted by:
Timothy Huey, Director
June 15, 2018







FINAL PLAT OF:
TERRELL'S 1st ADDITION
 LOCATED IN THE NORTHWEST QUARTER OF SECTION
 18, TOWNSHIP 78 NORTH, RANGE 5 EAST OF THE 5TH
 PRINCIPAL MERIDIAN, SCOTT COUNTY, IOWA



PLAT INFORMATION

- Owner:**
 Harbor View Leasing LLC
 17851 244th Avenue
 Bettendorf, Iowa 52722
- Engineer:**
 Townsend Engineering
 2224 East 12th Street
 Davenport, Iowa 52803
 Ph: (563) 386-4236
- Surveyor:**
 Michael D. Richmond
 2224 East 12th Street
 Davenport, Iowa 52803
 Ph: (563) 386-4236
- Attorney:**
 John Carroll
 Attorney at Law
 201 W. 2nd Street, Suite 801
 Davenport, Iowa 52801
 Ph: (563) 326-1008

NOTES:

SUBDIVISION AREA: 7.302± ACRES. / 318,080± S.F.

SUBDIVISION IS ZONED "C-2", COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT AS DEFINED IN SCOTT COUNTY, IOWA ORDINANCE No. 16-03, RECORDED AS DOC. #2016-11228

MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.

COMPARE THE DESCRIPTION OF THIS PLAT WITH THE DEED, ABSTRACT OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.

THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND SEAL.

BLANKET UNDERGROUND EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.

THIS SUBDIVISION LIES WITHIN ZONE "X" (AREA NOT PRONE TO FLOODING) AS SHOWN ON FEMA FIRM PANEL 19163C0383F#. EFFECTIVE FEBRUARY 18, 2011.

SEWAGE TREATMENT TO BE PROVIDED BY PRIVATE SEPTIC SYSTEMS UNTIL SUCH TIME SCOTT COUNTY HEALTH DEPARTMENT DETERMINES SANITARY SEWER SERVICE IS REQUIRED. THE LOT OWNERS SHALL MAKE NECESSARY CONNECTIONS TO THE PUBLIC SYSTEM..

"UTILITY EASEMENTS" SHALL ACCOMMODATE GAS, ELECTRIC, WATER AND COMMUNICATION LINES AS NEEDED.

PLAT NOTES ESTABLISH REQUIREMENTS FOR HOW A SUBDIVISION WILL DEVELOP. HOWEVER, THE COUNTY RESERVES THE RIGHT IN ITS SOLE DISCRETION TO ALTER OR AMEND ANY PLAT NOTE, OR TO SELL OR VACATE ANY RIGHT OF WAY OR UTILITY EASEMENT DEDICATED WITHIN THE PLAT. FURTHER, THE CITY RESERVES THE RIGHT UPON REQUEST OF THE OWNER TO RELOCATE ANY EASEMENT, ALTER LOT BOUNDARIES OR ALLOW GROUND TO BE REPLATTED.

THE 25' PRIVATE ROADWAY EASEMENT ALONG THE EAST SIDE OF THIS SUBDIVISION SHALL BE VACATED WITH THE COUNTY ACCEPTANCE AND RECORDATION OF THIS PLAT.

APPROVAL SIGNATURES:

MAYOR _____ DATE: _____

CITY CLERK _____ DATE: _____

BETTENDORF, CHAIRMAN PLAN & ZONE _____ DATE: _____

CENTURY LINK _____ DATE: _____

IOWA - AMERICAN WATER COMPANY _____ DATE: _____

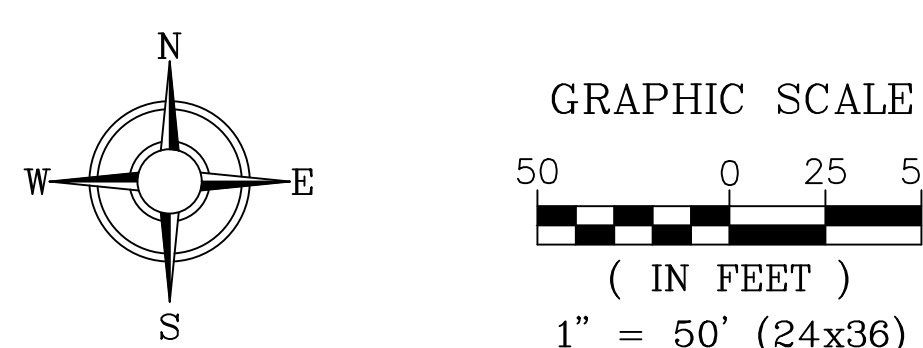
MEDIACOM _____ DATE: _____

MIDAMERICAN ENERGY _____ DATE: _____

APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.

SCOTT COUNTY PLANNING AND ZONING _____ DATE: _____

LEGEND:
 DEED DIMENSION = (0.00')
 FIELD DIMENSION = 0.00'
 MONUMENTS FOUND
 #5 REBAR, UNLESS NOTED = ●
 CHISELED "X" = X
 MONUMENTS SET:
 #5 REBAR W/ YELLOW CAP #23503 = ○
 BOUNDARY LINE = _____
 ROAD CENTER LINE = _____
 EASEMENT LINE = _____
 SETBACK LINE = _____
 SECTION LINE = _____



THE MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE IOWA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (1402) GEOID 12A, NAD 83 (2011) EPOCH 2010.00.

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. RICHMOND
 23503
 Iowa License Number: 23503
 My license renewal date is December 31, 2019.
 Pages or sheets covered by this seal: 1

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
August 23, 2018

**APPROVAL OF A 120-DAY EXTENSION OF THE TIME LIMIT FOR BOARD OF
SUPERVISORS TO REVIEW THE PLANNING AND ZONING COMMISSION'S
RECOMMENDATION ON THE FINAL PLAT OF TERRELL'S FIRST ADDITION**

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

Section 1. The applicant for Terrell's First Addition has not submitted the required materials and attachments for review of the Final Plat by the Board of Supervisors.

Section 2. Section 9-16.E. of the Scott County Subdivision Ordinance requires the Board of Supervisors to review the recommendation within sixty (60) days of the Commission's recommendation.

Section 3. The Board of Supervisors hereby approves a one hundred twenty (120) day extension of the time limit for the Board to review the Commission's recommendation on the Final Plat of Terrell's First Addition.

Section 4. This resolution shall take effect immediately.