

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 17, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, December 17, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present at the hearing were Pruess, Bowie, Penningroth, Glick, Schuett, Krall, Brown and Zoning Administrator La Rue.

Minutes of the previous meeting held on November 19, 1997, were previously sent to the members. Krall made a motion to approve the minutes as written. Brown seconded the motion. Ayes all.

The Commission then considered the following petitions:

1. Nextel West, Corporation, Bloomingdale, MN - Requesting approval of a Special Use Permit authorizing the location of a cellular communication tower on property located in the NW 1/4, SE 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 2.774 acres more or less.

No written or verbal objections were on file for this petition. La Rue advised the Commission members to review the two petitions in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance.

Present were property owners Mr. & Mrs. Pete Eriksen, RR, Moscow, and Guy Scott, Nextel West Corporation. Mr. Scott presented the site location and explained how they are determined and why this is the best location for their tower. He explained the coverage area from towers will vary according to location and there is more use being close to Interstate. The tower will be located north of the property owners home beyond the required minimal separation distance required for this structure. Judy Cottingham, RR, West Branch, asked for a description of this tower. The tower is to be 350 feet tall with guy wires and anchors for them. The land can easily be farmed under the towers. They are designed for 100 mph winds and designed as to collapse on themselves. La Rue explained that the Board of Adjustment requires that the tower be removed within 180 days after non-use so as to prevent a nuisance.

The Commission reviewed the letter from County Engineer, Mark Nahra. He is requiring that the tower(s) meet the minimal yard setback requirements of the zoning district where the structure will be located. The tower and anchors must be at least 50' front yard, 30' side yard and 50' rear yard from all property lines, right-of-way or easements. The property has not been reviewed for an access to the site. Mr. Scott explained that the towers are fairly well self maintained and usually require only one vehicle per month on the average.

Discussion on tower location and co-location on existing towers continued. Federal Communication Commission regulations state that counties can not directly stop placement of these towers. They must be provided for. The base and guy wires are completely fenced in for safety reasons.

After further discussion, Pruess made a motion to recommend approval of this tower to the Board of Adjustment with the requirement that the tower meet the minimal recommended setbacks and subject to annual review by the Board of Adjustment. Bowie seconded the motion. Ayes all.

2. Nextel West, Corporation, Bloomingdale, MN - Requesting approval of a Special Use Permit authorizing the location of a cellular communication tower on property located in the SE 1/4, SE 1/4, Section 9, T-79N, R-4W, in Springdale Township, consisting of 2.774 acres more or less.

There is a verbal objection on file for this petition. Judy Cottingham, property owner southeast of the proposed site, wanted to know why Ken Fawcett was not notified. La Rue explained the notification requirements of the Zoning Ordinance for adjoining property owners and also stated that the public notice was published in the newspaper(s). Mr. Scott again represented Nextel West Corporation. He explained that usually there is little impact to the property value with these towers being located in agricultural areas. Regarding health hazards caused by these towers, F.C.C. regulations prohibit denial based upon alleged health effects.


Mrs. Cottingham asked the Board to not let this tower be erected because the 350' tower would be northwest of her view from her house. She continued that there would be a number of homes that this tower would be an eyesore to. She feels it would be better if it was located in or near the City of West Branch where commercial and industrial businesses are already located. Discussion on required setbacks from the county right-of-way continued. The tower's anchors do not meet the required minimal setback requirements for the A-1 district of 50 feet for the front yard. A review of the County Engineer's letter indicate that the access has not been reviewed for this site.

After further discussion, Pruess made a motion to recommend approval to the Board of Adjustment, subject to meeting the minimal setback requirements and receive the County Engineer's approval of the access and that Nextel West provide information why this is the site of choice in this area. This Special Use Permit, if granted by the Board of Adjustment, will be also subject to annual review by the Board. Krall seconded the motion. Ayes 5 with 1 nay.

Following acknowledgement of Jim Bowie's service to the Cedar County Planning and Zoning Commission, the meeting was adjourned.

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Chairman

  
Secretary





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

December 8, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, December 17, 1997, 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. Nextel West, Corporation, Bloomingdale, MN - Requesting approval of a Special Use Permit authorizing the location of a cellular communication tower on property located in the NW 1/4, SE 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 2.774 acres more or less.
2. Nextel West, Corporation, Bloomingdale, MN - Requesting approval of a Special Use Permit authorizing the location of a cellular communication tower on property located in the SE 1/4, SE 1/4, Section 9, T-79N, R-4W, in Springdale Township, consisting of 2.774 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:sl

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 19, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, November 19, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present at the hearing were Bowie, Krall, Penningroth, Brown and Zoning Administrator La Rue. Members absent were Glick, Schuett and Pruess.

Minutes of the previous meeting held on October 15, 1997, were previously sent to the members. The minutes were approved as written.

The Commission then considered the following petitions:

1. James Jansen, Decorah (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 S 1/2, SE 1/4, Section 8, and the NW 1/4, NE 1/4, Section 17, T-80N, R-3W, in Center West Township, consisting of 1.70 acres more or less.

No written or verbal objections were on file for this petition. La Rue requested that the Commission consider this petition and Petition #2 in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance.

Mr. Jansen and the current property owner, Lloyd Meyer, were both present at the meeting. Mr. Jansen explained his intent to construct a single family dwelling and do woodland improvement on the property. He works for the IDNR and hopes to have an office in Cedar County in the future. Member Bowie explained that there is a tract of land north of this property which was rezoned 22 years ago to Suburban Residential for a 20 lot subdivision. Brown explained his concerns on scattered residential development and wildlife habitat (woodland) destruction. Discussion followed regarding C.S.R. and County Engineer Mark Nahra's letter regarding the county road (Hayes Road). Mr. Jansen then explained that access to the property would be via a 30 foot access.

After further discussion, Bowie made a motion to recommend the change in zoning from A-1 to R-1 to the Board of Supervisors. Krall seconded the motion. Ayes all.



2. Mike and Julie Tharp, RR, Lowden (Owners) - Requesting a change in zoning from A-1 Agricultural to M-2 Heavy Industrial for the purpose of operating an automotive dealership, repair and towing business on property located in the NE 1/4, NE 1/4, Section 32, T-82N, R-1W, in Massillon Township, consisting of 1.748 acres more or less.

Written concerns were on file for this petition. Mr. and Mrs. Tharp were present as was their attorney, Roger Freese, Clarence. La Rue read a letter of concern received from Virginia McGinn, Johnston, Iowa, Trustee for Robert & Virginia Betz Trust. Mr. La Rue explained why he recommended the M-2 classification but said with no salvaging, M-1 may be more appropriate. Mr. Freese explained that nearby is the IDOT's gravel pile and the Great Lakes Chemical Corporation's corn cob pile and old gravel pit east of the Tharp property. North is IDOT property and across Highway 30 is an abandoned farmstead. He then explained the history of the property in question. Mr. Tharp does not intend to salvage motor vehicles. He intends to do motor vehicle repair, reconstruction and vehicle sales. He explained that the property was purchased because of its access and proximity to Highway 30. Discussion followed regarding the M-1 and M-2 districts. Brown made a motion to consider the petition as a M-1 Light Industrial District rather than a M-2 Heavy Industrial District. Bowie seconded the motion for the request. A discussion followed on rural homesteads and their zoning and whether or not it is appropriate to change their zoning. La Rue explained that the 1996 Zoning Ordinance, Chapter 5, A-1 Agricultural District permits these.

Mrs. Tharp presented pictures of their property. Letters were presented from Doris Weiland, Don Meier and Brad and Brenda Miller, in support of the Tharp's rezoning request. There are no livestock confinement operations within one-quarter mile of this property. Brown questioned who will do environmental monitoring. The IDNR #6, Washington, Iowa, would generally do this upon a complaint. Bowie stated that if this property was not already developed with the high CSR, the site would be difficult to rezone. Discussion on the county road followed.

Bowie then made a motion to recommend approval of the rezoning request from A-1 to M-1 to the Board of Supervisors. Krall seconded the motion. Ayes all.

In other business, La Rue asked the Commission about a case where a permit penalty was assessed because construction was commenced prior to a permit being issued. There has been a request to return a penalty fee charged. Septic, well and appropriate zoning were in place and met county codes. Bowie questioned if the permit would have been required anyway. The permit was still required. The Commission stated that the penalty should stand. Discussion on hog confinements and difficulty in their placement in Cedar County followed.

La Rue then asked for input on the need for an ordinance for regulating Cellular Communication Towers in Cedar County.

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

  
Chairman

  
Secretary Pro-tem





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

November 10, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, November 19, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton.

At this time the Commission will review the following petitions:

1. James Jansen, Decorah (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 S 1/2, SE 1/4, Section 8, and the NW 1/4, NE 1/4, Section 17, T-80N, R-3W, in Center West Township, consisting of 1.70 acres more or less.
2. Mike and Julie Tharp, RR, Lowden (Owners) - Requesting a change in zoning from A-1 Agricultural to M-2 Heavy Industrial for the purpose of operating an automotive dealership, repair and towing business on property located in the NE 1/4, NE 1/4, Section 32, T-82N, R-1W, in Massillon Township, consisting of 1.748 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

Copies sent out on 11/12/97 to the following:

1. James Jansen - 3119 Locust Road, Decorah, Iowa 52101 - Certified
2. Mrs. Lester Linn - 756 Green Road, Tipton, Iowa 52772
3. Richard Reid - 409 E. 8th Street, Tipton, Iowa 52772
4. Lloyd E. Meyer - 222 W. 4th Street, Tipton, Iowa 52772
5. Linn Farms, Inc. - 767 Green Road, Tipton, Iowa 52772-9254
6. 7 Zoning Commission members
7. 2 copies for bulletin boards
8. 2 file copies
9. 1 copy to newspaper on 11/10/97

1. Mike & Julie Tharp - 1990 150th Street, Lowden, Iowa 52255 - Certified
2. Doris M. Weiland - 604 5th Street, Lowden, Iowa 52255
3. Arthur & Peggy DeWulf - 301 E. Lincolnway, Box 156, Wheatland, Iowa 52777
4. Iowa Dept. of Transportation - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
5. Gary & Suzanne Deerberg - 1706 190th Street, Clarence, Iowa 52216
6. Robert H. Betz Trust, Virginia A. Betz Trust - 6575 NW 54th Court, Johnston, IA 50131-1834



CEAR COUNTY  
RECEIVED

OCT 15 1997

Cedar County Environment and Zoning Administrator  
Cedar County Board of Supervisors  
Tipton, Iowa 52772

October 15, 1997

Dear Mr. LaRue and Supervisors,

Effective December 31, 1997, I will resign my position of  
Cedar County Zoning Commissioner.  
Thank you for the opportunity to have served the residents of  
Cedar County.

Sincerely,

  
Jim Bowie

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 15, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, October 15, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present at the hearing were Penningroth, Krall, Brown, Pruess, Bowie and Zoning Administrator La Rue. Members absent were Schuett and Glick.

Minutes of the previous meeting held on September 17, 1997, were previously sent to the members. A motion to approve the minutes as written was made by Brown and seconded by Bowie. Motion carried. The meeting was called to order by Chairperson Penningroth.

The Commission then considered the following petitions:

1. Duffee Brothers Ltd., RFD, Moscow (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to M-1 Light Industrial for the purpose of providing for commercial and manufacturing opportunities on property located in the S 1/2, SE 1/4, Section 18, T-79N, R-2W, in Rochester Township, consisting of 40 acres more or less.

No written or verbal objections were on file for this petition. Ed Baumberger, Eastern Iowa Light & Power representative, and Dave Duffee, contract buyer, were present and explained their intentions so that industry can be attracted to this location. La Rue requested that the Commission consider this and all other petitions in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. La Rue explained the Zoning Map that the interchange of Highway 38 and I-80 is currently C-2 Highway Commercial. Why this tract was not also rezoned to C-2 in April, 1959, is unknown. Also, the Comprehensive Plan 1980-2000 supports locating industry in locations such as this.

The letter from Cedar County Engineer, Mark Nahra, was discussed regarding the road. Mr. Duffe stated that they have no potential buyer for the site at this time. There was discussion on Flood Plain (Zone A) of the Flood Insurance Rate Map (F.I.R.M.) within this area. Any development in Zone "A" must comply with Chapter 20 of the Zoning Ordinance. Mr. Baumberger explained T.I.F. districts to the Commission. Larry & Gloria Hunt, Cedar River Campground, asked about their sign and what will happen to it. Mr. Duffe stated there is a lease for the signs placement. Mr. Duffe has no problem with the sign but could not say how a potential buyer will feel.

Krall made a motion to accept the zoning request with the County Engineer's recommendation. Pruess seconded the motion. Ayes all.



2. Darrell and Deeda Hubler, RR, West Branch (Contract Buyers) - Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of converting a tavern in to a residential dwelling on property located in Lot 1 of Lot B in the NW 1/4, NW 1/4, Section 19, T-80N, R-3W, in Gower Township, in the unincorporated town of Cedar Valley, consisting of 0.85 acres more or less.

Zoning Administrator La Rue advised the members that on October 15, 1997, he had received a letter from Mrs. Hubler withdrawing the petition at this time.

3. William and Kathy Davis, RR, 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 23, T-80N, R-3W, in Center West Township, consisting of 1.84 acres more or less.

No written or verbal objections were on file for this petition. Mr. and Mrs. Davis were present and explained their intention to build a single family dwelling on enough ground that they can also raise horses. The property is presently owned by Dr. Jim McNutt. CSR was discussed as was septic system placement. The letter from County Engineer Mark Nahra was also discussed. No impact is anticipated by him on the road by vehicle traffic.

Pruess then made a motion to recommend approval of the rezoning request. Krall seconded the motion. Ayes all.

4. Ron and Kay Johnson, Solon (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 SW 1/4, NW 1/4, Section 22, T-81N, R-4W, in Cass Township, consisting of 1.47 acres more or less.

No written or verbal objections were on file for this petition. Mr. and Mrs. Johnson were present and explained that they wish to building their single family dwelling on the site of the old home site which was lost to fire in 1947. The area is in timber and no agricultural land will be taken out of production. The letter from County Engineer Nahra was discussed. No impact on the road is anticipated by him.

Bowie made a motion to recommend approval of the rezoning request. Krall seconded the motion. Ayes all.

5. Terry Ward, RR, Lowden (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to M-1 Light Industrial for the purpose of operating a trucking garage on property located in the SE 1/4, SE 1/4, Section 21, T-82N, R-2W, in Dayton Township, consisting of 1.00 acres more or less.

No written or verbal objections were on file. Mr. Ward was present and explained his intent to build a trucking garage. La Rue explained that there is adequate separation distance from the city wastewater lagoon to allow placement of a water well beyond the 1,000 feet requirement.

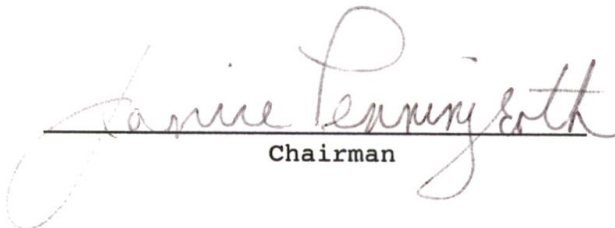
After a brief discussion, Bowie made a motion, with Pruess seconding, to recommend approval of the requested change. Ayes all.

6. Mike and Debra Bedford, RFD, Stanwood (Owners) - Requesting approval of a Special Use Permit for the purpose of operating a dog boarding and breeding kennel on property located in Parcel A in the NE 1/4, SW 1/4, Section 21, T-82N, R-2W, in Dayton Township, consisting of 2.13 acres more or less.

No written or verbal objections were on file. Debra Bedford was present to explain their plans for a dog kennel. The Bedford's will apply for a license with the Iowa Department of Agriculture once the Special Use Permit has been approved by the Cedar County Board of Adjustment. The Board will review this case in accordance with Chapter 17.18(2) of the Zoning Ordinance. There are no dwellings other than the Bedford's within 750 feet. No more than 15 dogs over 6 months of age will be at the facility and all boarded dogs will be isolated for disease prevention.

Following a brief discussion, Brown made a motion, with Bowie seconding, to recommend the Special Use Permit to the Board of Adjustment subject to annual review.

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

  
Chairman

  
Secretary Pro-tem





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

October 6, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, October 15, 1997, 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. Duffe Brothers Ltd., RFD, Moscow (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to M-1 Light Industrial for the purpose of providing for commercial and manufacturing opportunities on property located in the W 1/2, SE 1/4, Section 18, T-79N, R-2W, in Rochester Township, consisting of 40.00 acres more or less.
2. Darrell and Deeda Hubler, RR, West Branch (Contract Buyers) - Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of converting a tavern in to a residential dwelling on property located in Lot 1 of Lot B in the NW 1/4, NW 1/4, Section 19, T-80N, R-3W, in Gower Township, in the unincorporated town of Cedar Valley, consisting of 0.85 acres more or less.
3. William and Kathy Davis, RR, 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 23, T-80N, R-3W, in Center West Township, consisting of 1.84 acres more or less.
4. Ron and Kay Johnson, Solon (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 SW 1/4, NW 1/4, Section 22, T-81N, R-4W, in Cass Township, consisting of 1.47 acres more or less.

5. Terry Ward, RR, Lowden (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to M-1 Light Industrial for the purpose of operating a trucking garage on property located in the SE 1/4, SE 1/4, Section 21, T-82N, R-2W, in Dayton Township, consisting of 1.00 acres more or less.
6. Mike and Debra Bedford, RFD, Stanwood (Owners) - Requesting approval of a Special Use Permit for the purpose of operating a dog boarding and breeding kennel on property located in Parcel A in the NE 1/4, SW 1/4, Section 21, T-82N, R-2W, in Dayton Township, consisting of 2.13 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:sl



Copies sent out on 10/8/97 to the following:

1. Duffe Bros., Ltd. - 1001 Ocean Avenue, Moscow, Iowa 52760 - Certified
  2. Leota Connor - 509 E. 8th Street, West Liberty, Iowa 52776
  3. Minifarm Acres, Inc. - 2050 Highway 38, Tipton, Iowa 52772
  4. George & Thelma Nopoulos - 815 East, Wilton, Iowa 52778
  5. Gerald & Carol Kapinski - 1302 300th Street, Tipton, Iowa 52772
  6. Larry & Gloria Hunt - 1231 306th Street, Tipton, Iowa 52772
  7. I.D.O.T. - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, IA 50010
  8. Leslie & Elaine Bland & Robert & Arline Kappeler - 704 6th St., P.O. Box 836, Durant 52747
  9. Gary & Jeff Helmold - 1288 307th Street, Moscow, Iowa 52760
  10. Arthur & Mary Samuelson - 1319 Highway 130, Tipton, Iowa 52772
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1. Darrel & Deeda Hubler - 102 Valley Road, West Branch, Iowa 52358-8530 - Certified
  2. Brian & Joan Donovan - 92 Park Road, West Branch, Iowa 52358
  3. Donald & Anna Paul - 1546 Garfield Avenue, West Branch, Iowa 52358
  4. Thomas & Vicki Vaughan - 92 Park Road, West Branch, Iowa 52358
  5. Ivalee Grosvenor - 611 255th Street, West Branch, Iowa 52358
  6. Gene Kelley - 603 255th Street, West Branch, Iowa 52358
  7. Lucile Higginbotham & Luella Snider - 1800 N. 4th, McAllen, TX 78501
  8. Dean & Sharon Frauenholtz - 109 Valley Road, West Branch, Iowa 52358
  9. Charles & Velva Ann Zousel - 599 255th Street, West Branch, Iowa 52358
  10. Mi-Dee, Inc. - 1762 Baker Avenue, West Branch, Iowa 52358
  11. Wade & Denise Engelkens - 129 Valley Road, West Branch, Iowa 52358
  12. Edd & Stevetta Engelkens - 129 Valley Road, West Branch, Iowa 52358
  13. Robert E. Fennel Trust Agreement - 413 Skyview Drive, Clemson, SC 29631
  14. William & Barbara Wallace - 55 Plum, Apt. 5, Tipton, Iowa 52772
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1. William & Kathy Davis - 137 270th Street, West Branch, Iowa 52358 - Certified
  2. James McNutt - 508 N. 4th STL Road, West Branch, Iowa 52358
  3. Ed & Linda Dykstra - 4680 Rapid Creek Rd. NE, Iowa City, Iowa 52240
  4. Larry Badtram - 1978 270th Street, Bennett, Iowa 52721
  5. Willard Eiler - 1664 Snaggy Ridge Road, Tipton, Iowa 52772
  6. Genevieve Achey - 1577 Snaggy Ridge Road, Tipton, Iowa 52772
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1. Ron & Kay Johnson - 4490 Daniels Circle, Solon, Iowa 52333 - Certified
  2. Ruth Agne & Agne Family Trust - 1101 Plum Avenue, Tipton, Iowa 52772
  3. Dorothy & Claude Mitchell - 214 E. 4th Street, Tipton, Iowa 52772
  4. Alex L. Achenbach Trustee - 0254 190th Street, Lisbon, Iowa 52253
- 

1. Terry Ward - 786 Yankee Avenue, Lowden, Iowa 52255 - Certified
  2. Hasenbank Feed Service, Inc. - % Wayne Syring, 102 5th Avenue, Clarence, Iowa 52216
  3. Charles Youngker - C & S Farms Ltd. - Box 1131, Buckeye, AZ 85326
  4. Howard & Irene Gill - 58 Ulsterville Road, Pine Bush, NY 12566
  5. Northern Natural Gas Co. - Attn. Jerry Carnes, 1508 E. Schrock Road, Waterloo, IA 50700
- 

1. Mike & Deb Bedford - 359 Ocean Avenue, Stanwood, Iowa 52337 - Certified
  2. Howard & Irene Gill - 58 Ulsterville Road, Pine Bush, NY 12566
  3. Kermit & Katherine Roelf - 306 2nd Avenue, Clarence, Iowa 52216
  4. Alberta Read - 9 Circle W Hilldale, Edina, MN 55436
- 

7 Zoning Commission members  
1 copy to newspaper on 10/6/97  
2 file copies  
2 copies for bulletin boards



CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

September 17, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, September 17, 1997, at 7:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Present for the hearing and site survey were Pruess, Bowie, Krall, Glick, Penningroth, Schuett, Brown and Zoning Administrator La Rue.

Minutes of the previous meeting held on August 20, 1997, were previously sent to the members. A motion to approve the minutes as written was made by Bowie and seconded by Krall. Motion carried. The meeting was called to order by Chairperson Penningroth.

The Commission then considered the following petitions:

1. William Kofron, RFD, Atalissa (Owner) - Requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on Lot 1 of a proposed two (2) lot subdivision located in the SE 1/4, SW 1/4, Section 34, T-80N, R-3W, in Iowa Township. Said rezoning tract consists of 1.00 acres more or less.

Prior to the hearing at the Courthouse, the Commission conducted the required site survey of the property in question and the access road. Present during the site survey were: Mr. and Mrs. William Kofron, their attorney, Francesca Peters, Harry Denning and Dean Gates. The property was viewed from the private access road which serves the existing subdivisions (Marner's and Rainbow Valley Subdivisions). The Commission observed the county road (Atalissa Road) which serves the subdivisions, as well as the school bus turnabout and the private road which serves the subdivisions along the Cedar River which ends at Mr. Kofron's residence. The Commission noted that there are presently eleven dwellings in these subdivisions and that the Kofron's previously approved subdivision has three lots yet to be built upon. These lots, plus the one pending rezoning and subdivision, once developed will increase the number of dwellings to fifteen.

The Commission discussed the access road(s) with the Kofron's about road width and maintenance. This discussion continued in front of the home of Max Middleton along Rochester Avenue. It was noted that Mr. Middleton has encroached far into the county road right-of-way and this is causing traffic problems. Mr. Denning stated that two vehicles can not pass by each other at this point and that vehicles park there even though there is a clearly seen "No Parking" sign at this location. Mr. Kofron suggested that a guard rail be installed for safety. The Commission questioned whether or not that was feasible. Because of the time the Commission ended the site



survey and returned to the Courthouse for the scheduled Public Hearing.

After the reading of the legal notice and approval of the August 20, 1997, minutes, the Commission considered the Kofron's request. Verbal and written objections were on file for this petition. La Rue asked the Commission to consider this and all other petitions for rezoning in accordance with the Cedar County Zoning Ordinance, Chapter 18.2(3).

Discussion resumed regarding the county road which will serve the proposed dwelling. Harry Denning, property owner along Rochester Avenue, stated that there is a safety problem on that road and the road is sometimes closed due to flooding between the bridge and Andy Elliott's farm. Mr. Kofron stated that the problem is the road and not the subdivision.

Francesca Peters, attorney for the Kofron's, explained that she thought preventing one more person from building on the end of the existing county road will not add to the problem that is there now. There is definitely a bottleneck in front of Mr. Middleton's now. Gaylord Mickle, property owner across the river from this subdivision, stated that we need to increase the tax base for this county by having more subdivisions. This provides funds for roads and increases the population.

Mark Nahra, Cedar County Engineer, who was present at the hearing, was asked by the Commission about what is planned for this county road and what is the county's liability. Mr. Nahra stated that there are plans to make improvements to this road within the next two years and this work must be done regardless of the number of dwellings along it. Regarding liability, he stated that as long as the road is maintained at the design standard when built, the County is protected. Francesca Peters asked Mr. Nahra about building up the bank of the river and widening the road in front of Mr. Middleton's residence. Mr. Nahra stated that State and Federal permits may not be obtainable by the County. He used the wing-dam along the Cedar River at Cedar Bluff as an example of encroachment. Mr. Nahra stated that the county is looking at surveying the road, the possibility of stabilizing the river bank, moving some residents and installing guard rails. The estimated low figure for redoing the road is \$150,000.00. He then stated that he did not think that putting one more residence out there would cause any more concern for the safe use of the road.

Dean Gates, property owner in the area, stated that he is more concerned about safety on the road and the need for a guard rail. Maybe a petition by the neighbors could

convince the County to install the guard rail. Mark Nahra stated that there is not enough room presently to put up a guard rail.

With no further discussion, Krall made a motion to deny the change in zoning until the road, and especially the bottle-neck area, has been improved. Pruess seconded the motion. Ayes all.

2. William Kofron, RFD, Atalissa (Owner) - Requesting approval of a Preliminary and Final Plat for a two (2) lot subdivision located in the SE 1/4, SW 1/4, Section 34, T-80N, R-3W, in Iowa Township, consisting of 14.98 acres more or less.

Verbal and written objections were on file. La Rue explained to the petitioners and the Commission of the requirement to review and refer to the Board of Supervisors, the subdivision plat within forty five days of the filing deadline and to review the petition in accordance with the Cedar County Subdivision Ordinance, Chapter 3.1A3.

Bowie made a motion that in light of Petition #1 not being approved, that Petition #2 be denied. Brown seconded the motion. Ayes all.

3. Jordan and Janette Pettus, Cedar Rapids (Contract Buyers) - Requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling where a dwelling was previously located on Lot 2 of Government Lot 6, located in the NW 1/4, SE 1/4, Section 19, T-81N, R-4W, in Cass Township, consisting of 1.88 acres more or less.

No written or verbal objections were on file. Jordan and Janette Pettus were present and explained their request to replace a dwelling which burned in 1992. They are proposing to use the existing driveway of Bill Leonard's property to gain access onto the Solon Road. A review of the CSR on this property indicated it is far below the prime Ag ground rating of 75 or above. La Rue explained that there is a water well and septic system which meets county standards on the site which will serve the proposed home.

With no further discussion, Pruess made a motion to approve the zoning change from A-1 to R-1. Bowie seconded the motion. Ayes all.

4. Edward and Schelly Odeen, RFD, Tipton (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 SW 1/4, NW 1/4, Section 24, T-80N, R-3W, in Center West Township, consisting of 3.90 acres more or less.



No written or verbal objections were on file. Attorney Stuart Werling represented the Odeen's with the petition and explained their intentions. A review of the CSR indicated that less than 25% of the property has a CSR above 75. County Engineer Nahra stated that there is no problem with the road or access at this time.

Bowie then made a motion to approve the zoning change from A-1 to R-1. Krall seconded the motion. Ayes 5 with 1 nay.

The Commission then considered the following proposed amendment to the Cedar County Zoning Ordinance #10:

Chapter 18 - Zoning Amendments and Rezoning, Section 18.2(f)

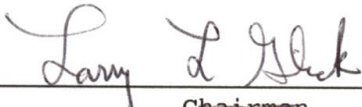
Delete "f"


Add new subsection "f". A plat of survey of the tract, drawn to scale, showing the uses and pertinent physical features of the surrounding property within five hundred (500) feet on the original plat, or informally added to such plat which is recorded in the Cedar County Recorder's Office.

At the option of the petitioner an informal plat and description may be submitted in lieu of 18.2(a) and the plat of survey of the tract, with the provision that it is approved by the Zoning Administrator and is drawn to scale showing the actual locations, dimensions and use of the property proposed for rezoning and all property within five hundred (500) feet thereof, including streets, alleys, railroads and other physical features which relate to zoning. Upon approval of the petition to rezone by the Board of Supervisors, for which an informal plat was filed, they shall withhold final rezoning action, and adjourn the hearing, until such time as a plat of survey and legal description is approved by them, in regular session, at which time final approval of the petition may be given. In all cases, the tract shall not be deemed to be finally rezoned until such time as there is an approved plat of survey of the tract on file with the Cedar County Auditor.

Brown made a motion to approve the proposed amendment. Schuett seconded the motion. Ayes all.

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

  
\_\_\_\_\_  
Chairman  
Secretary

  
\_\_\_\_\_  
Secretary  
Chairman





Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission Public Hearing

September 17, 1997

- I. 5:45-6:00 p.m. - Meet at Courthouse  
(Site survey of William Kofron's  
property for Petition #1 & #2 and  
the access road)
- II. Return to Courthouse for Public Hearing scheduled  
for 7:00 p.m.
- III. Adjournment



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

September 8, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, September 17, 1997, at 7:00 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. William Kofron, RFD, Atalissa (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1 of a proposed two (2) lot subdivision located in the SE 1/4, SW 1/4, Section 34, T-80N, R-3W, in Iowa Township. Said rezoning tract consists of 1.00 acres more or less.
2. William Kofron, RFD, Atalissa (Owner) - Requesting approval of a Preliminary and Final Plat for a two (2) lot subdivision located in the SE 1/4, SW 1/4, Section 34, T-80N, R-3W, in Iowa Township, consisting of 14.98 acres more or less.

Prior to the Public Hearing on the above two petitions the Commission will be conducting a site survey of the road and the property. The Commission shall return to the Cedar County Courthouse for the 7:00 p.m. Public Hearing.

3. Jordan and Janette Pettus, Cedar Rapids (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 where a dwelling was previously located on Lot 2 of Government Lot 6, located in the NW 1/4, SE 1/4, Section 19, T-81N, R-4W, in Cass Township, consisting of 1.88 acres more or less.
4. Edward and Schelly Odeen, RFD, 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 property located in the SW 1/4, NW 1/4, Section 24, T-80N, R-3W, in Center West Township, consisting of 3.90 acres more or less.

At this time the Commission shall also consider the following amendment to the Cedar County Zoning Ordinance #10.

Chapter 18 - Zoning Amendments and Rezonings, Section 18.2(f)

Delete "f"

Add new subsection "f". A plat of survey of the tract, drawn to scale, showing the uses and pertinent physical features of the surrounding property within five hundred (500) feet on the original plat, or informally added to such plat which is recorded in the Cedar County Recorder's Office.

At the option of the petitioner an informal plat and description may be submitted in lieu of 18.2(a) and the plat of survey of the tract, with the provision that it is approved by the Zoning Administrator and is drawn to scale showing the actual locations, dimensions and use of the property proposed for rezoning and all property within five hundred (500) feet thereof, including streets, alleys, railroads and other physical features which relate to zoning. Upon approval of the petition to rezone by the Board of Supervisors, for which an informal plat was filed, they shall withhold final rezoning action, and adjourn the hearing, until such time as a plat of survey and legal description is approved by them, in regular session, at which time final approval of the petition may be given. In all cases, the tract shall not be deemed to be finally rezoned until such time as there is an approved plat of survey of the tract on file with the Cedar County Auditor.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions and proposed amendment. 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:sl



Copies sent out on 9/9/97 to the following:

1. William Kofron - 276 W. Rochester Avenue, Atalissa, Iowa 52720 - Certified
  2. Dennis & Patti Ray - 274 W. Rochester Avenue, Atalissa, Iowa 52720
  3. Kris Yarbrough & Margaret Anderson - 271 West Rochester Avenue, Atalissa, Iowa 52720
  4. Wallace & Carol Axberg - 264 W. Rochester Avenue, Atalissa, Iowa 52720
  5. Stephen Courtney - 262 W. Rochester Avenue, Atalissa, Iowa 52720
  6. Norman & Gracie Gritton - 260 W. Rochester Avenue, Atalissa, Iowa 52720
  7. Lari Fanlund - 5001 Bayfield Terrace, Madison, WI 53705-4810
  8. Thomas Wessel - 258 W. Rochester Avenue, Atalissa, Iowa 52720
  9. Jack Wonick - 257 W. Rochester Avenue, Atalissa, Iowa 52720
  10. Dennis & Charlotte Parrott - 212 N. 1st Avenue, Iowa City, Iowa 52245
  11. Virgil & Marueen Fountain - 251 W. Rochester Avenue, Atalissa, Iowa 52720
  12. Joel & Darlene Broders - 249 W. Rochester Avenue, Atalissa, Iowa 52720
  13. Curtis & Carla Friis - Box 172A, West Branch, Iowa 52358
  14. Don & Vicki Maxson - 885 275th Street, West Branch, Iowa 52358
  15. Andrew Elliott - 247 W. Rochester Avenue, Atalissa, Iowa 52720
  16. Francesca Peters
- 
1. Jordan & Janette Pettus - 5101 42nd Street NE, Cedar Rapids, Iowa 52411-6745 - Certified
  2. Richard & Mary Lou Kindler Life Est. - Elmer Lee Benesh, Solon, Iowa 52333
  3. James & Lois Oaks - 513 Water Street, Box 393, West Branch, Iowa 52358
  4. Juris Straumanis, DDS - 120 W. 5th Street, Tipton, Iowa 52772
  5. William & Paula Leonard - 57 Solon Road, Solon, Iowa 52333
  6. Douglas Woods - 529 College Street, Iowa City, Iowa 52242
- 
1. Edward & Schelly Odeen - 1161 Cemetery Road, Tipton, Iowa 52772 - Certified
  2. Mildred Eiler - 1664 Snaggy Ridge Road, Tipton, Iowa 52772-9234
  3. Rick & Kimberly Rochau - 1509 King Avenue, Tipton, Iowa 52772
  4. Catherine Johnson & Ruth Cigledy - 242 Ferson Avenue, Iowa City, Iowa 52240
  5. Arlin & Vaneta Esbaum - 6122 NW Blvd., Davenport, Iowa 52806
- 
- 7 Zoning Commission members  
1 copy to newspaper on 9/8/97  
2 file copies  
2 copies for bulletin boards





**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

August 4, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, August 20, 1997, 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. William Kofron, RFD, Atalissa (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1 of a proposed two (2) lot subdivision located in the SE 1/4, SW 1/4, Section 34, T-80N, R-3W, in Iowa Township. Said rezoning tract consists of 1.00 acres more or less.
2. William Kofron, RFD, Atalissa (Owner) - Requesting approval of a Preliminary and Final Plat for a two (2) lot subdivision located in the SE 1/4, SW 1/4, Section 34, T-80N, R-3W, in Iowa Township, consisting of 14.98 acres more or less.
3. Charles and Judy Franks, RFD, Lisbon (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 two (2) lot subdivision located in the NE 1/4, SW 1/4, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 3.43 acres more or less.
4. Charles and Judy Franks, RFD, Lisbon (Owners) - Requesting approval of a Preliminary and Final Plat for a two (2) lot subdivision and a replatting of Lot 4 (formerly Lot 3 of Hubler Hollow First Addition) located in the NE 1/4, SW 1/4, Section 19, T-82N, R-4W, in Pioneer Township, consisting of a total of 4.44 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

Copies sent out on 8/6/97 to the following:

1. William Kofron - 276 W. Rochester Avenue, Atalissa, Iowa 52720 - Certified
2. Dennis & Patti Ray - 274 W. Rochester Avenue, Atalissa, Iowa 52720
3. Kris Yarbrough & Margaret Anderson - 271 West Rochester Avenue, Atalissa, Iowa 52720
4. Wallace & Carol Axberg - 264 W. Rochester Avenue, Atalissa, Iowa 52720
5. Stephen Courtney - 262 W. Rochester Avenue, Atalissa, Iowa 52720
6. Norman & Gracie Gritton - 260 W. Rochester Avenue, Atalissa, Iowa 52720
7. Lari Fanlund - 5001 Bayfield Terrace, Madison, WI 53705-4810
8. Thomas Wessel - 258 W. Rochester Avenue, Atalissa, Iowa 52720
9. Jack Wonick - 257 W. Rochester Avenue, Atalissa, Iowa 52720
10. Dennis & Charlotte Parrott - 212 N. 1st Avenue, Iowa City, Iowa 52245
11. Virgil & Maureen Fountain - 251 W. Rochester Avenue, Atalissa, Iowa 52720
12. Joel & Darlene Broders - 249 W. Rochester Avenue, Atalissa, Iowa 52720
13. Curtis & Carla Friis - Box 172A, West Branch, Iowa 52358
14. Don & Vicki Maxson - 885 275th Street, West Branch, Iowa 52358
15. Andrew Elliott - 247 W. Rochester Avenue, Atalissa, Iowa 52720
16. Franchesca Peters - Attorney for William Kofron

1. Charles & Judy Franks - 334 Hubler Lane, Lisbon, Iowa 52253 - Certified
2. Marilyn Kohl - 104 Hill Drive, Windsor, MO 65360
3. Gregory & Lydia Aylsworth - 109 S. 10th Street, Mt. Vernon, Iowa 52314
4. Nancy & Anthony Thomas - 108 W. Market, Lisbon, Iowa 52253
5. Jon & Florene Akers - 359 Adams Court, Lisbon, Iowa 52253
6. Daniel & Donna Nevins - 358 Adams Court, Lisbon, Iowa 52253
7. Kirk & Brenda Smith - 362 Adams Court, Lisbon, Iowa 52253
8. Jerry Wayne Jr. & Teresa Evans - 354 Adams Court, Lisbon, Iowa 52253
9. Michael & Ronda Gould - 350 Adams Court, Lisbon, Iowa 52253
10. Charles & Thelma Hubler - 398 Charles Avenue, Lisbon, Iowa 52253
11. Alexander CK Revocable Trust - % Hertz Farm Management, P.O. Box 500, Nevada, IA 50201
12. Dewalt Young - 1549 Fairridge Drive, Kingsport, TN 37664

7 Zoning Commission members  
2 copies for bulletin boards  
2 file copies  
1 copy to newspaper on 8/4/97



CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 20, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, August 20, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Schuett, Brown, Krall, Glick, Bowie, Pruess and Zoning Administrator La Rue. Member absent was Penningroth.

Minutes of the previous meeting held on July 16, 1997, were previously sent to the members. A motion was made by Pruess and seconded by Brown to approve the minutes as written. The meeting was called to order by Chairperson Pro-tem Barb Krall.

The following petitions were then heard by the Commission members:

1. William Kofron, RFD, Atalissa (Owner) - Requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on Lot 1 of a proposed two (2) lot subdivision located in the SE 1/4, SW 1/4, Section 34, T-80N, R-3W, in Iowa Township. Said rezoning tract consists of 1.00 acres more or less.

No written objections were on file, although La Rue stated that he had received some verbal objections. Francesca Peters, attorney representing Mr. Kofron, presented Mr. Kofron's intentions to rezone a portion of Lot 1 for a single family dwelling. Zoning Administrator La Rue reminded the Commission to follow Chapter 18.3 of the Zoning Ordinance in considering this petition.

Andy Elliott, adjoining property owner, was present and stated that it appears that more houses are soon to be built in this area and stated he was concerned that the road can not handle any more motor vehicles. He also wondered why Mr. Kofron is rezoning and subdividing again when the lots from the first subdivision have not been built upon. Harry Denny who lives south of this area explained that increased traffic is a hazard to the existing road and can not handle all this traffic because it is too narrow in some areas. A petition was presented with about 24 signatures opposing the petition stating that the existing road will not support increased traffic from more houses. The Commission then reviewed a letter from Mark Nahra, Cedar County Engineer, regarding the subdivision and the road. The members also reviewed the soil inventory for Corn Suitability Rating (CSR), building sites and agricultural crops as well as access to emergency services. Discussion continued between the Commission members and Attorney Peters regarding the road.

Brown then made a motion to table this petition until the September 17, 1997, meeting to allow time for the Commission to conduct a site survey of this area and the proposed rezoning and subdivision tracts. Bowie seconded the motion. Ayes all. Attorney Peters had no objection to tabling Mr. Kofron's petition. Mr. Kofron's petition for subdivision was not heard because Petition #1 was tabled.

2. Charles and Judy Franks, RFD, Lisbon (Owners) - Requesting a change in zoning from A-1 to R-1 for the purpose of constructing single family dwellings on a proposed two (2) lot subdivision located in the NE 1/4, SW 1/4, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 3.43 acres more or less.

There were no written or verbal objections on file. Judy Franks was present and explained their intentions and reasons for the rezoning and subdivision. Zoning Administrator La Rue reminded the Commission to follow Chapter 18.3 of the Zoning Ordinance in considering this petition. La Rue then explained that in 1975, Charles Hubler had the zoning changed to R-1 to allow for construction of single family dwellings in this area and that this tract is just north of the D-Del Subdivision.

Judy Franks explained that they want Lot 3 and Lot 5 rezoned to allow building homes on these two lots. Lots 3 & 5 will share a common well. These two lots were rezoned from R-1 to A-1 in 1995, so that horses could be kept on this area. La Rue explained that the previous version of the 1975 Zoning Ordinance does not allow livestock in residential districts. Mrs. Franks stated that they will be selling the home they built on Lot 4 (formerly Lot 3, Hubler Hollow Subdivision) and will be building a new home on Lot 3. They will be giving Lot 5 to a friend who helped them build the existing home.

There was concern of the Commission as to both rezoning these lots back to R-1 from A-1 (after only a few years since changing the zoning) and going from a minor to a major subdivision with two dead end roads only about two hundred seventy feet separating Hubler Lane and Adams Court. Mrs. Franks explained that, as she understood it, when the ground was originally rezoned the road she and her husband constructed for their subdivision (Hubler Hollow) was to have been connected to the D-Del Subdivision (Adams Court) and then go east. Unfortunately, due to construction costs, this did not happen.



There was much discussion on the Commission's part about this request. Concern over rezoning again and have two dead end roads being so close to each other was discussed. A review of the letter from Mark Nahra, Cedar County Engineer, concerning Adams Avenue and the subdivision's private road, Hubler Lane, was discussed.

Pruess then made a motion to approve the rezoning request with all the County Engineer's recommendations in place. Schuett seconded the motion. Ayes 4 with 2 nays.

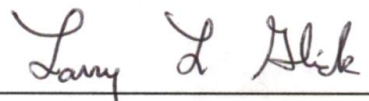
3. Charles and Judy Franks, RFD, Lisbon (Owners) - Requesting approval of a Preliminary and Final Plat for a two (2) lot subdivision and a replatting of Lot 4 (formerly Lot 3 of Hubler Hollow First Addition) located in the NE 1/4, SW 1/4, Section 19, T-82N, R-4W, in Pioneer Township, consisting of a total of 4.44 acres more or less.

There were no written or verbal objections on file. La Rue asked the Commission to follow Chapter 3.1A(3) of the Subdivision Ordinance when reviewing this request.

After a brief discussion, Pruess made a motion to approve the request, with the engineer's statement in place, and forward it to the Board of Supervisors. Schuett seconded the motion. Ayes 4 with 2 nays.

The meeting was then adjourned. All members and La Rue stayed and discussed zoning in the county and a proposed amendment to the Zoning Ordinance requiring that once again a survey be reviewed by the Board of Supervisors and filed with the County Auditor before the rezoning is final.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Secretary

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on July 31, 1997, and August 4, 1997, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time the Board will review the following petitions:

1. Joseph Maher, RR, West Branch (Owner) - 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 Lot 18, in the NE 1/4, SE 1/4, Section 1, T-79N, R-4W, in Springdale Township, consisting of 1.52 acres more or less.
2. Al Frey, First Construction, Cedar Rapids (Owner) - 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 Lots 10 and 11, in the SE 1/4, NW 1/4, Section 18, T-82N, R-4W, in Pioneer Township, consisting of 1.76 acres more or less.
3. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD, West Branch - Requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural for the purpose of relocating the R-1 District for a proposed single family dwelling within the boundaries of a 12.77 acre tract. Said R-1 District is presently located in the NE 1/4, SE 1/4, Section 25, T-80N, R-4W, in Gower Township and consists of 1.43 acres more or less.
4. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD, West Branch - 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 25, T-80N, R-4W, in Gower Township consisting of 1.49 acres more or less.
5. Carla Caes, RFD, Wheatland (Owner) - Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of eliminating a non-conformity so as to permit replacement of her existing dwelling on property located in Lot 8, Block 5, in the NW 1/4, NE 1/4, Section 14, T-82N, R-1W, in Massillon Township, in the unincorporated town of Massillon, consisting of 0.22 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.

Patricia Meixner  
Cedar County Auditor





Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA FOR PLANNING AND ZONING COMMISSION MEETING

August 20, 1997

- I. Review of Development policies from Cedar County Comprehensive Plan. Handouts previously provided to the Commission.
- II. Discussion
- III. Conclusion

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 16, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, July 16, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Bowie, Schuett, Zoning Administrator La Rue and Jim Gonyier, E.C.I.A. Members absent were Brown, Glick and Krall.

Minutes of the previous meeting held on June 18, 1997, were previously sent to the members. A motion was made by Schuett and seconded by Pruess to approve the minutes with a correction to a typographical error to change from "five" to "fire".

The following petitions were then heard by the Commission members:

1. Joseph Maher, RR, West Branch (Owner) - Requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on property located in Lot 18, in the NE 1/4, SE 1/4, Section 1, T-79N, R-4W, in Springdale Township, consisting of approximately 1.52 acres.

No written or verbal objections were on file for this petition. Mr. and Mrs. Maher were present and explained their plans to place a mobile home on their property for their daughter and son-in-law. The explained that the home which was on the site was torn down two years ago as a nuisance. There is a well on the site which the new dwelling will use. A new septic system will be constructed. La Rue requested that the members consider Chapter 18.2(3) of the Zoning Ordinance. C.S.R. was also discussed.

After a brief discussion, Schuett made a motion to approve the rezoning request. Bowie seconded the motion. Ayes all.

2. Al Frey, First Construction, Cedar Rapids (Owner) - Requesting a change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling on property located in Lots 10 and 11, in the SE 1/4, NW 1/4, Section 18, T-82N, R-4W, in Pioneer Township, consisting of approximately 1.76 acres.

No written or verbal objections were on file. Al Frey was present and explained his plans to construct a single family dwelling for his clients. La Rue explained surrounding zoning in close proximity and soils information. He also informed the members that the percolation test performed on July 15, 1997, was satisfactory for the installation of a conventional septic system. La Rue requested that the Commission members consider the request according to Chapter 18.2(3) of the Zoning Ordinance.



Bowie then made a motion that, because of the adjoining zoning classifications, land uses and the hard surfaced road, the petition be approved. Pruess seconded the motion. Ayes all.

3. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD, West Branch - Requesting a change in zoning from R-1 to A-1 for the purpose of relocating the R-1 District for a proposed single family dwelling within the boundaries of a 12.77 acre tract. Said R-1 District is presently located in the NE 1/4, SE 1/4, Section 25, T-80N, R-4W, in Gower Township and consists of approximately 1.43 acres.

No written or verbal objections were on file. La Rue requested the Commission members to consider Chapter 18.2(3) of the Zoning Ordinance in making their decision. Others present were Bill Norton, Attorney, Glen Beiermann and the prospective buyer, Steve Lyons. Attorney Norton explained the request to relocate the rezoning tract and asked the Commission members to consider Petition #4 also because they are linked. The buyer desires to construct a single family dwelling at a site further from the road and closer to the timber. The members discussed their findings at the April, 1997, Public Hearing in which they made no motion on the rezoning request. Pruess then made a motion to approve the request to rezone the tract from R-1 to A-1. Schuett seconded the motion. Ayes 3 with 1 nay.

4. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD, West Branch - 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 NE 1/4, SE 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of approximately 1.49 acres.

No written or verbal objections were on file. Those present were Attorney Bill Norton, Glen Beiermann and Steve Lyons.

After a brief discussion, Schuett made a motion to approve the rezoning request. Pruess seconded the motion. Ayes 3 with 1 nay. (With only four Commission members present at the hearing and the vote being 3 to 1, there was no clear majority as required to approve these petitions.)

5. Carla Caes, RFD, Wheatland (Owner) - Requesting a change in zoning from C-1 to R-2 for the purpose of eliminating a non-conformity so as to permit replacement of her existing dwelling on property located in Lot 8, Block 5, in the NW 1/4, NE 1/4, Section 14, T-82N, R-1W, in Massillon Township, in the unincorporated town of Massillon, consisting of approximately 0.22 acres.

No written or verbal objections were on file. Mr. and Mrs. Ben Caes were present and explained that they wish to replace their existing home. La Rue requested that the Commission members consider Chapter 18.2(3) of the Zoning Ordinance and explained Chapter 16 of the Zoning Ordinance, Nonconforming Structures & Use. La Rue explained the reason for the requirement to change the zoning to R-2 is because single family dwellings are not permitted in the C-1 District. He also stated that the soil maps indicated the property consisted of "D" slope at 9 to 14%. This is incorrect and that the slope is "A" which is 0 to 2%. Pruess inquired about a new septic system. A new system was placed on Lot 6 in July of 1995.

With no further questions, Pruess made a motion to approve the request and eliminate the non-conformity. Bowie seconded the motion. Ayes all.

The meeting was then adjourned. Members Bowie, Pruess and Schuett stayed after the hearing to discuss the Comprehensive Plan with Zoning Administrator La Rue and Jim Gonyier.

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Chairman



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Secretary Pro-tem





Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA FOR PLANNING AND ZONING COMMISSION MEETING

July 16, 1997

- I. Review of Development policies from Cedar County Comprehensive Plan. Handouts previously provided to the Commission.
- II. Discussion
- III. Conclusion



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

July 7, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, July 16, 1997, 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. Joseph Maher, RR, West Branch (Owner) - 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 Lot 18, in the NE 1/4, SE 1/4, Section 1, T-79N, R-4W, in Springdale Township, consisting of 1.52 acres more or less.
2. Al Frey, First Construction, Cedar Rapids (Owner) - 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 Lots 10 and 11, in the SE 1/4, NW 1/4, Section 18, T-82N, R-4W, in Pioneer Township, consisting of 1.76 acres more or less.
3. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD, West Branch - Requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural for the purpose of relocating the R-1 District for a proposed single family dwelling within the boundaries of a 12.77 acre tract. Said R-1 District is presently located in the NE 1/4, SE 1/4, Section 25, T-80N, R-4W, in Gower Township and consists of 1.43 acres more or less.



4. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD, West Branch - 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 25, T-80N, R-4W, in Gower Township consisting of 1.49 acres more or less.
5. Carla Caes, RFD, Wheatland (Owner) - Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of eliminating a non-conformity so as to permit replacement of her existing dwelling on property located in Lot 8, Block 5, in the NW 1/4, NE 1/4, Section 14, T-82N, R-1W, in Massillon Township, in the unincorporated town of Massillon, consisting of 0.22 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:sl



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

June 9, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, June 18, 1997, 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 petition:

1. Janita Fisher, RFD, Lowden (Owner) - Requesting approval of a Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the SW 1/4, SW 1/4, Section 36, T-82N, R-1W, in Springfield Township, consisting of 5.75 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:sl



Copies sent out on 6/10/97 to the following:

1. Janita Fisher - 2309 Country Club Lane, Lowden, Iowa 52255 - Certified
2. William B. Norton - 405 Washington Avenue, Lowden, Iowa 52255
3. Lowden Development Corp. - 301 Country Club Lane, Lowden, Iowa 52255
4. 7 Zoning Commission members on 6/11/97
5. 2 copy to newspaper on 6/9/97
6. 2 file copies
7. 2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 18, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, June 18, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Brown, Glick, Penningroth, Krall, Schuett and Zoning Administrator La Rue. Members absent were Bowie and Pruess.

Minutes of the previous meeting held on May 21, 1997, were previously sent to the members. A motion was made by Schuett and seconded by Penningroth to approve the minutes as written. Motion carried.

The following petition was then heard by the Commission members:

1. Janita Fisher, RFD, Lowden - Requesting approval of a Special Use Permit authorizing the location of a Bed & Breakfast Home on property located in the SW 1/4, SW 1/4, Section 36, T-82N, R-1W, in Springfield Township.

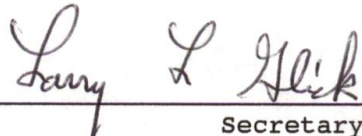
No written or verbal objections were on file for this petition. Janita Fisher was present and explained her intention to provide a Bed & Breakfast Home, using two bedrooms in her home. Commission members reviewed guidelines for Bed & Breakfast Homes in accordance with Chapter 137B,C, Code of Iowa, 1997. Ms. Fisher was advised that any additional rooms for guests would require another review by the Cedar County Board of Adjustment and compliance with Bed and Breakfast Inn regulations. Access to the home is through the 3-30 Country Club property. La Rue asked that fire alarms and extinguishers be installed in the home and adequate parking be provided.

After a brief discussion, Krall made a motion to approve Ms. Fisher's request and forward it to the Cedar County Board of Adjustment. Brown seconded the motion. Ayes all.

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

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Chairman

  
Secretary



CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 18, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, June 18, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Brown, Glick, Penningroth, Krall, Schuett and Zoning Administrator La Rue. Members absent were Bowie and Pruess.

Minutes of the previous meeting held on May 21, 1997, were previously sent to the members. A motion was made by Schuett and seconded by Penningroth to approve the minutes as written. Motion carried.

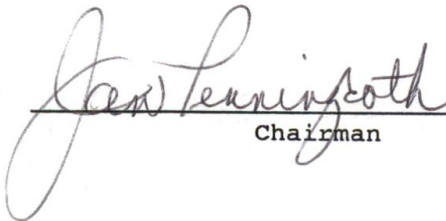
The following petition was then heard by the Commission members:

1. Janita Fisher, RFD, Lowden - Requesting approval of a Special Use Permit authorizing the location of a Bed & Breakfast Home on property located in the SW 1/4, SW 1/4, Section 36, T-82N, R-1W, in Springfield Township.

No written or verbal objections were on file for this petition. Janita Fisher was present and explained her intention to provide a Bed & Breakfast Home, using two bedrooms in her home. Commission members reviewed guidelines for Bed & Breakfast Homes in accordance with Chapter 137B,C, Code of Iowa, 1997. Ms. Fisher was advised that any additional rooms for guests would require another review by the Cedar County Board of Adjustment and compliance with Bed and Breakfast Inn regulations. Access to the home is through the 3-30 Country Club property. La Rue asked that five alarms and extinguishers be installed in the home and adequate parking be provided.

After a brief discussion, Krall made a motion to approve Ms. Fisher's request and forward it to the Cedar County Board of Adjustment. Brown seconded the motion. 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

AGENDA FOR PLANNING AND ZONING COMMISSION MEETING

May 21, 1997

- I. Review of Development policies from Cedar County Comprehensive Plan. Handouts previously provided to the Commission.
- II. Discussion
- III. Conclusion



CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 21, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, May 21, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Schuett, Bowie and Zoning Administrator La Rue. Members absent were Brown, Krall and Glick.

Minutes of the previous meeting held on April 16, 1997, were previously sent to the members. A motion was made by Pruess and seconded by Bowie to approve the minutes as written. Motion carried.

The following petitions were then heard by the Commission members:

1. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD, West Branch - Requesting approval of a Preliminary and Final Plat for a one (1) lot subdivision located in the NE 1/4, SE 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 12.77 acres more or less.

No written or verbal objections were filed since the Board of Supervisors hearing on April 14, 1997. La Rue explained to the members that the Board of Supervisors approved the rezoning request from A-1 to R-1. He also stated that the Commission is to review the subdivision plat and attachments for conformity with the Subdivision Ordinance. He then explained that the concerns of Bev Brown regarding the fence have been taken care of. Glenn Beiermann, Wayne Stout and Attorney Bill Norton were present and explained the reason for the subdivision. Pruess inquired about the utility easement of 10 feet around the perimeter of the lot. La Rue explained the requirement for the easement. After further discussion, Pruess made a motion to approve the request. Schuett seconded the motion. Ayes 3 with 1 nay.

2. Michael and Sandy Rummells, RFD, Atalissa (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 SE 1/4, SE 1/4, Section 15, T-79N, R-3W, in Iowa Township, consisting of 2.64 acres more or less.

No written or verbal objections were on file for this petition. Mike and Sandy Rummells were present as were Jan Isabel and Barb Wood. The Rummells explained their plans to construct a single family dwelling where at one time a home was located. La Rue requested the Commission members to consider the petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Pruess questioned the livestock operations, especially Interstate Pork.

This operation is greater than one-quarter mile away. Jan Isabel and Mike Rummells stated that this area was pasture and is timber. Rescue service will be out of Atalissa. It was noted by the Commission that there are several homes in the vicinity and the proposed rezoning site is immediately next to a R-1 district to the west where Jan Isabel resides. The Secondary Road Department has approved the driveway access on this dead end road. After further discussion, Schuett made a motion to approve the rezoning request. Bowie seconded the motion. Ayes all.

3. Troy and Denise Mente, RFD, Tipton (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 Lot 1 of Wethington's First Addition in the SW 1/4, SW 1/4, Section 32, T-81N, R-2W, in Center East Township, consisting of approximately 2.81 acres.

No written or verbal objections were on file for this petition. Troy and Denise Mente were present and explained their intention to construct a single family dwelling. La Rue requested that the Commission consider the petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He also explained that Russel Wethington subdivided the property and that the septic drain from the home on Lot 2 drains onto the SE 1/4 of Lot 1. La Rue continued that the septic system for the existing home will need to be updated. The septic for the proposed home will be located on the same lot. La Rue then recommended that the existing well on Lot 2 be used for the proposed home via a maintenance agreement if lot is sold. The Mente's plan to use the existing driveway access onto Highway 130.

After further discussion, Bowie made a motion to approve the Mente's rezoning request. Schuett seconded the motion. Ayes all.

The Commission then considered the following amendment to the Cedar County Zoning Ordinance #10:

Chapter 11, Section B

Subsection 8, Required Parking: Delete "Same as 8" as adopted by the Board of Supervisors on April 21, 1997.

Subsection 11, Required Parking: Delete "Same as 7" -- Add "Same as 8".

La Rue explained the need for the proposed amendment and that it should have been reviewed at the March 19, 1997, meeting of the Planning and Zoning Commission. Schuett then made a motion to amend the Ordinance, Chapter 11, Section B, Subsection 8. Pruess seconded the motion. Ayes all.



Discussion then entailed about rezoning improved zoned property back to A-1 if not developed in a reasonable amount of time. The members then discussed the Comprehensive Plan, the Cedar County Community Builder Plan and the Scott County Land Use Policies to use as a content format.

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

  
Chairman

  
Secretary Pro-tem



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

May 5, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, May 21, 1997, 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. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD, West Branch - Requesting approval of a Preliminary and Final Plat for a one (1) lot subdivision located in the NE 1/4, SE 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 12.77 acres more or less.
2. Michael and Sandy Rummells, RFD, Atalissa (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 SE 1/4, SE 1/4, Section 15, T-79N, R-3W, in Iowa Township, consisting of 2.64 acres more or less.
3. Troy and Denise Mente, RFD, 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 property located in Lot 1 of Wethington's First Addition in the SW 1/4, SW 1/4, Section 32, T-81N, R-2W in Center East Township, consisting of 2.81 acres more or less.

At this time, the Commission will also be considering the following amendment to the Cedar County Zoning Ordinance #10:

Chapter 11, Section B

Subsection 8, Required Parking: Delete "Same as 8" as adopted by the Board of Supervisors on April 21, 1997.

Subsection 11, Required Parking: Delete "Same as 7" -- Add "Same as 8".



At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petitions and amendment. 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.

A handwritten signature in black ink, appearing to read "Phil La Rue". The signature is fluid and cursive, with the first name "Phil" and last name "La Rue" clearly distinguishable.

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 5/7/97 to the following:

1. Troy & Denise Mente - 1313 Highway 130, Tipton, Iowa 52772 - Hand delivered to Denise
2. Marge Wethington - 1327 Highway 130, Tipton, Iowa 52772
3. City of Tipton - 407 Lynn Street, Tipton, Iowa 52772
4. Jack & June Reeve - 408 Meridian Street, Tipton, Iowa 52772
5. Arthur & Mary Samuelson - 1319 Highway 130, Tipton, Iowa 52772
6. Steve, Rex & Janet Maurer - % Steve Maurer, P.O. Box 460, Clarence, Iowa 52216
7. Charles Jones - 1307 Red Star Road, Tipton, Iowa 52772
8. Max & Ruth Nebergall - 1007 E. 7th Street, Tipton, Iowa 52772

1. Michael & Sandy Rummells - 1049 305th Street, Atalissa, Iowa 52720 - Certified
2. Jan Isabel - 985 310th Street, Atalissa, Iowa 52720
3. Barrett Stoll - 999 310th Street, Atalissa, Iowa 52720
4. Wilma Isabel Estate - 978 310th Street, Atalissa, Iowa 52720
5. Marshall McDonald - 406 Jackson, Muscatine, Iowa 52761
6. Ron Simpson - 972 305th Street, Atalissa, Iowa 52720
7. Leonard Eichelberger - 2097 Atalissa Road, Atalissa, Iowa 52720
8. Kenneth Regennitter - 938 305th Street, Atalissa, Iowa 52720
9. James Bowie - 1595 Logan Avenue, Tipton, Iowa 52772
10. Dennis Byrnes - 4156 Sugar Hill Lane, Solon, Iowa 52333

1. Glenn Beiermann - 127 Thomas Drive, West Branch, Iowa 52358 - Certified
2. Beverly Stout - P.O. Box 671, West Branch, Iowa 52358
3. Norton & Norton, Attorneys at Law, P.C. - 504-508 Main Street, Lowden, Iowa 52255-0411
4. Beverly M. Brown - 576 260th Street, West Branch, Iowa 52358
5. Elaine Johnson - 24687 200th Avenue, Eldridge, Iowa 52748
6. Terrance & Glenda O'Neil - RFD #1, Box 187, West Branch, Iowa 52358
7. John & Norma Beecher - 123 Oliphant Street, West Branch, Iowa 52358
8. Richard & Linda Brennan - 755 Cedar Valley Road, Tipton, Iowa 52772

- 7 Zoning Commission members
- 1 copy to newspaper on 5/5/97
- 2 file copies
- 2 copies for bulletin boards



CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 16, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, April 16, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Pruess, Penningroth, Brown, Krall, Schuett, Zoning Administrator La Rue and Jim Gonyier, E.C.I.A. Members absent were Bowie and Glick.

Minutes of the previous meeting held on March 19, 1997, were previously sent to the members. A motion was made by Pruess and seconded by Brown to approve the minutes as written. Motion carried.

The following petitions were then heard by the Commission members:

1. Bobbie and Shirrie Burmeister, Clarence (Contract Buyers) - Requesting a change in zoning from A-1 to R-1 for the purpose on constructing a single family dwelling on property located in the NW 1/4, NE 1/4, Section 22, T-82N, R-2W, in Dayton Township, consisting of 1.00 acres more or less.

Mr. and Mrs. Burmeister were present, as were his parents, Lloyd and Fannie Burmeister, and explained their desire to construct a single family dwelling. No written or verbal objections were on file for this petition. Mr. Burmeister explained that this area was at one time a hog lot and then a garden and why they wish to build their home on this location. La Rue inquired about the size of farm where this site is located. Mr. Burmeister stated that it was 160 acres. La Rue then asked the Commission to consider this and the following petitions in accordance with 18.2(3) of the Zoning Ordinance. Pruess inquired about the cattle lot at the Russell farm closer than 1,320 feet to the rezoning tract. The Burmeister's stated that they had no problem with the livestock being nearby. Brown expressed his concerns regarding the livestock and the high corn suitability rating. Discussion followed concerning the livestock, CSR and the Cedar County Comprehensive Plan. The Burmeister's inquired about the soil survey, CSR and whether or not the information was accurate. The Commission and the Burmeister's then discussed the problems between livestock operations and residential development. Pruess moved to approve with concerns to be noted to the Board of Supervisors based on the livestock nearby and the high CSR. Motion died for lack of a second. Brown then continued to explain concerns and views of the Commission and Cedar County's current development trends. Brown then made a motion to forward this petition to the Board of Supervisors with no recommendation because of the Commission's concerns as previously stated. Schuett seconded the motion. Ayes all.



2. Jerry and Linda Lawrence, RFD, 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, NW 1/4, Section 32, T-79N, R-4W, in Springdale Township, consisting of 1.30 acres more or less.

Mr. Lawrence was present and explained his desire to construct a single family dwelling on the lot. No written or verbal objections were on file for this petition. La Rue explained that this is a lot of record and that this lot lies adjacent to a C-1 Local Commercial and M-2 Heavy Industrial district and the history of these rezonings. Mr. Lawrence explained that he currently owns the M-2 district where the Iowa Valley Milling Plant is located. Pruess inquired about water and septic limitations. No severe limitations were noted. Mr. Lawrence stated that he may use the well currently located at the milling plant to supply water for the proposed dwelling. The CSR of this lot was then discussed and noted that this lot of record has not been used for agriculture. Access to County Road X-30 was questioned and does not appear to be a problem. Brown then made a motion to approve the request. Pruess seconded the motion. Ayes all.

3. James Sissel, RR, Tipton (Owner) - 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, SW 1/4, Section 10, T-80N, R-3W, in Center West Township, consisting of 3.30 acres more or less.

Bob Sissel, brother of James Sissel (owner), was present along with Attorney Stuart Werling. No written or verbal objections were on file for this petition. Mr. Werling explained Mr. Sissel's desire to construct a single family dwelling in the timber west of James Sissel's mobile home. He continued to explain the plat which was presented and the request to rezone and replat a lot in area greater than 1.99 acres. This is to permit adequate placement of the dwelling, water well and septic system in the timber, given the topography of the site. The lot will be re-surveyed if the rezoning request is approved. La Rue explained that this rezoning tract is immediately adjacent to a R-1 Suburban Residential district where Jim Sissel's mobile home is located and that there is another home across the road from Mr. Sissel. Access to County Road F-36 was then questioned. Mr. Sissel explained that he will have a joint maintenance agreement with Jim Sissel and will use the same access onto F-36. Discussion followed regarding CSR on timbered property in accordance with 18.2(3) and Chapter 5, Section G., Subsection 7 of the Zoning Ordinance and a desire to prevent clear-cutting of the timber. Krall then made a motion to approve this rezoning request with the requirement that the timbered property have only a minimum of trees removed (no clear-cutting). Schuett seconded the motion. Ayes 3 with 1 nay.




4. Kent and Cindy Meyer, Mechanicsville (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 NE 1/4, NE 1/4, Section 14, T-82N, R-3W, in Fremont Township, consisting of 1.00 acres more or less.

Mr. and Mrs. Meyer were present, as were his parents, Mr. and Mrs. Ken Meyer, and explained their desire to construct a single family dwelling on property presently owned by Dennis Oldorf, which is immediately south of Ken Meyer's property. No written or verbal objections were on file for this petition. Mr. Meyer explained that the Dennis Oldorf property was previously owned by the Meyer family, but all the farm land except 6.50 acres, was sold to Mr. Oldorf. Mr. Meyer stated that Mr. Oldorf is very willing to sell back to Mr. and Mrs. Meyer enough farm land for them to build their home. Mr. Meyer continued to explain their desire to live close to his parents and where they may enjoy their horses. Cindy Meyer explained that they have tried to minimize the loss of prime agricultural land, and that the Iowa Department of Transportation has no objection to a driveway entering onto Highway 38. The Meyer's then displayed letters from the I.D.O.T., Daren Lehrman, Harlan Voelker, Harold Goldsmith, Tom and Joan Hanna, Mike Yates and Mark Meyer. La Rue explained concerns on placement of buildings and septic systems because of the soils at this location. He continued that the need for a U.S.D.A. soil scientist to evaluate the soils may be required to overcome these limitations. The Meyer's explained that they are aware of these limitations and may not put in a basement because of the ground water. Brown expressed his concerns on the very high CSR, the soil limitations and the cumulative affect of residential encroachment into agricultural areas. Pruess expressed views on the dwelling being placed into the highly productive farm ground rather than in the pasture area south of the Meyer's property which is not currently in row crop production. Mr. Meyer then explained why the request should be granted pointing to the tracts of ground east of Stanwood, including the site of the previously proposed Iowa Beef Producers packing plant. In addition, he explained that several farmsteads have been removed and placed back into agricultural production. Therefore, the placement of his proposed home next to his parents property should have a minimal effect on agriculture in the area. He also stated the proposed home being located next to his parents would be clustered, rather than spread out, which is worse for agriculture. Pruess then made a motion to disapprove the request based upon the high CSR and the soil limitations. Krall seconded the motion. Ayes all.

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

The Commission members then discussed procedures for creating land use plans and policies with Jim Gonyier, E.C.I.A.

  
Chairman

  
Secretary Pro-tem





Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

CEDAR COUNTY PLANNING & ZONING COMMISSION  
COMPREHENSIVE PLAN WORK SESSION AGENDA

Wednesday, April 16, 1997

- I. Review of survey hand outs from March 19, 1997
- II. Discussion
- III. Conclusion



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

April 7, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, April 16, 1997, 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. Bobby and Shirrie Burmeister, Clarence (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, NE 1/4, Section 22, T-82N, R-2W, in Dayton Township, consisting of 1.00 acres more or less.
2. Jerry and Linda Lawrence, RFD, 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, NW 1/4, Section 32, T-79N, R-4W, in Springdale Township, consisting of 1.30 acres more or less.
3. James Sissel, RR, Tipton (Owner) - 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, SW 1/4, Section 10, T-80N, R-3W, in Center West Township, consisting of 3.30 acres more or less.
4. Kent and Cindy Meyer, 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 NE 1/4, NE 1/4, Section 14, T-82N, R-3W, in Fremont Township, consisting of 1.00 acres more or less.



Copies sent out on 4/9/97 to the following:

1. Bobby & Shirrie Burmeister - P.O. Box 325, Clarence, Iowa 52216 - Certified
2. Lloyd & Fannie Burmeister - 310 Plum Avenue, Clarence, Iowa 52216
3. Keith & Larry Russell - 303 2nd Avenue, Clarence, Iowa 52216

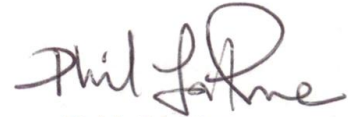
1. Jerry & Linda Lawrence - 2306 Baker Avenue, West Branch, Iowa 52358 - Certified
2. Betty Burton - 108 Walnut Drive, West Branch, Iowa 52358
3. Karen J. Streets Trust - % Larry Streets, 2394 Baker Avenue, West Branch, Iowa 52358
4. Greg & Cheryl Edwards - 2316 Baker Avenue, West Branch, Iowa 52358
5. William & Edith Wachs - RFD #2, West Branch, Iowa 52358
6. Patricia, William & Eleanor Secrest - 52 330th Street, West Branch, Iowa 52358

1. Robert & Rita Sissel - 1320 North Avenue, Tipton, Iowa 52772 - Certified
2. James Sissel - 949 Cedar Valley Road, Tipton, Iowa 52772
3. Lloyd Hein - 1376 Jackson Road, Tipton, Iowa 52772
4. Ronald Anderson - 956 Cedar Valley Road, Tipton, Iowa 52772
5. J. F. Casterline Trust Et Ali - % Ruth Pfeifle, Box 46, Tipton, Iowa 52772
6. Richard Mitzner - 991 219th Street, Tipton, Iowa 52772
7. John & Sherri Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772
8. Steve Person - 1402 Jackson Road, Tipton, Iowa 52772

1. Kent & Cindy Meyer - 102 W. Reeder, Mechanicsville, Iowa 52306 - Certified
2. Ken Meyer - 205 Highway 38, Stanwood, Iowa 52337
3. Dennis Oldorf - P.O. Box 1883, Cedar Rapids, Iowa 52406
4. K Farms, Inc. - % Dr. Gordon Kruger, Rt. 15, Box 5, Normal, Illinois 61761

- 7 Zoning Commission members
- 1 copy to newspaper on 4/7/97
- 2 file copies
- 2 copies for bulletin boards

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.

A handwritten signature in dark ink, appearing to read "Phil La Rue". The signature is fluid and cursive, with the first name "Phil" and last name "La Rue" clearly distinguishable.

Phil La Rue  
Zoning Administrator

PL:sl



CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 19, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, March 19, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Glick, Bowie, Krall and Zoning Administrator La Rue. Members absent was Penningroth and Schuett.

Minutes of the previous meeting held on February 19, 1997, were previously sent to the members. A motion was made by Krall and seconded by Brown to approve the minutes as written. Motion carried.

The following petitions were then heard by the Commission members:

1. John and Karen Keith, RFD, Moscow (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 Parcel E of Lot A, in the SE 1/4, NE 1/4, Section 24, T-79N, R-3W, in Rochester Township, consisting of 2.00 acres more or less.

Mr. & Mrs. Keith were present and explained their intent to construct a single family dwelling on the property. There were no written or verbal objections on file for the Keith's petition.

This property is not in agricultural production at the present time, nor is it in Zone A of the Flood Insurance Rate Map. The Corn Suitability Rate indicates that this is not prime agricultural ground. The property is adjacent to the Whitmer Addition which is zoned AR-1 (Agricultural Recreational District). There are no livestock production facilities near by. Access to the parcel is via a 20 foot easement across Lot 29 from the south.

Discussion followed regarding access to fire, rescue, snow removal, etc. La Rue reminded the members to review the petition in accordance with Chapter 18, 18.2(3) of the Cedar County Zoning Ordinance. Krall then made a motion to recommend the rezoning request from A-1 to R-1. Glick seconded the motion. Ayes 4 and 0 nays.

2. Wilton Rifle Club, Inc., Muscatine - Requesting approval of a Special Use Permit authorizing the location of a gun club on property located in the W 1/2, NW 1/4, Section 35, T-79N, R-3W, in Iowa Township, consisting of 80.00 acres more or less.

Three members of the Wilton Rifle Club and their attorney, Stuart Werling, were present at the hearing.

A 750 feet distance is required from a gun club to the nearest residence. Mr. Werling and the club members explained the request for a Special Use Permit and presented a drawing which showed where pistol and range areas are to be located. Also presented was a diagram which showed what was down range of the target ranges. They will be constructing a storage building in which supplies will be stored, but no guns or ammunition will be stored in it. La Rue reminded the Commission members that Special Use Permits are reviewed each year by the Board of Adjustment in accordance with the Cedar County Zoning Ordinance.

Discussion of the access road followed. The club will be putting gravel on the Level "B" Road to the property as required. After further discussion, Pruess made a motion to recommend approval to the Board of Adjustment with the understanding that this is a low maintenance road. Krall seconded the motion. Ayes 4 with 0 nays.

3. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD, West Branch - 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, SE 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 12.77 acres more or less.

A letter of concern was read which was received from Bev Brown, adjoining property owner. Glenn Beiermann, brother of Fred Beiermann, was present and explained the rezoning request. Bev Brown expressed concern about the fence and the problems of residential encroachment. A fence agreement is required with the subdivision, as there is a cattle and sheep operation adjoining this subdivision. Mr. Beiermann stated the presented fence agreement makes the property owner responsible for all fence maintenance. Ms. Brown wishes to sign a fence agreement and have the agreement state the type of fence to be installed. La Rue recommended the members review the petition in accordance with Chapter 18, 18.2(3) of the Zoning Ordinance. Access to the property is via a hard surface road and the CSR is not considered prime agricultural ground.

After further discussion, Brown made a motion that the Zoning Commission deny recommending the rezoning request from A-1 to R-1. Krall seconded the motion. Ayes 4 with 0 nays.

4. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD West Branch - Requesting approval of a Preliminary and Final Plat for a one (1) lot subdivision located in the NE 1/4, SE 1/4, Section 25, T-80N, R-4W, in Gower



Township, consisting of 12.77 acres more or less.

This petition was not reviewed by the Commission members due to the recommendation from the Commission on Petition #3.

The Commission members then considered the following proposed amendments to the Cedar County Subdivision Ordinance #9:

Chapter 4, Section B,1,C -- Delete (8 1/2 x 11) -- Add 8 1/2 x 14)

Chapter 4, Section B, 1d,15 -- Delete Section 354.8 & 1995,  
Code of Iowa.

Chapter 4, Add Section 355.8 and 1997, Code of Iowa.

Chapter 5, Section 5.3E -- Delete Section 354.8 and 1995,  
Code of Iowa.

Chapter 5, Add Section 355.8 and 1997, Code of Iowa.

Chapter 5, Section 5.3G -- Delete Subsection "G" -- Add new  
Subsection "G"

- G. A resolution by the Board of Supervisors and the certified resolution of the City Council of any city having the right to review the plat under Sections 354.8 and 354.9 of the 1997, Code of Iowa, either approving the plat or waiving its right to review.

Chapter 5, Section 5.3 -- Add new Subsection H. -- Groundwater  
Hazard Statement

After discussion, Pruess made a motion that the Commission approve the amendments to Ordinance #9 of the Cedar County Subdivision Ordinance. Brown seconded the motion. Ayes 4 with 0 nays.

The Commission then considered the following amendments to the Cedar County Zoning Ordinance:

Ordinance #10 -- Proposed Amendments

Chapter 2, Definitions -- Add new definitions:

1. Adult: As used in this Chapter, refers to persons who have attained the age of at least eighteen (18) years.
2. Sexual Activity Establishment (Adult Relaxation Center): An establishment used for the display of live presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas. Provided that the provisions of this section shall not apply

to a theatre, concert hall, art center, museum, or similar establishment, which is primarily devoted to the arts or theatrical performances, and which is not primarily devoted to presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas.

3. Specified Anatomical Areas: As used in this Chapter, defined as: (a) less than completely and opaquely covered (1) human genitals, pubic region; (2) buttocks; and (3) female breasts below a point immediately above the top of the areola; and (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
4. Specified Sexual Activities: As used in this Chapter, defined as: (a) human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy; (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

Chapter 11, Section B, Subsections 8, 9 and 10, Required Parking --  
Delete "Same as 7" -- Add "Same as 8"

Add new Subsection 18, Sexual Activity Establishment,  
as provided in Section G., Special Requirements,  
Subsection 18, Required Parking -- Add "Same as 8"

Section G., Special Requirements -- Delete Subsection 3,  
Add new Subsection 3

### 3. Sexual Activity Establishment

- a. Location: These uses shall not be located within one thousand (1000) feet of each other; not within one thousand (1000) feet of any public or parochial school, licensed day care facility, church, public park or residential district; not within five hundred (500) feet of an existing dwelling.
- b. Restrictions: Sexual activity establishments shall not allow touching as defined in specified sexual activities between employees and between employees and patrons. All building openings, entries, windows, etc., for any of the above uses, shall be located, covered, or screened in such a manner to prevent a view into the interior from any public or semi-public areas and such display shall be considered as signs. Any of the above activities which do not



conform to the provisions set forth in this subparagraph shall be considered in violation of the Zoning Ordinance.

Add new Subsection 4.

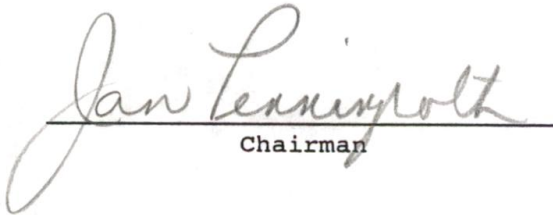
4. See General District Regulations (Chapter 3)

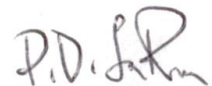
Pruess made a motion to approve amendments to Ordinance #10 as presented. Krall seconded the motion. Ayes 4 with 0 nays.

It has been requested by the Commission members that in the future a copy of the Zoning Map of Cedar County be available to the Commission at the monthly hearing.

A questionnaire was handed out for the members to critique development policies and list concerns of land uses in certain categories. These will be reviewed and discussed at the next meeting.

With no further business to be discussed at this time, Brown made a motion to adjourn the meeting. Pruess seconded the motion. Ayes all.

  
Chairman

  
Secretary  
Pro temp.

STATE OF IOWA, CEDAR COUNTY, ss:

I, Herbert E. Clark or Stuart S. Clark, publishers of **The Tipton Conservative and Advertiser**, a weekly newspaper of general circulation, published in said county, being duly sworn do declare and say that a notice, of which one hereto attached is a copy, was published in the said

The Tipton Conservative and Advertiser 1 time

to wit on March 12, 1997

Herbert E. Clark

Subscribed and sworn to before me this 28

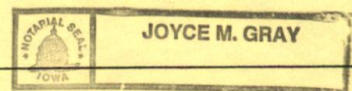
day of March A.D. 1997

Joyce M. Gray  
Notary Public in and for Cedar County, Iowa

Received of \_\_\_\_\_

\_\_\_\_\_ Dollars

Printer's fee \$ 53.94







**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

March 10, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, March 19, 1997, 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. John and Karen Keith, RFD, Moscow (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 Parcel E of Lot A, in the SE 1/4, NE 1/4, Section 24, T-79N, R-3W, in Rochester Township, consisting of 2.00 acres more or less.
2. Wilton Rifle Club, Inc., Muscatine - Requesting approval of a Special Use Permit authorizing the location of a Gun Club on property located in the W 1/2, NW 1/4, Section 35, T-79N, R-3W, in Iowa Township, consisting of 80.00 acres more or less.
3. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD, West Branch - 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 lot subdivision located in the NE 1/4, SE 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 12.77 acres more or less.
4. Beverly Ann Stout, Executor, Fred Beiermann Estate, RFD, West Branch - Requesting approval of a Preliminary and Final Plat for a one (1) lot subdivision located in the NE 1/4, SE 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 12.77 acres more or less.

At this time the Commission will be considering the following amendments to the Cedar County Subdivision Ordinance #9 and the Cedar County Zoning Ordinance #10.

Ordinance #9 -- Proposed Amendments:

Chapter 4, Section B,1,C -- Delete (8 1/2 x 11) -- Add (8 1/2 x 14)

Chapter 4, Section B,1d,15 -- Delete Section 354.8 & 1995,  
Code of Iowa.

Chapter 4, Add Section 355.8 and 1997, Code of Iowa.

Chapter 5, Section 5.3E -- Delete Section 354.8 and 1995,  
Code of Iowa.

Chapter 5, Add Section 355.8 and 1997, Code of Iowa.

Chapter 5, Section 5.3G -- Delete Subsection "G" -- Add new  
Subsection "G"

- G. A resolution by the Board of Supervisors and the certified resolution of the City Council of any city having the right to review the plat under Sections 354.8 and 354.9 of the 1997, Code of Iowa, either approving the plat or waiving its right to review.

Chapter 5, Section 5.3 -- Add new Subsection H. -- Groundwater  
Hazard Statement

Ordinance #10 -- Proposed Amendments

Chapter 2, Definitions -- Add new definitions:

1. Adult: As used in this Chapter, refers to persons who have attained the age of at least eighteen (18) years.
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An establishment used for the display of live presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas. Provided that the provisions of this section shall not apply to a theatre, concert hall, art center, museum, or similar establishment, which is primarily devoted to the arts or theatrical performances, and which is not primarily devoted to presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas.



3. Specified Anatomical Areas: As used in this Chapter, defined as: (a) less than completely and opaquely covered (1) human genitals, pubic region; (2) buttocks; and (3) female breasts below a point immediately above the top of the areola; and (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
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as provided in Section G., Special Requirements,  
Subsection 18, Required Parking -- Add "Same as 8"

Section G., Special Requirements -- Delete Subsection 3,  
Add new Subsection 3

### 3. Sexual Activity Establishment

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- b. Restrictions: Sexual activity establishments shall not allow touching as defined in specified sexual activities between employees and between employees and patrons. All building openings, entries, windows, etc., for any of the above uses, shall be located, covered, or screened in such a manner to prevent a view into the interior from any public or semi-public areas and such display shall be considered as signs. Any of the above activities which do not conform to the provisions set forth in this subparagraph shall be considered in violation of the Zoning Ordinance.

Add new Subsection 4.

4. See General District Regulations (Chapter 3)

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.

A handwritten signature in dark ink, appearing to read "Phil La Rue". The signature is fluid and cursive, with the first name "Phil" and last name "La Rue" clearly distinguishable.

Phil La Rue  
Zoning Administrator

PL:sl



CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 19, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on February 19, 1997, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Schuett, Brown, Glick, Penningroth, Krall, Bowie and Zoning Administrator La Rue. Member absent was Pruess.

Minutes of the previous meeting held on January 15, 1997, were previously sent to the members. A motion was made by Brown to approve the minutes as written. Schuett seconded the motion. Motion carried.

The following petition was then heard by the Commission members:

1. Steve and Theresa Lyons, RFD, West Liberty (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 Parcel A, in the SW 1/4, SW 1/4, Section 19, T-79N, R-3W, in Iowa Township, consisting of 2.23 acres more or less.

La Rue stated that originally there was an abandoned house on this property and the Lyon's replaced the structure with a new home in accordance with the Zoning Ordinance. The Lyon's now want to build a house on a portion of the remaining parcel because it will be further away from Garfield Avenue and traffic noise.

John R. Wright, adjoining property owner, filed a written objection to this zoning change. La Rue read his letter of objection to the members. It was determined by the Commission, after hearing Mr. Wright's letter, that there is no pipe line on this property and there is no problem with any site distance from a new driveway that would be needed on Parcel A.

Craig Noring, adjoining property owner who owns the property south of the present house, was present and stated that he has a building in which he has livestock directly across from the present house. He also raises pigs in a farrowing to finish operation. He stated that he is concerned about limitations on his farming operation if another family moves into the existing house and a second dwelling is built. He explained how residential development has effectively prohibited expansion of his livestock operation and has disrupted the application of chemicals to his crops.

Brad Person, attorney representing Mr. Wright, was also present and stated his concerns regarding the splitting of Parcel A and the effect of new homes on agriculture.

Jim King, who farms in Muscatine County, was present and stated how in his county many people with small acreages have put a stop to many agricultural practices such as livestock, spraying and fertilizing their ground.

After further discussion by the Commission members, Bowie made a motion to disapprove the requested zoning change because of the following reasons:

- 1) The property is within close proximity of an existing livestock facility.
- 2) It does not meet the Comprehensive Plan for the county.
- 3) There is a high CSR (78) on the land.

Brown then seconded the motion. Ayes 5 and 0 nays.

Zoning Administrator La Rue then requested input on proposed amendments to the Zoning Ordinance and Subdivision Ordinance. He explained that an anonymous person has inquired about opening an "Adult Strip Bar/Club", in rural Cedar County. He explained that when the Zoning Ordinance was revised, the Commission decided not to define these establishments or to provide for them in a zoning district. Because of this, these establishments could possibly locate in an inappropriate area near dwellings or places of public assembly. In accordance with Chapter 3, Section 3.1(26), pg. 23 of the Zoning Ordinance, the Commission agreed that the definition of "Adult", "Sexual Activity Establishment" and "Touching" need to be defined and that these establishments should be listed as a permitted use with restrictions, in Chapter 11, C-2 Highway Commercial District, Section B.

La Rue then explained the need for some corrective amendments to the revised Subdivision Ordinance in Chapters 4 and 5. The following are the proposed amendments:

- 1) Chapter 4, Section 4.1(B(1)c, page 17: Delete (8 1/2 x 11) inches; Add (8 1/2 x 14) inches
- 2) Chapter 4, Section 4.1B(1)d(15), page 18: Delete Section 354.8; Add Section 355.8
- 3) Chapter 5, Section 5.3E, page 22: Delete Section 354.8; Add Section 355.8
- 4) Chapter 5, Section 5.3G, page 22: Delete Subsection G; Add new Subsection G (See Chapter 4, Section 4.1C(4), page 20 for new subsection).
- 5) Chapter 5, Section 5.3, page 22: Add new Subsection H - Groundwater Hazard Statement



Following further discussion, Bowie made a motion that Zoning Administrator La Rue proceed with the proposed amendments to the Zoning Ordinance and Subdivision Ordinance. These amendments will be considered for recommendation to the Board of Supervisors at the next regular meeting. Schuett seconded the motion. Ayes 5 and 0 nays.

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

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Chairman

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Secretary

Agenda for the Comprehensive Plan and Policy meeting

10:00 a.m., Monday, February 24, 1997  
Board of Supervisors Office  
Cedar county Courthouse

- I. Comprehensive Plan: Goals/Objectives/Purpose.
- II. Policies of the Planning and Zoning Commission and the Board of Supervisors and the goals and objectives of the 1980 - 2000 Comprehensive Plan.
- III. Discussion and Conclusion.





Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

February 10, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, February 19, 1997, 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 petition:

1. Steve and Theresa Lyons, RFD, West Liberty. (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 Parcel A,  
in the SW 1/4, SW 1/4, Section 19, T-79N, R-3W, in  
Iowa Township, consisting of 2.23 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 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:sl

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 15, 1997

The Cedar County Planning and Zoning Commission held a Public Hearing on January 15, 1997, 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, Schuett, Bowie and Zoning Administrator La Rue. Member absent was Krall.

Minutes of the previous meeting held on December 18, 1996, were previously sent to the members. A motion was made by Pruess to approve the minutes as written. Schuett seconded the motion. Motion carried.

The following petition was then heard by the members:

1. United States Cellular Communications, Davenport, Iowa - Requesting approval of a Special Use Permit authorizing the location of a cellular communication tower on property located in the SE 1/4, SW 1/4, Section 12, T-79N, R-2W, in Sugar Creek Township, consisting of 5.65 acres more or less.

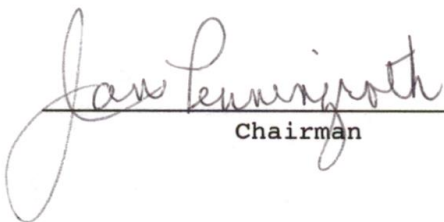
No written or verbal objections were on file for this petition. La Rue explained the Special Use Permit requirements for communication towers in the A-1 district. Scott Van Roekel, Project Manager for U.S. Cellular Communications, Davenport, stated the purpose of this site is to provide for improved cellular coverage due to a great deal of calls from Interstate 80. This tower is needed as there is a need for coverage of hand held phones which are being used more. This tower will be 345 feet at its highest point. La Rue explained that these towers must be at least one-half their height from dwellings or places of public assembly. The nearest dwelling is owned by Michael Ramsey and is approximately 450 feet away from the proposed tower site. Mr. Ramsey inquired about energy emissions from the tower. Mr. Van Roekel explained that this tower will generate microwaves. It will not be a directional tower and is designed for a 360 degree antenna. Mr. Van Roekel stated that there are no health effects from these levels of microwaves. Mr. Ramsey then expressed concern about lightning strikes. Mr. Van Roekel stated that there would be a ground plate made of copper to protect the electrical equipment from lightning strikes and no interference should be observed due to a microwave tower this close to Mr. Ramsey's residence. Mr. Van Roekel stated that interference with other cellular phones or television (cross talk) is very unlikely.



When asked by the Commission about the cost of such a project, Mr. Van Roekel estimated that the cost would be about \$300,000 to \$400,000 for the entire project. Mr. Ramsey then expressed concern about lightning strikes. Mr. Van Roekel explained the grounding of the tower. Chris Laucamp was present and stated that she and her husband were purchasing Mr. Ramsey's house. She expressed her concern about their property value in the future. Mr. Van Roekel stated that in his experience, property values are not affected by the placement of these towers. He also stated that U.S. Cellular develops about 40 sites each year in the Midwest. Bill Laucamp then inquired about the cost of moving the facility to another site north of the proposed location. Mr. Van Roekel explained the problems which this would cause in soil sampling, re-surveys and installation and maintenance of a long service road. He then explained that these towers are not clustered because of problems acquiring suitable sites. He also stated that sites on the tower may be leased out to other companies. It was noted that a Special Use Permit is reviewed every year.

After further discussion, Bowie made a motion that the Commission recommend approval to the Board of Adjustment stating that the general location is adequate but a specific site would be better 400' to 500' feet to the north. Pruess seconded the motion. Ayes 4 with 1 nay. Motion carried.

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

January 6, 1997

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, January 15, 1997, 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 petition:

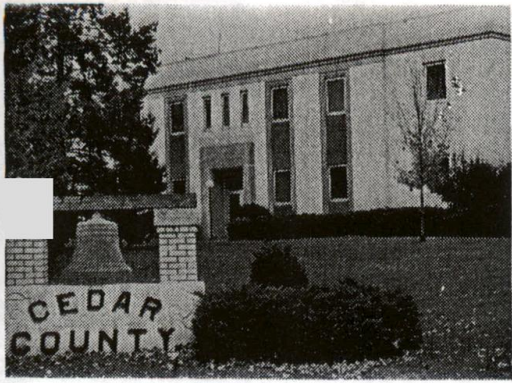
1. United States Cellular Communications, Davenport, Iowa -  
Requesting approval of a Special Use Permit authorizing the location of a cellular communication tower on property located in the SE 1/4, SW 1/4, Section 12, T-79N, R-2W, in Sugar Creek Township, consisting of 5.65 acres more or less.

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:sl





**COPY**

Cedar County  
**BOARD OF SUPERVISORS**  
400 CEDAR ST., TIPTON, IOWA 52772-1752  
TELEPHONE (319) 886-3168

January 20, 1997

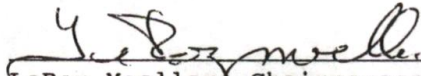
Dennis Pruess  
1652 Hwy 30 E  
Clarence, IA 52216

Dear Mr. Pruess:

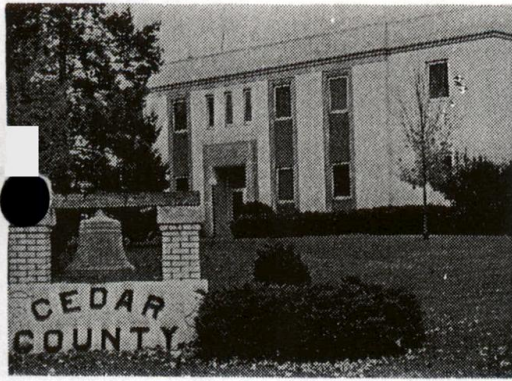
Please be advised, that upon the Board's motion of January 9, 1997, you have been reappointed to a three-year term on the Planning & Zoning Commission. Your term will expire on 12-31-99.

Your willingness to serve on the Planning & Zoning Commission is very much appreciated.

Sincerely,

  
\_\_\_\_\_  
LeRoy Moeller, Chairperson  
Cedar County Board of Supervisors

LM:bjp



**COPY**

Cedar County  
**BOARD OF SUPERVISORS**  
400 CEDAR ST., TIPTON, IOWA 52772-1752  
TELEPHONE (319) 886-3168

January 20, 1997

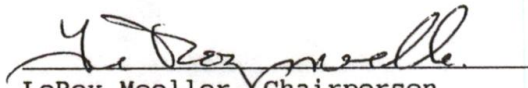
Larry Glick  
190 Solon RD  
Solon, IA 52333

Dear Mr. Glick:

Please be advised, that upon the Board's motion of January 9, 1997, you have been reappointed to a three-year term on the Planning & Zoning Commission. Your term will expire on 12-31-99.

Your willingness to serve on the Planning & Zoning Commission is very much appreciated.

Sincerely,

  
LeRoy Moeller, Chairperson  
Cedar County Board of Supervisors

LM:bjp





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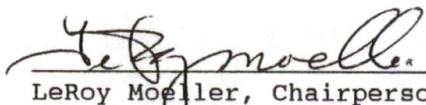
Dave Schuett  
2043 - 310th Street  
Wilton, IA 52778

Dear Mr. Schuett:

Please be advised, that upon the Board's motion of January 9, 1997, you have been reappointed to a three-year term on the Planning & Zoning Commission. Your term will expire on 12-31-99.

Your willingness to serve on the Planning & Zoning Commission is very much appreciated.

Sincerely,

  
\_\_\_\_\_  
LeRoy Moeller, Chairperson  
Cedar County Board of Supervisors

LM:bjp