

**On September 24, 2021, the applicant for Rezoning application PZC-21-28097 – David Brown, on behalf of Bernard and Nancy Brown – filed an amendment to said application. The amendment increases the area the applicant is proposing to rezone to R3-Residential.**

**To ensure transparency this file shows the full resubmittal filed September 24, 2021 in addition to the full initial submittal filed July 8, 2021. There is an insert below (on page 18 of this PDF document) indicating the start of the initial submittal materials.**



September 24, 2021

Mr. Josh Busard  
Jo. Co. Planning, Development, & Sustainability Dept.  
913 S. Dubuque St, Suite 204  
Iowa City, IA 52240

RE: Brown FLUM and Rezoning

Dear Josh:

Attached is a revised FLUM and Rezoning Exhibit for the Brown application, along with the full submittal packets. The Rezoning Exhibit revision was necessary to ensure that the intended lots will not have dual zoning or dual land use designations. Nothing has changed regarding the amount of land to be set aside for preservation. Limits of disturbance and preservation standards for each lot will be required per applicant's proposed Conditional Zoning Agreement and as set forth in the Sensitive Areas Exhibit.

Legal descriptions of the revised areas are attached in Word format. One paper copy of each exhibit will be delivered today.

In addition, a revised Conditional Zoning Agreement has been included changing the conditional approval language relating to Seneca Road. Specifically, paragraph 4(f) now states:

(f) The County may, at the time of subdivision of the Property, reasonably condition subdivision of the Property upon Seneca Road meeting county road standards.

In all other respects, the packets remain the same as those originally submitted.

Please let me know if you have further questions.

Respectfully submitted,

Gina Landau

10831-001CoverLetter.docx

Environmental Specialists

Landscape Architects

Land Planners

Land Surveyors

Civil Engineers

Office Use Only		\$	
	<i>Date Filed</i>	<i>Fee</i>	<i>Application Number</i>



**JOHNSON COUNTY, IOWA**  
**APPLICATION FOR: ZONING AMENDMENT**

Application is hereby made to:

- Reclassify certain property on the Johnson County Zoning Map.**
- Amend the text of the Johnson County Unified Development Ordinance (UDO)**

**For Map Changes Only:**

The property to be rezoned is located at (street address if available or layman's description):  
 1605 Seneca Road NW, Swisher, IA 52338

Parcel Number(s) (legal description must also be attached): 0317377001 & 0320201001

The area to be rezoned is comprised of 60.85 \_ total acres.

Current Zoning Classification(s): Ag Proposed Zoning Classification(s): R3 & ERP

**For Text Amendments Only:**

The amendment(s) propose changes to the following sections of the UDO (please be as specific as possible, and provide the specific code reference):

**PLEASE PRINT OR TYPE**

The undersigned affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this application being submitted, and said owners hereby give their consent for the office of Johnson County Planning, Development, and Sustainability to conduct a site visit and photograph the subject property.

Bernard & Nancy Brown

*Name of Owner*

Dave Brown

*Name of Applicant (if different)*

6150 Village View Dr. Suit 113, West Des Moines, IA 50266

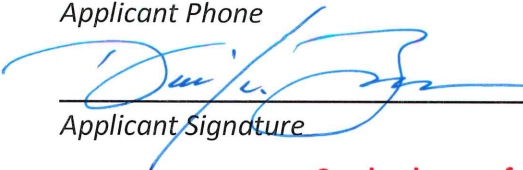
*Applicant Street Address (including City, State, Zip)*

515-279-1111

*Applicant Phone*

dabrown47@gmail.com

*Applicant Email*

  
*Applicant Signature*

**[See back page for Application Submittal Requirements and Checklist](#)**

The following items must be submitted for the application to be complete. Incomplete applications will be returned and will not be considered until the next submission deadline. If working with an engineer who can provide CAD or GIS line work, electronic submissions should be submitted in accordance with the PDS department's electronic submission guidelines (see below). Preference is that electronic submission is provided prior to hard copy submission, or the day after the posted submission deadline.

**Initial each item below** to confirm that you are aware of the submittal requirements for an application to be considered complete.

- DB A brief cover letter explaining the application and outlining the intended end use. If the request includes multiple proposed zoning classifications, the letter should include a breakdown of the number of acres being changed to each zoning designation requested.
- DB Resolution Affirming the Stability of the Road System (signed and notarized).
- DB Ten (10) copies of the rezoning exhibit (and any other sheets larger than 11x17).
- DB The names and addresses of owners of all property within five hundred (500) feet of the parcel being rezoned.
- DB A map of sufficient size to show the property for rezoning out-lined in red and the property within 500 feet of the property for rezoning outlined in blue.
- DB Application Fee (varies based on nature of application) is due at the time of submittal.  
Fee submitted: \_\_\_\_\_
- DB Proof of application to Johnson County Public Health for a Public Health Zoning Application.

**(Optional) Electronic Submission Requirements** – If an electronic submission of a rezoning exhibit is being submitted, it should conform with the following:

- \_\_\_\_\_ Electronic or digitized copy (CAD line work or GIS geodatabase) of proposed plat in .dwg format (.dxf is also acceptable if .dwg is not an option. No .zip files will be accepted).
- Submission must be saved in AutoCAD 2007 or older format
  - Submissions must use Coordinate System: NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet
  - If applicable, submission should include information for Sensitive Areas Analysis/Mapping and Stormwater/Soil Erosion Control infrastructure on the site. This includes any limits of disturbance or other impact areas.
  - Submission should NOT include legends, legal descriptions, location maps, signature blocks, etc.

## **APPLICATION FOR: ZONING AMENDMENT**

The Applicant, David Brown, has proposed to change the Property classification in the Johnson County FLUM from Agricultural to Residential and Preservation, contemporaneous to a rezoning to Environmental Resources Preservation (“ERP”) and R-3, with limits on the area of disruption within buildable lot zones. As depicted in the attached Rezoning Exhibit Application (page 4), Applicant proposes that the lot areas colored yellow be designated Residential with the lot areas shaded in pink being designated ERP. Sensitive areas to be protected under this Rezoning change are set forth below (page 5).

The Applicant desires to work with Johnson County to impose restrictions on the Property as a condition of this approval process, including FLUM Amendment approval and of a Conditional Zoning Agreement (draft at Exhibit “A”) to guaranty the restrictions, including limits on the number of lots, limits on the area of disturbance, statutory requirements for protected areas and preservation, and other similar matters.

The Conditional Zoning Agreement limits the number of lots to 8 single-family lots (3-5 acres each, including protected areas, and consistent with neighboring properties) and preservation outlots (approximately 30 acres). Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties. The preservation outlots will be subjected to statutory requirements that will fully preserve the property.

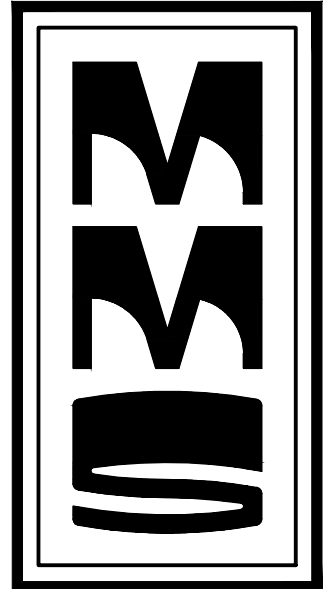
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THIS EXHIBIT HAS BEEN PREPARED FROM DEEDS AND PLATS OF RECORD. A FIELD SURVEY WILL BE REQUIRED TO CONFIRM PROPERTY BOUNDARIES.

# REZONING EXHIBIT

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, ALL OF TOWNSHIP 81 NORTH, RANGE 7 WEST, OF THE FIFTH PRINCIPAL MERIDIAN

## JOHNSON COUNTY, IOWA



CIVIL ENGINEERS  
LAND PLANNERS  
LAND SURVEYORS  
LANDSCAPE ARCHITECTS  
ENVIRONMENTAL SPECIALISTS  
1917 S. GILBERT ST.  
IOWA CITY, IOWA 52240  
(319) 351-8282  
www.mmsconsultants.net

### LEGEND AND NOTES

- ▲ CONGRESSIONAL CORNER, FOUND
- CONGRESSIONAL CORNER, REESTABLISHED
- CONGRESSIONAL CORNER, RECORDED LOCATION
- PROPERTY CORNER(S), FOUND (as noted)
- PROPERTY CORNER(S) SET (5/8" Iron Pin w/ yellow, plastic LS Cap embossed with "MMS")
- CUT "X"
- PROPERTY &/or BOUNDARY LINES
- CONGRESSIONAL SECTION LINES
- RIGHT-OF-WAY LINES
- CENTER LINES
- LOT LINES, INTERNAL
- LOT LINES, PLATTED OR BY DEED
- EASEMENT LINES, WIDTH & PURPOSE NOTED
- EXISTING EASEMENT LINES, PURPOSE NOTED
- RECORDED DIMENSIONS
- MEASURED DIMENSIONS
- CURVE SEGMENT NUMBER

(R)  
(M)  
C22-1

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS

### DESCRIPTION - REZONING PARCEL #1

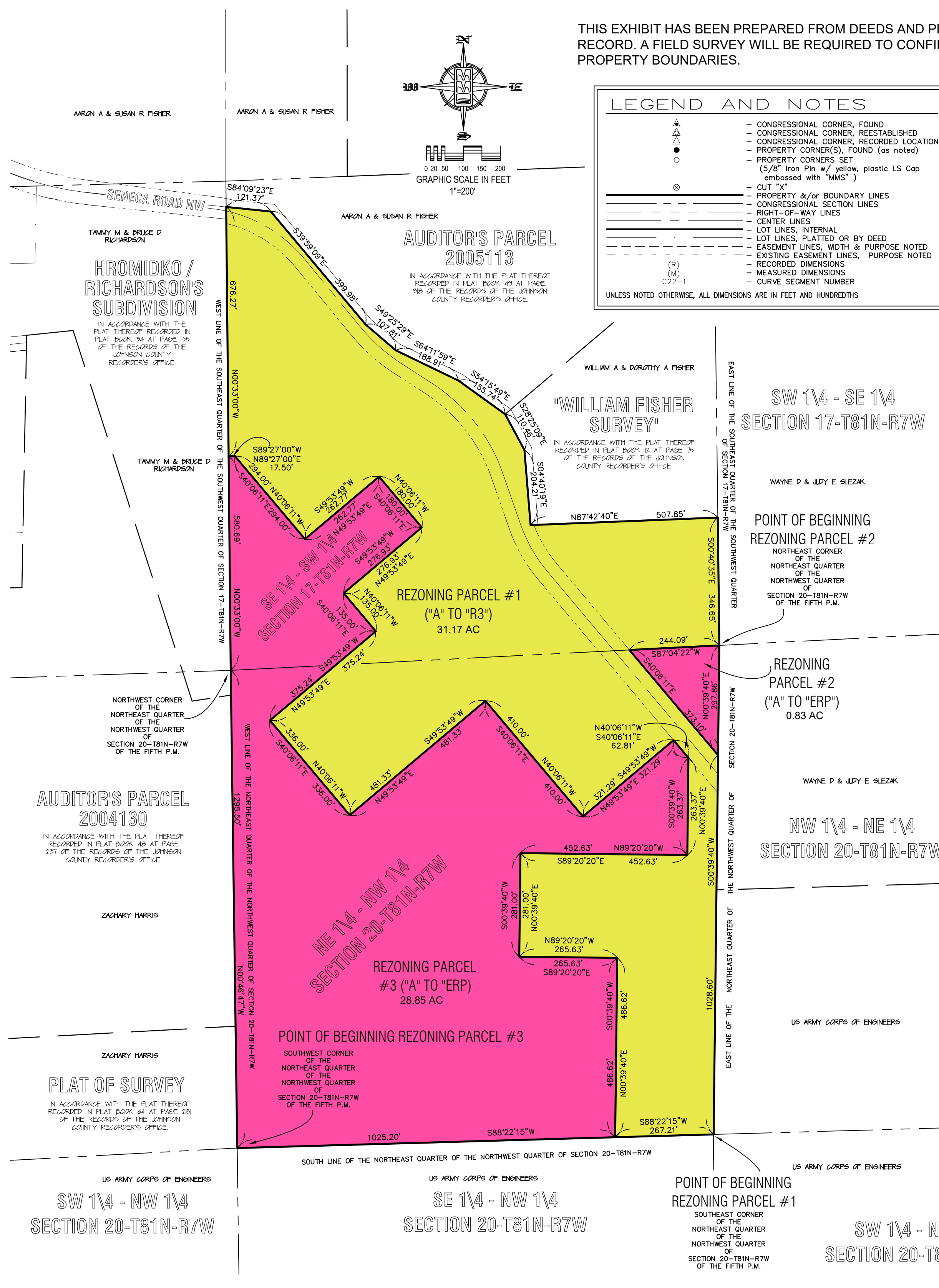
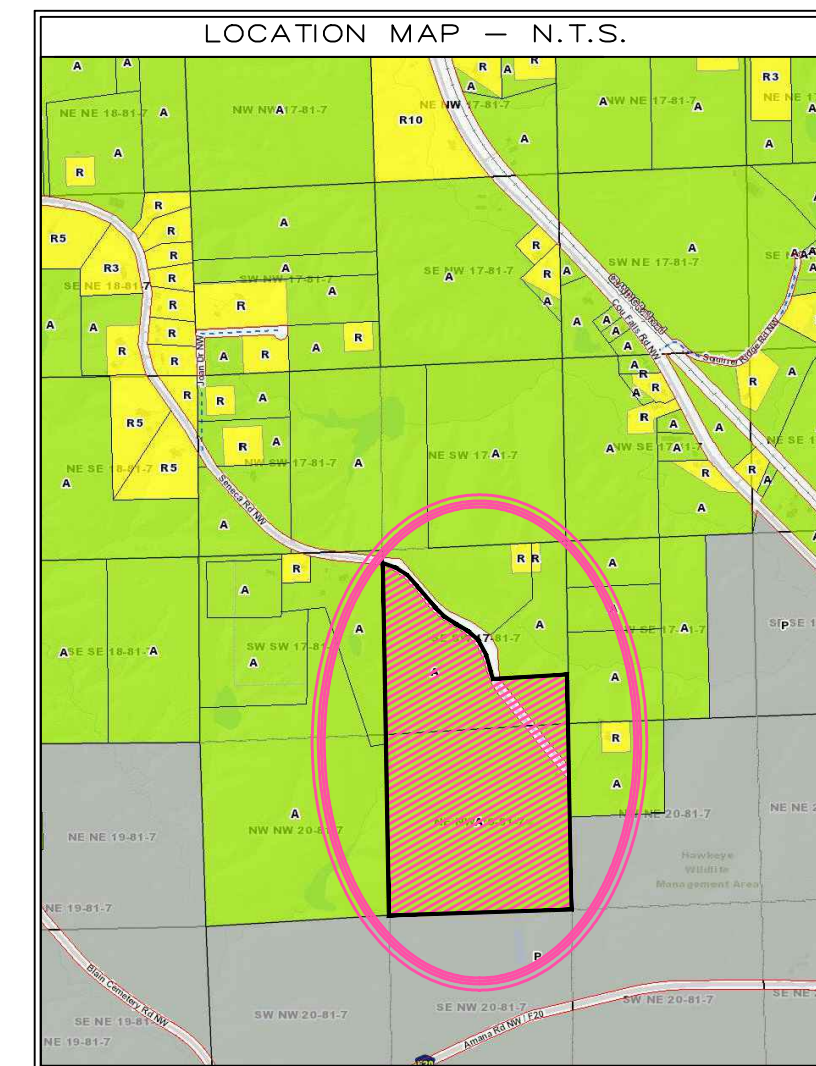
Beginning at the Southeast Corner of the Northeast Quarter of the Northwest Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence S88°22'15"W, along the South Line of said Northeast Quarter of the Northwest Quarter, 267.21 feet; Thence N00°39'40"E, 486.62 feet; Thence N89°20'20"W, 265.63 feet; Thence N00°39'40"E, 281.00 feet; Thence S89°20'20"E, 452.63 feet; Thence N00°39'40"E, 263.37 feet; Thence N40°06'11"W, 62.81 feet; Thence S49°53'49"W, 321.29 feet; Thence N40°06'11"W, 410.00 feet; Thence S49°53'49"W, 481.33 feet; Thence N40°06'11"W, 336.00 feet; Thence N49°53'49"E, 375.24 feet; Thence N40°06'11"W, 135.00 feet; Thence N49°53'49"E, 276.93 feet; Thence N40°06'11"W, 180.00 feet; Thence S49°53'49"W, 262.77 feet; Thence N40°06'11"W, 294.00 feet; Thence S89°27'00"W, 17.50 feet, to a Point on the West Line of the Southeast Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence N00°33'00"W, 67.26 feet, to its intersection with the Southerly Line of Auditor's Parcel 2005113, in accordance with the Plat thereof Recorded in Plat Book 49 at Page 318 of the Records of the Johnson County Recorder's Office; Thence S84°09'23"E, along said Southerly Line, 121.37 feet; Thence S39°59'09"E, along said Southerly Line, 399.98 feet; Thence S49°25'29"E, along said Southerly Line, 107.81 feet; Thence S64°11'59"E, along said Southerly Line, 188.91 feet; Thence S54°15'49"E, along said Southerly Line, 155.74 feet, to the Southern most corner thereof, and a Point on the South Line of "William Fisher Survey", as Recorded in Plat Book 12, at Page 75 of the Records of the Johnson County Recorder's Office; Thence S28°25'09"E, along said South Line, 110.46 feet; Thence S04°40'19"E, along said South Line, 204.21 feet; Thence N87°42'40"E, along said South Line, 507.85 feet, to the Southeast Corner thereof, and a Point on the East Line of the Southeast Quarter of the Southwest Quarter of said Section 17; Thence S00°40'35"E, along said East Line, 346.65 feet, to the Northeast Corner of the Northeast Quarter of the Northwest Quarter of said Section 20; Thence S87°04'22"W, 244.09 feet, to a Point on the Northeasterly Right-of-Way Line of Seneca Road NW; Thence S40°06'11"E, along said Northeasterly Right-of-Way Line, 373.10 feet, to its intersection with the East Line of the Northeast Quarter of the Northwest Quarter of Auditor's Parcel 2005113, in accordance with the Plat thereof Recorded in Plat Book 49 at Page 318 of the Records of the Johnson County Recorder's Office; Thence S00°39'40"W, along said East Line, 1028.60 feet, to the Point of Beginning. Said Rezoning Parcel contains 31.17 Acres, and is subject to easements and restrictions of record.

### DESCRIPTION - REZONING PARCEL #2

Beginning at the Northeast Corner of the Northeast Quarter of the Northwest Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence S87°04'22"W, 244.09 feet, to a Point on the Northeasterly Right-of-Way Line of Seneca Road NW; Thence S40°06'11"E, along said Northeasterly Right-of-Way Line, 373.10 feet, to its intersection with the East Line of the Northeast Quarter of the Northwest Quarter of said Section 20; Thence N00°39'40"E, along said East Line, 297.86 feet, to the Point of Beginning. Said Rezoning Parcel contains 0.83 Acre, and is subject to easements and restrictions of record.

### DESCRIPTION - REZONING PARCEL #3

Beginning at the Southwest Corner of the Northeast Quarter of the Northwest Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence N00°46'47"W, along the West Line of the Northeast Quarter of the Northwest Quarter of said Section 20, a distance of 1295.50 feet, to the Northwest Corner thereof; Thence N00°33'00"W, along the West Line of the Southeast Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian, 580.69 feet; Thence N89°27'00"E, 17.50 feet; Thence S40°06'11"E, 294.00 feet; Thence N49°53'49"E, 262.77 feet; Thence S40°06'11"E, 180.00 feet; Thence S49°53'49"W, 276.93 feet; Thence S40°06'11"E, 135.00 feet; Thence S49°53'49"W, 375.24 feet; Thence S40°06'11"E, 336.00 feet; Thence N49°53'49"E, 481.33 feet; Thence S40°06'11"E, 410.00 feet; Thence N49°53'49"E, 321.29 feet, to a Point on the Southwesterly Right-of-Way Line of Seneca Road NW; Thence S40°06'11"E, along said Southwesterly Right-of-Way Line, 62.81 feet; Thence S00°39'40"W, 263.37 feet; Thence N89°20'20"W, 452.63 feet; Thence S00°39'40"W, 281.00 feet; Thence S89°20'20"E, 265.63 feet; Thence S88°22'15"W, along said South Line, 1025.20 feet, to the Point of Beginning. Said Rezoning Parcel contains 28.85 Acres, and is subject to easements and restrictions of record.



Date	Revision

### REZONING EXHIBIT

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, ALL OF TOWNSHIP 81 NORTH, RANGE 7 WEST, OF THE FIFTH PRINCIPAL MERIDIAN

JOHNSON COUNTY  
IOWA  
MMS CONSULTANTS, INC.

Date:	06-28-2021
Designed by:	GLL
Field Book No.:	
Drawn by:	RLW
Scale:	1"=200'
Checked by:	GDM
Sheet No.:	1
Project No.:	10831-001
of:	1

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#### DESCRIPTION – FLUM AND REZONING PARCEL #1

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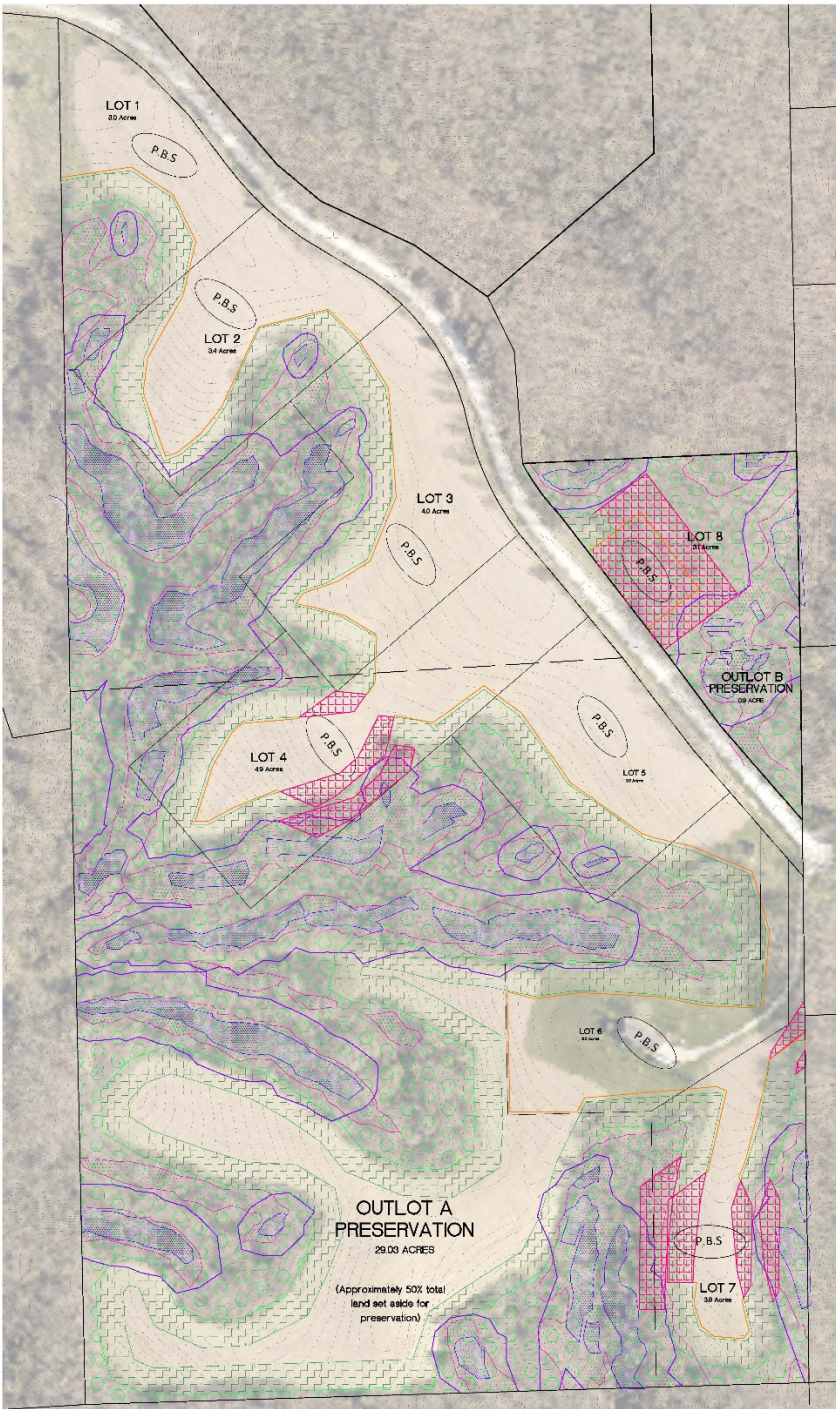
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### SENSITIVE AREAS LEGEND

- Vertical hatched (Pink): Vertical Riparian Zone
- Horizontal hatched (Yellow): Horizontal Riparian Zone
- Blue wavy lines: Riparian Zones
- Green wavy lines: Wetlands
- Pink hatched: Sensitive Areas (100' Buffer)
- Yellow hatched: Sensitive Areas (50' Buffer)

- ### NOTES:
- APPROXIMATELY 43.8% ACRES OF LAND (79% OF TOTAL TRACT) FALLS OUTSIDE OF THE LIMITS OF DISTURBANCE AND WILL BE PRESERVED AS PART OF THIS SUBDIVISION PROPOSAL.
  - 0.517% ALL WOODLAND IMPACTS PROPOSED AS A RESULT OF THIS SUBDIVISION PROPOSAL.
  - 0.78% ONLY 0.71 ACRES OF TREES AND WOODLAND ARE NOT PROPOSED FOR REMOVAL AND IMPACTS SHOWN ON LOT ARE THE RESULT OF BUFFER ESTABLISHMENT.



**M&S CONSULTANTS, INC.**  
 ENGINEERS  
 LAND SURVEYORS  
 LANDSCAPE ARCHITECTS  
 ENVIRONMENTAL SCIENTISTS  
 PLANNERS  
 1000 N. W. 10th St., Suite 200  
 Ft. Lauderdale, FL 33304  
 PHONE: (954) 562-1100  
 FAX: (954) 562-1101

### SENSITIVE AREAS CONCEPT

**DAVID BROWN**  
 SENECA RD NW  
 SECTION 28-16-16W  
 JOHNSON COUNTY  
 IOWA

**M&S CONSULTANTS, INC.**

NO.	DATE	DESCRIPTION
1	10/20/11	CONCEPT
2	10/20/11	CONCEPT
3	10/20/11	CONCEPT

10/20/11-001

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Prepared by and Return to:

## **CONDITIONAL ZONING AGREEMENT**

**THIS AGREEMENT** (this "Agreement") is made by **JOHNSON COUNTY, IOWA** (the "County") and **BERNARD BROWN** and **NANCY BROWN** ("Owners").

**WHEREAS**, Owners are the legal titleholders of approximately 62.4 acres of real property located on Seneca Road NW, legally described on the attached **Exhibit A** and graphically depicted on **Exhibit B** (the "Property"); and

**WHEREAS**, Owners have filed Zoning Application PZC-21-\_\_\_\_\_ requesting the rezoning of the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential.

**WHEREAS**, the Johnson County Planning and Zoning Commission has determined that the proposed rezoning request comports with the County's comprehensive plan as embodied in 2008 Johnson County Land Use Plan and related documents provided that it meets certain conditions; and

**WHEREAS**, Iowa Code Section 335.7 provides that the Board of Supervisors may impose reasonable conditions on granting a rezoning request over and above existing regulations in order to satisfy public needs which are directly caused by the requested zoning change; and

**WHEREAS**, Owners acknowledge that certain conditions on the granting the rezoning request are reasonable to ensure the development of the Property addresses these public needs and is consistent with the comprehensive plan and its requirements; and

**WHEREAS**, Owners and the County have agreed it is appropriate to rezone the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential subject to certain conditions to ensure appropriate development of the Property.

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Owners is the legal titleholder of the Property.
2. The County agrees that Owners' rezoning request shall be approved and the Property shall be rezoned from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential with limits on the area of disruption within buildable lot zones as requested in Zoning Application PZC-21-\_\_\_\_\_ subject to this Agreement.
3. Owners acknowledges the County wishes to ensure conformance to the principles of the comprehensive plan. Further, the parties acknowledge Iowa Code Section 335.7 provides the County may impose reasonable conditions on a rezoning request, over and above the existing regulations, in order to satisfy public needs directly caused by the requested zoning change.
4. In consideration of the County's rezoning of the Property, Owners agree development of the Property will conform to all other requirements of the Johnson County Unified Development Ordinance, as may be amended from time to time, as well as the following conditions:
  - a. The Property will have no more than eight (8) buildable lots (3-5 acres each) upon future subdivision of the Property.
  - b. The buildable lots will have limits on the area of disturbance and requirements for protected areas upon future subdivision of the Property.
  - c. The Property will have preservation outlots, as depicted on **Exhibit C**, which will be subjected to statutory preservation requirements.
  - d. Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties, as depicted in Preservation Exhibit on **Exhibit C**.
  - e. Sensitive areas impact will not exceed statutory limits, as depicted in the Sensitive Areas Concept on **Exhibit D**.
  - f. The County may, at the time of subdivision of the Property, reasonably condition subdivision of the Property upon Seneca Road meeting county road standards.
  - g. Existing uses for the Property may continue until future development occurs.
5. Owners and the County acknowledge that the conditions contained herein are reasonable conditions to impose on the Property under Iowa Code Section 335.7 and that the conditions satisfy public needs caused by the requested zoning change.
6. Owners and the County acknowledge that in the event the Property is transferred, sold, redeveloped or subdivided, all new development will conform to the terms of this Agreement.

7. The parties acknowledge this Agreement shall be deemed to be a covenant running with the land and with title to the land, and shall remain in full force and effect as a covenant with title to the land, unless or until released of record by the County. The parties further acknowledge that this Agreement shall inure to the benefit of and bind all successors, representatives, and assigns of the parties.

8. Owners acknowledges nothing in this Agreement shall be construed to relieve Owners from complying with all other applicable local, state and federal regulations.

[SEPARATE SIGNATURE PAGES FOLLOW]

JOHNSON COUNTY, IOWA

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

STATE OF IOWA                    )  
  ) SS  
COUNTY OF JOHNSON         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me a Notary Public in and for said State, personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me personally known, who being duly sworn, did say that they are the \_\_\_\_\_ and \_\_\_\_\_, respectively, of John County, Iowa, a County created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said County, and that said instrument was signed and sealed on behalf of said County by authority and resolution of its Board of Supervisors, and said \_\_\_\_\_ and \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said County by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

By: \_\_\_\_\_  
Bernard Brown

By: \_\_\_\_\_  
Nancy Brown

STATE OF IOWA                    )  
  ) SS  
COUNTY OF \_\_\_\_\_  )

This record was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by Bernard Brown and Nancy Brown, husband and wife.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

## **EXHIBIT A**

The southeast quarter of the southwest quarter of Section 17, except commencing at the northeast corner of said 40 acre tract, thence south 965 feet, thence west to the center of the public highway running through said tract, thence northwesterly along the center of said highway to the north line of said southeast quarter of the southwest quarter of said Section 17, thence east to the place of beginning. Also, the northeast quarter of the northwest quarter of Section 20, all in Township 81 North, Range 7 West of the 5<sup>th</sup> P.M.

## EXHIBIT "B"



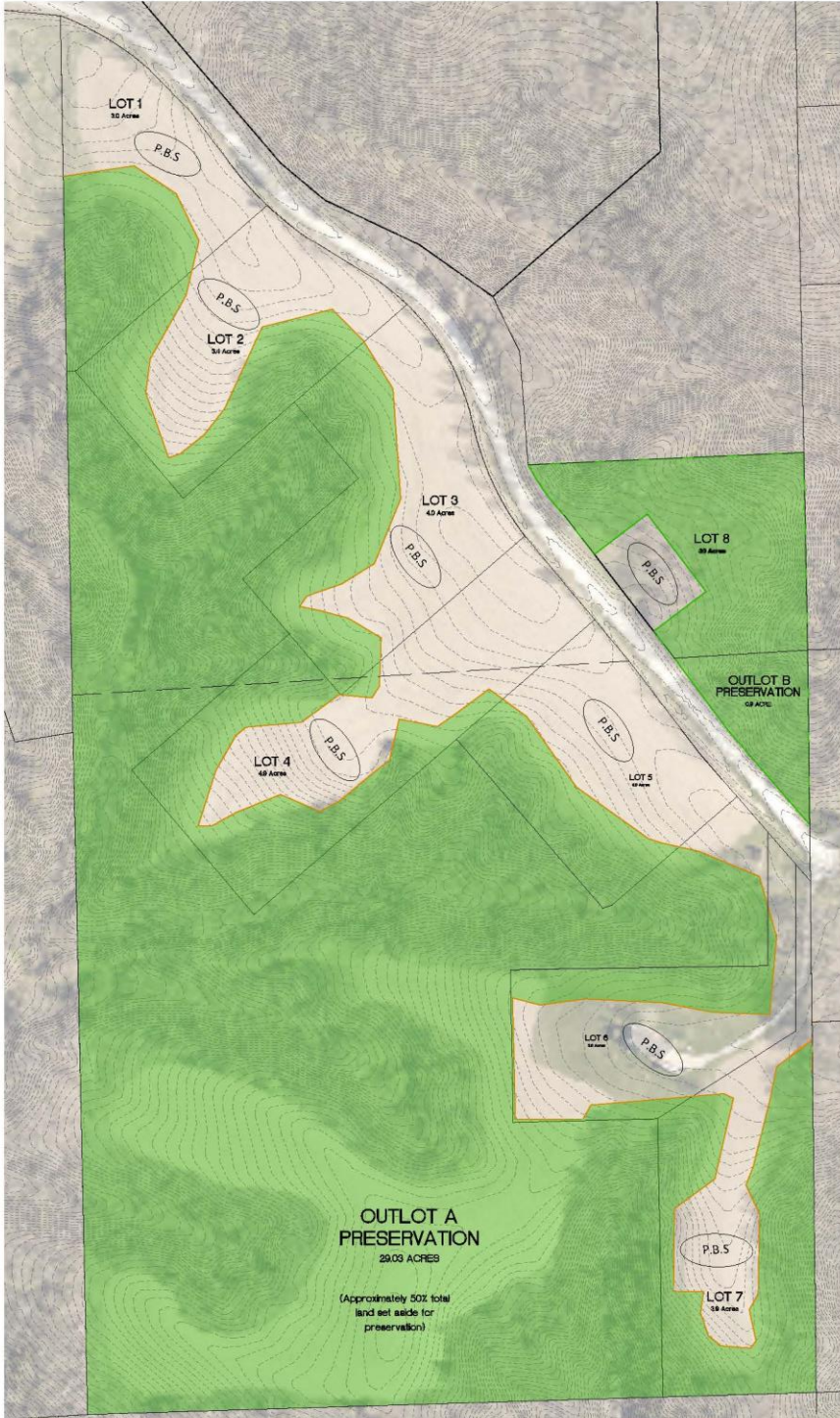
**Results:**

**Parcel ID - 0320201001**  
**Alt Id - 03-J**  
**Address - 1605 SENECA RD NW**  
**Owner - BROWN, BERNARD K (Deed)**  
**BROWN, NANCY D (Deed)**  
**BERNARD K & NANCY D BROWN (Mail To)**  
**Acres - 40**  
**Value - \$282900**  
View: [Parcel Report](#) | [Soil Report](#) | [Pictometry Imagery](#) | [Data Correction](#) | [Google Maps opens in a new tab](#)

**Parcel ID - 0317377001**  
**Alt Id - 03-I**  
**Owner - BROWN, BERNARD K (Deed)**  
**BERNARD K & NANCY D BROWN (Mail To)**  
**BROWN, NANCY D (Deed)**  
**Acres - 22.4**  
**Value - \$18800**  
View: [Parcel Report](#) | [Soil Report](#) | [Pictometry Imagery](#) | [Data Correction](#) | [Google Maps opens in a new tab](#)



# EXHIBIT C



**LEGEND**

- LIMITS OF DISTURBANCE (dashed line)
- PROTECTED AREAS (green shaded area)

- NOTES:**
- APPROXIMATELY 43.61 ACRES OF LAND (75% OF TOTAL TRACT) FALLS OUTSIDE OF THE LIMITS OF DISTURBANCE AND WILL BE PROTECTED AND PRESERVED AS PART OF THIS SUBDIVISION PROPOSAL.



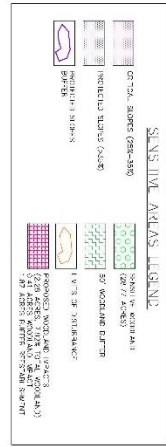
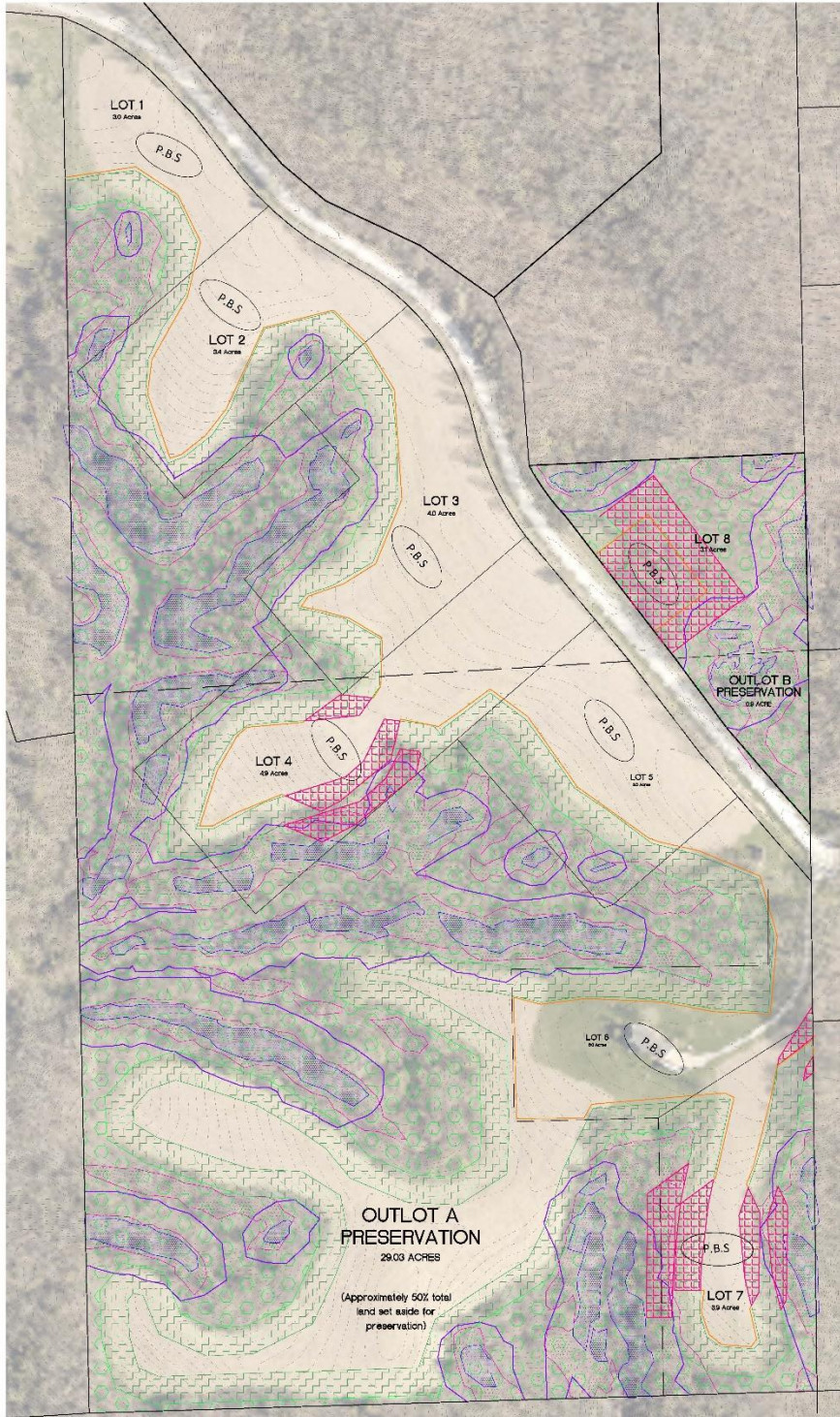
**CML ENGINEERS**  
**LAND SERVICES**  
**ENVIRONMENTAL SPECIALISTS**  
 507 E. 7th Street, Suite 200  
 Columbus, Indiana 47302  
 Phone: 317.341.1111  
 Fax: 317.341.1112

**PRESERVATION EXHIBIT**

**DAVID BROWN**  
 SENECA RD NW  
 SEC 17&20-18N-47W  
 GAVESHER COUNTY  
 IOWA

**MMS CONSULTANTS, INC.**  
 1050 N. 10th Street  
 Ames, IA 50010  
 Phone: 515.281.1111  
 Fax: 515.281.1112  
 Project No: 18-001  
 Date: 10/20/17  
 Scale: 1" = 100'  
 Sheet No: **2**  
 of 2

# EXHIBIT D



- NOTES:**
- APPROXIMATELY 43.61 ACRES OF LAND (75% OF TOTAL TRACT) FALLS OUTSIDE OF THE LOTS OF THIS PROJECT AND WILL BE PRESERVED AS PART OF THIS SUBMISSION PROPOSAL.
  - LOTS 1-7: ALL WOODLAND IMPACTS PROPOSED ARE THE RESULT OF BUFFER RE-ESTABLISHMENT. DIRECT IMPACTS TO TREES/WOOD ARE NOT PROPOSED.
  - LOT 8: ONLY 0.41 ACRES OF TREES AND P.C.P.S. LOT 8 IMPACTS TO TREES/WOOD AND IMPACTS TO LOT 8 ARE THE RESULT OF BUFFER RE-ESTABLISHMENT.

MMS CONSULTANTS, INC.  
 CONSULTANTS  
 10831-001

DAVID BROWN  
 SENIOR PROJECT MANAGER  
 SWANSEA TOWNSHIPS  
 TOWN OF SWANSEA

SENSITIVE AREAS  
 CONCEPT

DATE: 10/12/2017

33 ENGINEERS  
 LANDSCAPE ARCHITECTS  
 ENVIRONMENTAL SPECIALISTS  
 10831-001



**RESOLUTION 04-19-90-2**  
**AFFIRMING THE STABILITY OF THE ROAD SYSTEM**

Whereas Johnson County is one of the counties in the State of Iowa that is increasing in its population; and

Whereas there is a growing tendency for persons in Johnson County to prefer to develop lots for building purposes; and

Whereas improvement of currently non-improved roads to standards dictated by the state of Iowa for Secondary roads is expensive;

Now, therefore be it resolved that any person who develops a rezoned and subdivided lot in Johnson County should first be aware of the existing secondary road conditions serving that tract of land, and should act under the presumption that said road in all probability will continue in its present condition. Private interests or adjacent landowners may underwrite the costs to bring said road up to minimum state standards which includes providing the necessary right-of-way, moving fences, grading, culverts, surfacing, and other items that may be needed to provide an improved road. These improvements can be achieved by permission of Johnson County per the **Iowa Code**, Section 319.14, and by Johnson County Resolution 08-10-89-2. However, if this tract of land is located on a road that has been designated as a Level B road per Resolution 04-05-90-1, Johnson County will provide no more services than stated in Johnson County Ordinance 02-08-90-1. If possible, consideration should be given to the prospect of agreeing that said road be closed by Johnson County and maintained by the residents owning land abutting said road to county subdivision standards as a private lane.

My (our) signature on this document indicates that I have read the above road policy of Johnson County, Iowa, and understand the contents of the above shown policy, and that the zoning, or subdivision, action that is being taken by me (us) would be subject to the above Resolution by the Johnson County Board of Supervisors.



\_\_\_\_\_  
Signature of Owner, Contract Owner, Option Purchaser

6150 Village View Dr. Suit 113, West Des Moines, IA 50266 515-279-1111

\_\_\_\_\_  
Address and Phone Number

Subscribed and sworn to before me on this 30<sup>th</sup> day of June,  
2021.



\_\_\_\_\_  
Notary Public, in & for the State of Iowa.

Adjacent Property Owners List  
David Brown – Seneca Road  
Within 500'  
MMS Project #10831-001

BERNARD J & PHYLLIS M MARAK  
800 OAK AVE SE  
SWISHER, IA 52338

BERNARD K & NANCY D BROWN  
1605 SENECA RD NW  
SWISHER, IA 52338

CY-HAWK CORP  
109 LEAMER CT  
IOWA CITY, IA 52246

RONALD A & AUDREY L LANDHERR  
170 BOYSON RD  
MARION, IA 52302

TAMMY M RICHARDSON  
1521 SENECA RD NW  
SWISHER, IA 52338-9525

US ARMY CORPS OF ENGINEERS  
PO BOX 2004  
ROCK ISLAND, IL 61201-2004

WAYNE D & JUDY E SLEZAK  
1604 SENECA RD NW  
SWISHER, IA 52338

WILLIAM A & DOROTHY A FISHER  
1518 SENECA RD NW  
SWISHER, IA 52338

ZACHARY HARRIS  
2876 HIGH BLUFF DR  
CORALVILLE, IA 52241



Johnson County Public Health  
855 S. Dubuque Street Suite 217 \* Iowa City, Iowa 52240 \* 319/356-6040 \* Fax: 319/356-6044

FOR OFFICE USE ONLY:  
**ZONING NUMBER:** \_\_\_\_\_

## Johnson County Public Health Zoning Application

Applicant Name: David Brown	Phone Number: ( 515 ) 279-1111		
Address: 6150 Village View Dr. Suit 113	City: West Des Moines	State: IA	Zip: 50266

**NOTE: THIS APPLICATION NEED NOT BE SUBMITTED FOR FINAL PLATS.**

TYPE OF ZONING REQUEST:	APPLICATION FEE:
<input checked="" type="checkbox"/> Zoning reclassification from <u>Ag</u> to <u>R3 &amp; ERP</u>	\$75.00 Application Fee
<input type="checkbox"/> Combined preliminary and final plat	\$50.00 + \$20.00 per Lot Application Fee*
<input type="checkbox"/> Preliminary plat using private onsite/centralized waste water systems	\$50.00 + \$20.00 per Lot Application Fee*
<input type="checkbox"/> Conditional Use Permit	\$25.00 Application Fee

**\*Outlots Exempt**


Application Fee \$75 + Lot Fee (if applicable)  
 (Number of lots \_\_\_\_\_ Minus Number of Outlots = \_\_\_\_\_ x \$20.00 Fee Per Lot)  
 = Enclosed Fee \$75

**PLEASE RETURN THIS APPLICATION AND APPROPRIATE APPLICATION FEE TO:**

**JOHNSON COUNTY PUBLIC HEALTH  
855 S. DUBUQUE STREET SUITE 217  
IOWA CITY, IA 52240**

**The application and fee must be received by the department NO LESS THAN 24 HOURS prior to the Johnson County Zoning commission public hearing and/or the Johnson County Zoning Board of Adjustment.**

No refund shall be made of any required fee accompanying a required application once filed with the administrative officer.

Signature of Applicant:  Date: 6/30/21

**The following pages are the initial submittal packet for application PZC-21-28097, filed on July 8, 2021.**

Office Use Only		\$	
	<i>Date Filed</i>	<i>Fee</i>	<i>Application Number</i>



**JOHNSON COUNTY, IOWA**

**APPLICATION FOR: ZONING AMENDMENT**

Application is hereby made to:

- Reclassify certain property on the Johnson County Zoning Map.**
- Amend the text of the Johnson County Unified Development Ordinance (UDO)**

**For Map Changes Only:**

The property to be rezoned is located at (street address if available or layman's description):  
1605 Seneca Road NW, Swisher, IA 52338

Parcel Number(s) (legal description must also be attached): 0317377001 & 0320201001

The area to be rezoned is comprised of 60.9 total acres.

Current Zoning Classification(s): Ag Proposed Zoning Classification(s): R3 & ERP

**For Text Amendments Only:**

The amendment(s) propose changes to the following sections of the UDO (please be as specific as possible, and provide the specific code reference):

**PLEASE PRINT OR TYPE**

The undersigned affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this application being submitted, and said owners hereby give their consent for the office of Johnson County Planning, Development, and Sustainability to conduct a site visit and photograph the subject property.

Bernard & Nancy Brown

Dave Brown

*Name of Owner*

*Name of Applicant (if different)*

6150 Village View Dr. Suit 113, West Des Moines, IA 50266

*Applicant Street Address (including City, State, Zip)*

515-279-1111

dabrown47@gmail.com

*Applicant Phone*

*Applicant Email*

*Applicant Signature*

**[See back page for Application Submittal Requirements and Checklist](#)**

The following items must be submitted for the application to be complete. Incomplete applications will be returned and will not be considered until the next submission deadline. If working with an engineer who can provide CAD or GIS line work, electronic submissions should be submitted in accordance with the PDS department's electronic submission guidelines (see below). Preference is that electronic submission is provided prior to hard copy submission, or the day after the posted submission deadline.

**Initial each item below** to confirm that you are aware of the submittal requirements for an application to be considered complete.

- DB A brief cover letter explaining the application and outlining the intended end use. If the request includes multiple proposed zoning classifications, the letter should include a breakdown of the number of acres being changed to each zoning designation requested.
- DB Resolution Affirming the Stability of the Road System (signed and notarized).
- DB Ten (10) copies of the rezoning exhibit (and any other sheets larger than 11x17).
- DB The names and addresses of owners of all property within five hundred (500) feet of the parcel being rezoned.
- DB A map of sufficient size to show the property for rezoning out-lined in red and the property within 500 feet of the property for rezoning outlined in blue.
- DB Application Fee (varies based on nature of application) is due at the time of submittal.  
Fee submitted: \_\_\_\_\_
- DB Proof of application to Johnson County Public Health for a Public Health Zoning Application.

**(Optional) Electronic Submission Requirements** – If an electronic submission of a rezoning exhibit is being submitted, it should conform with the following:

- \_\_\_\_\_ Electronic or digitized copy (CAD line work or GIS geodatabase) of proposed plat in .dwg format (.dxf is also acceptable if .dwg is not an option. No .zip files will be accepted).
- Submission must be saved in AutoCAD 2007 or older format
  - Submissions must use Coordinate System: NAD\_1983\_StatePlane\_Iowa\_South\_FIPS\_1402\_Feet
  - If applicable, submission should include information for Sensitive Areas Analysis/Mapping and Stormwater/Soil Erosion Control infrastructure on the site. This includes any limits of disturbance or other impact areas.
  - Submission should NOT include legends, legal descriptions, location maps, signature blocks, etc.





July 7, 2021

Mr. Josh Busard  
Jo. Co. Planning, Development, & Sustainability Dept.  
913 S. Dubuque St, Suite 204  
Iowa City, IA 52240

RE: Brown property on Seneca Road – Rezoning application

Dear Josh:

Rezoning items were filed June 30, 2021 for approximately 60 acres on Seneca Road. The rezoning exhibit did not contain a legal description since a field survey has not been done.

MMS Consultants has surveyed most of the surrounding properties. The southeast boundary corner is not shown on any plats, but was located during prior field work. It has been decided that we could prepare a rezoning exhibit with legal descriptions using deeds and plats of record.

A revised rezoning exhibit accompanies this letter, along with a revised rezoning application and associated materials. This submission serves as our amended and substituted application.

Respectfully submitted,

Gina Landau

10831-001RezoneLetter.docx

Environmental Specialists

Landscape Architects

Land Planners

Land Surveyors

Civil Engineers

## **APPLICATION FOR: ZONING AMENDMENT (Page 2)**

The Applicant, David Brown, has proposed to change the Property classification in the Johnson County FLUM from Agricultural to Residential and Preservation, contemporaneous to a rezoning to Environmental Resources Preservation (“ERP”) and R-3, with limits on the area of disruption within buildable lot zones. As depicted in the attached Rezoning Exhibit Application (page 3), Applicant proposes that the lot areas colored yellow be designated Residential with the lot areas shaded in pink being designated ERP. Sensitive areas to be protected under this Rezoning change are set forth below (page 4).

The Applicant desires to work with Johnson County to impose restrictions on the Property as a condition of this approval process, including FLUM Amendment approval and of a Conditional Zoning Agreement (draft at Exhibit “A”) to guaranty the restrictions, including limits on the number of lots, limits on the area of disturbance, statutory requirements for protected areas and preservation, and other similar matters.

The Conditional Zoning Agreement limits the number of lots to 8 single-family lots (3-5 acres each, including protected areas, and consistent with neighboring properties) and preservation outlots (approximately 30 acres). Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties. The preservation outlots will be subjected to statutory requirements that will fully preserve the property.

THIS EXHIBIT HAS BEEN PREPARED FROM DEEDS AND PLATS OF RECORD. A FIELD SURVEY WILL BE REQUIRED TO CONFIRM PROPERTY BOUNDARIES.

# REZONING EXHIBIT

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, ALL OF TOWNSHIP 81 NORTH, RANGE 7 WEST, OF THE FIFTH PRINCIPAL MERIDIAN

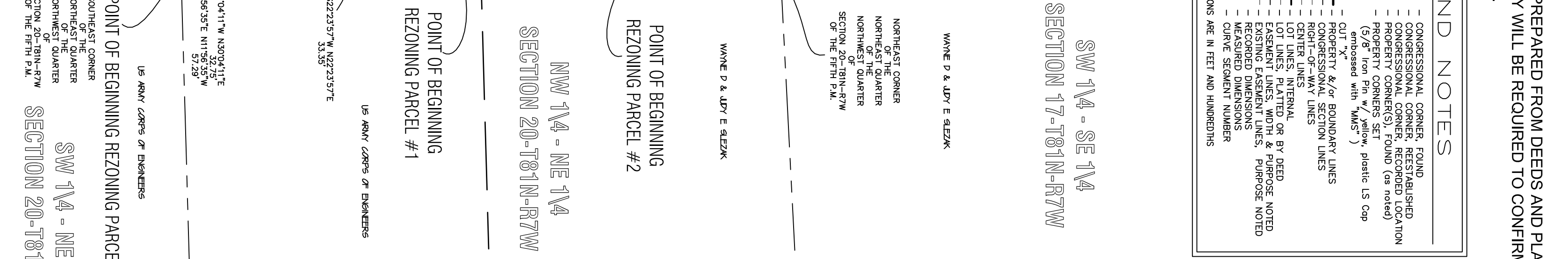
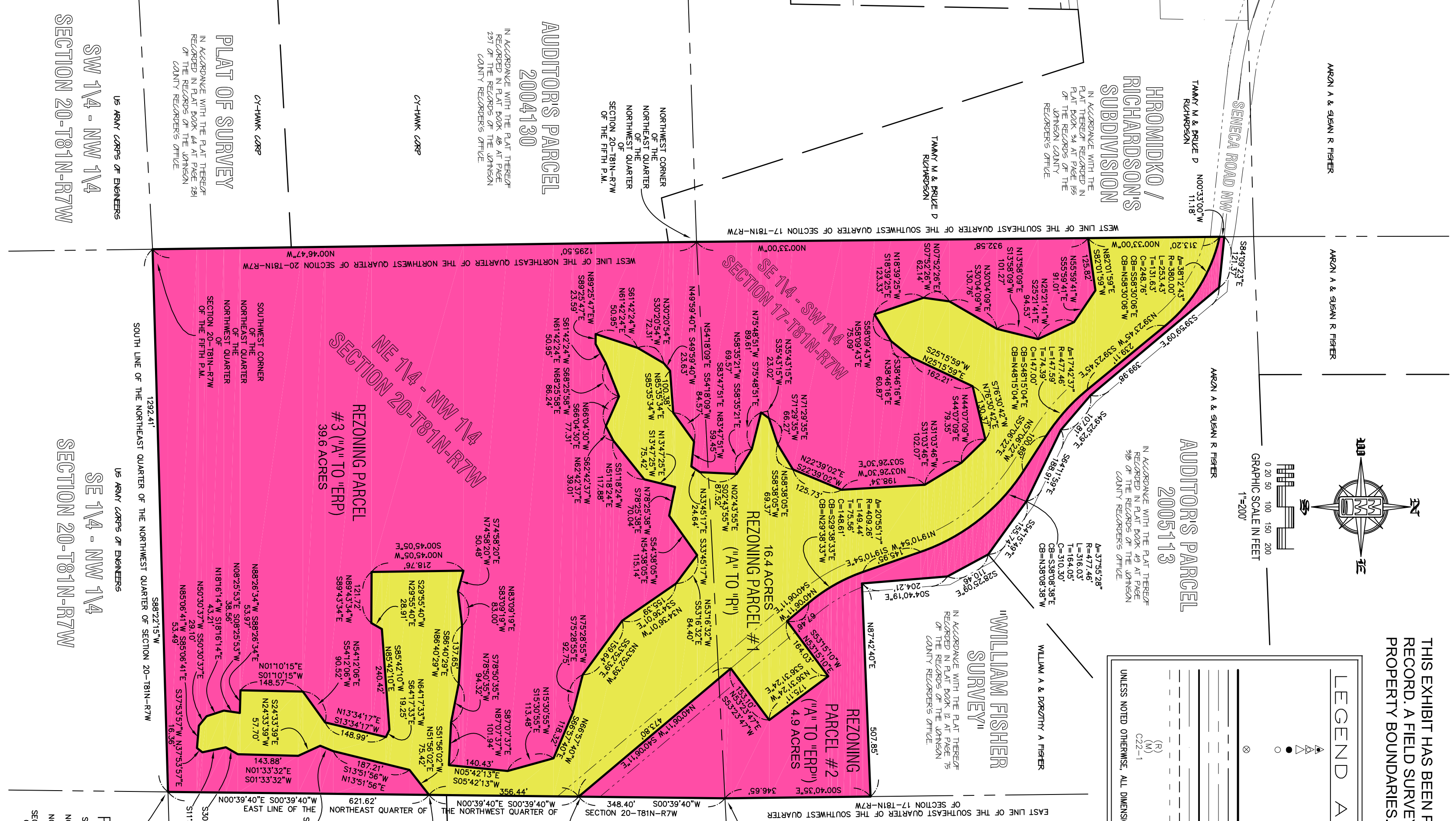
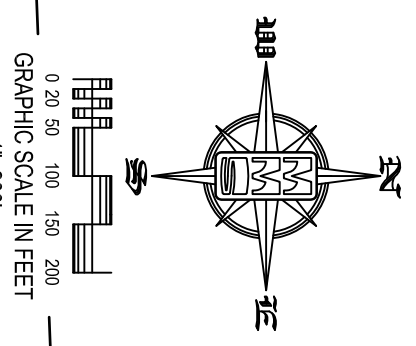
## JOHNSON COUNTY, IOWA

### LEGEND AND NOTES

- ▲ CONGRESSIONAL CORNER FOUND
- CONGRESSIONAL CORNER REESTABLISHED
- PROFESSIONAL CORNER RECORDED LOCATION
- PROFESSIONAL CORNER FOUND (as noted)
- PROPERTY CORNER SET (5/8" Iron Pin w/ yellow plastic US Cop embossed with "MMS")
- ⊗ CURT "x" &/or BOUNDARY LINES
- ⊙ RIGHT-OF-WAY LINES
- CENTER LINES
- LOT LINES PLATTED OR BY DEED
- EXISTING EASEMENT LINES, WIDTH & PURPOSE NOTED
- RECORDED DIMENSIONS
- MEASURED DIMENSIONS
- CURVE SEGMENT NUMBER

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDRETHS

C22-1



Commencing at the Southeast Corner of the Northeast Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian, Thence N00°39'40"E, along the East Line of said Northeast Quarter of the Northwest Quarter of said Section 20, a distance of 1295.50 feet, Thence S51°56'02"W, 75.42 feet, Thence S13°51'56"W, 187.21 feet, Thence S22°23'57"W, 33.35 feet, Thence S24°33'39"W, 57.70 feet, Thence S01°33'32"W, 143.88 feet, Thence S30°04'11"W, 32.75 feet, Thence S11°56'35"E, 57.29 feet, Thence S37°53'57"W, 16.36 feet, Thence N85°06'41"W, 53.49 feet, Thence N50°30'37"W, 29.10 feet, Thence N18°16'14"W, 43.21 feet, Thence N08°25'53"E, 38.56 feet, Thence N88°26'54"W, 53.97 feet, Thence N01°10'15"E, 148.57 feet, Thence N54°12'06"E, 90.52 feet, Thence N13°34'17"E, 148.99 feet, Thence N64°17'33"E, 19.25 feet, Thence S85°42'10"W, 200.42 feet, Thence S29°54'00"W, 28.91 feet, Thence N89°43'34"W, 121.72 feet, Thence N00°45'05"W, 218.76 feet, Thence S74°58'20"E, 50.48 feet, Thence N83°09'19"E, 83.00 feet, Thence S86°40'29"E, 137.65 feet, Thence S78°50'35"E, 94.32 feet, Thence S87°07'37"E, 101.94 feet, Thence N05°42'13"E, 140.43 feet, Thence N15°30'55"W, 113.48 feet, Thence N23°16'32"W, 64.40 feet, Thence N78°25'55"W, 70.04 feet, Thence N53°52'39"W, 159.64 feet, Thence N34°36'01"W, 155.39 feet, Thence N53°16'32"W, 92.75 feet, Thence N87°25'36"W, 50.95 feet, Thence S88°25'58"W, 66.24 feet, Thence S61°42'24"W, 50.95 feet, Thence N51°18'24"W, 117.88 feet, Thence N66°40'30"W, 77.31 feet, Thence S68°25'58"W, 68.24 feet, Thence S61°42'24"W, 50.95 feet, Thence N89°25'47"W, 23.59 feet, Thence N61°42'24"E, 50.95 feet, Thence N30°20'54"E, 72.31 feet, Thence N49°59'40"E, 23.63 feet, Thence N85°35'34"E, 100.38 feet, Thence N54°18'09"E, 84.57 feet, Thence S83°47'51"E, 54.45 feet, Thence N33°45'17"E, 24.64 feet, Thence N02°43'55"E, 87.52 feet, Thence N58°32'57"W, 69.57 feet, Thence N75°48'51"W, 89.61 feet, Thence N35°43'15"E, 23.02 feet, Thence N71°29'35"E, 66.27 feet, Thence N02°43'55"E, 87.52 feet, Thence N22°39'02"E, 125.73 feet, Thence N03°28'30"W, 198.34 feet, Thence N31°03'46"W, 102.07 feet, Thence N44°07'09"W, 79.35 feet, Thence S76°30'42"W, 130.37 feet, Thence S25°15'59"W, 182.21 feet, Thence S38°46'16"W, 60.87 feet, Thence S38°09'43"W, 75.09 feet, Thence N18°39'25"W, 123.33 feet, Thence N07°52'28"E, 62.14 feet, Thence N30°40'09"E, 130.76 feet, Thence N13°58'09"E, 101.27 feet, Thence N25°21'41"W, 94.53 feet, Thence N55°59'41"W, 91.01 feet, Thence S82°01'59"W, 125.82 feet, to a Point on the West Line of the Southeast Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian, Thence N00°33'00"W, along said West Line, 313.20 feet, to its intersection with the Centeline of Seneca Road NW, Thence S39°23'45"E, along said Centeline, on a 380.00 foot radius curve, concave Northwest, whose 248.76 foot chord bears S58°30'08"E, Thence S39°23'45"E, along said Centeline, 239.11 feet, Thence Southwesterly, 147.59 feet, along said Centeline on a 477.46 foot radius curve, concave Northwest, whose 147.76 foot chord bears S48°15'04"E, Thence S57°06'22"E, along said Centeline, 100.89 feet, Thence Southwesterly, 316.03 feet, along said Centeline on a 477.46 foot radius curve, concave Southwesterly, whose 310.30 foot chord bears S38°08'38"E, Thence S19°10'54"E, along said Centeline, 145.95 feet, Thence Southwesterly, 149.44 feet, along said Centeline on a 409.26 foot radius curve, concave Northwest, whose 148.61 foot chord bears S29°34'47"W, 153.10 feet, to a Point on the Centeline of said Seneca Road NW, Thence S40°06'11"E, 164.03 feet, Thence S36°31'24"E, 175.11 feet, Thence S53°23'47"W, 153.10 feet, to a Point on the Centeline of said Seneca Road NW, Thence S40°06'11"E, along said Centeline, 473.80 feet, to its intersection with the East Line of the Northeast Quarter of the Northwest Quarter of said Section 20, Thence S00°39'40"W, along said East Line, 356.44 feet, to the Point of Beginning, Said Rezoning Parcel #1 contains 16.4 Acres, and is subject to easements and restrictions of record.

Commencing at the Southeast Corner of the Northeast Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian, Thence N00°39'40"E, along the East Line of said Northeast Quarter of the Northwest Quarter of said Section 20, a distance of 1295.50 feet, Thence S51°56'02"W, 75.42 feet, to its intersection with the Centeline of Seneca Road NW, and the POINT OF BEGINNING, Thence N40°06'11"W, along said Centeline, 473.80 feet, Thence N53°23'47"E, 153.10 feet, Thence N36°31'24"W, 175.11 feet, Thence S53°15'10"W, 164.03 feet, to a Point on said Centeline of Seneca Road NW, Thence N40°06'11"W, along said Centeline, 67.46 feet, Thence Northwest, 149.44 feet, along said Centeline on a 409.26 foot radius curve, concave Northwest, whose 148.61 foot chord bears N29°38'33"W, Thence N19°10'54"W, along said Centeline, 145.95 feet, Thence Northwest, 316.03 feet, along said Centeline on a 477.46 foot radius curve, concave Southwesterly, whose 310.30 foot chord bears N28°08'38"W, 100.89 feet, Thence Northwest, 147.59 feet, along said Centeline on a 477.46 foot radius curve, concave Northwest, whose 147.76 foot chord bears N48°15'04"W, 239.11 feet, Thence Northwest, 253.43 feet, along said Centeline on a 380.00 foot radius curve, concave Southwesterly, whose 248.76 foot chord bears N66°30'06"W, to its intersection with the West Line of the Southeast Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian, Thence N00°33'00"W, along said West Line, 11.18 feet, to its intersection with the Southerly Line of Auditor's Parcel 2005113, in accordance with the Plat thereof Recorded in Plat Book 49 at Page 318 of the Records of the Johnson County Recorder's Office, Thence S84°09'22"E, along said Southerly Line, 121.37 feet, Thence S39°59'09"E, along said Southerly Line, 399.98 feet, Thence S49°25'97"E, along said Southerly Line, 107.81 feet, Thence S84°11'59"E, along said Southerly Line, 188.91 feet, Thence S54°15'49"E, along said Southerly Line, 155.74 feet, to the Southern most corner thereof, and a Point on the South Line of William Fisher Survey, as Recorded in Plat Book 12, at Page 75, of the Records of the Johnson County Recorder's Office, Thence S28°25'09"E, along said South Line, 110.46 feet, Thence S04°40'19"E, along said South Line, 204.21 feet, Thence N87°42'40"E, along said South Line, 507.85 feet, to the Southeast Corner thereof, and a Point on the East Line of the Southeast Quarter of the Southwest Quarter of said Section 17, Thence S00°40'35"E, along said East Line, 346.65 feet, to the Northeast Corner of the Northeast Quarter of the Northwest Quarter of said Section 20, Thence S00°39'40"W, along the East Line of the Northeast Quarter of the Northwest Quarter of said Section 20, a distance of 348.40 feet, to the Point of Beginning, Said Rezoning Parcel #2 contains 4.3 Acres, and is subject to easements and restrictions of record.

DESCRIPTION - REZONING PARCEL #3

Beginning at the Southeast Corner of the Northeast Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian, Thence S88°22'15"W, along the South Line of the Northeast Quarter of the Northwest Quarter of said Section 20, a distance of 1292.41 feet, to the Southwest Corner thereof, Thence N00°46'47"W, along the West Line of the Northeast Quarter of the Southwest Quarter of said Section 20, a distance of 1295.50 feet, to the Northwest Corner thereof, Thence N00°39'00"W, along the West Line of the West Line of the Southwest Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian, 932.58 feet, Thence S07°04'09"W, 130.76 feet, Thence S18°39'25"E, 123.33 feet, Thence S13°03'66"E, 102.07 feet, Thence S03°26'30"E, 181.34 feet, Thence S22°38'02"W, 125.73 feet, Thence S07°52'28"E, 62.14 feet, Thence S18°39'25"E, 79.35 feet, Thence S31°03'46"E, 102.07 feet, Thence S03°43'15"W, 23.02 feet, Thence S58°32'57"E, 89.61 feet, Thence S58°35'34"E, 87.52 feet, Thence S49°59'40"W, 23.63 feet, Thence S30°20'54"E, 72.31 feet, Thence S61°42'24"E, 50.95 feet, Thence S87°25'36"W, 50.95 feet, Thence S83°47'51"E, 54.45 feet, Thence N33°45'17"E, 24.64 feet, Thence N02°43'55"E, 87.52 feet, Thence N58°32'57"W, 69.57 feet, Thence N75°48'51"W, 89.61 feet, Thence N35°43'15"E, 23.02 feet, Thence N71°29'35"E, 66.27 feet, Thence N02°43'55"E, 87.52 feet, Thence N22°39'02"E, 125.73 feet, Thence N03°28'30"W, 198.34 feet, Thence N31°03'46"W, 102.07 feet, Thence N44°07'09"W, 79.35 feet, Thence S76°30'42"W, 130.37 feet, Thence S25°15'59"W, 182.21 feet, Thence S38°46'16"W, 60.87 feet, Thence S38°09'43"W, 75.09 feet, Thence N18°39'25"W, 123.33 feet, Thence N07°52'28"E, 62.14 feet, Thence N30°40'09"E, 130.76 feet, Thence N13°58'09"E, 101.27 feet, Thence N25°21'41"W, 94.53 feet, Thence N55°59'41"W, 91.01 feet, Thence S82°01'59"W, 125.82 feet, to a Point on the West Line of the Southeast Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian, Thence N00°33'00"W, along said West Line, 313.20 feet, to its intersection with the Centeline of Seneca Road NW, Thence S39°23'45"E, along said Centeline, on a 380.00 foot radius curve, concave Northwest, whose 248.76 foot chord bears S58°30'08"E, Thence S39°23'45"E, along said Centeline, 239.11 feet, Thence Southwesterly, 147.59 feet, along said Centeline on a 477.46 foot radius curve, concave Northwest, whose 147.76 foot chord bears S48°15'04"E, Thence S57°06'22"E, along said Centeline, 100.89 feet, Thence Southwesterly, 316.03 feet, along said Centeline on a 477.46 foot radius curve, concave Southwesterly, whose 310.30 foot chord bears S38°08'38"E, Thence S19°10'54"E, along said Centeline, 145.95 feet, Thence Southwesterly, 149.44 feet, along said Centeline on a 409.26 foot radius curve, concave Northwest, whose 148.61 foot chord bears S29°34'47"W, 153.10 feet, to a Point on the Centeline of said Seneca Road NW, Thence S40°06'11"E, 164.03 feet, Thence S36°31'24"E, 175.11 feet, Thence S53°23'47"W, 153.10 feet, to a Point on the Centeline of said Seneca Road NW, Thence S40°06'11"E, along said Centeline, 473.80 feet, to its intersection with the East Line of the Northeast Quarter of the Northwest Quarter of said Section 20, Thence S00°39'40"W, along said East Line, 356.44 feet, to the Point of Beginning, Said Rezoning Parcel #3 contains 39.6 Acres, and is subject to easements and restrictions of record.

DESCRIPTION - REZONING PARCEL #2

Beginning at the Southeast Corner of the Northeast Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian, Thence S88°22'15"W, along the South Line of the Northeast Quarter of the Northwest Quarter of said Section 20, a distance of 1292.41 feet, to the Southwest Corner thereof, Thence N00°46'47"W, along the West Line of the Northeast Quarter of the Southwest Quarter of said Section 20, a distance of 1295.50 feet, to the Northwest Corner thereof, Thence N00°39'00"W, along the West Line of the West Line of the Southwest Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian, 932.58 feet, Thence S07°04'09"W, 130.76 feet, Thence S18°39'25"E, 123.33 feet, Thence S13°03'66"E, 102.07 feet, Thence S03°26'30"E, 181.34 feet, Thence S22°38'02"W, 125.73 feet, Thence S07°52'28"E, 62.14 feet, Thence S18°39'25"E, 79.35 feet, Thence S31°03'46"E, 102.07 feet, Thence S03°43'15"W, 23.02 feet, Thence S58°32'57"E, 89.61 feet, Thence S58°35'34"E, 87.52 feet, Thence S49°59'40"W, 23.63 feet, Thence S30°20'54"E, 72.31 feet, Thence S61°42'24"E, 50.95 feet, Thence S87°25'36"W, 50.95 feet, Thence S83°47'51"E, 54.45 feet, Thence N33°45'17"E, 24.64 feet, Thence N02°43'55"E, 87.52 feet, Thence N58°32'57"W, 69.57 feet, Thence N75°48'51"W, 89.61 feet, Thence N35°43'15"E, 23.02 feet, Thence N71°29'35"E, 66.27 feet, Thence N02°43'55"E, 87.52 feet, Thence N22°39'02"E, 125.73 feet, Thence N03°28'30"W, 198.34 feet, Thence N31°03'46"W, 102.07 feet, Thence N44°07'09"W, 79.35 feet, Thence S76°30'42"W, 130.37 feet, Thence S25°15'59"W, 182.21 feet, Thence S38°46'16"W, 60.87 feet, Thence S38°09'43"W, 75.09 feet, Thence N18°39'25"W, 123.33 feet, Thence N07°52'28"E, 62.14 feet, Thence N30°40'09"E, 130.76 feet, Thence N13°58'09"E, 101.27 feet, Thence N25°21'41"W, 94.53 feet, Thence N55°59'41"W, 91.01 feet, Thence S82°01'59"W, 125.82 feet, to a Point on the West Line of the Southeast Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian, Thence N00°33'00"W, along said West Line, 313.20 feet, to its intersection with the Centeline of Seneca Road NW, Thence S39°23'45"E, along said Centeline, on a 380.00 foot radius curve, concave Northwest, whose 248.76 foot chord bears S58°30'08"E, Thence S39°23'45"E, along said Centeline, 239.11 feet, Thence Southwesterly, 147.59 feet, along said Centeline on a 477.46 foot radius curve, concave Northwest, whose 147.76 foot chord bears S48°15'04"E, Thence S57°06'22"E, along said Centeline, 100.89 feet, Thence Southwesterly, 316.03 feet, along said Centeline on a 477.46 foot radius curve, concave Southwesterly, whose 310.30 foot chord bears S38°08'38"E, Thence S19°10'54"E, along said Centeline, 145.95 feet, Thence Southwesterly, 149.44 feet, along said Centeline on a 409.26 foot radius curve, concave Northwest, whose 148.61 foot chord bears S29°34'47"W, 153.10 feet, to a Point on the Centeline of said Seneca Road NW, Thence S40°06'11"E, 164.03 feet, Thence S36°31'24"E, 175.11 feet, Thence S53°23'47"W, 153.10 feet, to a Point on the Centeline of said Seneca Road NW, Thence S40°06'11"E, along said Centeline, 473.80 feet, to its intersection with the East Line of the Northeast Quarter of the Northwest Quarter of said Section 20, Thence S00°39'40"W, along said East Line, 356.44 feet, to the Point of Beginning, Said Rezoning Parcel #2 contains 4.3 Acres, and is subject to easements and restrictions of record.

POINT OF BEGINNING REZONING PARCEL #1

US ARMY CORPS OF ENGINEERS

POINT OF BEGINNING REZONING PARCEL #2

US ARMY CORPS OF ENGINEERS

POINT OF BEGINNING REZONING PARCEL #3

US ARMY CORPS OF ENGINEERS

JOHNSON COUNTY  
IOWA  
MMS CONSULTANTS, INC.

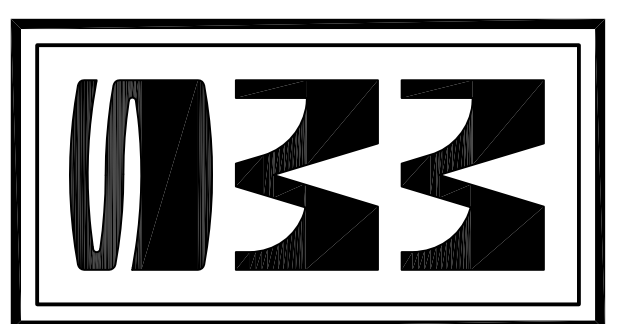
Date: 06-28-2021

Designed by: GLL Field Book No.

Drawn by: RLW Scales: 1"=200'

Checked by: GDM Sheet No. 1

Project No: 10831-001



CIVIL ENGINEERS  
LAND PLANNERS  
LAND SURVEYORS  
LANDSCAPE ARCHITECTS  
ENVIRONMENTAL SPECIALISTS

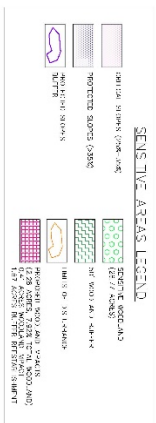
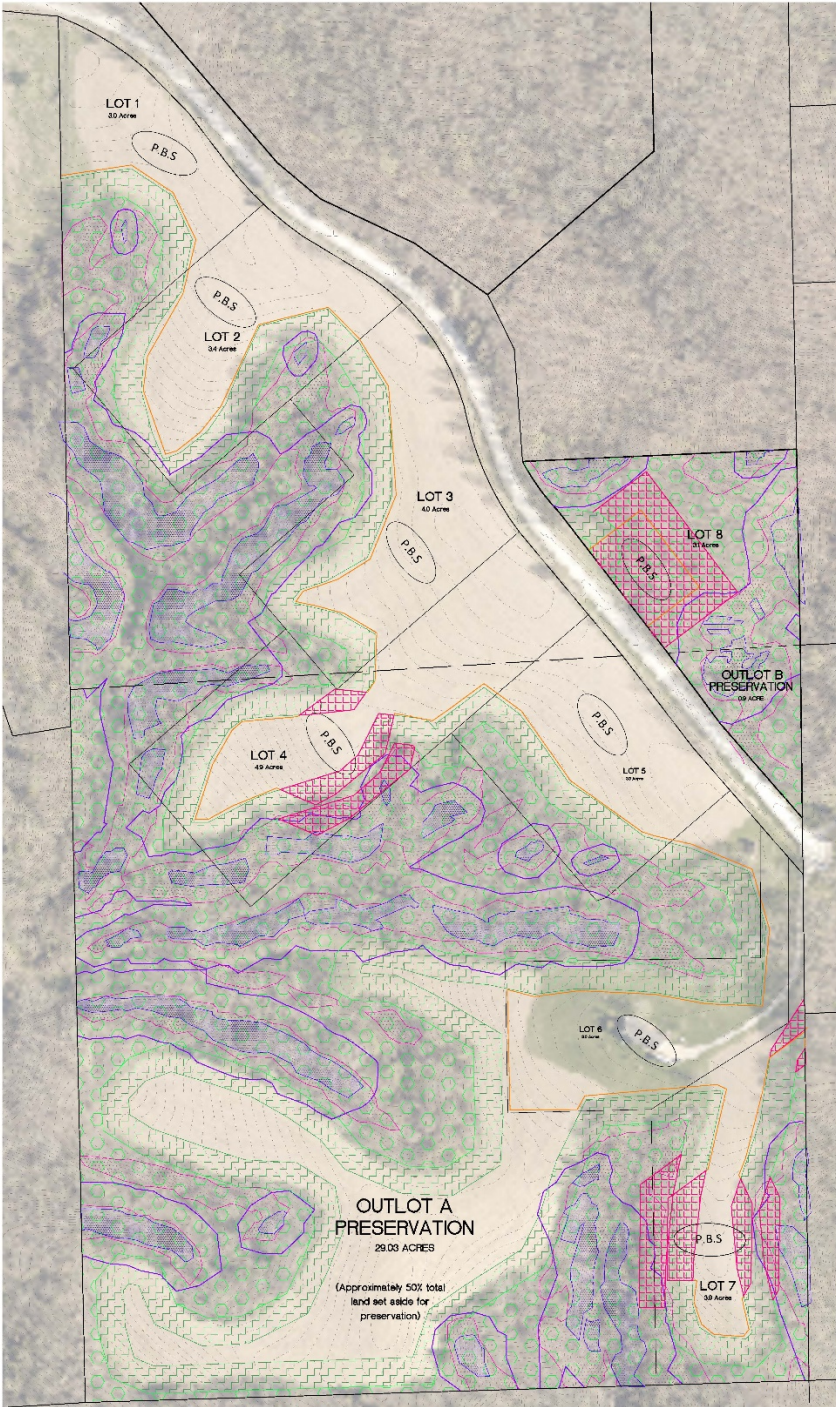
1917 S. GILBERT ST.  
IOWA CITY, IOWA 52240  
(319) 351-8822  
www.mmsconsultants.net

Date: 07-06-2021  
Revision: PER GDM REVIEW - RLW

### REZONING EXHIBIT

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, ALL OF TOWNSHIP 81 NORTH, RANGE 7 WEST, OF THE FIFTH PRINCIPAL MERIDIAN

JOHNSON COUNTY  
IOWA  
MMS CONSULTANTS, INC.



- NOTES:**
- APPROXIMATELY 438 ACRES OF LAND (75% OF TOTAL TRACT) FALLS OUTSIDE OF THE LIMITS OF DISTURBANCE AND WILL BE PRESERVED AS PART OF THIS SUBDIVISION PROPOSAL.
  - 0.517% ALL WOODLAND IMPACTS PROPOSED AS A RESULT OF THIS SUBDIVISION PROPOSAL.
  - 0.08% ONLY 0.1 ACRES OF TREES AND WOODLAND ARE NOT PROPOSED FOR REMOVAL AND IMPACTS SHOWN ON LOT ARE THE RESULT OF BUFFER ESTABLISHMENT.



**DUE ENGINEERS**  
 LAND SURVEYORS  
 ENGINEERS  
 ARCHITECTS  
 PLANNERS  
 ENVIRONMENTAL SCIENTISTS  
 1000 N. W. 10th St., Suite 200  
 Ft. Lauderdale, FL 33304  
 PHONE: (954) 561-1111  
 FAX: (954) 561-1112  
 WWW.DUEENGINEERS.COM

**SENSITIVE AREAS CONCEPT**

**DAVID BROWN**  
 SENECA RD NW  
 SECTION 8-18-18W  
 JOHNSON COUNTY  
 IOWA

**MMS CONSULTANTS, INC.**  
 2000 W. 10th St., Suite 200  
 Ft. Lauderdale, FL 33304  
 PHONE: (954) 561-1111  
 FAX: (954) 561-1112  
 WWW.MMSCONSULTANTS.COM

**APPLICATION FOR ZONING AMENDMENT – EXHIBIT “A”**

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Prepared by and Return to:

**CONDITIONAL ZONING AGREEMENT**

**THIS AGREEMENT** (this "Agreement") is made by **JOHNSON COUNTY, IOWA** (the "County") and **BERNARD BROWN** and **NANCY BROWN** ("Owners").

**WHEREAS**, Owners are the legal titleholders of approximately 62.4 acres of real property located on Seneca Road NW, legally described on the attached **Exhibit A** and graphically depicted on **Exhibit B** (the "Property"); and

**WHEREAS**, Owners have filed Zoning Application PZC-21-\_\_\_\_\_ requesting the rezoning of the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential.

**WHEREAS**, the Johnson County Planning and Zoning Commission has determined that the proposed rezoning request comports with the County's comprehensive plan as embodied in 2008 Johnson County Land Use Plan and related documents provided that it meets certain conditions; and

**WHEREAS**, Iowa Code Section 335.7 provides that the Board of Supervisors may impose reasonable conditions on granting a rezoning request over and above existing regulations in order to satisfy public needs which are directly caused by the requested zoning change; and

**WHEREAS**, Owners acknowledge that certain conditions on the granting the rezoning request are reasonable to ensure the development of the Property addresses these public needs and is consistent with the comprehensive plan and its requirements; and

**WHEREAS**, Owners and the County have agreed it is appropriate to rezone the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential subject to certain conditions to ensure appropriate development of the Property.

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Owners is the legal titleholder of the Property.

2. The County agrees that Owners' rezoning request shall be approved and the Property shall be rezoned from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential with limits on the area of disruption within buildable lot zones as requested in Zoning Application PZC-21-\_\_\_\_\_ subject to this Agreement.

3. Owners acknowledges the County wishes to ensure conformance to the principles of the comprehensive plan. Further, the parties acknowledge Iowa Code Section 335.7 provides the County may impose reasonable conditions on a rezoning request, over and above the existing regulations, in order to satisfy public needs directly caused by the requested zoning change.

4. In consideration of the County's rezoning of the Property, Owners agree development of the Property will conform to all other requirements of the Johnson County Unified Development Ordinance, as may be amended from time to time, as well as the following conditions:

a. The Property will have no more than eight (8) buildable lots (3-5 acres each) upon future subdivision of the Property.

b. The buildable lots will have limits on the area of disturbance and requirements for protected areas upon future subdivision of the Property.

c. The Property will have preservation outlots, as depicted on **Exhibit C**, which will be subjected to statutory preservation requirements.

d. Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties, as depicted in Preservation Exhibit on **Exhibit C**.

e. Sensitive areas impact will not exceed statutory limits, as depicted in the Sensitive Areas Concept on **Exhibit D**.

f. The County Engineer and Board will allow future development of the Property under the terms of this Agreement to occur without requiring road improvements.

g. Existing uses for the Property may continue until future development occurs.

5. Owners and the County acknowledge that the conditions contained herein are reasonable conditions to impose on the Property under Iowa Code Section 335.7 and that the conditions satisfy public needs caused by the requested zoning change.

6. Owners and the County acknowledge that in the event the Property is transferred, sold, redeveloped or subdivided, all new development will conform to the terms of this Agreement.

7. The parties acknowledge this Agreement shall be deemed to be a covenant running with the land and with title to the land, and shall remain in full force and effect as a covenant with

title to the land, unless or until released of record by the County. The parties further acknowledge that this Agreement shall inure to the benefit of and bind all successors, representatives, and assigns of the parties.

8. Owners acknowledges nothing in this Agreement shall be construed to relieve Owners from complying with all other applicable local, state and federal regulations.

[SEPARATE SIGNATURE PAGES FOLLOW]

JOHNSON COUNTY, IOWA

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

STATE OF IOWA )  
 ) SS  
COUNTY OF JOHNSON )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me a Notary Public in and for said State, personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me personally known, who being duly sworn, did say that they are the \_\_\_\_\_ and \_\_\_\_\_, respectively, of Johnson County, Iowa, a County created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said County, and that said instrument was signed and sealed on behalf of said County by authority and resolution of its Board of Supervisors, and said \_\_\_\_\_ and \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said County by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

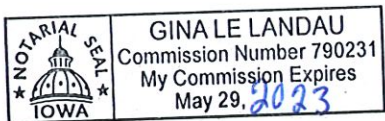


By: Bernard Brown  
Bernard Brown

By: Nancy Brown  
Nancy Brown

STATE OF IOWA )  
 ) SS  
COUNTY OF Johnson )

This record was acknowledged before me on this 30<sup>th</sup> day of June, 2021, by Bernard Brown and Nancy Brown, husband and wife.



Gina Le Landau  
Notary Public in and for the State of Iowa

## **EXHIBIT "A" (CZA)**

The southeast quarter of the southwest quarter of Section 17, except commencing at the northeast corner of said 40 acre tract, thence south 965 feet, thence west to the center of the public highway running through said tract, thence northwesterly along the center of said highway to the north line of said southeast quarter of the southwest quarter of said Section 17, thence east to the place of beginning. Also, the northeast quarter of the northwest quarter of Section 20, all in Township 81 North, Range 7 West of the 5<sup>th</sup> P.M.

DESCRIPTION - REZONING PARCEL #1

Commencing at the Southeast Corner of the Northeast Quarter of the Northwest Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence N00°39'40"E, along the East Line of said Northeast Quarter of the Northwest Quarter, 621.62 feet, to the POINT OF BEGINNING; Thence S51°56'02"W, 75.42 feet; Thence S13°51'56"W, 187.21 feet; Thence S22°23'57"W, 33.35 feet; Thence S24°33'39"E, 57.70 feet; Thence S01°33'32"W, 143.88 feet; Thence S30°04'11"W, 32.75 feet; Thence S11°56'35"E, 57.29 feet; Thence S37°53'57"W, 16.36 feet; Thence N85°06'41"W, 53.49 feet; Thence N50°30'37"W, 29.10 feet; Thence N18°16'14"W, 43.21 feet; Thence N08°25'53"E, 38.56 feet; Thence N88°26'34"W, 53.97 feet; Thence N01°10'15"E, 148.57 feet; Thence N54°12'06"E, 90.52 feet; Thence N13°34'17"E, 148.99 feet; Thence N64°17'33"W, 19.25 feet; Thence S85°42'10"W, 240.42 feet; Thence S29°55'40"W, 28.91 feet; Thence N89°43'34"W, 121.72 feet; Thence N00°45'05"W, 218.76 feet; Thence S74°58'20"E, 50.48 feet; Thence N83°09'19"E, 83.00 feet; Thence S86°40'29"E, 137.65 feet; Thence S78°50'35"E, 94.32 feet; Thence S87°07'37"E, 101.94 feet; Thence N05°42'13"E, 140.43 feet; Thence N15°30'55"W, 113.48 feet; Thence N66°57'40"W, 118.32 feet; Thence N75°28'55"W, 92.75 feet; Thence N53°52'39"W, 159.64 feet; Thence N34°36'01"W, 155.39 feet; Thence N53°16'32"W, 84.40 feet; Thence S54°38'05"W, 115.14 feet; Thence N78°25'38"W, 70.04 feet; S13°47'25"W, 75.42 feet; Thence S51°18'24"W, 117.88 feet; Thence S62°42'37"W, 39.01 feet; Thence N66°04'30"W, 77.31 feet; Thence S68°25'58"W, 86.24 feet; Thence S61°42'24"W, 50.95 feet; Thence N89°25'47"W, 23.59 feet; Thence N61°42'24"E, 50.95 feet; Thence N30°20'54"E, 72.31 feet; Thence N49°59'40"E, 23.63 feet; Thence N85°35'34"E, 100.38 feet; Thence N54°18'09"E, 84.57 feet; Thence S83°47'51"E, 59.45 feet; Thence N33°45'17"E, 24.64 feet; Thence N02°43'55"E, 87.52 feet; Thence N58°35'21"W, 69.57 feet; Thence N75°48'51"W, 89.61 feet; Thence N35°43'15"E, 23.02 feet; Thence N71°29'35"E, 66.27 feet; Thence N58°38'05"E, 69.37 feet; Thence N22°39'02"E, 125.73 feet; Thence N03°26'30"W, 198.34 feet; Thence N31°03'46"W, 102.07 feet; Thence N44°07'09"W, 79.35 feet; Thence S76°30'42"W, 130.37 feet; Thence S25°15'59"W, 162.21 feet; Thence S38°46'16"W, 60.87 feet; Thence S58°09'43"W, 75.09 feet; Thence N18°39'25"W, 123.33 feet; Thence N07°52'26"E, 62.14 feet; Thence N30°04'09"E, 130.76 feet; Thence N13°58'09"E, 101.27 feet; Thence N25°21'41"W, 94.53 feet; Thence N55°59'41"W, 91.01 feet; Thence S82°01'59"W, 125.82 feet, to a Point on the West Line of the Southeast Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence N00°33'00"W, along said West Line, 313.20 feet, to its intersection with the Centerline of Seneca Road NW; Thence Southeasterly, 253.43 feet, along said Centerline on a 380.00 foot radius curve, concave Southwesterly, whose 248.76 foot chord bears S58°30'06"E; Thence S39°23'45"E, along said Centerline, 239.11 feet; Thence Southeasterly, 147.59 feet, along said Centerline on a 477.46 foot radius curve, concave Northeasterly, whose 147.00 foot chord bears S48°15'04"E; Thence S57°06'22"E, along said Centerline, 100.89 feet; Thence Southeasterly, 316.03 feet, along said Centerline on a 477.46 foot radius curve, concave Southwesterly, whose 310.30 foot chord bears S38°08'38"E; Thence S19°10'54"E, along said Centerline, 145.95 feet; Thence Southeasterly, 149.44 feet, along said Centerline on a 409.26 foot radius curve, concave Northeasterly, whose 148.61 foot chord bears S29°38'33"E; Thence S40°06'11"E, along said Centerline, 67.46 feet; Thence N53°15'10"E, 164.03 feet; Thence S36°31'24"E, 175.11 feet; Thence S53°23'47"W, 153.10 feet, to a Point on the Centerline of said Seneca Road NW; Thence S40°06'11"E, along said Centerline, 473.80 feet, to its intersection with the East Line of the Northeast

Quarter of the Northwest Quarter of said Section 20; Thence S00°39'40"W, along said East Line, 356.44 feet, to the Point of Beginning. Said Rezoning Parcel #1 contains 16.4 Acres, and is subject to easements and restrictions of record.

DESCRIPTION - REZONING PARCEL #2


Commencing at the Southeast Corner of the Northeast Quarter of the Northwest Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence N00°39'40"E, along the East Line of said Northeast Quarter of the Northwest Quarter, 621.62 feet; Thence continuing N00°39'40"E, along said East Line, 356.44 feet, to its intersection with the Centerline of Seneca Road NW, and the POINT OF BEGINNING; Thence N40°06'11"W, along said Centerline, 473.80 feet; Thence N53°23'47"E, 153.10 feet; Thence N36°31'24"W, 175.11 feet; Thence S53°15'10"W, 164.03 feet, to a Point on said Centerline of Seneca Road NW; Thence N40°06'11"W, along said Centerline, 67.46 feet; Thence Northwesterly, 149.44 feet, along said Centerline on a 409.26 foot radius curve, concave Northeasterly, whose 148.61 foot chord bears N29°38'33"W; Thence N19°10'54"W, along said Centerline, 145.95 feet; Thence Northwesterly, 316.03 feet, along said Centerline on a 477.46 foot radius curve, concave Southwesterly, whose 310.30 foot chord bears N38°08'38"W; Thence N57°06'22"W, 100.89 feet; Thence Northwesterly, 147.59 feet, along said Centerline on a 477.46 foot radius curve, concave Northeasterly, whose 147.00 foot chord bears N48°15'04"W; Thence N39°23'45"W, 239.11 feet; Thence Northwesterly, 253.43 feet, along said Centerline on a 380.00 foot radius curve, concave Southwesterly, whose 248.76 foot chord bears N58°30'06"W, to its intersection with the West Line of the Southeast Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence N00°33'00"W, along said West Line, 11.18 feet, to its intersection with the Southerly Line of Auditor's Parcel 2005113, in accordance with the Plat thereof Recorded in Plat Book 49 at Page 318 of the Records of the Johnson County Recorder's Office; Thence S84°09'23"E, along said Southerly Line, 121.37 feet; Thence S39°59'09"E, along said Southerly Line, 399.98 feet; Thence S49°25'29"E, along said Southerly Line, 107.81 feet; Thence S64°11'59"E, along said Southerly Line, 188.91 feet; Thence S54°15'49"E, along said Southerly Line 155.74 feet, to the Southern most corner thereof, and a Point on the South Line of "William Fisher Survey", as Recorded in Plat Book 12, at Page 75 of the Records of the Johnson County Recorder's Office; Thence S28°25'09"E, along said South Line, 110.46 feet; Thence S04°40'19"E, along said South Line, 204.21 feet; Thence N87°42'40"E, along said South Line, 507.85 feet, to the Southeast Corner thereof, and a Point on the East Line of the Southeast Quarter of the Southwest Quarter of said Section 17; Thence S00°40'35"E, along said East Line, 346.65 feet, to the Northeast Corner of the Northeast Quarter of the Northwest Quarter of said Section 20; Thence S00°39'40"W, along the East Line of the Northeast Quarter of the Northwest Quarter of said Section 20, a distance of 348.40 feet, to the Point of Beginning. Said Rezoning Parcel #2 contains 4.9 Acres, and is subject to easements and restrictions of record.

DESCRIPTION - REZONING PARCEL #3

Beginning at the Southeast Corner of the Northeast Quarter of the Northwest Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence S88°22'15"W, along the South Line of the Northeast Quarter of the Northwest Quarter of said Section 20, a distance of 1292.41 feet, to

the Southwest Corner thereof; Thence N00°46'47"W, along the West Line of the Northeast Quarter of the Northwest Quarter of said Section 20, a distance of 1295.50 feet, to the Northwest Corner thereof; Thence N00°33'00"W, along the West Line of the Southeast Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian, 932.58 feet; Thence N82°01'59"E, 125.82 feet; Thence S55°59'41"E, 91.01 feet; Thence S25°21'41"E, 94.53 feet; Thence S13°58'09"W, 101.27 feet; Thence S30°04'09"W, 130.76 feet; Thence S07°52'26"W, 62.14 feet; Thence S18°39'25"E, 123.33 feet; Thence N58°09'43"E, 75.09 feet; Thence N38°46'16"E, 60.87 feet; Thence N25°15'59"E, 162.21 feet; Thence N76°30'42"E, 130.37 feet; Thence S44°07'09"E, 79.35 feet; Thence S31°03'46"E, 102.07 feet; Thence S03°26'30"E, 198.34 feet; Thence S22°39'02"W, 125.73 feet; Thence S58°38'05"W, 69.37 feet; Thence S71°29'35"W, 66.27 feet; Thence S35°43'15"W, 23.02 feet; Thence S75°48'51"E, 89.61 feet; Thence S58°35'21"E, 69.57 feet; Thence S02°43'55"W, 87.52 feet; Thence S33°45'17"W, 24.64 feet; Thence N83°47'51"W, 59.45 feet; Thence S54°18'09"W, 84.57 feet; Thence S85°35'34"W, 100.38 feet; Thence S49°59'40"W, 23.63 feet; Thence S30°20'54"W, 72.31 feet; Thence S61°42'24"W, 50.95 feet; Thence S89°25'47"E, 23.59 feet; Thence N61°42'24"E, 50.95 feet; Thence N68°25'58"E, 86.24 feet; Thence S66°04'30"E, 77.31 feet; Thence N62°42'37"E, 39.01 feet; Thence N51°18'24"E, 117.88 feet; Thence N13°47'25"E, 75.42 feet; Thence S78°25'38"E, 70.04 feet; Thence N54°38'05"E, 115.14 feet; Thence S53°16'32"E, 84.40 feet; Thence S34°36'01"E, 155.39 feet; Thence S53°52'39"E, 159.64 feet; Thence S75°28'55"E, 92.75 feet; Thence S66°57'40"E, 118.32 feet; Thence S15°30'55"E, 113.48 feet; Thence S05°42'13"W, 140.43 feet; Thence N87°07'37"W, 101.94 feet; Thence N78°50'35"W, 94.32 feet; Thence N86°40'29"W, 137.65 feet; Thence S83°09'19"W, 83.00 feet; Thence N74°58'20"W, 50.48 feet; Thence S00°45'05"E, 218.76 feet; Thence S89°43'34"E, 121.72 feet; Thence N29°55'40"E, 28.91 feet; Thence N85°42'10"E, 240.42 feet; Thence S64°17'33"E, 19.25 feet; Thence S13°34'17"W, 148.99 feet; Thence S54°12'06"W, 90.52 feet; Thence S01°10'15"W, 148.57 feet; Thence S88°26'34"E, 53.97 feet; Thence S08°25'53"W, 38.56 feet; Thence S18°16'14"E, 43.21 feet; Thence S50°30'37"E, 29.10 feet; Thence S85°06'41"E, 53.49 feet; Thence N37°53'57"E, 16.36 feet; Thence N11°56'35"W, 57.29 feet; Thence N30°04'11"E, 32.75 feet; Thence N01°33'32"E, 143.88 feet; Thence N24°33'39"W, 57.70 feet; Thence N22°23'57"E, 33.35 feet; thence N13°51'56"E, 187.21 feet; Thence N51°56'02"E, 75.42 feet, to a Point on the East Line of the Northeast Quarter of the Northwest Quarter of said Section 20; Thence S00°39'40"W, along said East Line, 621.62 feet, to the Point of Beginning. Said Rezoning Parcel #3 contains 39.6 Acres, and is subject to easements and restrictions of record.

# EXHIBIT "B" (CZA)

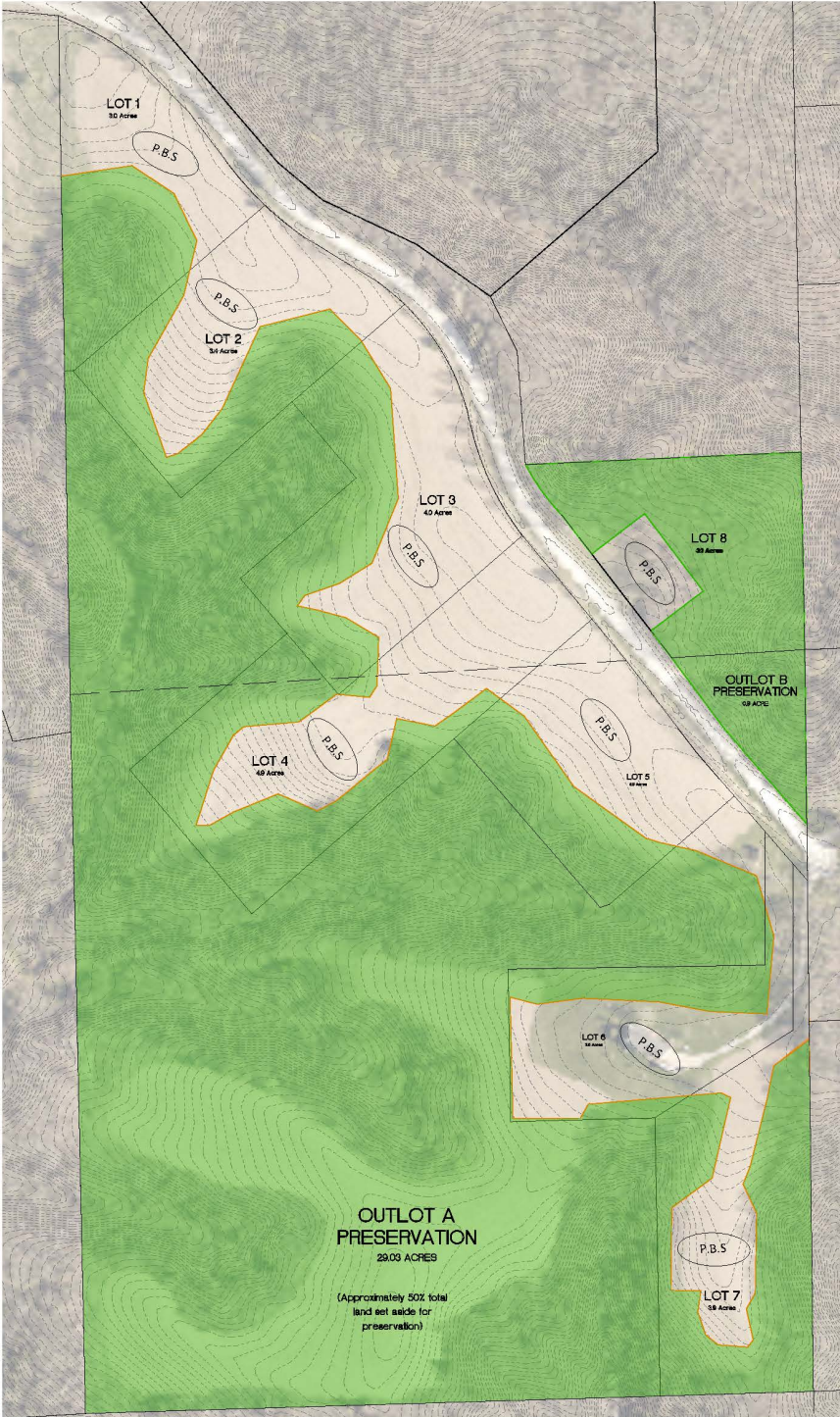


**Results:**

**Parcel ID - 0320201001**  
**Alt Id - 03-J**  
**Address - 1605 SENECA RD NW**  
**Owner - BROWN, BERNARD K (Deed)**  
**BROWN, NANCY D (Deed)**  
**BERNARD K & NANCY D BROWN (Mail To)**  
**Acres - 40**  
**Value - \$282900**  
View: [Parcel Report](#) | [Soil Report](#) | [Pictometry Imagery](#) | [Data Correction](#) | [Google Maps opens in a new tab](#)

**Parcel ID - 0317377001**  
**Alt Id - 03-I**  
**Owner - BROWN, BERNARD K (Deed)**  
**BERNARD K & NANCY D BROWN (Mail To)**  
**BROWN, NANCY D (Deed)**  
**Acres - 22.4**  
**Value - \$18800**  
View: [Parcel Report](#) | [Soil Report](#) | [Pictometry Imagery](#) | [Data Correction](#) | [Google Maps opens in a new tab](#)

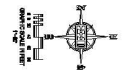
# EXHIBIT "C" (CZA)



**LEGEND**

- LIMITS OF DISTURBANCE (orange outline)
- PROTECTED AREAS (green fill)

- NOTES:**
- APPROXIMATELY 43.61 ACRES OF LAND (75% OF TOTAL TRACT) FALLS OUTSIDE OF THE LIMITS OF DISTURBANCE AND WILL BE PROTECTED AND PRESERVED AS PART OF THIS SUBDIVISION PROPOSAL.



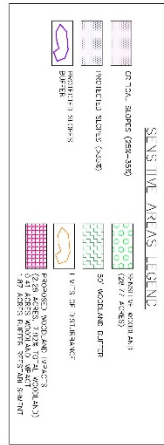
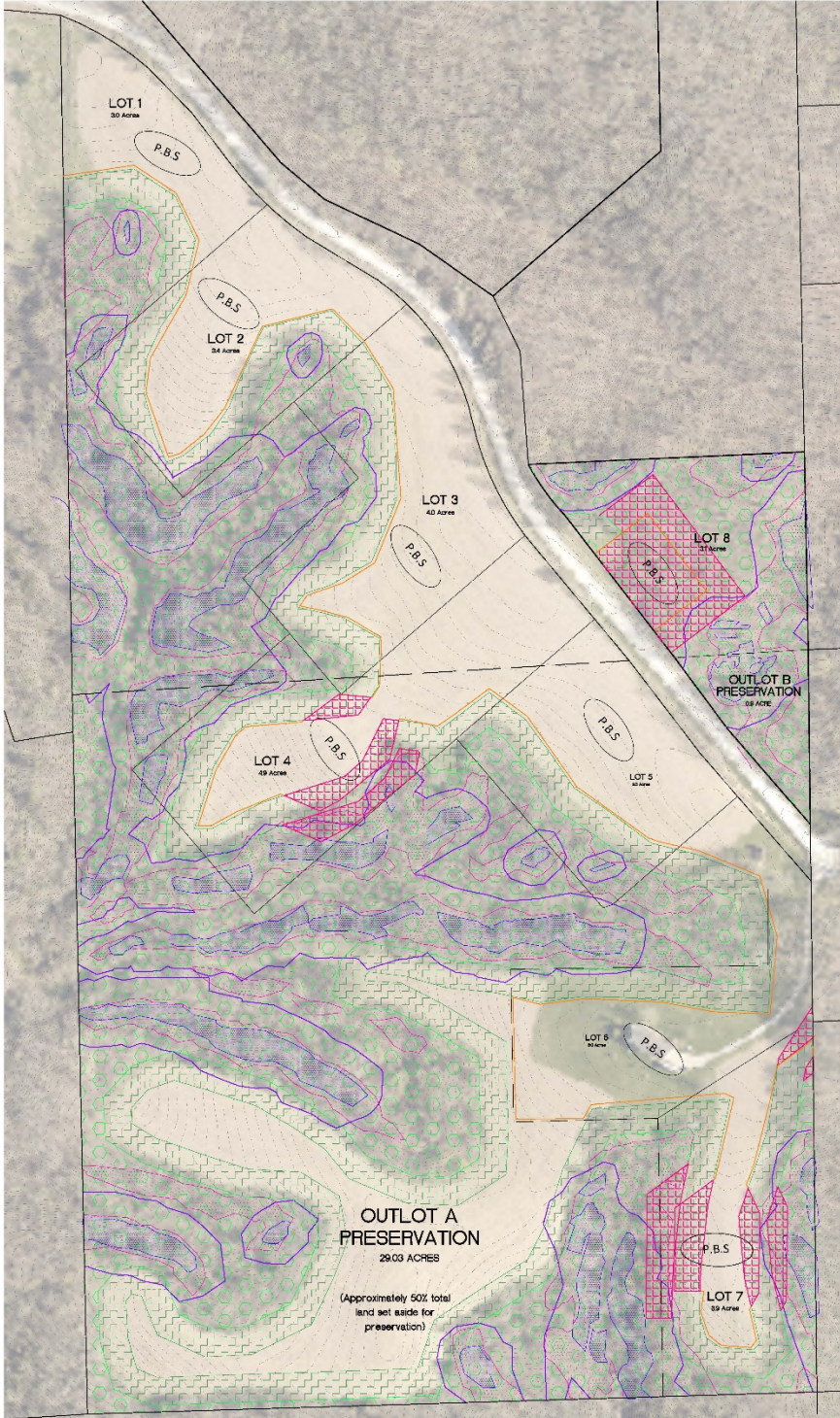
**M3 ENGINEERS**  
**LAND SERVICES**  
**LAND SERVICES**  
**ENVIRONMENTAL SPECIALISTS**  
 507 E. TALENT ST.  
 CLAMATH COUNTY, OR 97630  
 PHONE: (503) 261-2002  
 WWW.M3ENGINEERS.COM

**PRESERVATION EXHIBIT**

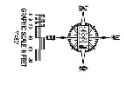
**DAVID BROWN**  
 SENECA RD NW  
 SECT 17&21-18N-14W  
 WAVEREN COUNTY  
 IDWA

**M3E CONSULTANTS, INC.**  
 1050 W. 20TH ST.  
 TACOMA, WA 98402  
 PHONE: (206) 835-1300  
 WWW.M3E.COM

# EXHIBIT "D" (CZA)



- NOTES:**
1. APPROXIMATELY 43.61 ACRES OF LAND (75% OF TOTAL TRACT) FALLS OUTSIDE OF THE LUTS OF DISURBANCE AND WILL BE PRESERVED AS PART OF THIS SUBMISSION PROPOSAL.
  2. LOTS 7-7: ALL WOODLAND IMPACTS PROPOSED ARE THE RESULT OF BUFFER RE-ESTABLISHMENT. DIRECT IMPACTS TO TREES/WOODLAND ARE NOT PROPOSED.
  3. LOT 8: ONLY 0.41 ACRES OF TREES AND P.C.P.S. DUE TO IMPACT. DUAL WOODLAND IMPACTS SHOWN ON LOT ARE THE RESULT OF BUFFER RE-ESTABLISHMENT.





**RESOLUTION 04-19-90-2**  
**AFFIRMING THE STABILITY OF THE ROAD SYSTEM**

Whereas Johnson County is one of the counties in the State of Iowa that is increasing in its population; and

Whereas there is a growing tendency for persons in Johnson County to prefer to develop lots for building purposes; and

Whereas improvement of currently non-improved roads to standards dictated by the state of Iowa for Secondary roads is expensive;

Now, therefore be it resolved that any person who develops a rezoned and subdivided lot in Johnson County should first be aware of the existing secondary road conditions serving that tract of land, and should act under the presumption that said road in all probability will continue in its present condition. Private interests or adjacent landowners may underwrite the costs to bring said road up to minimum state standards which includes providing the necessary right-of-way, moving fences, grading, culverts, surfacing, and other items that may be needed to provide an improved road. These improvements can be achieved by permission of Johnson County per the **Iowa Code**, Section 319.14, and by Johnson County Resolution 08-10-89-2. However, if this tract of land is located on a road that has been designated as a Level B road per Resolution 04-05-90-1, Johnson County will provide no more services than stated in Johnson County Ordinance 02-08-90-1. If possible, consideration should be given to the prospect of agreeing that said road be closed by Johnson County and maintained by the residents owning land abutting said road to county subdivision standards as a private lane.

My (our) signature on this document indicates that I have read the above road policy of Johnson County, Iowa, and understand the contents of the above shown policy, and that the zoning, or subdivision, action that is being taken by me (us) would be subject to the above Resolution by the Johnson County Board of Supervisors.



\_\_\_\_\_  
Signature of Owner, Contract Owner, Option Purchaser

6150 Village View Dr. Suit 113, West Des Moines, IA 50266 515-279-1111

\_\_\_\_\_  
Address and Phone Number

Subscribed and sworn to before me on this 30<sup>th</sup> day of June,  
2021.



\_\_\_\_\_  
Notary Public, in & for the State of Iowa.

Adjacent Property Owners List  
David Brown – Seneca Road  
Within 500'  
MMS Project #10831-001

BERNARD J & PHYLLIS M MARAK  
800 OAK AVE SE  
SWISHER, IA 52338

BERNARD K & NANCY D BROWN  
1605 SENECA RD NW  
SWISHER, IA 52338

CY-HAWK CORP  
109 LEAMER CT  
IOWA CITY, IA 52246

RONALD A & AUDREY L LANDHERR  
170 BOYSON RD  
MARION, IA 52302

TAMMY M RICHARDSON  
1521 SENECA RD NW  
SWISHER, IA 52338-9525

US ARMY CORPS OF ENGINEERS  
PO BOX 2004  
ROCK ISLAND, IL 61201-2004

WAYNE D & JUDY E SLEZAK  
1604 SENECA RD NW  
SWISHER, IA 52338

WILLIAM A & DOROTHY A FISHER  
1518 SENECA RD NW  
SWISHER, IA 52338

ZACHARY HARRIS  
2876 HIGH BLUFF DR  
CORALVILLE, IA 52241



Johnson County Public Health  
855 S. Dubuque Street Suite 217 \* Iowa City, Iowa 52240 \* 319/356-6040 \* Fax: 319/356-6044

FOR OFFICE USE ONLY:  
**ZONING NUMBER:** \_\_\_\_\_

## Johnson County Public Health Zoning Application

Applicant Name: David Brown	Phone Number: ( 515 ) 279-1111
Address: 6150 Village View Dr. Suit 113	City: West Des Moines State: IA Zip: 50266

**NOTE: THIS APPLICATION NEED NOT BE SUBMITTED FOR FINAL PLATS.**

TYPE OF ZONING REQUEST:	APPLICATION FEE:
<input checked="" type="checkbox"/> Zoning reclassification from <u>Ag</u> to <u>R3 &amp; ERP</u>	\$75.00 Application Fee
<input type="checkbox"/> Combined preliminary and final plat	\$50.00 + \$20.00 per Lot Application Fee*
<input type="checkbox"/> Preliminary plat using private onsite/centralized waste water systems	\$50.00 + \$20.00 per Lot Application Fee*
<input type="checkbox"/> Conditional Use Permit	\$25.00 Application Fee

**\*Outlots Exempt**


Application Fee \$75 + Lot Fee (if applicable)  
 (Number of lots \_\_\_\_\_ Minus Number of Outlots = \_\_\_\_\_ x \$20.00 Fee Per Lot)  
 = Enclosed Fee \$75

**PLEASE RETURN THIS APPLICATION AND APPROPRIATE APPLICATION FEE TO:**

**JOHNSON COUNTY PUBLIC HEALTH  
855 S. DUBUQUE STREET SUITE 217  
IOWA CITY, IA 52240**

**The application and fee must be received by the department NO LESS THAN 24 HOURS prior to the Johnson County Zoning commission public hearing and/or the Johnson County Zoning Board of Adjustment.**

No refund shall be made of any required fee accompanying a required application once filed with the administrative officer.

Signature of Applicant:  Date: 6/30/21