

PLANNING & DEVELOPMENT

600 West Fourth Street
Davenport, Iowa 52801-1106
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Office: (563) 326-8643 Fax: (563) 326-8257



Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: March 12, 2019

Re: Discussion of Planning and Zoning Commission's recommendation on the application of Dale Grunwald, DBA Grunwald Land Development, for a Preliminary Plat for a 47-lot residential Major Subdivision of 74 acres, more or less, known as West Lake Settlement, part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and all in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25 in Blue Grass Township

The Board of Supervisors held a public hearing at its previous meeting on the rezoning application associated with this proposed Preliminary Plat. Much of the discussion at that public hearing centered on issues, while related to the rezoning of the property for residential development, were issues that the Planning Commission discussed during its review of the Preliminary Plat. Normally requests to develop property for a specific use are initiated with just a rezoning request followed by a proposed subdivision application once the rezoning is approved. In this case, the applicant chose to submit them together. A copy of both staff reports for both applications are included with the enclosures for these agenda items.

The Planning Commission unanimously recommended approval of this Preliminary Plat in accordance with staff's recommendation with the eight (8) conditions:

- 1) Prior to issuance of a residential building permit for any of the lots in this subdivision suitable soils information be submitted and reviewed by the Health Department in order to determine the size and type of on-site waste water system;
- 2) That storm water management, erosion and sediment control plans be submitted and approved by the County Engineer in conjunction with the road construction plans;
- 3) That provisions be made and an agreement recorded for both the installation and maintenance of a fence along the common boundary with West Lake Park and the construction, maintenance and control of access to the common retention pond between West Lake Park and the subdivision;
- 4) That a notice and disclaimer be submitted to be included with the private covenants that state controlled burns would be conducted on the native prairie in West Lake Park and that provision for notice to the neighbors of such planned burns be provided;
- 5) The roads within this subdivision be addressed in compliance with Chapter 8 of the Scott County Code "Rural Addressing System";
- 6) That the road construction plans be submitted and approved by the County Engineer prior to any road construction;
- 7) That the private covenants to be filed with the Final Plat include a legal mechanism for road and open space maintenance; and
- 8) The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

Page two
Grunwald Preliminary Plat memo
March 12, 2019

The applicants were present to answer any questions from the Commission and they presented one letter from an adjacent property owner in support of the application. There was no one else in attendance at the public hearing and staff has not received any objections to this Preliminary Plat request prior to the P & Z Commission meeting. Subsequently, the Board has received an email from Bob Ingram stating his concerns with this proposal.

On the same Planning Commission agenda, the Commission held a public hearing and reviewed the application to rezone 60 acres of this property from C-2 to R-1 to allow consideration of this Major Subdivision of 47 residential lots. The Board of Supervisors held its required public hearing on that portion of the application. No public hearing is required for the Board to review a subdivision plat.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request to approve this Preliminary Plat with the eight (8) conditions cited above in this memo.

Vote: 6-0 (Lloyd absent)

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Timothy Huey
Director

To: Planning & Zoning Commission

From: Timothy Huey, Planning & Development Director

Date: February 15, 2019

Re: Public Hearing on applications to rezone and approve a Preliminary Plat for property located on the west side of Interstate I-280, on the south side of Locust Street, and on the north side of West Lake Park

The applicant, Dale Grunwald, DBA Grunwald Land Development submitted applications to rezone 60 acres of a 74 acre tract of land from C-2 to R-1, the remaining 14 acres would stay zoned C-2. In conjunction with that rezoning application, a Preliminary Plat of a 55-lot major subdivision including fifty (50) single-family residential lots, two (2) commercial-light industrial lots, and three (3) outlots as common open space for the development known as West Lake Settlement was also submitted. The previously scheduled Public Hearings for both applications on February 5th was cancelled and postponed due to inclement weather.

After the Staff Reports for those two applications had been sent out to the applicant and the Planning Commission; the applicant indicated that he would be submitting an amended Preliminary Plat. That amended plat has seen two iterations, the most recent, submitted yesterday, is included with this memo. That Preliminary Plat now shows those sixty acres being subdivided to create forty seven (47) single-family residential lots, two (2) commercial-light industrial lots, and three (3) outlots as common open space. The two commercial lots, the common open space lots, and the road configuration are the same as the original Preliminary Plat. The reduction of three residential lots allows the applicant to meet the requirement for minimum lot size so that 46 of the 47 residential lots are an acre in size or greater; this allows on-site waste water treatment systems (septic or sand filters) to be used for this development.

This current Preliminary Plat also shows fencing along the boundary with Scott County's West Lake Park and also around the proposed storm water retention basin, which is shown straddling both properties, as requested by the Conservation Department. Therefor staff would continue to recommend approval of this Preliminary Plat with the eight conditions included in the February 5th Staff Report but amend the first condition to state:

- 1. Prior to issuance of a residential building permit for any of the lots in this subdivision suitable soils information be submitted and reviewed by the Health Department in order to determine the size and type of on-site waste water system;***

Staff's review and recommendation on the rezoning application remains unchanged for the February 5th staff report.

Staff has also re-notified all the adjacent property owners of this postponed public hearing and posted that information on the webpage.



PLANNING & ZONING COMMISSION
STAFF REPORT
February 5, 2019



- Applicant:** Dale Grunwald DBA Grunwald Land Development
- Request:** Preliminary Plat approval for a Major Subdivision including 50 single-family residential lots known as West Lake Settlement
- Legal Description:** Three tracts totaling 74 acres, more or less, legally described as a 29 acre tract part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25 AND a 5 acre tract part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25 AND a 40 acre tract part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, all in Blue Grass Township.
- General Location:** On the west side of Interstate I-280, on the south side of Locust Street, and Adjacent to the north side of West Lake Park
- Existing Zoning:** Commercial-Light Industrial (C-2)
- Proposed Zoning:** Single-Family Residential (R-1) and Commercial-Light Industrial (C-2)
- Surrounding Zoning:**
- North:** Light Industrial District (I-1) *City of Davenport*
 - South:** Agriculture-General District (A-G) *West Lake Park*
 - East:** Agriculture-General District (A-G) /
Agriculture District *City of Davenport*
 - West:** Agriculture-General District (A-G)

GENERAL COMMENTS: This request is for approval of a Preliminary Plat of a 55-lot major subdivision including fifty (50) single-family residential lots, two (2) commercial-light industrial lots, and three (3) outlots as common open space for the development known as West Lake Settlement. The subdivision is currently described as three (3) tracts of land totaling approximately 74 acres. The tracts are bounded to the south by West Lake Park, to the north by Locust Street, and to the east by Interstate I-280.

The current proposed Preliminary Plat features one (1) cul-de-sac tree with three (3) branches from Locust Street for access to the 50 single-family residential development lots. In addition, future street access is platted to the adjacent agricultural property immediately to the west to allow for the future networking of roads when that property develops.

Single-family residential lots in the proposed development range in size from 0.7 acres to 1.67 acres. The two (2) commercial-light industrial lots are 7.86 acres and 4.66 acres in size respectively.

STAFF REVIEW: Staff has reviewed this request for compliance with the requirements of the Subdivision Regulations and Zoning Ordinances. The Subdivision Regulations define a major plat as any subdivision not classified as a minor plat, including but not limited to subdivisions of five (5) or more lots, or any size plat requiring any new street or extension of public facilities, or the creation of any public improvements. For major plats,



approval of a preliminary plat is required prior to any final plat submittal. Following a recommendation by the Planning Commission, the Preliminary Plat must be approved by the Board of Supervisors prior to the preparation of a final plat.

Zoning, Land Use, and Lot Layout

The proposed configuration of the 74-acre tract creates 50 residential lots, each with the development right for one (1) single-family dwelling. The lots range in size from 72,566 square feet (1.67 ac.) to the minimum lot size of 30,000 square feet (.69 ac.), averaging approximately 39,990 square feet per lot (.92 ac.). Two thirds of the lots are under an acre in size with only three lots over one and a quarter in size. The 14 acres at the entrance to the residential subdivision is proposed to remain zoned C-2 and is divided by the entrance road into two lots, 4.66 and 7.86 acres in size.

Common Open Space

Two of the common open space lots are shown as park areas and the third is part of a shared detention pond on both the subdivision property and West Lake Park property. A major subdivision of this proposed density requires 10,000 square feet of open space for the first fifteen (15) lots, and 2,000 square feet for each additional lot, totaling 80,000 square feet of required open space, half of which must be contiguous and suitable for active recreation. A 65,170 square foot lot designated as Park Area is shown on the west side of the entrance road and the other park area is shown adjacent to the detention pond and is 38,601 square feet in size. The remaining 4.66 acres of open space is part of the storm water detention pond. The total amount of open space is just over 7 acres in size, well above the required amount of 1.84 acres.

Access and Roadway Improvements

The current proposed Preliminary Plat features a long entrance road that extends about one half mile into the subdivision from Locust/160th Street with three short cul-de-sacs branch off of it and then the road is stubbed out on the western boundary to allow it to be extended and connected to the adjacent 80 tract when and if it develops.

The Preliminary Plat shows a 60 feet of right-of-way width for the subdivision streets with a 15 foot utility and drainage easement adjacent to both sides that creates an effective width of 90 feet of combined road, utility and drainage easement. Front yard setbacks would be measured from the edge of the road easement and are shown on the plat

The County Engineer is recommending that these subdivision roads not be accepted onto the County Secondary Road system. He also had concerns with the impacts of this subdivision road on the rest of the driveways along this stretch of the street. The comments from the County Engineer regarding this subdivision were:

I am concerned about the high density of this subdivision. The traffic that could be generated could likely cause issues with the entrances at other locations and at the Locust St. Y48 intersection. Also, I have spoken with



Kevin Englebrecht about the County taking over these roads. I have said no to that request.

E-911 Addressing and Street Naming

All proposed street names shall conform to the numbering system established for Rural Addressing System for unincorporated Scott County. The north south roads shall be given a number as an “avenue” in accordance with the address grid and east west roads shall be given a number as a “street” in accordance with that grid. Cul de sacs shall have a “Court” or “Place” added to the name. Addresses for each residence will be assigned at the time a building permit is issued.

Protection of Natural Vegetation Cover

There is no existing tree cover that will be impacted by the development of this property.

Storm Water Management

The proposed Preliminary Plat has a common detention pond that would be developed on both this property and a portion of the adjacent West Lake Park property. The comments on this from the Scott County Conservation Director were:

The pond being proposed in the existing creek bottom will have sufficient depth to create a permanent pool of water, making it more correctly labeled as a Retention Pond. As such, it would entail considerably more research to ensure proper DNR/Corps of Engineers permitting can be obtained, and that sufficient safeguards such as signage and fencing, could be put in place to gain Conservation Board approval of an easement or land donation that would not allow recreational use of the pond or create additional liability for the County.

The Subdivision Regulations require that such detention facilities be sufficient to capture the runoff of a “one-hundred (100) year storm”, calculated at post-developed rates and then to release the water at a rate so as not to exceed the volume produced by a “five (5) year storm” when measured at the pre-developed flow rates. Any recommendation to approve this Preliminary Plat would be that an acceptable plan and agreement with the Conservation Department be developed and approved prior to any Final Plat approval.

Erosion and Sediment Control Plan

Staff allowed the preparation and submittal of these plans to be deferred until the road construction plans were prepared and submitted. Road construction plans are not prepared until after Preliminary Plat approval and normally Erosion Control Plans are prepared in conjunction with such construction plans.

Wastewater Disposal and Water Provision

According to the Subdivision Regulations, subdivisions containing fifteen (15) or more lots that are located within ½ mile of a public water utility must connect to such a system for water service. Iowa American Water Company water mains are in the 160th /Locust Street right of way and would be extended to serve this development.



PLANNING & ZONING COMMISSION
STAFF REPORT
February 5, 2019



According to the Subdivision Regulations, subdivisions containing thirty (30) or more lots when median lot size is less than one (1) acre shall provide for common sanitary sewage treatment using the administration rules of the Iowa Department of Natural Resources. The applicant is asking that a variance to the Subdivision Regulations be approved to allow individual on-site septic systems or sand filters to be used for wastewater treatment in this subdivision.

The comments provided by Jack Hoskins, Scott County Health Department stated:

I have looked over the proposed preliminary plat for West Lake Settlement. The number of lots being proposed dictate that a public water supply and a public sewage disposal system are required. The developer will need to coordinate sewage disposal with the Iowa Department of Natural Resources. Water will need to be provided by Iowa American Water.

Since both the applicant and City staff believe it is cost prohibitive to extend City sewer to this development, staff would note there are other systems and designs that could be utilized for this development. The advantage of a system of common waste water treatment is that it would result in the installation of a sewer system that could later be hooked up to the City system come the time City sewer mains were extended to the west side of I-280. Another alternative would be to require the installation of a dry sewer system so that it would be available to use when sewer mains were extended but allow the installation of individual on-site septic systems in the meantime.

Exceptions and Variances

The Subdivision Regulations state that whenever the tract proposed to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Chapter would result in substantial hardships or injustices, the Board of Supervisors upon recommendation of the Planning and Zoning Commission may modify or vary such requirements to the end that the subdivider is allowed to develop the property in a reasonable manner; provided, however, that all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this Chapter and granted with the view toward protecting the public interest and welfare. Any variance recommended by the Planning and Zoning Commission is required to be entered in writing in the minutes of the Planning and Zoning Commission and the reasoning on which the departure was justified shall be set forth.

Any approval of this proposed Preliminary Plat, as submitted, would require the Planning Commission to make its recommendation to the Board of Supervisors on the exception waiving the requirement to provide common waste water treatment facilities for a subdivision containing 30 lots when the median lot size is less than one (1) acre.



City of Davenport Review

This property is adjacent to Davenport city limits. Therefore, review and approval of the Final Plat by the City of Davenport is required. The comments from City Planning staff have been included with this staff report.

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. The Scott County Conservation Director also had comments about fencing between the Park and this property and the controlled burns that are conducted on the Park Property at annual intervals. Staff is recommending that the developer be required to install adequate fencing acceptable to the Conservation Board along the Park boundary and that the subdivision covenants include a disclaimer on controlled burns held on the park property that would provide for a means of notice for the property owners when such burns would be held.

Staff also notified adjacent property owners within five hundred feet (500') of the public hearing before the Planning Commission. Staff has not, as of yet, received any calls or comments on this rezoning request.

RECOMMENDATION: Staff recommends that the Preliminary Plat of West Lake Settlement Subdivision be approved with the following conditions:

1. The Planning Commission recommend that a common waste water treatment system be provided to the subdivision;
2. That storm water management, erosion and sediment control plans be submitted and approved by the County Engineer in conjunction with the road construction plans;
3. That provisions be made and an agreement recorded for both the installation and maintenance of a fence along the common boundary with West Lake Park and the construction, maintenance and control of access to the common retention pond between West Lake Park and the subdivision
4. That a notice and disclaimer be submitted to be included with the private covenants that state controlled burns would be conducted on the native prairie in West Lake Park and that provision for notice to the neighbors of such planned burns be provided;
5. The roads within this subdivision be addressed in compliance with Chapter 8 of the Scott County Code "Rural Addressing System";
6. That the road construction plans be submitted and approved by the County Engineer prior to any road construction;
7. That the private covenants to be filed with the Final Plat include a legal mechanism for road and open space maintenance; and
8. The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

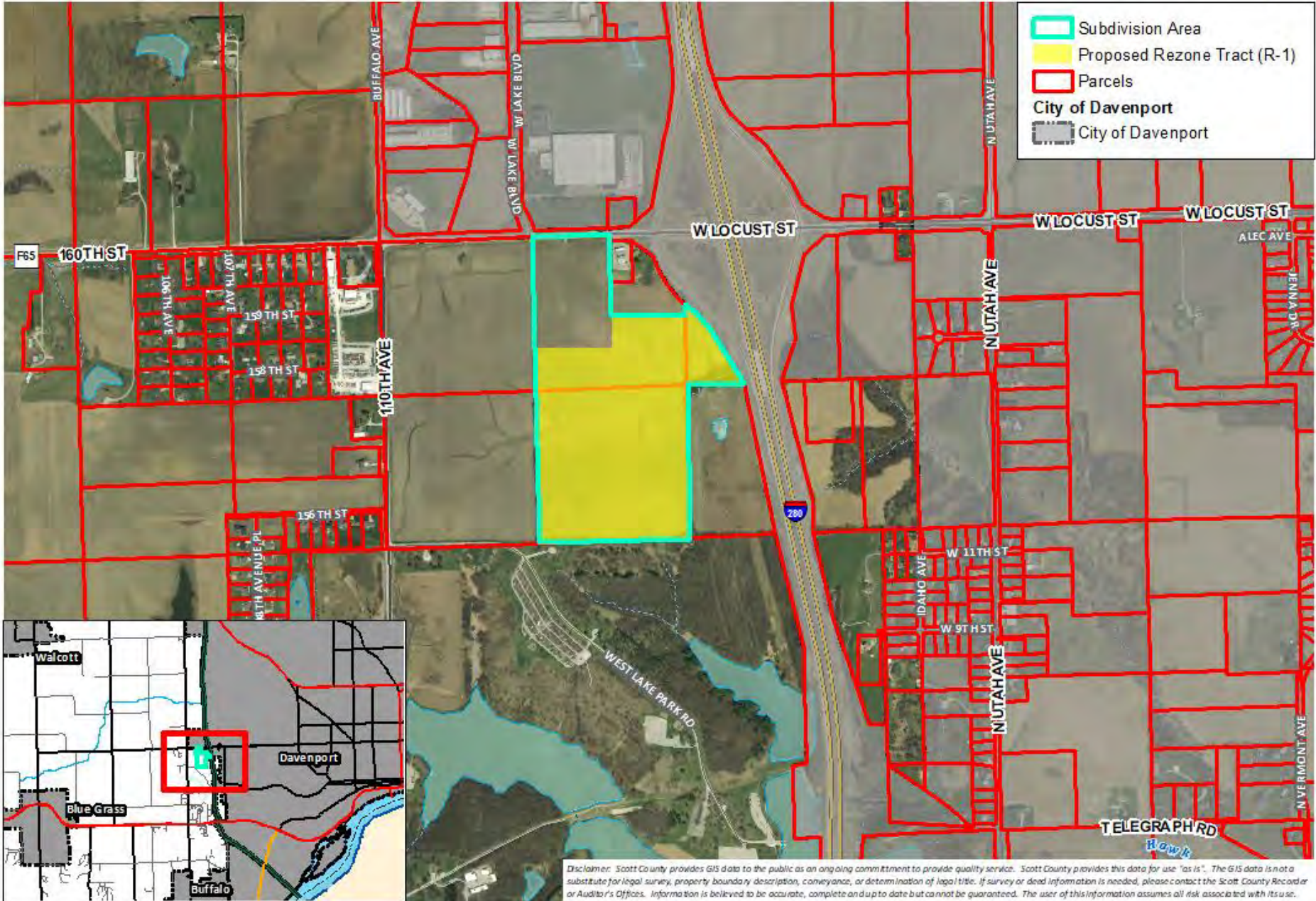
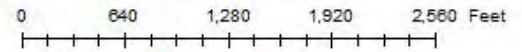
Submitted by:
Timothy Huey, Director
February 1, 2019



Location - Grunwald Land Development, West Lake Settlement

Scott County, Iowa

1 inch = 1,049 feet



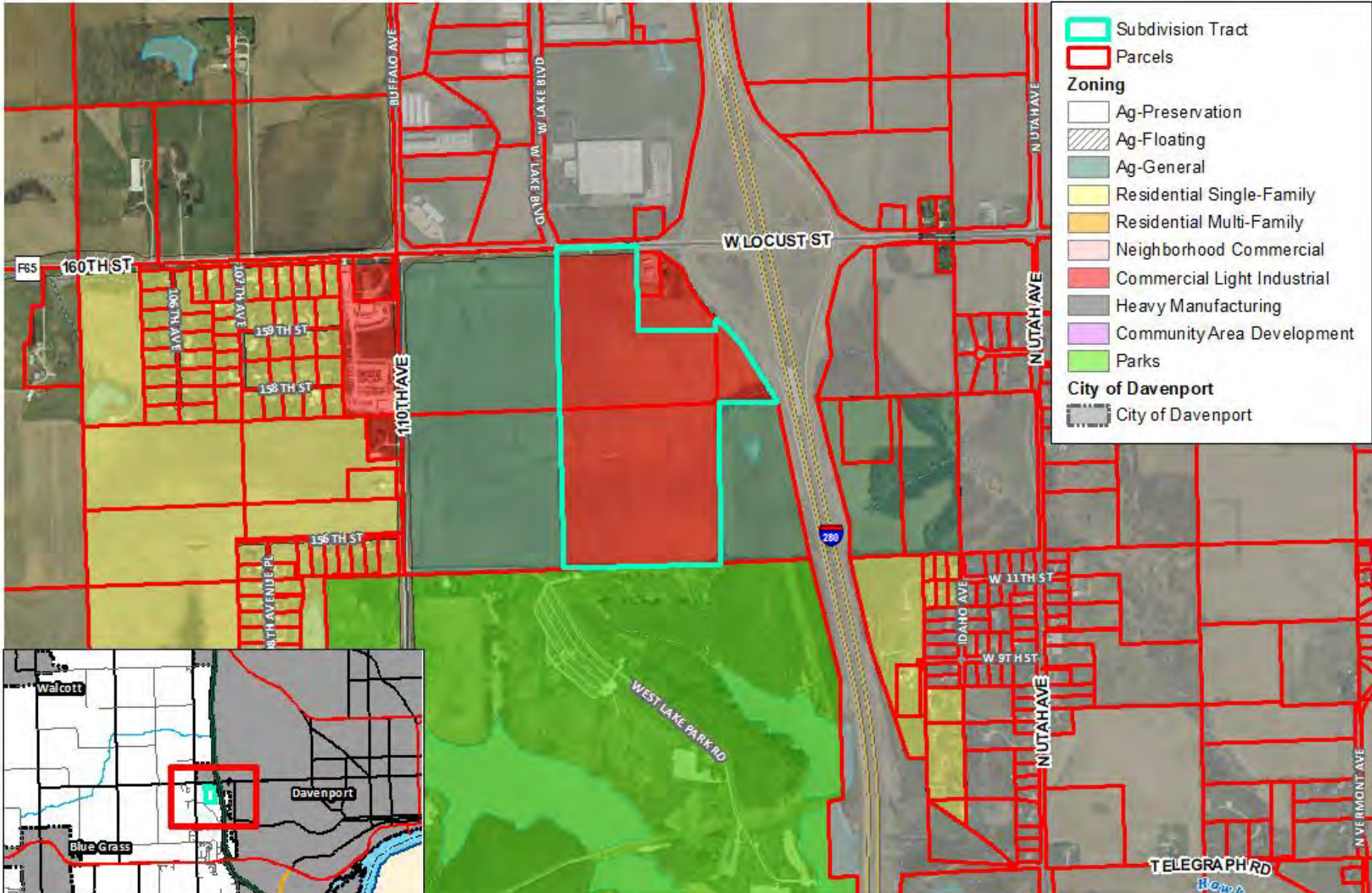
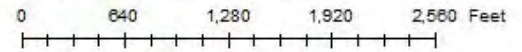
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Existing Zoning - Grunwald Land Development, West Lake Settlement

Scott County, Iowa

1 inch = 1,049 feet



Legend

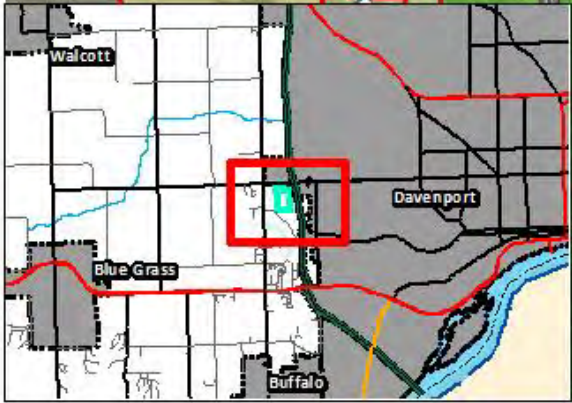
- Subdivision Tract
- Parcels

Zoning

- Ag-Preservation
- Ag-Floating
- Ag-General
- Residential Single-Family
- Residential Multi-Family
- Neighborhood Commercial
- Commercial Light Industrial
- Heavy Manufacturing
- Community Area Development
- Parks

City of Davenport

- City of Davenport

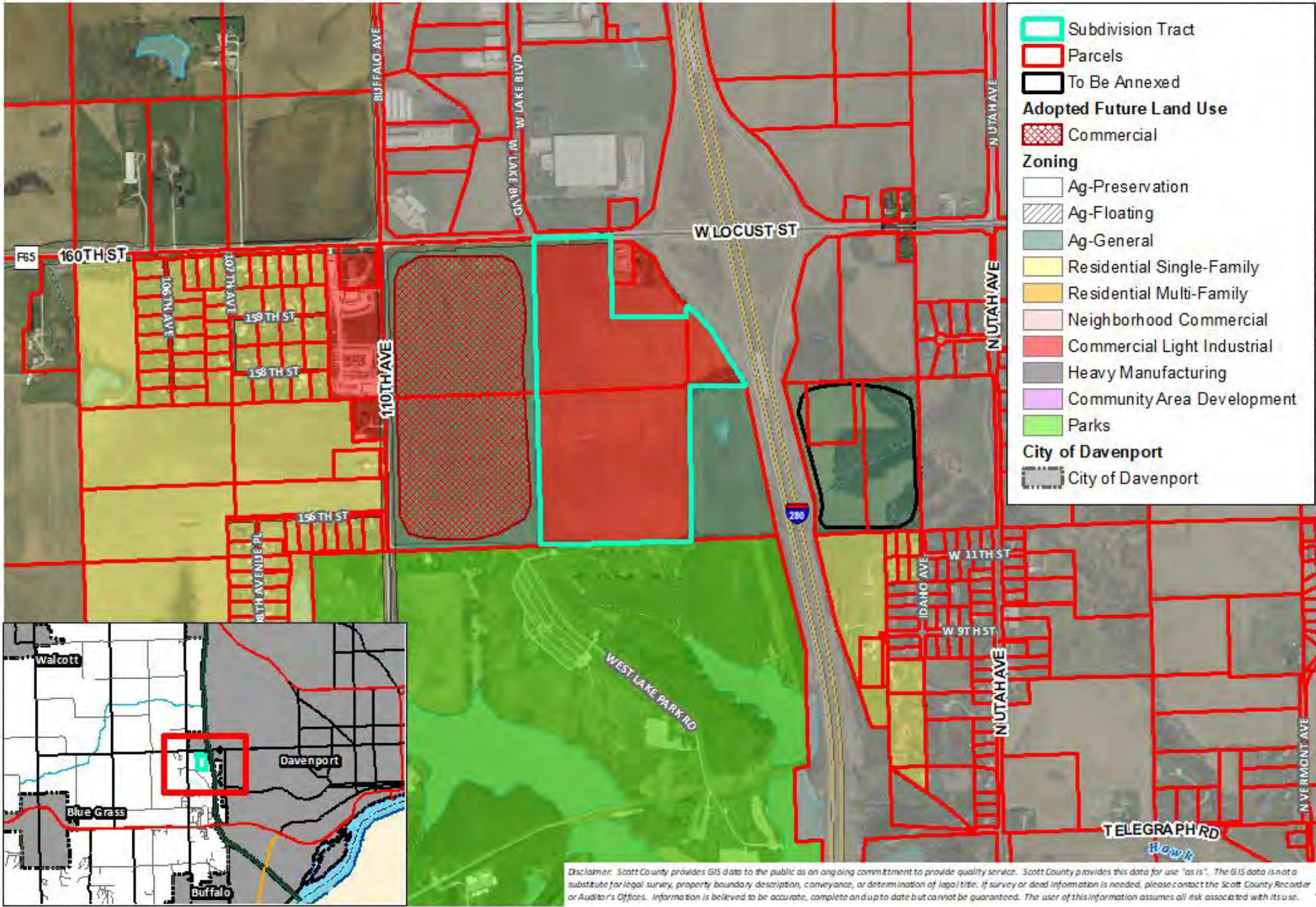
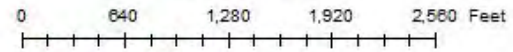


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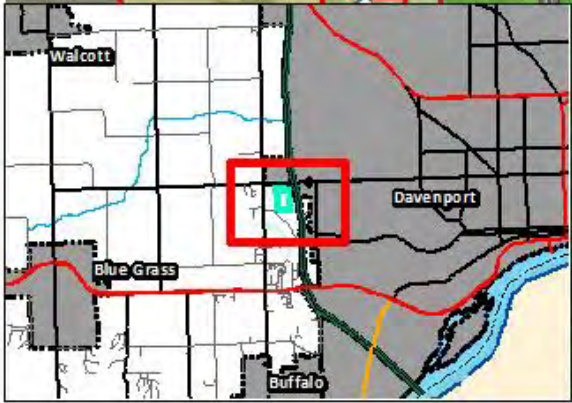


Future Land Use - Grunwald Land Development, West Lake Settlement Scott County, Iowa

1 inch = 1,049 feet



- Subdivision Tract
- Parcels
- To Be Annexed
- Adopted Future Land Use**
- Commercial
- Zoning**
- Ag-Preservation
- Ag-Floating
- Ag-General
- Residential Single-Family
- Residential Multi-Family
- Neighborhood Commercial
- Commercial Light Industrial
- Heavy Manufacturing
- Community Area Development
- Parks
- City of Davenport**
- City of Davenport



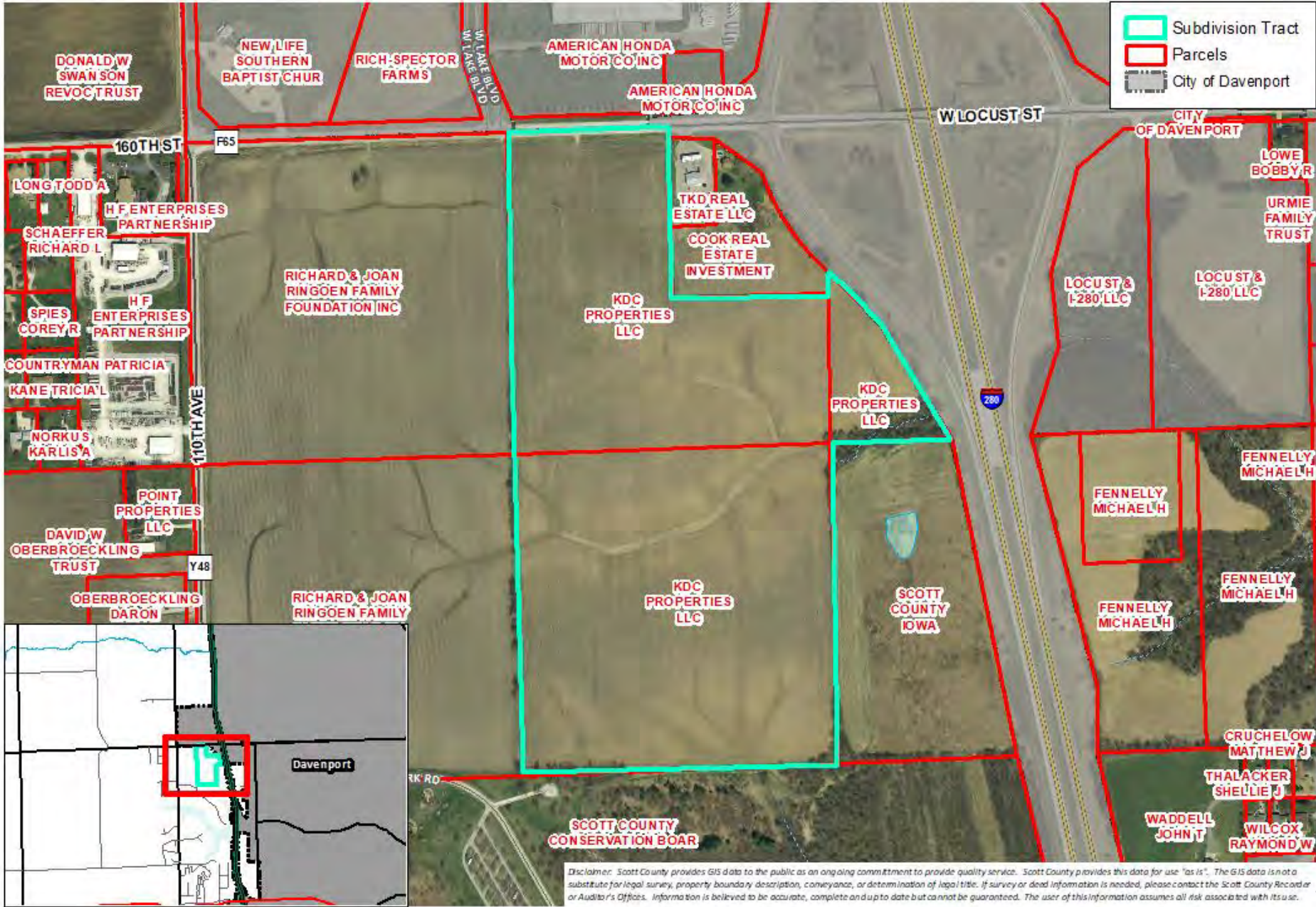
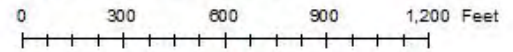
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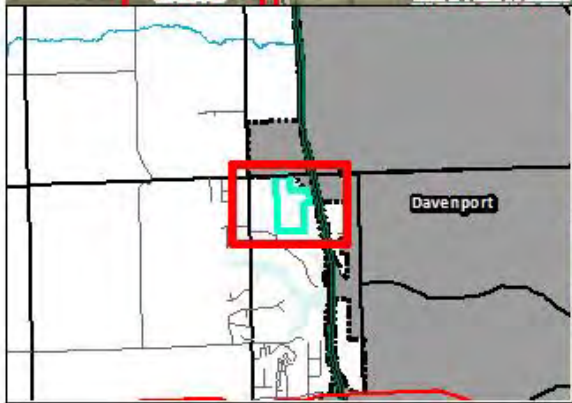
Ownership - Grunwald Land Development, West Lake Settlement

Scott County, Iowa

1 inch = 500 feet



- Subdivision Tract
- Parcels
- City of Davenport



SCOTT COUNTY CONSERVATION BOARD

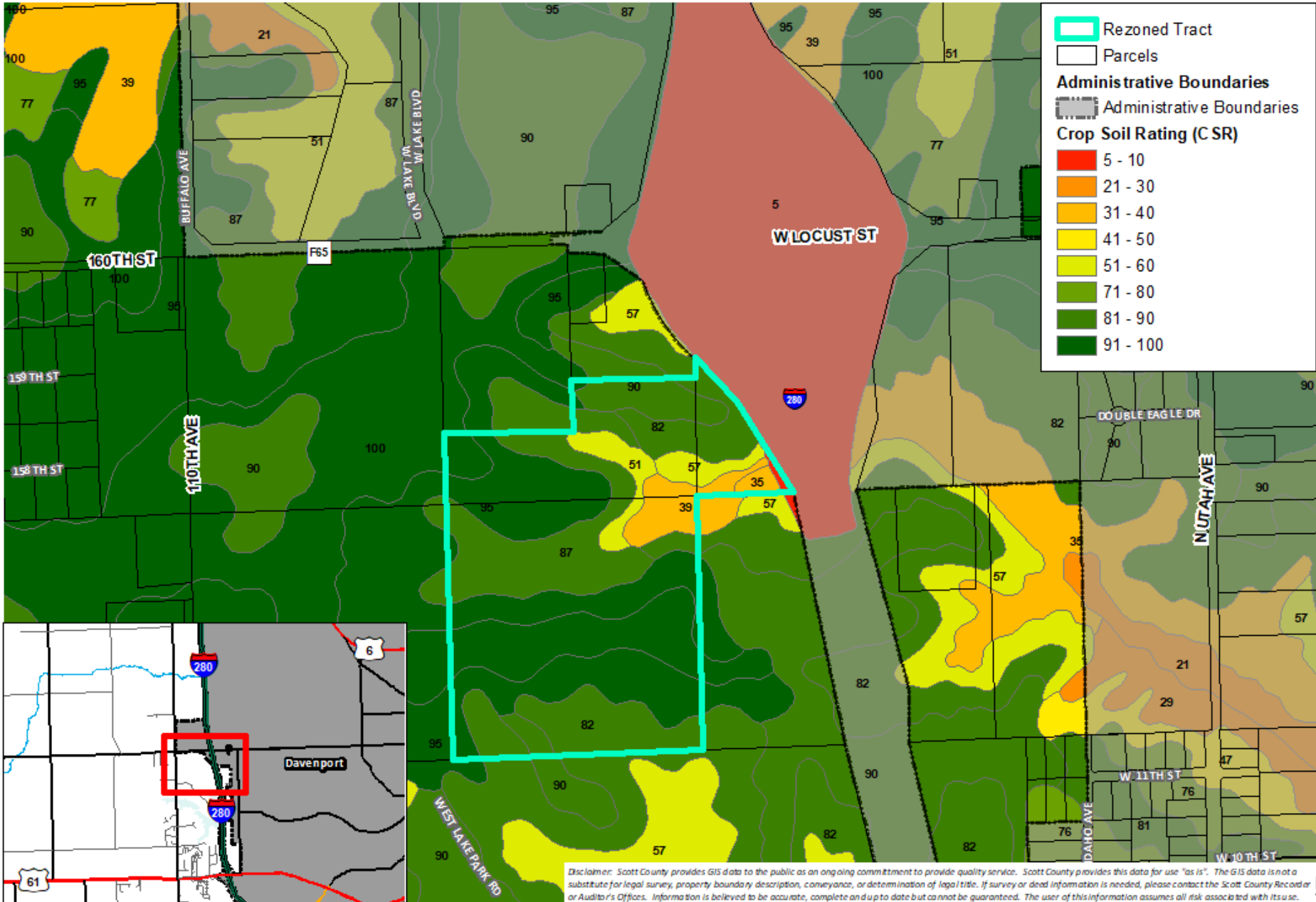
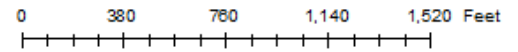
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Location - Grunwald Land Development Proposed Rezoning

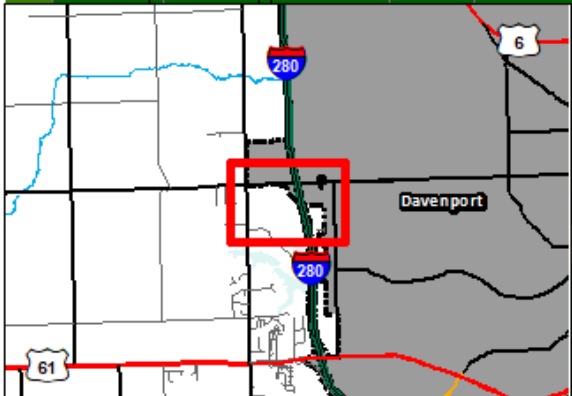
Scott County, Iowa

1 inch = 629 feet



Legend

- Rezoned Tract
- Parcels
- Administrative Boundaries**
- Administrative Boundaries
- Crop Soil Rating (C SR)**
- 5 - 10
- 21 - 30
- 31 - 40
- 41 - 50
- 51 - 60
- 71 - 80
- 81 - 90
- 91 - 100



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Looking East onto Locust Street



Looking South from Locust Street



Looking North from West Lake Park



Looking West-Southwest onto Locust Street



Looking East-Southeast onto Locust Street

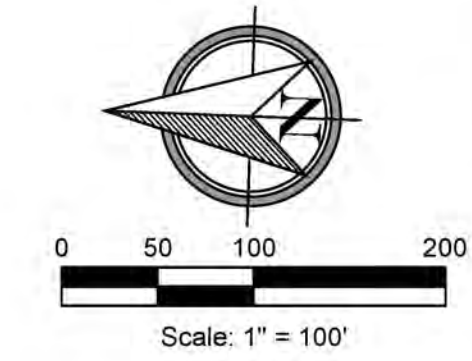
OPEN SPACE REQUIRED (50 LOTS):
 10,000 SF (FIRST 15 LOTS)
 84,000 SF (2,000 SF X 32 ADD'L LOTS)
 74,000 SF TOTAL REQUIRED

OPEN SPACE PROVIDED:
 55,800 SF (PARK AREA - OUTLOT C)
 26,895 SF (PARK AREA - OUTLOT D)
 82,695 SF TOTAL PROVIDED

OWNER
 KDC PROPERTIES, LLC
 ATTN: KEVIN ENGELBRECHT
 ELDRIDGE, IA 52748

DEVELOPER
 GRUNWALD LAND DEVELOPMENT
 ATTN: DALE GRUNWALD
 409 S. SCHULTZ DRIVE
 LONG GROVE, IA 52766

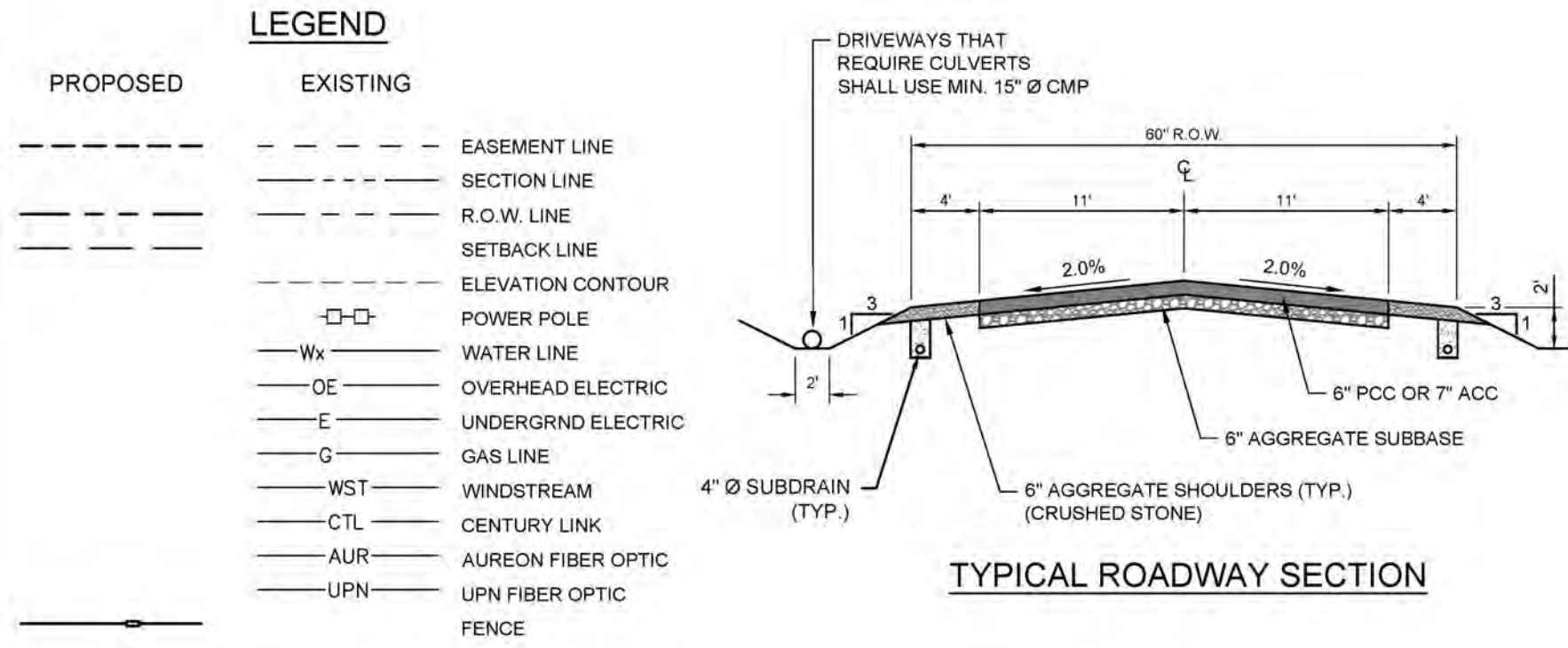
PRELIMINARY PLAT OF WEST LAKE SETTLEMENT SCOTT COUNTY, IOWA



j+m
 civil design llc

2550 middle road, ste. 300
 bettendorf, ia 52722

www.jmcivildesign.com



- GENERAL NOTES**
- THE PROPERTY CURRENTLY HAS DIRECT PHYSICAL ACCESS TO LOCUST STREET, AND A DEDICATED PUBLIC STREET OR HIGHWAY.
 - THE PHYSICAL SITE ADDRESS WAS NOT OBSERVED ON-SITE AS THIS PARCEL OF LAND IS UNDEVELOPED. PARCEL CONTAINS APPROXIMATELY 73.4 ACRES.
 - THE PROPERTY IS CURRENTLY ZONED AS C-2 AND TAXED AS A-1. PROPOSED ZONING FOR THE PROPERTY WILL BE C-2 IN COMMERCIAL AREA (OUTLOTS A & B) AND R-1 FOR RESIDENTIAL LOTS, INCLUDING OUTLOTS C & D.
 - EXISTING TOPOGRAPHIC SURVEY IS FROM SCOTT COUNTY GIS WITH LEGAL DESCRIPTION PREPARED USING SCOTT COUNTY GIS INFORMATION AND AVAILABLE RECORDS. A FORMAL METES AND BOUNDS SURVEY WILL BE COMPLETED AT TIME OF FINAL PLATTING.
 - NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
 - NO OBSERVABLE EVIDENCE OF CHANGES IN STREET RIGHT OF WAY LINES COMPLETED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION AND NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
 - NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
 - THERE IS NO VISIBLE EVIDENCE OF CEMETERIES ON THE SUBJECT PROPERTY AT THE TIME OF SURVEY.
 - THIS PROPERTY WILL BE SERVICED BY IOWA-AMERICAN WATER AND PRIVATE SEPTIC SYSTEMS.
 - DRAINAGE EASEMENTS ARE SHOWN AS APPROXIMATE. FINAL LOCATION AND DIMENSIONS WILL BE ESTABLISHED WITH FINAL DESIGN AND PRIOR TO FINAL PLATTING.

LEGAL DESCRIPTION - TRACT C

The East Half of the Northwest Quarter of Section 25, Township 78 North, Range 2 East of the 5th P.M., Scott County, Iowa, excepting therefrom 10 acres situated in the northeast corner thereof being more particularly described as beginning at the northeast corner of the Northwest Quarter of said Section 25; thence South 0° 49' West 705 feet; thence West 660 feet; thence North 0° 49' East 705 feet; thence East 660 feet to the point of beginning.

ALSO INCLUDING:

Part of the Northwest Quarter of the Northeast Quarter of said Section 25 lying southwesterly of a line beginning at the point of intersection of the southwesterly right of way line of Interstate Route No. 280 with the west line of the Northeast Quarter of said Section 25; thence South 43° 10' 30" East 307.4 feet along said right of way line; thence South 30° 51' 30" East 553.8 feet along said right of way line to a point on the south line of the Northwest Quarter of the Northeast Quarter of said Section 25 and 494.4 feet easterly of the southwest corner of the Northwest Quarter of the Northeast Quarter of said Section 25.



revision	date	LOT LINES AND SIZES; ADD FENCE; REV. STREET NAMES	LOT LINES AND SIZES; SUBDRAIN ON TYP SECTION
1	02.05.2019		
2	02.13.2019		

PRELIMINARY PLAT
 West Lake Settlement
 Davenport, Iowa

Grunwald Land Development

Project no. 18-024
 drawn by: cam
 checked by: baj
 date: 01-09-2019

Preliminary Plat