

**PLANNING APPLICATION COVER SHEET****PROJECT TYPE: Subdivision****SUBTYPE: Combined****NO. SD25-000010****APPLICATION DATE: 12/03/2025****PROPERTY OWNER: JAMES M YODER****APPLICANT: David West****WORK DESCRIPTION: Deer Creek Bend - Yoder Estate****SITE ADDRESS: 1232 540th St SW****PARCEL NUMBER: 1320351004****PROPOSED SUBDIVISION NAME: Deer Creek Bend****PROPERTY INFORMATION**

<b>Parcel ID (PPN)</b>	<b>Acres in Parcel</b>	<b>Current zoning classification</b>
1320351004	1.59	A - Agricultural

**Planning, Development and Sustainability****913 S. Dubuque St. Iowa City, IA 52240****[planning@johnsoncountyiowa.gov](mailto:planning@johnsoncountyiowa.gov). 319-356-6083****<https://www.johnsoncountyiowa.gov/pds>**



Environmental Specialists

Landscape Architects

Land Planners

Land Surveyors

Civil Engineers

October 10, 2025

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

RE: Deer Creek Bend

Dear Josh,

On behalf of the Elizabeth Kling as the executor of the estate of James M. Yoder we are filing a Rezoning application to rezone 1.59 acres of a portion of the Southwest ¼ of the Southwest ¼ of Section 20-T78N-R8W located at 1232 540<sup>th</sup> Street SW from A to R.

We are also filing a Preliminary and Final Plat application of Deer Creek Bend. This is a one lot subdivision, consisting of 1.59 acres containing 1 buildable lot. The intent is to create a buildable lot for an existing house with the remainder of the parcel lying south of 540<sup>th</sup> Street SW continuing to remain in agricultural production. 540<sup>th</sup> Street SW has a projected right-of-way need of 70 feet for ½ ROW. An acquisition has been included for this projected need and since the buildings lie within this area, a separate legal document has been included to handle this situation.

The proposed lot contains an existing house, garage, well, and permitted septic. The subdivision does not lie within a designated Fringe Area. A portion of Lot 1 is located in a designated Floodplain and a conservation easement has been provided to accommodate the Floodplain.

Lot 1 will utilize an existing access on 540<sup>th</sup> Street SW, and the remainder will utilize an existing access on 540<sup>th</sup> Street SW as well. A waiver that stormwater requirements be deferred to building permit time has been approved for the subdivision. A Sensitive areas report or waivers will be provided with this application.

Please feel free to contact us with any questions.

Respectfully submitted,

David M. West, P.L.S.

**PRELIMINARY AND FINAL PLAT  
DEER CREEK BEND  
JOHNSON COUNTY, IOWA**

PLAT PREPARED BY:  
MMS CONSULTANTS INC.  
1917 S. GILBERT STREET  
IOWA CITY, IA 52240

OWNER/SUBDIVIDER:  
JAMES M. YODER ESTATE  
C/O ELIZABETH KLING  
23074 HWY 92  
COLUMBUS JUNCTION, IA 52738

OWNERS' ATTORNEY:  
JAY T. SCHWEITZER  
222 MAIN STREET  
COLUMBUS JUNCTION, IA 52738

DESCRIPTION: (DEER CREEK BEND)

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 8 WEST OF THE 5th P.M., JOHNSON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE N88°26'25"E ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 20, A DISTANCE OF 502.01 FEET TO THE SOUTHEAST CORNER OF LOT 1 CHRISTNER SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 25 AT PAGE 70, PLAT RECORDS OF JOHNSON COUNTY, IOWA AND THE POINT OF BEGINNING; THENCE N02°55'14"W ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 217.83 FEET TO THE NORTHEAST CORNER THEREOF; THENCE N88°45'22"E, 351.22 FEET TO A POINT ON THE CENTERLINE OF BUCHANAN AVENUE SW; THENCE S13°01'37"W ALONG SAID CENTERLINE, 223.02 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF SECTION 20; THENCE S88°26'25"W ALONG SAID SOUTH LINE, 289.87 FEET TO THE POINT OF BEGINNING, CONTAINING 1.59 ACRES, WHICH INCLUDES 0.31 ACRES OF EXISTING ROAD RIGHT-OF-WAY EASEMENT AND ALSO INCLUDES 0.20 ACRES OF COUNTY ROAD RIGHT-OF-WAY THAT IS TO BE DEDICATED TO THE PUBLIC, AND IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION: (RIGHT-OF-WAY ACQUISITION)

THAT PART OF LOT 1 DEER CREEK BEND AS SHOWN ON THE FINAL PLAT THEREOF LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 8 WEST OF THE 5th P.M., JOHNSON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N02°55'14"W ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 35.65 FEET TO A POINT ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF 540th STREET SW AND THE POINT OF BEGINNING; THENCE CONTINUING N02°55'14"W ALONG SAID WEST LINE, 30.01 FEET; THENCE S88°47'10"W, 45.21 FEET; THENCE NORTHEASTERLY 242.19 FEET ALONG AN ARC OF 57,225.80 FOOT RADIUS CURVE, CONCAVE NORTHERLY, SAID ARC HAVING A CHORD DISTANCE OF 242.19 FEET THAT BEARS N88°39'54"E TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF BUCHANAN AVENUE SW; THENCE S13°01'37"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 38.21 FEET TO A POINT ON AFOREMENTIONED EXISTING NORTH RIGHT-OF-WAY LINE; THENCE SOUTHWESTERLY 48.71 FEET ALONG SAID NORTH LINE BEING AN ARC OF 57,262.80 FOOT RADIUS CURVE, CONCAVE NORTHERLY, SAID ARC HAVING A CHORD DISTANCE OF 48.71 FEET THAT BEARS S88°34'39"W; THENCE N01°24'10"W ALONG SAID NORTH LINE, 7.00 FEET; THENCE SOUTHWESTERLY 184.06 FEET ALONG SAID NORTH LINE BEING AN ARC OF 57,255.80 FOOT RADIUS CURVE, CONCAVE NORTHERLY, SAID ARC HAVING A CHORD DISTANCE OF 184.06 FEET THAT BEARS S88°41'39"W; THENCE S88°47'10"W ALONG SAID NORTH LINE, 44.32 FEET TO THE POINT OF BEGINNING, CONTAINING 0.20 ACRES, THAT IS TO BE DEDICATED AS A PUBLIC ROAD RIGHT-OF-WAY EASEMENT, AND IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION: (CONSERVATION EASEMENT FOR FLOODPLAIN)

THAT PART OF LOT 1 DEER CREEK BEND AS SHOWN ON THE FINAL PLAT THEREOF LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 8 WEST OF THE 5th P.M., JOHNSON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

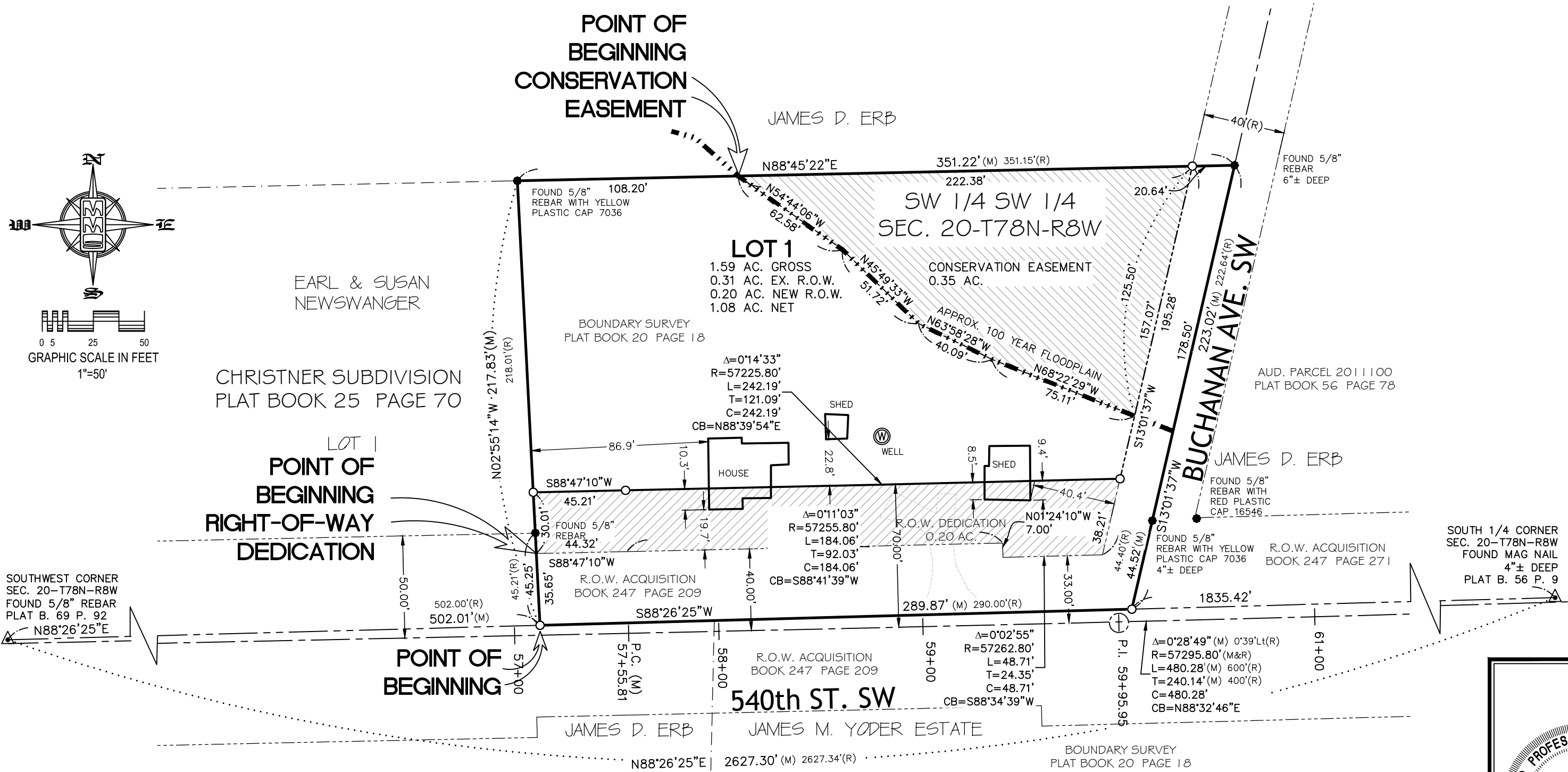
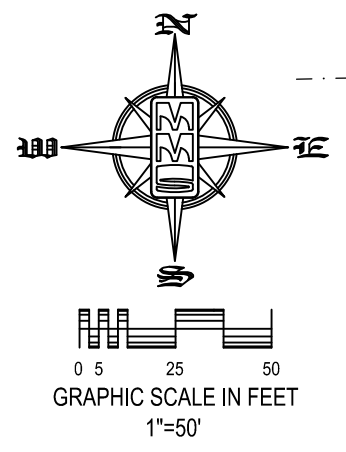
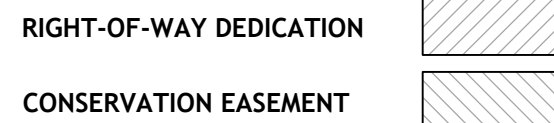
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE N88°45'22"E ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 108.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N88°45'22"E ALONG SAID NORTH LINE, 222.38 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE OF BUCHANAN AVENUE SW; THENCE S13°01'37"W ALONG SAID WESTERLY LINE, 125.50 FEET; THENCE N68°22'29"W, 75.11 FEET; THENCE N63°58'28"W, 40.09 FEET; THENCE N45°49'33"W, 51.72 FEET; THENCE N54°44'06"W, 62.58 FEET TO THE POINT OF BEGINNING, CONTAINING 0.35 ACRES AND IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

-PREPARED BY AND RETURN TO: MMS CONSULTANTS, INC., 1917 S. GILBERT ST. IOWA CITY, IOWA 52240 (319)351-8282

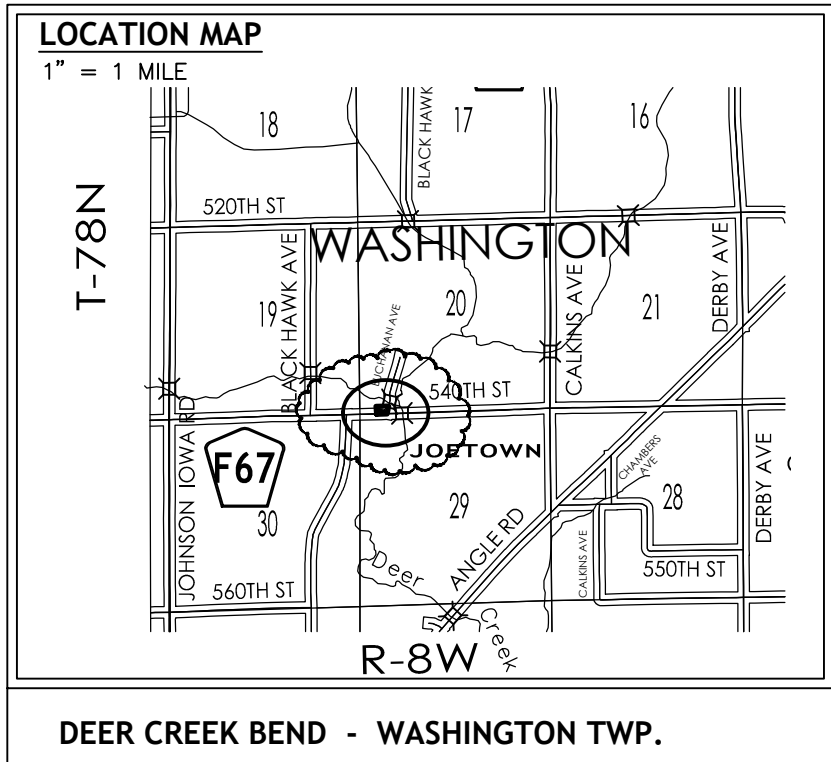
NOTES:  
1) BEARINGS ARE BASED ON THE IOWA STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) LIBRARY CALIBRATION USING THE IOWA REAL TIME NETWORK (RTN) WITH DATUM NAD83 (2011) EPOCH 2010.000 IN U.S. SURVEY FEET. THE DISTANCES SHOWN ON THE PLAT ARE HORIZONTAL GROUND DISTANCES AND NOT GRID DISTANCES.  
2) RECORDED BEARINGS WERE OMITTED BECAUSE THEY ARE NOT ON THE SAME BASIS.  
3) SEE THE SENSITIVE AREAS EXHIBIT RECORDED WITH THE LEGAL DOCUMENTS FOR THIS SUBDIVISION.

SURVEYOR'S NOTE:

THE CENTERLINE OF 540th STREET SW WAS A RETRACEMENT OF THE COUNTY ROAD PLANS FOR PROJECT P-2 (1962) AND PHYSICAL CENTERLINE MEASUREMENTS. THE STATIONING WAS REPRODUCED HOLDING THE CENTERLINE OF THE BRIDGE APPROXIMATELY 410 FEET EAST OF BUCHANAN AVENUE SW AT STATION 64+15. THE MEASURED DEFLECTION AT THE P.I. AT STATION 59+95.95 WAS LESS THAN THE PLANS SHOWED; HOLDING THE SAME LARGE RADIUS MATCHED THE ROAD BUT PRODUCED A SUBSTANTIALLY SHORTER CURVE. THE RETRACED RIGHT-OF-WAY WAS PRODUCED BY STATION/OFFSET FROM RECORDED EASEMENT ACQUISITIONS AS NOTED ON THE PLAT.



LOCATION:	PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 8 WEST OF THE 5th P.M., JOHNSON COUNTY, IOWA
LAND SURVEYOR, INCLUDING FIRM OR ORGANIZATION:	DAVID M. WEST, P.L.S. MMS CONSULTANTS INC. 1917 SOUTH GILBERT STREET IOWA CITY, IOWA, 52240 PHONE: 319-351-8282
SURVEY REQUESTED BY:	ELIZABETH KLING PROPRIETOR(S) OR OWNER(S): JAMES M. YODER ESTATE
DATE(S) OF SURVEY:	OCTOBER 7, 2025
DOCUMENT RETURN INFORMATION:	LAND SURVEYOR



LEGEND AND NOTES	
	CONGRESSIONAL CORNER
	FOUND IRON RAIL
	FENCE CORNER / FENCE POST
	MONUMENT(S), FOUND (as noted)
	FOUND PIPE(S), (as noted)
	PROPERTY CORNERS SET (5/8" x 24" REBAR WITH ORANGE PLASTIC CAP EMBOSSED WITH "MMS 15749")
	PROPERTY &/or BOUNDARY LINES
	CONGRESSIONAL SECTION LINES
	RIGHT-OF-WAY LINES
	CENTER LINES
	FENCE LINES
	LOT LINES, PLATTED OR BY DEED
	EASEMENT LINES, WIDTH & PURPOSE NOTED
	EXISTING EASEMENT LINES, PURPOSE NOTED
	EXISTING PLATTED BOUNDARY
	RECORDED DIMENSIONS
	MEASURED DIMENSIONS
	COMPUTED DIMENSIONS
	CURVE SEGMENT NUMBER
UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS	

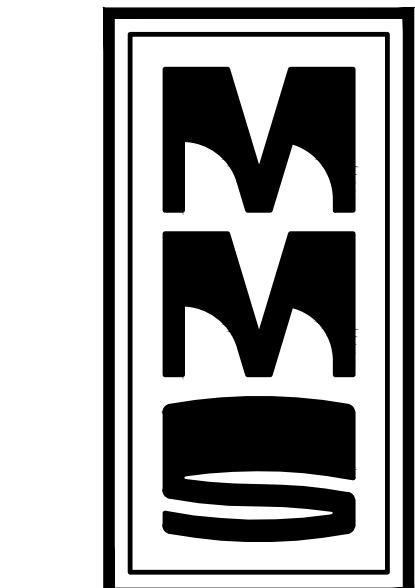
PLAT APPROVED BY:	JOHNSON COUNTY BOARD OF SUPERVISORS:
CHAIRPERSON	DATE

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the state of Iowa.

DAVID M. WEST  
P.L.S. Iowa Lic. No. 15749  
My license renewal date is December 31, 2026.

Pages of sheets covered by this seal: 1

SEAL



CIVIL ENGINEERS  
LAND PLANNERS  
LAND SURVEYORS  
LANDSCAPE ARCHITECTS  
ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.  
IOWA CITY, IOWA 52240  
(319) 351-8282  
www.mmsconsultants.net

Date	Revision
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**PRELIMINARY AND FINAL PLAT  
DEER CREEK BEND**

1232 540th STREET SW  
RURAL WELLMAN,  
JOHNSON COUNTY,  
IOWA

MMS CONSULTANTS, INC.	Date:	10/09/2025
Surveyed by:	JRD	Field Book No: 1430
Drawn by:	DMW	Scale: 1" = 50'
Checked by:	DMW	Sheet No: 1
Project No:	12322-001	of: 1



# PLANNING, DEVELOPMENT AND SUSTAINABILITY

JOSH BUSARD  
AICP, LEED-AP, CFM  
DIRECTOR

NATHAN MUELLER, AICP, CFM  
ASSISTANT DIRECTOR

## PLANNING DIVISION

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### WAIVER RESPONSE

Date: November 4, 2025  
To: MMS Consultants; Attn. Lee Swank  
From: Kasey Hutchinson, Environmental Regulations Coordinator  
Re: Waiver Request, PPN 1320351004

Recently, your firm submitted a request to waive the Stormwater Management and Sensitive Areas requirements for a subdivision, PPN 1320351004. After review, the PDS Administrative Officer has issued the following decision regarding the request:

**Request to waive Stormwater Management: With Building Permit**

Stormwater management planning will be required with any future building permit.

**Request to waive Sensitive Areas: Approved**

- Waiver has been requested and approved for all sensitive areas requested. Waiver has been requested for all sensitive areas with the exception of Critical Wildlife Habitat and Floodplain/Floodway.
- This subdivision is exempt from the Historic Properties Requirements.

Please contact me at [khutchinson@johnsoncountyiowa.gov](mailto:khutchinson@johnsoncountyiowa.gov) if you have any questions.

Respectfully,

Kasey Hutchinson  
Environmental Regulations Coordinator