

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 18, 1996

The Cedar County Planning and Zoning Commission held a Public Hearing on December 18, 1996, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Krall, Penningroth, Pruess Schuett and Zoning Administrator La Rue. Members absent were Bowie, Brown and Glick.

Minutes of the previous meeting held on November 20, 1996, were previously sent to the members. A motion was made by Krall to approve the minutes with the correction that member Bowie was also present at the hearing. Schuett seconded the motion. Motion carried. La Rue then explained that the Board of Supervisors had approved and adopted the revised Cedar County Subdivision Ordinance. The ordinance was published December 11, 1996.

The following petitions were then heard by the members:

1. Dewayne and Pat Zousel, West Branch (Contract Buyers) - Requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on property located in the NW 1/4, SW 1/4, Section 8, T-80N, R-3W, in Center West Township, consisting of approximately 1.00 acres. There were no written or verbal objections on file for this petition. Mr. and Mrs. Zousel were present and explained their plan to construct a home within one to two years on property they are contract buying from Jane Cain, RR, Tipton. La Rue explained soil limitations for septic system construction as well as CSR ratings for the soil types. Pruess inquired about livestock production in the area. Randy Cain, representing the Cain family, explained that there is no livestock for over a mile in any direction. He also explained that Billy Cain will be constructing his home south of this site on his rezoned tract. With no further discussion, Pruess made a motion to recommend the change in zoning from A-1 to R-1. Schuett seconded the motion. Ayes all.
2. Dennis Byrnes, Solon (Contract Buyer) - Requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on property located in the NW 1/4, NW 1/4, Section 23, T-79N, R-3W, in Iowa Township, consisting of approximately 1.00 acres.

There were no written or verbal objection on file for this rezoning request. Mr. Byrnes was present and explained his intentions to construct a home on the property. He stated that he is asking to rezone up to 1.99 acres because he was not exactly sure where the home would be located. La Rue explained soil limitations for septic systems concerning

slopes in excess of 14%. Concerns about livestock production in the area were discussed. The nearest hog facility is Interstate Pork in Section 15, Iowa Township, which is over 1/4 mile away. It was noted by the Commission that there is also a R-1 district to the west of this site. Fire and rescue services would be from Atalissa which is about 6 miles away.

With no further discussion, Schuett made a motion to recommend the rezoning request from A-1 to R-1. Pruess seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.



Len Koenigsmuth
Chairman



P.D. Fortune
Secretary Pro-tem

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

December 9, 1996

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, December 18, 1996, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petitions:

1. Dewayne and Pat Zousel, West Branch (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4, SW 1/4, Section 8, T-80N, R-3W, in Center West Township, consisting of 1.00 acres more or less.
2. Dennis Byrnes, Solon (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4, NW 1/4, Section 23, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.



Phil La Rue
Zoning Administrator

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 20, 1996

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, November 20, 1996, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Bowie, Brown, Glick, Krall, Schuett and Zoning Administrator La Rue. Members absent were Penningroth and Pruess.

Schuett made a motion, with Krall seconding, that Brown serve as Chairman Pro-tem in the absence of Chairman Penningroth. Minutes of the last meeting held on October 16, 1996, were previously sent to the members. Schuett made a motion to approve the minutes as written. Krall seconded the motion. Motion carried.

The following petitions were then heard by the members:

1. Chad and Kimberly Gadke, Stanwood (Contract Buyers) - Requesting a change in zoning from A-1 to R-1 for the purpose of placing a mobile home on property located in the NW 1/4, SE 1/4, Section 11, T-81N, R-3W, in Red Oak Township, consisting of approximately 1.00 acre.

There were no written or verbal objections to this rezoning request. Elmer Mixell, owner, was present and spoke on behalf of the Gadke's. There have previously been three different mobile homes on this site, with the most recent mobile home being removed in 1985. There is an existing septic system on the property which was installed in 1969 or 1970. This system will be allowed to be used until it fails. Schuett then made a motion to recommend the rezoning request from A-1 to R-1. Krall seconded the motion. Ayes all.

2. Brian Walshire, Mechanicsville (Contract Buyer) - Requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on property located in the SW 1/4, NW 1/4, Section 2, T-82N, R-4W, in Pioneer Township, consisting of approximately 2.74 acres.

There were no written or verbal objections on file for this petition. The Commission was informed that there was an existing home at this site. Brian Walshire was present and explained where the new home is to be constructed. La Rue expressed concern regarding the water shed which runs along the south third of the tract. After a brief discussion, Krall made a motion to recommend the rezoning request from A-1 to R-1. Schuett seconded the motion. Ayes all.

3. Wilbert Lett, Wilton (Owner) - Requesting approval of a Preliminary Plat of Survey for a one (1) lot subdivision located in the NW 1/4, SE 1/4, Section 13, T-79N, R-2W, in Sugar Creek Township, consisting of approximately 1.323 acres.

There were no written or verbal objections on file. The Commission members were informed that there is currently a house on the property which is being sold. La Rue explained the requirements for subdivision. After a brief discussion, Schuett made a motion to approve the Preliminary Plat. Krall seconded the motion. Ayes all.

4. John and Marcia Wombacher, RR, West Branch (Owners) - Requesting approval of a Final Plat of Survey for a five (5) lot subdivision located in the NW 1/4, SW 1/4, Section 32, T-80N, R-4W, in Gower Township, consisting of approximately 6.18 acres.

John Wombacher was present at the meeting. Stuart Werling, attorney for the Wombacher's, was also present and spoke in behalf of the Wombacher's. A document from the City of West Branch waiving extra-territorial review was examined by the Commission members. Daryle Langenberg, owner of Lot 2 in Wombacher's 1st Subdivision, was asked his opinion regarding the driveway easement and the number of vehicles visiting the day care business located at his residence. Mr. Langenberg stated he feels that at this time there is enough parking for the day care center and their own personal use. A twenty foot easement was given for the south part of Lot 2 when it was sold to the Langenberg's. The Commission members expressed concern regarding the 20 feet easement across the Langenberg's property. Also discussed was the road maintenance agreement required by the Board of Supervisors. Attorney Werling also explained that Mr. Langenberg's attorney is currently redrafting the document and hopes to present it to the Board of Supervisors as soon as possible. After further discussion, Schuett made a motion to approve the Final Plat. Motion died due to the lack of a second. Krall then made a motion that the Zoning Commission make no recommendation to the Board of Supervisors. Glick seconded the motion. Ayes 3 with 1 nay.

With no further business to be discussed at this time, the meeting was adjourned.

Daryle Langenberg
Chairman Pro-tem

Larry L Glick
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

November 4, 1996

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, November 20, 1996, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petitions:

1. Chad and Kimberly Gadke, Stanwood (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of placing a mobile home on property located in the NW 1/4, SE 1/4, Section 11, T-81N, R-3W, in Red Oak Township, consisting of 1.00 acres more or less.
2. Brian Walshire, Mechanicsville (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4, NW 1/4, Section 2, T-82N, R-4W, in Pioneer Township, consisting of 2.74 acres more or less.
3. Wilbert Lett, Wilton (Owner) - Requesting approval of a Preliminary Plat of Survey for a one (1) lot subdivision located in the NE 1/4, SE 1/4, Section 13, T-79N, R-2W, in Sugar Creek Township, consisting of 1.323 acres more or less.
4. John and Marcia Wombacher, RR, West Branch (Owners) - Requesting approval of a Final Plat of Survey for a five (5) lot subdivision located in the NW 1/4, SW 1/4, Section 32, T-80N, R-4W, in Gower Township, consisting of 6.18 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.


Phil La Rue
Zoning Administrator



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

October 7, 1996

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, October 16, 1996, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petitions:

1. Jeffrey Graves, Durant (Owner) - Requesting a change in zoning from A-1 Agricultural to M-1 Light Industrial for the purpose of providing a warehousing and trade facility on property located in the E 1/2, SE 1/4, Section 23, T-79N, R-1W, in Farmington Township, consisting of 5.85 acres more or less.
2. Chad and Kimberly Gadke, Stanwood (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of placing a mobile home on property located in the NW 1/4, SE 1/4, Section 11, T-81N, R-3W, in Red Oak Township, consisting of 1.00 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

PL:s1

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 16, 1996

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, October 16, 1996, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Brown, Pruess, Glick, Penningroth, Krall, Schuett, Bowie and Zoning Administrator La Rue.

Minutes of the last two meetings held on September 18, 1996, and October 2, 1996, were previously sent to the members. Several typing errors in the September 18th meeting were pointed out by Jim Bowie. Joel Brown stated in the October 2nd meeting minutes to state his views were concerning no other uses as this in the area and the site is 7 miles from town. Bowie then made a motion, with Krall seconding, that the minutes from the two meetings be approved as corrected. Motion carried.

The following petitions were then heard by the members:

1. Jeffrey Graves, Durant (Owner) - Requesting a change in zoning from A-1 to M-1 for the purpose of providing a warehousing and trade facility on property located in the E 1/2, SE 1/4, Section 23, T-79N, R-1W, in Farmington Township, consisting of 5.85 acres more or less.

There were no verbal objections to this rezoning request. It was noted that there was a mapping error in the request when it had come before the board earlier. The C-2 district which was rezoned by the Board to M-1 was actually 500 feet in width rather than 600 feet as was indicated on the updated zoning map. La Rue explained that the petitioner was, for this reason, requesting the zoning change for the strip of ground along the west edge of the M-1 district which is 100 feet in width. If approved, the M-1 district would then be 600 feet in width.

A faxed letter was read which had been received from William Emeis, Colorado Springs, Colorado, expressing his objection to the rezoning of this parcel of ground. After a brief discussion, Pruess made a motion that the Commission recommend approval of the rezoning request subject to proof of Mr. Grave's ownership of the tract. Bowie seconded the motion. Ayes 6 with 0 nays.

2. Chad and Kimberly Gadke, Stanwood (Contract Buyers) - Requesting a change in zoning from A-1 to R-1 for the purpose of placing a mobile home on property located in the NW 1/4, SE 1/4, Section 11, T-81N, R-3W, in Red Oak Township, consisting of 1.00 acres more or less.

No one was present at the meeting to represent the Gadke's. Therefore, the Commission members did not act on this petition and it was tabled until the next regular meeting of the Commission.

With no further business to be discussed at this time, the meeting was adjourned.

Joel Brown
Chairman

Larry L Glick
Secretary

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 2, 1996

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, October 2, 1996, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Commission members Bowie, Krall and Brown met with Zoning Administrator La Rue at 4:00 p.m. and conducted a site survey at the property owned by Affordable Homes which had been tabled at the September 18, 1996, Public Hearing. Also present during the site survey were Larry Griggs, Owner, Jerry Denning, Attorney, Gary Whitacre, Surveyor and Kirk Latta, Latta Well and Pump.

Chairman Penningroth called the meeting to order at 6:30 p.m. Members present at the Public Hearing were Bowie, Krall, Brown, Penningroth and Zoning Administrator La Rue. The following petition was then heard by the members:

1. Affordable Homes, Inc., Waukeee, Iowa (Owners) - Requesting a change in zoning from A-1 to R-1 for the purpose of constructing single family dwellings on a proposed subdivision on property located in the W 1/2, NE 1/4, the SE 1/4, NW 1/4, and the NE 1/4, SW 1/4, all in Section 7, T-79N, R-1W, in Farmington Township, consisting of approximately 56.23 acres.

Brown made a motion to move the petition from the table and into session. Motion was seconded by Krall. Ayes all.

Jerry Denning again explained the petition and reminded the Commission members that there will probably be 20 lots rather than 40 lots and the project is in a very preliminary stage in its development. It is planned that the subdivision will have an 80 foot right-of-way width and be dedicated to Cedar County. It will terminate in a cul-de-sac with a radius of 100 feet.

Commission member Bowie stated his opposition based upon size, location, septic, flood plain and building sites. Brown questioned who is responsible for maintaining the diked area of creek down by the pond. Surveyor Gary Whitacre, Muscatine, presented flood plain overlays to show the areas of the property subject to flooding. He then said that the dike would be maintained by a Home Owners Association. Discussion on flood plains continued. Percolation test hole data was presented to provide information on the suitability of the area for septic systems. One site was unacceptable for conventional septic. Joel Brown spoke explaining his views regarding this proposed rezoning. Jerry Denning then spoke of the highest and best use of land. The taxes will provide the services. The Wilton Fire Department is less than 10 minutes away because of

*the location of the proposed rezoning
and the demand
for public services
this would cause*

the paved access road. A letter was presented by the Wilton Fire Department Chief, Gary DeVore, stating this fact. Mr. Denning continued that the highest and best use is driven by a need for these areas and economics.

Jim Bowie discussed the Comprehensive Plan regarding residential development and septic systems and the location of the site. Jerry Denning again talked about economic development and the Comprehensive Plan discouraging "scattered" residential development. This development is driven by public demand for a high quality subdivision in this area. Mr. Denning argued that the subdivision will not pollute the environment with sewage from the septic systems. In addition, building sites in good school districts are needed.

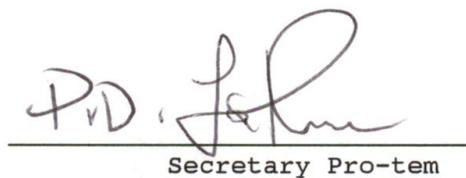
Zoning Administrator La Rue asked the Commission to base their decision upon Chapter 18, Section 18.2(3) of the Cedar County Zoning Ordinance. Gary Whitacre voiced support for his client being willing to do a good job and to give Mr. Griggs an opportunity. Discussion continued on site suitability, CSR, the Comprehensive Plan, as well as the demand for rural residential lots and reaching a balance for the economic need and the preservation of agricultural lands.

After a lengthy discussion, Brown made a motion to deny the rezoning request based upon the location, site limitations and Comprehensive Plan. Motion was seconded by Bowie. Ayes 3 with 0 nays.

With no further business to be discussed at this time, the meeting was adjourned.



Jerry Denning
Chairman



P.D. Johnson
Secretary Pro-tem



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

September 19, 1996

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, October 2, 1996, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petition which was previously heard by the Commission at the September 18, 1996, hearing, but was tabled until the Commission could perform a site survey of the property:

1. Affordable Homes, Inc., Waukee, Iowa (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed subdivision on property located in the W $\frac{1}{2}$, NE $\frac{1}{4}$, the SE $\frac{1}{4}$, NW $\frac{1}{4}$, and the NE $\frac{1}{4}$, SW $\frac{1}{4}$, all in Section 7, T-79N, R-1W, in Farmington Township, consisting of 56.23 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

PL:sp

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

September 18, 1996

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, September 18, 1996, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Glick, Penningroth, Bowie Schuett and Zoning Administrator La Rue. Member absent was Krall.

Minutes of the last meeting held on August 21, 1996, were previously sent to the members. Minutes were approved as written.

The following petitions were then heard by the members:

1. Brown Farms, Inc., RR, Mechanicsville (Owner), requesting a Special Use Permit authorizing the location of a third dwelling on a farm on property located in the NW 1/4, NW 1/4, Section 22, T-82N, R-4W, in Pioneer Township. Member Joel Brown was excused from the vote due to a conflict of interest. Dave Brown was present and explained that his daughter's mobile home will be placed on the site where there previously was a mobile home. The septic system is acceptable for the mobile home. La Rue explained that the Special Use Permit is subject to annual review. Bowie then made a motion that the request be approved and forwarded to the Board of Adjustment. Pruess seconded the motion. Ayes four with 0 nays.
2. River Valley Cooperative, RR, Wilton (Owner), requesting a Special Use Permit authorizing the location of a bulk anhydrous ammonia storage site and chemical mixing site on property located in the S 1/2, of the SW 1/4, Section 2, T-79N, R-1W, in Farmington Township, in the unincorporated town of Sunbury. Lon Warnecke, representing River Valley Cooperative, was present and explained the proposal of moving their ammonia tanks from the City of Durant to their property in Sunbury. The mixing site would be 350 feet from the nearest dwelling and tank farm would be 500 feet from the nearest dwelling. La Rue explained the variance on separation distance granted by the Board of Adjustment on September 5, 1996. No objections were on file. The proposed site is much better than the current location. After a brief discussion, Bowie made a motion that the Commission recommend this special use with it being reviewed each year. Brown seconded the motion. Ayes 5 with 0 nays.
3. David and Susan Krogh, West Branch (Contract Buyers), requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on property located in the SE 1/4, SE 1/4, Section 21, T-80N, R-3W, in Center West Township, consisting of approximately 1.00 acre. Susan Krogh was present and explained that she and her husband want to build a home on this property so that they can work with their horses and Dr. Jim McNutt. La Rue explained septic questions and the

County Engineer's opinion that traffic won't affect the road. After discussion, Pruess made a motion that the Commission recommend approval of the zoning change from A-1 to R-1 to the Board of Supervisors. Schuett seconded the motion. Ayes 5 with 0 nays.

4. Affordable Homes, Inc., Waukee, Iowa (Owners), requesting a change in zoning from A-1 to R-1 for the purpose of constructing single family dwellings on a proposed subdivision on property located in the W 1/2, NE 1/4, the SE 1/4, NW 1/4, and the NE 1/4, SW 1/4, all in Section 7, T-79N, R-1W, in Farmington Township, consisting of approximately 56.23 acres. Attorney Jerry Denning, Wilton, represented Affordable Homes. Also present were Larry and Meresa Griggs, land owners, and Gary Whitaker, surveyor from Muscatine. An informal plat was presented to the Commission members. The preliminary plans call for one or more wells with a distribution to several homes and individual septic systems. They would plan to dedicate the road in the development to the county. La Rue questioned the petitioners on several points including flood plain information, open spaces, septic systems, road requirements and length. In general terms, the majority of the flood plain lies to the west of this property. The property is approximately 6 miles from Wilton and is in the Wilton fire district. Access from the proposed subdivision is onto F-44 which is a hard surfaced road. Member Brown reminded the owners that he did not like to see a development so far from existing communities. Larry Griggs explained that the land was not the best for farming. Member Bowie stated that the more we change the ag land in the county to residential, the more restrictions we put upon ag operations in the county. Discussion on CSR followed. After further discussion, Bowie made a motion that the members table this petition until the Commission members have a chance to make a site survey of the property, and foot elevations and CSR breakdowns are obtained. Brown seconded the motion. Ayes 5 with 0 nays.

Attorney Denning explained to the members that Wilton has a hard time expanding because of the way it is located. He did not think they would be causing a scattering of homes along the way to Wilton. They did not think they would be taking prime farm land out of production. La Rue went over pages 85 and 86 of the Cedar County Zoning Ordinance. Member Pruess expressed his concern regarding septic problems which may arise. The members will conduct a site survey of the proposed subdivision site on October 2, 1996.

5. Fehrle Trucking, Cedar Rapids (Contract Buyer), requesting a change in zoning from A-1 and R-2 to M-1 for the purpose of operating an intermodal facility on property located in the SW 1/4, SW 1/4, Section 29, T-79N, R-4W, in Springdale Township, consisting of approximately 21.42 acres. A written petition of objection is on file from the congregation of the Downey Baptist Church. A letter was read from the Baptist Church members in Downey, Iowa, regarding them not wanting the zoning change. Bob Holland, real estate agent, spoke regarding the request for this zoning change. Containers will be moved from rail cars to trucks and vice versa. Service will occur during daylight on Monday through Friday. All containers are sealed and carried. There are no hazardous materials and no more trains would be going through the area than there are now. Mr. Holland explained that piece of land was needed which was located near an existing rail line and accessible to a major highway. Both the buyer and seller were represented at the meeting. Any noise would be created from the truck movement and sitting the containers down on both rail cars and trucks.

Elmer Fehrle, owner of Fehrle Trucking, spoke to the group and presented pictures of the straddle crane that would be used in the rail yard. The trains might be 6 to 8 cars longer, but the number of trains are regulated by the Iowa Commerce Commission. The area will be asphalted or concrete will be laid. An intermodal facility is also known as a piggy back system to save time and roadways from excess over the road traffic of trucks. The trains would not block Baker Avenue. Work is not done after dark due to accident rates. The majority of traffic would be coming from the north where I-80 is located. General type of freight would be carried. The business may have employment for up to ten local people but will start out with four employees. A scale will be installed to ensure no over weight loads will leave the yard. Security cameras will be installed. La Rue reminded the members that the Comprehensive Plan called for clustering of zoning areas rather than strip development, preferably in incorporated towns. La Rue also questioned the need for IDNR construction permits and storm water management permits. Mr. Fehrle stated those are required.

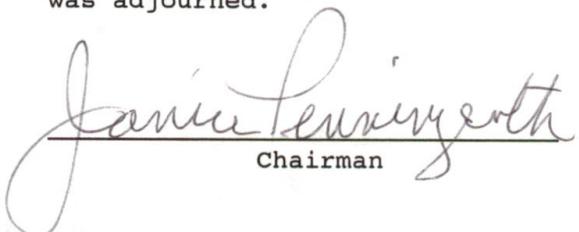
Judith Spencer, Downey, read a petition from area residents not wanting the change of zoning from A-1 to M-1. She explained the dangers they see with increased truck traffic and expressed their wish that the trucking firm would choose another area rather than the residential town of Downey. Peg O'Neil stated that Baker Avenue is a blind hill from the south and trucks do not obey the speed limit. La Rue said the County Engineer stated site distance was adequate for the driveway access. Michael Robinson, Baptist Church minister, spoke to the Board about quality of life in Downey.

Mary Lou Brendel stated that there were already dangerous chemicals in Downey, along with commercial and industrial properties. Also, trucks and trains are already present in the town. She also stated that Betty Burton should be allowed to sell her property as she wishes. Georgia Elliot, Downey, spoke about a bad situation already being there in regard to speeding traffic. Larry Regenniter, who owns a business in Downey, spoke about the truck traffic which is already present and stated that the people in Downey should be more concerned with the tank farm in the area on the north edge of town. Rich King, Downey, said that Mr. Fehrle never once spoke of helping the community or the county. Sheldon Schroeder stated that the trains now going through haul these type of loads. Mr. Fehrle stated that a portion of the area would be fenced. Diane Elliot, Downey, said that the increased lighting would affect the area. Chris Zinkula, Downey, stated that a real estate agent told them that adjoining properties would probably drop in value. Bob Holland, realtor, argued against this opinion. Mike Elliott, Downey, wanted to know if fuel tanks would be installed. Mr. Fehrle stated that no fuel tanks, above or below ground, would be installed on the site. Fuel would be brought in by truck on a as needed basis.

After further discussion, Bowie made a motion that the Commission recommend that the zoning change be granted from A-1 and R-2 to M-1. Schuett seconded the motion. Ayes 4 with 1 nay.

6. Heidi Carr, RR, Tipton (Contract Buyer), requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on property located in the NW 1/4, SW 1/4, Section 22, T-80N, R-3W, in Center West Township, consisting of approximately 1.00 acres. No written or verbal objections were on file. Administrator La Rue stated concern regarding the property being in a flood plain and recommended to Ms. Carr that another another site be selected. Ms. Carr agreed and has since change the location of the house out of the flood plain. The new location is to the north in Fayette Silt soils. The limitations now would only be according to slope. Bowie asked to be excused from this decision. Schuett then made a motion that the Board recommend the change of zoning from A-1 to R-1 to the Board of Supervisors with the amended rezoning site. Glick seconded the motion. Ayes 3 with 1 nay.

With no further business to be discussed at this time, the meeting was adjourned.


Janie Penningroth
Chairman


Larry L. Glick
Secretary

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

September 9, 1996

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, September 18, 1996, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Commission will review the following petitions:

1. Brown Farms, Inc., RR, Mechanicsville (Owner) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm on property located in the NW 1/4, NW 1/4, Section 22, T-82N, R-4W, in Pioneer Township.
2. River Valley Cooperative, RR, Wilton (Owner) - Requesting a Special Use Permit authorizing the location of a bulk anhydrous ammonia storage site and chemical mixing site on property located in the S 1/2, of the SW 1/4, Section 2, T-79N, R-1W, in Farmington Township, in the unincorporated town of Sunbury.
3. David and Susan Krogh, West Branch (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4, SE 1/4, Section 21, T-80N, R-3W, in Center West Township, consisting of 1.00 acres more or less.
4. Affordable Homes, Inc., Waukee, Iowa (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed subdivision on property located in the W 1/2, NE 1/4, the SE 1/4, NW 1/4, and the NE 1/4, SW 1/4, all in Section 7, T-79N, R-1W, in Farmington Township, consisting of 56.23 acres more or less.
5. Fehrle Trucking, Cedar Rapids (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural and R-2 Urban Residential to M-1 Light Industrial for the purpose of operating a intermodal facility (the loading and unloading of truck containers on and off railcars) on property located in the SW 1/4, SW 1/4, Section 29, T-79N, R-4W, in Springdale Township, consisting of 21.42 acres more or less.

6. Heidi Carr, RR, Tipton (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4, SW 1/4, Section 22, T-80N, R-3W, in Center West Township, consisting of 1.00 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.



Phil La Rue
Zoning Administrator

PL:sp

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 21, 1996

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, August 21, 1996, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Brown, Glick, Schuett, Penningroth, Bowie and Zoning Administrator La Rue. Members absent were Pruess and Krall.

Minutes of the last meeting held on July 17, 1996, were previously sent to the members. Minutes were approved as written.

Brown then made a motion, with Schuett seconding, to move the public input regarding the proposed Cedar County Subdivision Ordinance to the end of the meeting. Ayes all.

The following petitions were then heard by the members:

1. Jeffrey Graves, Durant (Owner), requesting a change in zoning from C-2 to M-1 for the purpose of providing a warehousing and truck facility on property located in the E 1/2, SE 1/4, Section 23, T-79N, R-1W, in Farmington Township, consisting of approximately 25.00 acres. Zoning Administrator La Rue read faxed letters received from adjacent property owners, Bill Emeis, M.D., Colorado Springs, Colorado, and Sandra Emeis, Newtown, Connecticut, referencing the Public Notice. They requested that this petition not be heard to allow them time to research the deed to the property, claiming ownership of a portion of the property for which a zoning district change has been requested by the petitioner.

The petitioner, Jeff Graves, explained the purpose of the zoning change and stated that a company is interested in leasing an area to be built upon by November of 1996. Ed Bomberger, Eastern Iowa Light and Power, Wilton, further explained the proposed use of the leased property. Discussion followed regarding the Warranty Deed, recorded in Book 314, pages 335-336. The 8.03 acre parcel where the service station is located (owned by the Emeis'), as well as a 2.9 acre parcel shown in Book 85, pages 22-40, is condemned by the Iowa Department of Transportation. Mr. Graves stated that he is not requesting a zoning change for property he does not own. After further discussion, Schuett made a motion to approve the petition, rather than table it. Bowie seconded the motion. Ayes all.

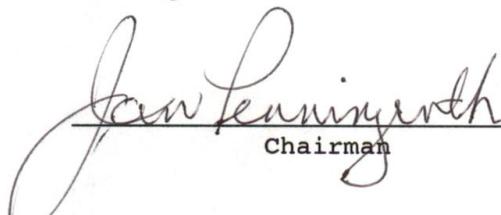
2. Shawn Cook and Chad Hartz, Tipton (Contract Buyers), requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on property located in the NW 1/4, SE 1/4, Section 14, T-80N, R-3W, in Center West Township, consisting of approximately 1.00 acres. Ms. Cook explained their reason to rezone. Administrator La Rue explained a

letter received from Marc Whitman, Wendling Quarries, who only wanted to go on record that the quarry is nearby, that there is heavy truck traffic and that they periodically use explosive. The Commission members questioned Ms. Cook and Mr. Hartz if they were aware of the steepness of the lane which would serve the home and the problems this would cause in the winter. Kevin Kelly, adjacent property owner to the west, presented and explained a written objection to the rezoning request. He has a tree farm and hunts and traps the animals which eat his trees. He has also caught, on several occasions, neighbors pets in his traps. He also stated that he has a private shooting range on his property. Ms. Cook and Mr. Hartz stated that they had no objection to this. Mr. Kelly questioned why this location. La Rue explained that due to the flood plain along Rock Creek and exposed limestone, that the selected location, or up along the road, were the only possible sites for building. After further discussion, Bowie made a motion to approve the rezoning request and forward it to the Board of Supervisors. Schuett seconded the motion. Ayes 3 with 1 nay.

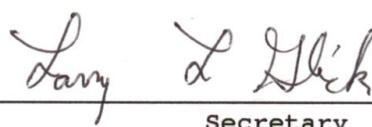
3. John and Marcia Wombacher, RR, West Branch (Owners), requesting approval of a Preliminary Plat of Survey for a five (5) lot subdivision located in the NW 1/4, SW 1/4, Section 32, T-80N, R-4W, in Gower Township, consisting of approximately 6.18 acres. No written or verbal objections were on file. Attorney Stuart Werling, representing the Wombacher's, explained the Preliminary Plat request. The Commission again expressed concern about the access road width of 20 feet across Daryle and Sandra Langenberg's property. A copy of the access easement was reviewed. La Rue explained that the Board of Supervisors had approved the rezoning and waived the access width requirements. Discussion of the Cedar County Engineer's letter followed. Brown then made a motion to deny the request because of the substandard access. Motion died due to lack of a second. Bowie then made a motion that the petition be forwarded to the Board of Supervisors with no recommendation. Schuett seconded the motion. Ayes 3 with 1 nay.

The members then reviewed the proposed, revised subdivision ordinance and amendments. La Rue explained three corrections to the ordinance. Also discussed were the meetings with the County Attorney's Office and and deletions to the final draft. After discussion, Schuett made a motion to approve and forward it to the Board of Supervisors. Brown seconded the motion. Ayes 3 with 1 nay.

With no further business to be discussed at this time, the meeting was adjourned.



Jan Langenberg
Chairman



Larry D. Glick
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

August 12, 1996

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, August 21, 1996, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa, to solicit public input on proposed amendments to the Subdivision Ordinance of Cedar County as required by Chapter 354, Code of Iowa, 1995, and to repeal the current Subdivision Ordinance (Ordinance Number 9) and all amendments thereto. Amendments are proposed to the Subdivision Ordinance and the County Infraction Ordinance, all considered as part of the Subdivision Ordinance of Cedar County. All citizens are invited to attend. Public input will be considered, both written and verbal. Copies of the Proposed Ordinance are available for public viewing at the Cedar County Auditor's Office.

At this time, the Commission will also review the following petitions:

1. Jeffery Graves, Durant (Owner) - Requesting a change in zoning from C-2 Highway Commercial to M-1 Light Industrial for the purpose of providing a warehousing and truck facility on property located in the E 1/2, SE 1/4, Section 23, T-79N, R-1W, in Farmington Township, consisting of 25.00 acres more or less.
2. Shawn Cook and Chad Hartz, Tipton (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4, SE 1/4, Section 14, T-80N, R-3W, in Center West Township, consisting of 1.00 acres more or less.
3. John and Marcia Wombacher, RR, West Branch (Owners) - Requesting approval of a Preliminary Plat of Survey for a five (5) lot subdivision located in the NW 1/4, SW 1/4, Section 32, T-80N, R-4W, in Gower Township, consisting of 6.18 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 17, 1996

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, July 17, 1996, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Glick, Penningroth, Krall, Schuett, Bowie and Zoning Administrator La Rue.

Minutes of the last meeting held on June 19, 1996, were previously sent to the members. Brown ~~motion~~ ^{made by} a motion, with Schuett seconding, to approve the minutes as written.

The following petitions were then heard by the members:

1. Scott and Cindy Worrell, RR, West Branch (Owners), requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on a proposed three lot subdivision located in the SE 1/4, SE 1/4, Section 5, T-80N, R-4W, in Gower Township, consisting of approximately 1.75 acres. After a brief discussion, Pruess made a motion to recommend approval of the change in zoning for the Worrell's. Krall seconded the motion. Ayes all.
2. Scott and Cindy Worrell, RR, West Branch (Owners), requesting approval of a Preliminary and Final Plat of Survey for a three lot subdivision located in the SE 1/4, SE 1/4, Section 5, T-80N, R-4W, in Gower Township, consisting of approximately 11.53 acres. Schuett made a motion to approve the Preliminary and Final Plat and forward it to the Board of Supervisors. Ayes all.
3. John and Marcia Wombacher, RR, West Branch (Owners), requesting a change in zoning from A-1 to R-1 for the purpose of constructing single family dwellings on a proposed five lot subdivision located in the NW 1/4, SW 1/4, Section 32, T-80N, R-4W, in Gower Township, consisting of approximately 6.18 acres. After discussion, Pruess made a motion that the Board recommend denial of the request for rezoning to the Board of Supervisors on the basis of lack of access width. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.

Jain Penningroth
Chairman

Larry L Glick
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

**CEDAR COUNTY PLANNING AND ZONING COMMISSION
WORK SESSION AGENDA**

Wednesday, July 17, 1996

- I. Review of the proposed changes to the Subdivision Ordinance
- II. Discussion and Conclusion



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

July 8, 1996

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, July 17, 1996, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Commission will review the following petitions:

1. Scott and Cindy Worrell, RR, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on a proposed three (3) lot subdivision located in the SE 1/4, SE 1/4, Section 5, T-80N, R-4W, in Gower Township, consisting of 1.75 acres more or less.
2. Scott and Cindy Worrell, RR, West Branch (Owners) - Requesting approval of a Preliminary and Final Plat of Survey for a three (3) lot subdivision located in the SE 1/4, SE 1/4, Section 5, T-80N, R-4W, in Gower Township, consisting of 11.53 acres more or less.
3. John and Marcia Wombacher, RR, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed five (5) lot subdivision located in the NW 1/4, SW 1/4, Section 32, T-80N, R-4W, in Gower Township, consisting of 6.18 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

PL:sp

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 19, 1996

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, June 19, 1996, at 6:30 p.m., in the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Brown, Schuett and Zoning Administrator La Rue. Members absent were Glick, Bowie and Krall.

Minutes of the last meeting held on June 5, 1996, were read by Chairman Penningroth. Schuett then made a motion, with Brown seconding, to approve the minutes as written. The following petitions were then heard by the members:

1. Leland and Kathryn Campion, West Branch (Owners), were present requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on their property located in the NE 1/4, SE 1/4, Section 11, T-80N, R-4W, in Gower Township, consisting of approximately 1.01 acres. No written or verbal objections were on file for this petition. Lee Campion informed the members of the history of this property which he purchased in 1989. Pruess questioned whether this tract of land is in the flood plain. La Rue informed the members that it is not and then pointed out the Zoning Ordinance requirements of 18.2(3), page 86. The CSR is below prime ag land definition. Discussion followed on land use, the road which serves the property (Franklin Avenue), the easement across the south edge of the property and fire and rescue services from West Branch. After further discussion, Pruess made a motion that the rezoning request be granted and forwarded to the Board of Supervisors. Schuett seconded the motion. Ayes 2 with 1 nay.
2. Charles & Caroline Frymore, RR, Tipton (Owners), requesting approval of a Final Plat of Survey for a one (1) lot subdivision located in the NE 1/4, SW 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of approximately 12.092 acres. Richard and Doreena Crock, contract buyers of the property, were present. There were not written or verbal objections on file for this petition. La Rue read the County Engineer's report to the members. After a brief discussion, Pruess made a motion, with Schuett seconding, that the members recommend approval of the Final Plat. Ayes 2 and 1 nay.

3. William and Freda Fusco, Todd Fusco and Kelly McKim (Owners), requesting a change in zoning from C-2 to R-1 for the purpose of eliminating a non-conforming use on the property located in the SE 1/4, SE 1/4, Section 35, T-79N, R-2W, in Sugar Creek Township, consisting of approximately 0.88 acres. No written or verbal objections were on file. La Rue explained the reason for the petition and the solutions to eliminate the non-conformity. Principle use of the C-2 property is the sale of antiques. La Rue explained that they are allowed one residential apartment to oversee the property but not two residential uses. Pruess questioned whether the R-1 tract would be divided off at a later date. William Fusco stated that his will would require that his son, Todd Fusco, move into the residential apartment in the commercial building and they would petition to change the R-1 district back to C-2. After further discussion, a motion was made by Brown and seconded by Schuett that the rezoning request be approved and forwarded to the Board of Supervisors. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.

John Pruess
Chairman

P.D. La Rue
Secretary

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, June 19, 1996, at 6:30 p.m., in the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Brown, Schuett and Zoning Administrator La Rue. Members absent were Glick, Bowie and Krall.

Minutes of the last meeting held on June 5, 1996, were read by Chairman Penningroth. Schuett then made a motion, with Brown seconding, to approve the minutes as written. The following petitions were then heard by the members:

1. Leland and Kathryn Campion, West Branch (Owners), were present requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on their property located in the NE 1/4, SE 1/4, Section 11, T-80N, R-4W, in Gower Township, consisting of approximately 1.01 acres. No written or verbal objections were on file for this petition. Lee Campion informed the members of the history of this property which he purchased in 1989. Pruess questioned whether this tract of land is in the flood plain. La Rue informed the members that it is not and then pointed out the Zoning Ordinance requirements of 18.2(3), page 86. The CSR is below prime ag land definition. Discussion followed on land use, the road which serves the property (Franklin Avenue), the easement across the south edge of the property and fire and rescue services from West Branch. After further discussion, Pruess made a motion that the rezoning request be granted and forwarded to the Board of Supervisors. Schuett seconded the motion. Ayes 2 with 1 nay.
2. Charles & Caroline Frymore, RR, Tipton (Owners), requesting

approval of a Final Plat of Survey for a one (1) lot subdivision located in the NE 1/4, SW 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of approximately 12.092 acres. Richard and Doreena Crock, contract buyers of the property, were present. There were not written or verbal objections on file for this petition. La Rue read the County Engineer's report to the members. After a brief discussion, Pruess made a motion, with Schuett seconding, that the members recommend approval of the Final Plat.

Ayes 2 and 1 nay.

3. William and Freda Fusco, Todd Fusco and Kelly McKim (Owners), requesting a change in zoning from C-2 to R-1 for the purpose of eliminating a non-conforming use on the property located in the SE 1/4, SE 1/4, Section 35, T-79N, R-2W, in Sugar Creek Township, consisting of approximately 0.88 acres. No written or verbal objections were on file. La Rue explained the reason for the petition and the solutions to eliminate the non-conformity. Principle use of the C-2 property is the sale of antiques. La Rue explained that they are allowed one residential apartment to oversee the property but not two residential uses. Pruess questioned whether the R-1 tract would be divided off at a later date. William Fusco stated that his will would require that his son, Todd Fusco, move into the residential apartment in the commercial building and they would petition to change the R-1 district back to C-2. After further discussion, a motion was made by Brown and seconded by Schuett that the rezoning request be approved

and forwarded to the Board of Supervisors. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned.

Chairman

Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

**CEDAR COUNTY PLANNING AND ZONING COMMISSION
SUBDIVISION ORDINANCE WORK SESSION AGENDA**

WEDNESDAY, JUNE 19, 1996

**I. Review of proposed changes to the Subdivision
Ordinance Chapters**

II. Discussion and Conclusion



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

June 10, 1996

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, June 19, 1996, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Commission will review the following petitions:

1. Leland and Kathryn Campion, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4, SE 1/4, Section 11, T-80N, R-4W, in Gower Township, consisting of 1.01 acres more or less.
2. Charles and Caroline Frymore, RR, Tipton (Owners) - Requesting approval of a Final Plat of Survey for a one (1) lot subdivision located in the NE 1/4, SW 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of 12.092 acres more or less.
3. William and Freda Fusco, Todd Fusco and Kelly McKim (Owners) - Requesting a change in zoning from C-2 Highway Commercial to R-1 Suburban Residential for the purpose of eliminating a non-conforming use on the property located in the SE 1/4, SE 1/4, Section 35, T-79N, R-2W, in Sugar Creek Township, consisting of 0.88 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.


Phil La Rue
Zoning Administrator

PL:sp



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

May 6, 1996

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, May 15, 1996, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time, the Commission will review the following petitions:

1. Brian and Amy Hall, RR, Mechanicsville (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4, SW 1/4, and the SW 1/4, NW 1/4, Section 16, T-82N, R-4W, in Pioneer Township, consisting of 1.35 acres more or less.
2. Dr. Gene Mueller, Davenport (Owner) - Requesting a change in zoning from A-1 Agricultural to AR-1 Agricultural Recreational for the purpose of operating a Public Golf Course on property located in the S 1/2, NE 1/4, and the NE 1/4, NE 1/4, Section 28, and the NW 1/4, NW 1/4, and the SW 1/4, NW 1/4, Section 27, T-80N, R-2W, in Center East Township, consisting of 119 acres more or less.
3. Mark and Mary Jo Jennings, West Branch (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4, NE 1/4, Section 22, T-80N, R-4W, in Gower Township, consisting of 1.99 acres more or less.
4. Charles and Caroline Frymore, RR, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on a proposed one (1) lot subdivision located in the NE 1/4, SW 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of 1.99 acres more or less.
5. Charles and Caroline Frymore, RR, Tipton (Owners) - Requesting approval of a Preliminary Plat of Survey for a one (1) lot subdivision located in the NE 1/4, SW 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of 12.092 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing, may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.


Phil La Rue
Zoning Administrator

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

May 20, 1996

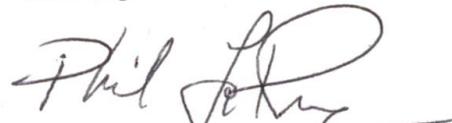
LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, June 5, 1996, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Commission will review the following petition which was previously heard by the Commission at the May 15, 1996, hearing, but was tabled until the Commission could perform a site survey of the property:

1. Dr. Gene Mueller, Davenport (Owner) - Requesting a change in zoning from A-1 Agricultural to AR-1 Agricultural Recreational for the purpose of operating a Public Golf Course on property located in the S 1/2, NE 1/4, and the NE 1/4, NE 1/4, Section 28, and the NW 1/4, NW 1/4, and the SW 1/4, NW 1/4, Section 27, T-80N, R-2W, in Center East Township, consisting of 119 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.



Phil La Rue
Zoning Administrator

PL:sp



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

May 21, 1996

Dear Planning and Zoning Commission Members:

Enclosed please find a Legal Notice for Dr. Mueller's rezoning petition scheduled for Wednesday, June 5, 1996, at 6:30 p.m., and a copy of the agenda for the work session scheduled for after the hearing.

As per the discussion on May 15, 1996, regarding a site survey of the property, please be at the Zoning Office at or before 4:00 p.m. on June 5, 1996, so that arrangements for transportation can be made.

If you have any questions, please feel free to give me a call.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sp

Encl.



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

**CEDAR COUNTY PLANNING AND ZONING COMMISSION
SUBDIVISION ORDINANCE WORK SESSION AGENDA**

Wednesday, June 5, 1996

- I. Review of proposed changes to the Subdivision
Ordinance Chapters
- II. Discussion and Conclusion

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, June 5, 1996, at 6:30 p.m., in the Courthouse, Tipton, Iowa. Members present were Bowie, Glick, Krall, Pruess, Schuett, Brown and Zoning Administrator La Rue. Member absent was Penningroth.

Pruess then made a motion, with Schuett seconding, to bring the motion from the table regarding Dr. Mueller's rezoning petition. 5 ayes and 0 nays. The Planning and Zoning Commission members met in special session at 4:00 p.m. on June 5th, for a site survey of the property. Those present were Bowie, Krall, Pruess, Schuett, Brown and Zoning Administrator La Rue. Dr. Mueller's petition was previously heard on May 15, 1996, but the members withheld a decision until a site survey could be made by them.

Dr. Mueller's attorney, David Scieszinski, informed the members that a change in zoning from A-1 to AR-1 is being requested for the proposed development of a public golf course. Quotes from the Cedar County Comprehensive Plan were read concerning the zoning change. Sterling Benz, Assistant County Attorney, also stated that the intent of the zoning change was for the operation of a public golf course.

Lowell Dendinger, attorney representing Mente Farms, pointed out to the members, that according to the Comprehensive Plan, recreational facilities should be encouraged to be developed around existing municipalities. He also stated that Mente Farms are currently operating hog facilities near the proposed rezoning site and plan to add to their facilities in the future without problems. It was also noted that construction of the public golf course had been started before any zoning change was sought. Attorney Dendinger also informed the members about the safety factor with a large amount of farm equipment and farm delivery traffic on the stretch of road to the proposed site.

Mark Fehseke, District Conservationist, informed the members that he had performed a site survey at the proposed rezoning site. He stated that the areas of surface water movement will need to be buffered but that the use of pesticides, used in a proper way, should not cause concern as he had previously mentioned in his letter to Phil La Rue.

Mark Nahra, Cedar County Engineer, was also present and stated that paving of the Old Muscatine Road is not planned within the next 15 years. The roads mentioned in the Comprehensive Plan to be paved are well behind of the plan as far as money available in Cedar County.

After further discussion, Brown made a motion that the rezoning request be denied on the grounds regarding the road problems. Krall seconded the motion. Ayes 4 with 1 nay.

With no further business to be discussed at this time, Pruess made a motion that the meeting be adjourned. Schuett seconded the motion. The meeting adjourned at 8:30 p.m. The members then reviewed the proposed changes to the subdivision ordinance chapters.

Chairman

Secretary

The Cedar County Planning and Zoning Commission held a Public Hearing on May 15, 1996, at 6:30 p.m., in the Courthouse, Tipton, Iowa.

Members present were Pruess, Brown, Bowie, Glick, Penningroth, Schuett, Krall and Zoning Administrator La Rue.

Minutes of the last meeting held on April 17, 1996, were previously sent to the members. Schuett made a motion, with Krall seconding, that the minutes be approved as written. The following petitions were then heard by the members:

1. Brian and Amy Hall, RR, Mechanicsville (Owners), requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on property located in the NW 1/4, SW 1/4, and the SW 1/4, NW 1/4, Section 16, R-82N, R-4W, in Pioneer Township, consisting of approximately 1.35 acres.

La Rue mentioned that an alternate septic system may be needed due to the amount of slope on the property. Commission member Brown mentioned the livestock feeding facilities in the area.

Gary Ciha, an adjoining property owner, was present and informed the members of his cow, calf operation which borders this area and also expressed his concern regarding run-off from his chemicals which flow across this tract. After discussion, Bowie made a motion to recommend denial of the request because of proximity of livestock operations and no plans for who is to live there. Brown seconded the motion. Ayes 6 and 0 nays.

Before the next petition filed by Dr. Gene Mueller was heard, Chairperson Penningroth stated she had a conflict of interest as a member of the Tipton Country Club. Therefore, Bowie made a motion, with Pruess seconding, that Chairperson Penningroth step down due to the conflict of interest.

Pruess then made a motion that Bowie be appointed Chairperson pro-tem.

Motion carried.

2. Dr. Gene Mueller, Davenport (Owner), was present requesting a change in zoning from A-1 to AR-1 for the purpose of operating a Public Golf Course on property located in the S 1/2, NE 1/4, and the NE 1/4, NE 1/4, Section 28, and the NW 1/4, NW 1/4, and the SW 1/4, NW 1/4, Section 27, T-80N, R-2W, in Center East Township, consisting of approximately 119 acres. There were no written or verbal objections on file. The attorney for Dr. Mueller presented the intended plans for the proposed golf course. Figures were presented of over \$50,000 returned to Cedar County in the form of taxes. La Rue expressed his concern regarding erosion control and chemical run-off during construction. Road usage was also questioned. Dr. Mueller has talked to the County Engineer regarding possibly funding the blacktopping of the road. They estimate a possibility of 100 cars per day with a year round clubhouse serving meals to the public. Murry Mente, adjoining property owner, presented his concern regarding the Mente Farm's cattle operation. A previous history of Dr. Mueller's adventures with this property was given. Perimeter fence problems were also discussed and it was noted by Mr. Mente that livestock facilities are located within 40 to 60 rods of the proposed rezoning area. Chapter 18, Section 18.2, Subsection 3, of the Cedar County Zoning Ordinance was discussed. Mark Mente expressed his concern regarding livestock odor from existing facilities in the area. He expressed concern about the amount of fertilizer/chemicals used on golf courses and that the springs on the property

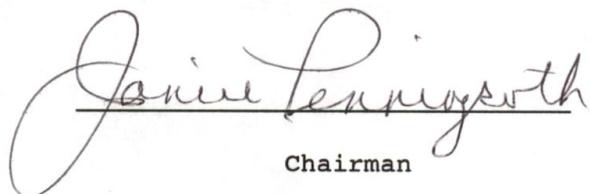
could become contaminated. There were also concerns about moving farm machinery on the roads with the increased traffic that could be generated with the golf course. After further discussion, Brown made a motion that a decision from the Commission be withheld until a site inspection is made on June 5th at 4:00 p.m., and then reconvene for a decision. Schuett seconded the motion. Ayes 5 with 0 nays.

3. Mark and Mary Jo Jennings, West Branch (Contract Buyers), requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on property located in the SE 1/4, NE 1/4, Section 22, T-80N, R-4W, in Gower Township, consisting of approximately 1.99 acres. No written or verbal objections were on file for this petition. The members were informed that the farm is currently in CRP but they could get an early out for the building site. After a brief discussion, Schuett made a motion to recommend to the Board of Supervisors to grant the change in zoning. Krall seconded the motion. Ayes 5 and 1 nay.
4. Charles and Caroline Frymoyer, RR, Tipton (Owners), requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on a proposed one lot subdivision located in the NE 1/4, SW 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of approximately 1.99 acres. No written or verbal objections were on file. Richard & Doreena Crock, contract buyers of the property, represented the Frymoyer's and explained that they are planning on building a dwelling on the property. After a brief discussion, Krall made a motion,

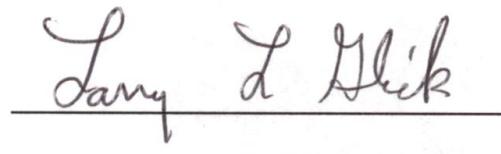
with Bowie seconding, that the rezoning request be granted and forwarded to the Board of Supervisors. Ayes 5 with 1 nay.

5. Charles and Caroline Frymoyer, RR, Tipton (Owners), requesting approval of a Preliminary Plat of Survey for a one lot subdivision located on the same property listed in #4 consisting of approximately 12.092 acres. No verbal or written objections were on file. After a brief discussion, Schuett made a motion that the members recommend approval of the Preliminary Plat. Pruess seconded the motion. Ayes 5 with 1 nay.

With no other petitions to be heard at this time, the meeting was adjourned at 8:30 p.m.



Joanie Penningroth
Chairman



Larry D. Glick
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

**CEDAR COUNTY PLANNING AND ZONING COMMISSION
SUBDIVISION ORDINANCE WORK SESSION AGENDA**

Wednesday, May 15, 1996

- I. Review of proposed changes to the Subdivision
Ordinance Chapters
- II. Discussion and Conclusion



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

May 6, 1996

TO: Cedar County Planning and Zoning Commission Members

Enclosed please find a revised copy (4/25/96) of the proposed revised Subdivision Ordinance. Please throw away any pages you received earlier.

Please review this material so that we may discuss your views and questions after the Public Hearing.

Phil La Rue
Zoning Administrator

PL:sp

The Cedar County Planning and Zoning Commission held a Public Hearing on April 17, 1996, at 6:30 p.m., in the Courthouse, Tipton, Iowa. Members present were Brown, Glick, Penningroth, Schuett, Krall and Zoning Administrator La Rue. Member absent was Bowie.

Minutes of the last meeting held on March 20, 1996, were previously sent to the members. Pruess made a motion, with Schuett seconding, that the minutes be approved as written. The following petitions were then heard by the members:

1. Michael and Debra Cook, Tipton (Owners), were present requesting a change in zoning from A-1 to R-1 for the purpose of constructing single family dwellings on a proposed eight (8) lot subdivision located in Lot C, in the SW 1/4, Section 1, T-80N, R-3W, in Center West Township, consisting of approximately 13 acres. Attorney Jeff Zearley presented views of the Cook's and the City of Tipton's position regarding the zoning request. The Commission members expressed concern about the covenants regarding no buildings or trees allowed in the flight path. After further discussion, Pruess made a motion to approve the rezoning request and forward it to the Board of Supervisors. Schuett seconded the motion. Ayes 3 and 2 nays. Motion carried.
2. Michael and Debra Cook, Tipton (Owners), requesting approval of a Preliminary Plat of Survey for an eight (8) lot subdivision located in Lot C, in the SW 1/4, Section 1, T-80N, R-3W, in Center West Township, consisting of approximately 13 acres. Chairperson Penningroth read a letter from the City of Tipton regarding the Preliminary Plat. There was also a letter on file from the Cedar County Engineer explaining some faults of

the road design of the private road presented for the subdivision. Discussion followed regarding the turning radius of the cul-de-sac in the subdivision. After further discussion, Pruess made a motion that the Preliminary Plat be approved with the following stipulations:

- a. No structures or trees be allowed under the glide path of Matthews Airport;
- b. The cul-de-sac be brought up to standard;
- c. The glide path be covered by a written covenant;
- d. The streets be brought into conformance with current county requirements.

Krall seconded the motion. Motion carried with 4 ayes and 1 nay.

3. Wayne and Joan Brown, RR, Mechanicsville, requested a change in zoning from A-1 to R-1, for the purpose of constructing a single family dwelling on property located in the NW 1/4, NW 1/4, Section 12, T-81N, R-3W, in Red Oak Township, consisting of approximately 1.00 acres. There were no written or verbal objections on file for this petition. Mrs. Brown was present and informed the members of their building intentions. After a brief discussion, Schuett made a motion to approve the rezoning request and forward it to the Board of Supervisors. Krall seconded the motion. Ayes 4 and 1 nay. Motion carried.

4. Donald and Anna Proctor, RR, Tipton (Owners), requesting a change in zoning from A-1 to R-1 for the purpose of placing a second dwelling on their property located in the SW 1/4, SW 1/4, Section 1, T-79N, R-3W, in Rochester Township, consisting of approximately 1.00 acre. Mr. Proctor and Dan Driscoll were

present and explained to the members their intent to place the second dwelling on the property. There were no written or verbal objections on file. La Rue suggested that the lots should be divided. The members also discussed that if this petition was approved, there would not be an allowance for another dwelling. After further discussion, Pruess made a motion that the rezoning request be approved with a 40 foot wide easement to the property. Schuett seconded the motion. Ayes 4 and 1 nay. Motion carried. With no further items to be discussed at this time, the meeting was adjourned.

Jan Penningroth
Chairman

Larry L Glick
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

April 8, 1996

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, April 17, 1996, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time, the Commission will review the following petitions:

1. Michael and Debra Cook, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed eight (8) lot subdivision located in Lot C, in the SW 1/4, Section 1, T-80N, R-3W, in Center West Township, consisting of 13.00 acres more or less.
2. Michael and Debra Cook, Tipton (Owners) - Requesting approval of a Preliminary Plat of Survey for an eight (8) lot subdivision located in Lot C, in the SW 1/4, Section 1, T-80N, R-3W, in Center West Township, consisting of 13.00 acres more or less.
3. Wayne and Joan Brown, RR, Mechanicsville (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4, NW 1/4, Section 12, T-81N, R-3W, in Red Oak Township, consisting of 1.00 acres more or less.
4. Donald and Anna Proctor, RR, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of placing a second dwelling on their property located in the SW 1/4, SW 1/4, Section 1, T-79N, R-3W, in Rochester Township, consisting of 1.00 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

PL:sp

The Cedar County Planning and Zoning Commission held a Public Hearing on March 20, 1996, at 6:30 p.m., in the Courthouse, Tipton, Iowa. Members present were Brown, Bowie, Glick, Krall, Pruess, Schuett and Zoning Administrator La Rue. Member absent was Penningroth.

Minutes of the last meeting held on January 17, 1996, were read by Secretary Glick and were approved as written. Barb Krall, West Branch, was welcomed as a new member of the Zoning Commission. The following petitions were then heard:

1. Richard Hugill Jr. and Barbara Bailey, West Branch (Contract Buyers), were present requesting a change in zoning from "Aa" to "Rs" for the purpose of constructing a single family dwelling on property located in the SW 1/4, NE 1/4, Section 11, T-80N, R-4W, in Gower Township, consisting of 1.00 acres more or less. Discussion was held regarding the fact that this site on Franklin Avenue is at the end of a dead-end road with a long access easement. Adjoining property owner, George Bowie, was present and expressed his concern regarding the long distance of a private road through another land owner's property. Commission member Brown questioned whether an easement to the property was recorded. Mr. Hugill stated that he thought so and that Dan Miller would be giving him an access easement to the site. Discussion was also held regarding accessibility to the property by fire and rescue equipment. After further discussion, Brown made a motion that their rezoning request be denied based upon the lack of confirmation of easement for the property. Pruess seconded the motion. Ayes all.

2. Harold and Donna Tucker, RR, West Branch (Owners), were present and requesting a change in zoning from "Aa" to "Rs" for the purpose of constructing a single family dwelling on property located in the SW 1/4, NW 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 1.98 acres more or less. Mr. and Mrs. Tucker explained that their intentions are to sell the property to their son. La Rue expressed concern regarding the amount of slope at the site and possible difficulty in placing a conventional septic system. George Bowie and Bev Brown, adjoining property owners, expressed their concern regarding the possibility of a future subdivision in this area and the liability this could cause farmers. Ms. Brown expressed her concern that farm land is being permanently removed from agricultural uses. Discussion followed regarding the existing livestock operation south of the rezoning site. Mr. Tucker stated that the property has about 200 head of hogs on the site. After further discussion, Pruess made a motion to approve the rezoning request and forward it to the Board of Supervisors. Schuett seconded the motion. Ayes 4 and 1 nay.

Zoning Administrator La Rue then provided the Commission members with the final edition of the revised Cedar County Zoning Ordinance and informed them of the hearing dates for the Board of Supervisors meeting. Also discussed were plans for revising the Subdivision Ordinance. The meeting was adjourned at 9:00 p.m.

Jim Bowie

Chairman

Larry L. Glick

Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

March 11, 1996

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 20, 1996, at 6:30 p.m., in the Basement Meeting Room of the Courthouse, Tipton, Iowa.

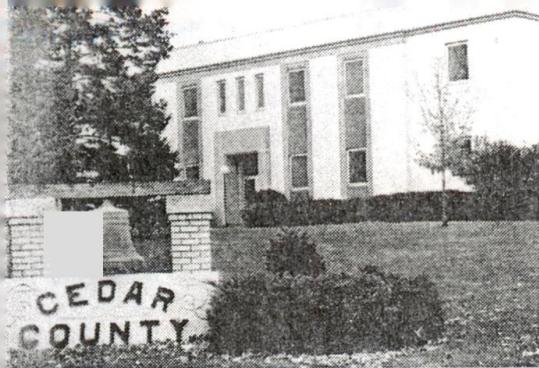
At this time, the Commission will review the following petitions:

1. Richard Hugill Jr. and Barbara Bailey, West Branch (Contract Buyers) - Requesting a change in zoning from "Aa" Agricultural to "Rs" Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4, NE 1/4, Section 11, T-80N, R-4W, in Gower Township, consisting of 1.00 acres more or less.
2. Harold and Donna Tucker, RR, West Branch (Owners) - Requesting a change in zoning from "Aa" Agricultural to "Rs" Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4, NW 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 1.98 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

PL:sp



Tel. 319-886-2243

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

March 12, 1996

Larry Glick
190 Solon Road
Solon, Iowa 52333

Dear Larry:

I am writing this letter regarding our conversation on January 17, 1996, to inquire whether or not you would still be willing to act as the Secretary for the Cedar County Planning & Zoning Commission. If you are willing, please give me a call before the 21st so we can get together before the meeting to discuss your responsibilities.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sp



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

February 13, 1996

TO: Cedar County Planning and Zoning Commission Members

I am writing this note to inform you that there will not be a Public Hearing on February 21, 1996, because no petitions have been received. The next regularly scheduled hearing date is March 20, 1996.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sp

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

February 23, 1996

Barb Krall
163 250th Street
West Branch, Iowa 52358

Dear Mrs. Krall:

I wish to thank you for your willingness to serve on the Cedar County Planning and Zoning Commission. Enclosed please find a copy of the Planning and Zoning Handbook, Subdivision Ordinance, Comprehensive Plan and a copy of the proposed Zoning Ordinance. Because the Cedar County Auditor's Office has completed the task of updating the Cedar County Code of Ordinances, I would expect the Board of Supervisors to schedule public hearings to adopt the code for early March. Upon publication of the ordinance adopting the Code of Ordinances, the revised Zoning Ordinance will be in effect.

If you have any questions regarding the materials provided to you or about the Zoning Commission, please feel free to contact me at your convenience.

Again, I wish to thank you for your willingness to serve on the Cedar County Planning and Zoning Commission.

Sincerely,



Phil La Rue
Zoning Administrator

PL:sp

P.S. The next meeting of the Zoning Commission is scheduled for March 20, 1996, at 6:30 p.m.



Cedar County
BOARD OF SUPERVISORS
TIPTON, IOWA 52772
TELEPHONE (319) 886-3168

COPY

January 29, 1996

Barb Krall
163 - 250th
West Branch, IA 52358

Dear Mrs. Krall:

Please be advised that by motion of this Board, January 25, 1996, you were appointed to a term on the Cedar County Planning and Zoning Commission. The term will expire on 12-31-98. Your willingness to serve on this Commission is greatly appreciated.

Please contact the Board of Supervisors or the Environmental & Zoning office, if you have any questions regarding this position.

Sincerely,

Paul R. Crock
Paul R. Crock, Chairperson
Cedar County Board of Supervisors

PRC:bjp



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

January 8, 1996

LEGAL NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, January 17, 1996, at 6:30 p.m., in the Basement Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Commission will review the following petitions:

1. Elaine Berry, RFD, Clarence (Owner) - Requesting a Special Use Permit authorizing the location of a commercial dog breeding kennel on property located in the SW 1/4, NE 1/4, Section 4, T-81N, R-2W, in Fairfield Township, consisting of 2.179 acres more or less.
2. Steve Grobin, Urbana (Contract Buyer) - Requesting a change in zoning from "Aa" Agricultural to "Rs" Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4, NE 1/4, Section 11, T-79N, R-4W, in Springdale Township, consisting of 1.15 acres more or less.
3. Thomas & Juanita Hearst, RR, Tipton (Owners) - Requesting approval of a Final Plat of Survey for a four (4) lot subdivision located in Government Lot 3, in the NE 1/4, SE 1/4, Section 12, T-79N, R-3W, in Rochester Township, consisting of 6.14 acres more or less.
4. William Kofron, RR, Atalissa (Owner) - Requesting approval of a Final Plat of Survey for a proposed four (4) lot subdivision located in the SE 1/4, SW 1/4, Section 34, T-80N, R-3W, in Iowa Township, consisting of 12.34 acres more or less.
5. Broadview Acres, RR, West Branch (Owners) - Requesting a change in zoning from "Aa" Agricultural to "Rs" Suburban Residential for the purpose of constructing two (2) single family dwellings on Parcels B and C, located in the SW 1/4, SW 1/4, Section 3, T-79N, R-4W, in Springdale Township, consisting of 3.98 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing, may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue
Zoning Administrator

PL:sp

The Cedar County Planning and Zoning Commission held a Public Hearing on January 17, 1996, at 6:30 p.m., in the Courthouse, Tipton, Iowa. Members present were Penningroth, Schuett, Glick, Brown, Bowie and Zoning Administrator La Rue.

Minutes of the last meeting held on January 3, 1996, had been previously mailed to the members. Glicked moved and Schuett seconded approval of the minutes as written. The following petitions were then heard:

1. Elaine Berry, RR, Clarence, was present requesting a Special Use Permit authorizing the location of a commercial dog breeding kennel on property located in the SW 1/4, NE 1/4, Section 4, T-81N, R-2W, in Fairfield Township, consisting of 2.179 acres more or less. No written or verbal objections were on file. Mrs. Berry stated that she has received an Iowa Department of Agriculture license and no neighbors are within a 750 foot radius. She was requesting permission to have up to 75 dogs and stated she may have an assistant to help with dog care. She may also reapply for approval to board dogs in the future. After discussion, Schuett made a motion to approve her request to the Board of Adjustment. Brown seconded the motion. Ayes all.

2. Steve Grobin, Urbana, requesting a change in zoning from "Aa" to "Rs" for the purpose of constructing a single family dwelling on property located in the NE 1/4, NE 1/4, Section 11, T-79N, R-4W, in Springdale Township, consisting of 1.15 acres more or less. Steve was represented by Joe Grobin, his father. No written or verbal objections were on file. La Rue discussed

soil limitations due to slope and informed the members of the soil borrow pit north of the rezoning tract. After further discussion, Glick made a motion to approve the rezoning request and forward it to the Board of Supervisors. Bowie seconded. Ayes 3 with Brown voting nay.

3. Thomas & Juanita Hearst, RR, Tipton, were present requesting approval of a Final Plat of Survey for a four (4) lot subdivision, Hidden River Heights, Part II, located in Government Lot 3, in the NE 1/4, SE 1/4, Section 12, T-79N, R-3W, in Rochester Township, consisting of 6.14 acres more or less. The purpose of the Hearst's request was to add an additional four lots to their approved and existing 6 lots in Hidden River Heights, Part I. Glen Erenberger, Mid-America Pipeline, was present and advised the Board of encroachment specifications pertaining to the pipeline. The easement pipeline is covered with at least 30" of cover. After further discussion, Schuett made a motion to approve the Final Plat of Survey and forward it to the Board of Supervisors. Glick seconded the motion. Ayes 3 with Brown and Bowie voting nay.
4. William Kofron, RR, Atalissa (Rainbow Valley Subdivision), requesting approval of a Final Plat of Survey for his the proposed four lot subdivision located in the SE 1/4, SW 1/4, Section 34, T-80N, R-3W, in Iowa Township, consisting of 12.34 acres more or less. La Rue reminded the Board that the road will be private and will never become the responsibility

of the Secondary Road Department. Kofron's attorney, Franchesca Peters, explained the roadway agreement of the existing land owners and the County Engineer's opinion was discussed. Glick then made a motion to approve the Final Plat of Survey and forward it to the Board of Supervisors. Schuett seconded the motion. Ayes 3 with Brown voting nay.

5. Broadview Acres, RR, West Branch, requesting a change in zoning from "Aa" to "Rs" for the purpose of constructing two single family dwellings on Parcels B and C, located in the SW 1/4, SW 1/4, Section 3, T-79N, R-4W, in Springdale Township, consisting of 3.98 acres more or less. John Black, Paul Freese and Dick Brown, realtor, explained the rezoning request. La Rue explained concerns for Parcel "C" pertaining to soil types (Colo-Ely) and options for septic systems. Agricultural concerns were expressed by the Planning and Zoning Commission and the C.S.R. was discussed for Parcel "B". After further discussion, Bowie made a motion to approve the rezoning request and forward it to the Board of Supervisors. Glick seconded the motion. Ayes 3 with Brown voting nay.

Meeting was adjourned at 8:00 p.m.

Jim Bowie

Chairman

P.D. La Rue

Secretary Pro-tem

January 3, 1996

The Cedar County Planning and Zoning Commission held a Public Hearing January 3, 1996 at 6:30 p.m. in the Courthouse Tipton Iowa - the December meeting having been postponed due to lack of a quorum.

Present: Bowie, Brown, Glick, Millett, Penningroth, Pruess, Schuett and Zoning Administrator LaRue.

1. Harold Hass, Tipton was present requesting a change in zoning from Aa to Rs for the purpose of complying with the area regulations of the Rs district on property located in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 23, T-81N, R-3W, in Red Oak Township consisting of 1 acre more or less. There were no written or verbal objectors. Hass is splitting area of home off from remainder of farm. After discussion Pruess moved, Glick seconded approval. Ayes 4 Nays 1.

2. William Kofron, Atalissa was present requesting approval of Preliminary Plat of Survey for proposed 4 lot subdivision located in SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 34, T-80N, R-3W in Iowa Township consisting of 12.34 acres more or less. No written or verbal objections were given. Commission members read a letter from Cedar County Engineer regarding adequate sight distance available to each lot. After discussion Schuett moved approval with the stipulation that road within subdivision remain a private road. Pruess seconded. Ayes 4 Nays 1

3. William Hardman was present seeking change in zoning from Aa to Rs for the purpose of complying with the area regulations of the Rs district on property located in the

SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 18, T-82 N, R-4W, in Pioneer Township, consisting of 4.15 acres more or less. No objectors were present. It was noted that there was no plat of survey for the property. A house is being replaced on the property. After discussion Schuett moved, Glick seconded approval. Ayes 4, Nays 1.

4. Ward Skinner was present requesting a Special Use Permit authorizing the commercial extraction of sand and gravel on Property located in the S $\frac{1}{2}$, SW $\frac{1}{4}$, Section 11, T- 82N, R-1W, in Massillon Township, consisting of 103 acres more or less on behalf of Skinner and Wendling Quarries, Inc. Bill Norton Atty, was present stating there were no objections by the DNR. Mr. and Mrs. Arthur Barkley, flower growers, adjacent to the proposed operation, stated their concern as to dust generated by increased traffic. Attorney Norton stated Skinner and Wendling Quarries would be willing to have dust control as part of the agreement. After discussion Bowie moved approval with the condition that adequate dust control be provided to the road involved. This matter will be forwarded to the Board of Adjustment.

Ayes 6.

5. Steve Grobin requested a zoning change but was not present. Brown moved, Millett seconded, since Grobin or a representative was not present petition would not be acted upon.

6. Cedar County Cooperative, Tipton, represented by Bob Young requested a change in zoning from Aa to Ab for the

purpose of expanding the Agricultural Business currently at this site. The property is located in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 20, T-80N, R-4W, in Gower Township, consisting of 12.7 acres more or less. There were no written or verbal objections. The seller must have an environmental survey done. Young explained need for warehouses, a shop or dry fertilizer storage. Number of hogs now in confinement will not be increased - confinement operation may be discontinued. Mr. and Mrs. Keith Howard and Mr. and Mrs. Chuck Krall were present as concerned adjoining land owners. Young assured them Coop will comply with all regulations. After lengthy discussion Pruess moved, Glick seconded approval. Ayes 5 Nays 1.

7. Cedar County Cooperative then requested Special Use permit authorizing the expansion of the Ag Business currently at this site. It is understood that this petition cannot be forwarded to the Board of Supervisors until the above Zoning Request has been approved by the Supervisors. Bowie moved (Pruess seconded) recommendation be made to Board of Adjustment that any expansion of livestock on property be brought to Board of Adjustment for consideration before taking place. Ayes 5 Nays 1

Jan Lanningroth
Chairperson

Helen Millett
Secretaryperson

Minutes of November meeting had been mailed to members. Schuett moved, Glick seconded that reading of minutes be waived. Ayes 6.

Meeting adjourned 8:15 p.m.

After adjournment Millett was presented with a plaque of appreciation for 18 years of service on the board.