



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

December 7, 1998

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, December 16, 1998, 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. Duffee Bros., Ltd., RFD, Moscow (Owners) - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the SE 1/4, Section 26, T-79N, R-2W, in Sugar Creek Township, consisting of 1.00 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said 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 12/10/98 to the following:

1. Duffe Bros., Ltd. - 1001 Ocean Avenue, Moscow, Iowa 52760 - Certified
2. Allan Duffe - 2181 Ocean Avenue, Wilton, Iowa 52778
3. Katherine Harris Blackstock - 525 Indian Rd., S.E., Cedar Rapids, Iowa 52403
4. Townsend Farms, Inc. - 2372 Plum Avenue, Wilton, Iowa 52778
5. 1 copy to newspaper on 12/7/98
6. 2 file copies
7. 7 Zoning Commission members
8. 2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 2, 1998

The Cedar County Planning and Zoning Commission conducted a Public Hearing on December 2, 1998, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Krall, Pruess, Brown, Schuett, Penningroth and Zoning Administrator La Rue. Members absent were Lynch and Glick. This meeting was rescheduled from November 18, 1998, due to the lack of a quorum.

Minutes of the last meeting held on September 16, 1998, were previously sent to the members. Schuett made a motion to approve the minutes as written. Pruess seconded the motion. Ayes all. There were no minutes for the month of October because no petitions were filed.

The Commission members then considered the following petition:

1. Steven Yerington, Tipton (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the SE 1/4, Section 14, T-80N, R-3W, in Center West Township, consisting of 1.98 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Mr. & Mrs. Yerington were present and explained their plans to construct a home on the property. A letter from Marc Whitman, Wendling Quarries, was reviewed which stated their support. A letter from John Miller, Tipton Fire Department, also supported the petition. A letter received from Assistant County Engineer, Ron Knoche, was reviewed. He expressed no objections.

The operation of the quarry was discussed, especially the blasting to remove limestone. The quarry will keep a buffer zone from residential homes. Truck traffic on Stone Mill Road was discussed. Dust should not be a problem. The possibility of an attractive nuisance (presence of the quarry) was discussed. Mr. Yerington explained that the property is posted "No Trespassing" and the quarries policy on trespassing and vandalism. He also explained that the buffer strip between the property and the quarry is a lease agreement for them alone. The C.S.R. was reviewed and noted as below 75 points. After further discussion, Pruess made a motion to approve the petition as presented. Krall seconded the motion. Ayes all.

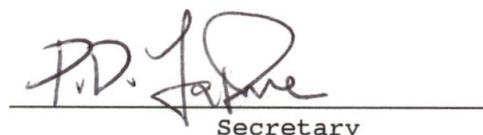
The Commission then discussed a proposed use not covered in the Zoning Ordinance for a recommendation as to the property zoning district. This specifically is to whether or not a request by Steve & Cheryl Johnson, RFD, Tipton, to operate a pet funeral home and pet crematorium should be allowed by ordinance amendment as a Special Use Permit in the A-1 Agricultural District. The property is located next to the county landfill south of Buchanan. The Johnson's do not feel that a Home Industry Permit will adequately meet their needs and have requested an ordinance amendment. It was noted by the Commission that cemetaries are a permitted use in the A-1 District while funeral homes are permitted in the C-1 Local Commercial District. The Commission also noted that offal or dead animal reduction (implies rendering) is permitted by S.U.P. in the M-2 Heavy Industrial District. All references to funeral homes and cemetaries imply the preparation of and enternment of human remains, not animal. Pet cemetaries, funeral homes and crematoriums are, however, becoming increasing popular and the ordinance does not differentiate between human or pet remains. The Johnson's would not be embalming any animals in their funeral home, only providing caskets, urns, cremation and burial with perpetual care of the grounds. The business is considered commercial, not agricultural, hence the need for a special permit. La Rue advised State air quality and solid waste regulation compliance would be required. The crematorium would require 1,000 feet separation from any dwelling other than the Johnson's. La Rue also advised that state livestock disposal regulations do not apply to pets (small animals, including probably horses). The Board of Adjustment can impose reasonable regulations on burial and minimal setback as well as the funeral home and crematorium. The County Attorney would be consulted for the proposed amendment and language. The Commission agreed that the A-1 District would be appropriate. La Rue will keep the Commission informed.

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



Jan Pennington

Chairperson



P.D. La Rue

Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

November 23, 1998

LEGAL NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, December 2, 1998, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. This petition was to be heard on November 18, 1998, but was postponed due to the lack of a quorum.

At this time the Commission will review the following petition:

1. Steven Yerington, Tipton (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the SE 1/4, Section 14, T-80N, R-3W, in Center West Township, consisting of 1.98 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said 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 11/20/98 to the following:

1. Steven Yerington - P.O. Box 431, Tipton, Iowa 52772 - Certified
2. Wendling Quarries - P.O. Box 120, De Witt, Iowa 52742
3. Shawn Cook - 1049 Stone Mill Road, Tipton, Iowa 52772
4. Neal Dauber - 1079 Stone Mill Road, Tipton, Iowa 52772
5. Joseph & Eileen Singer - 1097 Stone Mill Road, Tipton, Iowa 52772
6. Kelly Cedar Farms, Ltd. - 191 Quincy Avenue, Clarence, Iowa 52216
7. Kevin K. Kelly - 1045 Stone Mill Road, Tipton, Iowa 52772
8. Joseph & Bernice Carmean - 1035 Stone Mill Road, Tipton, Iowa 52772
9. Donald & Lois Rosenow - 1104 Plum Street, Tipton, Iowa 52772
10. 7 Zoning Commission members
11. 1 copy to newspaper on 11/20/98
12. 2 file copies
13. 2 copies for bulletin boards

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

November 9, 1998

LEGAL NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, November 18, 1998, 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. Steven Yerington, Tipton (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the SE 1/4, Section 14, T-80N, R-3W, in Center West Township, consisting of 1.98 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said 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 11/9/98 to the following:

1. Steven Yerington - P.O. Box 431, Tipton, Iowa 52772 - Certified
2. Wendling Quarries - P.O. Box 120, De Witt, Iowa 52742
3. Shawn Cook - 1049 Stone Mill Road, Tipton, Iowa 52772
4. Neal Dauber - 1079 Stone Mill Road, Tipton, Iowa 52772
5. Joseph & Eileen Singer - 1097 Stone Mill Road, Tipton, Iowa 52772
6. Kelly Cedar Farms, Ltd. - 191 Quincy Avenue, Clarence, Iowa 52216
7. Kevin K. Kelly - 1045 Stone Mill Road, Tipton, Iowa 52772
8. Joseph & Bernice Carmean - 1035 Stone Mill Road, Tipton, Iowa 52772
9. Donald & Lois Rosenow - 1104 Plum Street, Tipton, Iowa 52772
10. 7 Zoning Commission members
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Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

November 9, 1998

AGENDA

CEDAR COUNTY PLANNING & ZONING COMMISSION

November 18, 1998

- I. Consideration of a proposed use not covered in the Zoning Ordinance as per Chapter 3, Section 26, of the Ordinance -- Pet Cemetaries, Pet Funeral Home and Crematorium
- II. Discussion
- III. Conclusion and Adjournment



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

October 6, 1998

Dear Planning and Zoning Commission Member:

This letter is to inform you that there will not be a Public Hearing on October 21, 1998, because no petitions were filed in this office.

Enclosed please find the minutes from the September meeting.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl

Encl.

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

September 16, 1998

The Cedar County Planning and Zoning Commission conducted a Public Hearing on September 16, 1998, at 6:30 p.m., in the Blue Room in the basement of the Courthouse, Tipton, Iowa. Members present were Schuett, Pruess, Glick, Penningroth, Brown and Zoning Administrator La Rue. Members absent were Krall and Lynch.

Minutes of the last meeting held on August 15, 1998, were previously sent to the members. Schuett made a motion to approve the minutes as written. Brown seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. James and Pamela Dodds, 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 at the site of a previous dwelling on property located in the NE 1/4 of the NE 1/4, Section 27, T-81N, R-4W, in Cass Township, consisting of 2.19 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. The Commission was advised that on this site there had been a home a long time ago. There is a water well on the site and the CSR is very low. There is an easement for underground wiring. Therefore, the proposed home will need to be placed west of the utility easement. There does not seem to be a problem for sight distance for a driveway. Discussion followed regarding some possible precautions may need to be taken as to the placement of a basement in some soil areas such as in the timbered area. The septic system will need to be carefully sited and a curtain tile may be needed around the absorption field perimeter to lower the high ground water table. Also, some of the soils are poor filtering material. There were no objections with Mr. Dodds regarding placing an absorption field for the septic system either to the north or west of this tract if it would be necessary.

After further discussion, Pruess made a motion to recommend approval of the zoning change from A-1 to R-1 as long as the easements are understood. Glick seconded the motion. Ayes three and two nays. Discussion continued that the concerns are residential sprawl in the county. Member Brown read a memo about urban sprawl and the amount of land that is being taken out of production.

2. Eastern Iowa Drainage Services, RFD, Lowden (Owner) - Requesting a Special Use Permit in accordance with Chapter 5, A-1 Agricultural District, Section D1 of the Cedar County Zoning Ordinance, on property located in Parcel A, NW 1/4 of the NW 1/4, Section 11, T-81N, R-1W in Springfield Township, on a parcel of land consisting of 6.989 acres more or less.

There were no written or verbal objections on file for this petition. La Rue recommended that this petition be considered in accordance with Chapter 17.18(2) of the Zoning Ordinance when making a recommendation to the Board of Adjustment. La Rue explained that this petition is to bring the property/use into conformity with the Zoning Ordinance and this use is permitted as a Special Use Permit on this farmstead. La Rue also explained the conversation he had with Attorney Bill Norton for his clients who own property immediately north and west of this tract.

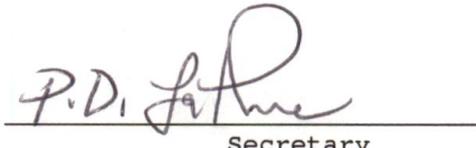
Darrell Yutesler was present representing the company. This is a company that does backhoe and farm drainage work. La Rue explained that the Yutesler's also own the 39 acre tract across the Hoover Highway. The CSR indicates that this is not prime ag ground. There was discussion as to whether a special permit amendment or zoning permit would be needed in the future if another building was constructed in this area for either a farm building or a building for the farm drainage business. La Rue advised that it would depend on the use but may be exempt from a construction permit if used as a farm building. The sign and surface area will be addressed by the Board of Adjustment.

Following further discussion, Brown made a motion to approve a Special Use Permit, subject to annual review by the Board of Adjustment. Schuett seconded the motion. Ayes all.

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



Jan Leeningsoth
Chairperson



P.D. La Rue
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

September 4, 1998

LEGAL NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, September 16, 1998, at 6:30 p.m., in the Blue Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petitions:

1. James and Pamela Dodds, 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 at the site of a previous dwelling on property located in the NE 1/4 of the NE 1/4, Section 27, T-81N, R-4W, in Cass Township, consisting of 2.19 acres more or less.
2. Eastern Iowa Drainage Services, RFD, Lowden (Owner) - Requesting a Special Use Permit in accordance with Chapter 5, A-1 Agricultural District, Section D1 of the Cedar County Zoning Ordinance, on property located in Parcel A, NW 1/4 of the NW 1/4, Section 11, T-81N, R-1W in Springfield Township, on a parcel of land consisting of 6.989 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 9/10/98 to the following:

1. James & Pam Dodds - 988 Eureka Avenue, Tipton, Iowa 52772 - Certified
2. Fobian Farms, Inc. - 3639 Oasis Road NE, West Branch, Iowa 52358

1. Eastern Iowa Drainage Services - Darrell & Jody Yutesler, 2217 Hoover Highway, Lowden, Iowa 52255 - Certified
2. Gladys & Gerhardt Scheeper & Et Ali - Box 356, Lowden, Iowa 52255
3. Jeffrey Jensen - 716 Hoover Highway, Lowden, Iowa 52255
4. Jeffrey & Michael Jensen - 604 5th Street, Lowden, Iowa 52255
5. Three Way Farms, Inc. - 824 Taylor Avenue, Lowden, Iowa 52255

7 Zoning Commission members
1 copy to newspaper on 9/4/98
2 file copies
2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 19, 1998

The Cedar County Planning and Zoning Commission conducted a Public Hearing on August 19, 1998, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Lynch, Glick, Brown, Schuett and Zoning Administrator La Rue. Members absent were Pruess, Krall and Penningroth.

The meeting was called to order by Chairperson Pro-tem Brown. Minutes of the July 15, 1998, meeting were previously sent to the Commission members. Lynch made a motion to approve the minutes as written. Schuett seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. Kevin Grimm, Atalissa (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the SW 1/4, Section 13, T-80N, R-4W, in Gower Township. Said rezoning tract consists of 1.086 acres within a 7.00 acre tract.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance.

Mr. Grimm was present to explain his request as was the property owner, Glen Beiermann. Mr. Beiermann presented a statement signed by adjoining property owners in support of the petition. A review of the CSR indicated that a portion of the rezoning tract has a rating of 75. It was noted by the Commission that this is a much better site for a dwelling than are other sites at the end of Franklin Avenue. A review of the letter from Ron Knoche, Acting County Engineer, indicated no problems and the driveway access has been approved. A letter from the West Branch Fire Chief indicated no problems with providing service to this property.

Following further discussion, Lynch made a motion to recommend approval of the zoning change from A-1 to R-1. Schuett seconded the motion. Ayes all.

2. Lois Hanser, RFD, Tipton (Owner) - Requesting approval of a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This manufactured home will be located in the SW 1/4 of the NW 1/4, Section 2, T-79N, R-3W, in Rochester Township, on a 90.00 acre more or less farm.

There were no written or verbal objections on file for this petition. La Rue advised the members, that in making a recommendation to the Board of Adjustment, to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance. He also stated that the Board of Adjustment will consider a variance on the required placement within 200 feet of farm buildings.

Dennis Hanser was present to explain the request to place a mobile home on the property and stated that he will be paying rent to Lois Hanser. A review of the CSR of the proposed building are 78 to 80. La Rue advised not to consider this with the same scrutinizing as for rezoning petitions because this dwelling is being placed on a farm. Review of the letter from acting County Engineer Ron Knoche indicated no problems. A review of the soils indicated no problems with ground water contamination from the septic system or flooding from Rock Creek or the Cedar River.

Following further discussion, Schuett made a motion to recommend approval of the Special Use Permit request. Glick seconded the motion. Ayes all.

With no additional business to be discussed at this time, the hearing was adjourned.



Chairperson, Pro tem



Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

August 10, 1998

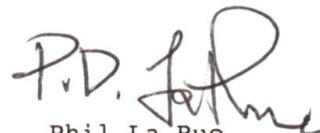
LEGAL NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, August 19, 1998, 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. Kevin Grimm, Atalissa (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the SW 1/4, Section 13, T-80N, R-4W, in Gower Township. Said rezoning tract consists of 1.086 acres within a 7.00 acre tract.
2. Lois Hanser, RFD, Tipton (Owner) - Requesting approval of a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This manufactured home will be located in the SW 1/4 of the NW 1/4, Section 2, T-79N, R-3W, in Rochester Township, on a 90.00 acre more or less farm.

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 8/12/98 to the following:

1. Kevin Grimm - 1290 Penn Avenue, Atalissa, Iowa 52720 - Certified
2. Glenn Beiermann - 312 North 1st Street, West Branch, Iowa 52358
3. St. Joseph's Catholic Church - Attn: Hubert Lynch, 1439 Echo Avenue, West Branch, IA 52358
4. James & Elizabeth Ahrens - 549 250th Street, West Branch, Iowa 52358
5. Wayne H. Lynch & Debbie A. Knoop - 512 250th Street, West Branch, Iowa 52358
6. Darlene Packwood - 27703 187th Street, Leavenworth, Kansas 66048

1. Lois Hanser - 1813 Snaggy Ridge Road, Tipton, Iowa 52772 - Certified
2. William Dallege - 1817 Snaggy Ridge Road, Tipton, Iowa 52772
3. Brian & Lori Thomas - 1792 Snaggy Ridge Road, Tipton, Iowa 52772
4. Helen/Robert Nicolaus Trust - Hertz Farm Management, Box 500, Nevada, Iowa 50201
5. Douglas & Catherin Ford - 1865 Snaggy Ridge Road, Tipton, Iowa 52772
6. Gaylord & Lorene Mickle - 1771 Snaggy Ridge Road, Tipton, Iowa 52772
7. Marline Christian - 1791 Snaggy Ridge Road, Tipton, Iowa 52772

7 Zoning Commission members
1 copy to newspaper on 8/10/98
2 copies for bulletin boards
2 file copies

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 15, 1998

The Cedar County Planning and Zoning Commission conducted a Public Hearing on July 15, 1998, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Pruess, Penningroth, Brown, Schuett, Lynch and Zoning Administrator La Rue. Members absent were Glick and Krall.

Minutes of the June 17, 1998, meeting were previously sent to the Commission members. Brown stated that on Petition #4, KM Communications, he did not make the motion and that he voted nay because the file lacked approval on the road access and concerns on the soils. The minutes are amended to state that Pruess made the motion to approve and Lynch seconded the motion.

The Commission then considered the following petitions:

1. Kun Chae Bae Trust and KM Communications, Skokie, Illinois (Contract Buyer) - Requesting approval of a Special Use Permit authorizing the location of a 1,459 foot communication tower and broadcast station on property located in the SW 1/4 of the NE 1/4, Section 19, T-80N, R-4W, in Gower Township, on a parcel consisting of 68.83 acres more or less. This petition was previously heard by the Commission on June 17, 1998, but was tabled until revised information could be presented.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance when making a recommendation to the Board of Adjustment. Pruess then made a motion, with Brown seconding, to again review the petition.

Attorney Bruce Goddard was present representing the petitioners. He explained that the proposed studio has been dropped from the proposal based on concerns raised at the June meeting. He presented a revised site plan placing the tower east of the creek. Regarding the access from the county road, it will be along the northeast edge of the property with the approval of Ron Knocke, acting engineer for Cedar County Secondary Roads. (Letter on file) The studio will now be located in Iowa City. At the site, the tower, power station and employee parking are the only structures/features that will be at the property. It was noted by the Commission that the tower is more than one-half the tower height from the nearest dwelling and all anchor points meet the required setbacks for the A-1 Agricultural District. Pruess made a motion that the Board of Adjustment approve the Special Use Permit subject to meeting driveway access regulations, setback requirements and the structures are out of Zone A of the Flood Insurance Rate Map. Schuett seconded the motion. Ayes all.

2. Lawrence and Joan Maske, 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 at the site of a previous dwelling on property located in the SW 1/4 of the NW 1/4, Section 21, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less.

No written or verbal objections were on file for this petition. La Rue advised the Commission to consider the petition in accordance with Chapter 18.2(3) of the Zoning Ordinance.

Larry Maske was present and explained his request to build a single family dwelling on this property. He explained that there was a home on this property until 1984. There is a well on the property as well as a barn. The letter from Ron Knocke, Acting County Engineer, was reviewed. The soil survey was then reviewed. CSR was determined to be of lesser concern as this was a previous dwelling site. Whether there are livestock in the area was then discussed. There are none within one-quarter mile.

Lynch then made a motion to approve the rezoning request. Pruess seconded the motion. Ayes all.

3. Forest and Jeanne Ann Johnson, RFD, Mechanicsville (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling at the site of a previous dwelling on Lot 2 of a proposed two (2) lot subdivision on property located in the N 1/2 of the NW 1/4 and NE 1/4, Section 19, T-82N, R-3W, in Fremont Township. Said rezoning tract consists of 1.99 acres more or less.

There were no written or verbal objections on file. La Rue advised the Commission to consider the petition in accordance with Chapter 18.2(3) of the Zoning Ordinance.

Mr. and Mrs. Johnson were present as was their attorney, John Kuehnle. They explained that the buyer of the property intends to build a new home in the R-1 portion of the land.

The Commission decided that because Petitions 3 and 4 are linked, that the two will be reviewed simultaneously with separate motions. La Rue explained the requirements for subdivision (Iowa Code, Chapter 354) and the County Subdivision Ordinance. The letter(s) from Ron Knocke were reviewed concerning driveway access and the subdivision plat. Brown made a motion to approve the rezoning request. Lynch seconded the motion. Ayes all.

4. Forest and Jeanne Ann Johnson, RFD, Mechanicsville (Owners) - Requesting approval of a Preliminary and Final Plat for a two (2) lot subdivision located in the N 1/2 of the NW 1/4 and NE 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 16.70 acres more or less.

There were no written or verbal objections on file. La Rue advised the Commission to consider this petition in accordance with Chapter 3.1A(3) of the Subdivision Ordinance. The letter from Ron Knocke, Acting County Engineer, was discussed concerning the subdivision and the acreage discrepancy.

A motion was then made by Schuett to approve the Preliminary and Final Plat for the two lot subdivision. Pruess seconded the motion. Ayes all.

With no additional business to be discussed before the Commission, the hearing was adjourned.



Joel Brown
Chairperson



P.D. Johnson
Secretary Pro-tem



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

July 6, 1998

LEGAL NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, July 15, 1998, 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. Kun Chae Bae Trust and KM Communications, Skokie, Illinois (Contract Buyer) - Requesting approval of a Special Use Permit authorizing the location of a 1,459 foot communication tower and broadcast station on property located in the SW 1/4 of the NE 1/4, Section 19, T-80N, R-4W, in Gower Township, on a parcel consisting of 68.83 acres more or less. This petition was previously heard by the Commission on June 17, 1998, but was tabled until revised information could be presented.
2. Lawrence and Joan Maske, 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 at the site of a previous dwelling on property located in the SW 1/4 of the NW 1/4, Section 21, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less.
3. Forest and Jeanne Ann Johnson, RFD, Mechanicsville (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling at the site of a previous dwelling on Lot 2 of a proposed two (2) lot subdivision on property located in the N 1/2 of the NW 1/4 and NE 1/4, Section 19, T-82N, R-3W, in Fremont Township. Said rezoning tract consists of 1.99 acres more or less.
4. Forest and Jeanne Ann Johnson, RFD, Mechanicsville (Owners) - Requesting approval of a Preliminary and Final Plat for a two (2) lot subdivision located in the N 1/2 of the NW 1/4 and NE 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 16.70 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 7/8/98 to the following:

1. Kun Chae Bae Trust - 3654 W. Jarvis, Skokie, Illinois 60076 - Certified
2. KM Communications, Inc. - Stan Byers, Chief Engineer, 3654 W. Jarvis Avenue, Skokie, Illinois 60076
3. Liberty Trust & Savings Bank - 502 8th Avenue, P.O. Box 1118, Durant, Iowa 52747
4. Joseph J. & Esther P. Ruzek - 226 W. Main, West Branch, Iowa 52358
5. Fred Michael - 1442 Baker Avenue, West Branch, Iowa 52358
6. Robert Jindrich - 79 265th Street, West Branch, Iowa 52358
7. Ronald & Catherine Ellyson - Box 457, West Branch, Iowa 52358
8. Binbuster, Inc. - 121 Bickford Drive, West Branch, Iowa 52358
9. Fobian Farms, Inc. - 3639 Oasis Road NE, West Branch, Iowa 52358
10. Donald & Kristine Murphy - 1528 Baker Avenue, West Branch, Iowa 52358
11. Cedar County Cooperative - P.O. Box 192, Tipton, Iowa 52772
12. Vivian & Keith Howard - 111 260th Street, West Branch, Iowa 52358
13. Bruce Goddard - Attorney at Law, 311 Iowa State Bank & Trust Building, Iowa City, IA 52240

1. Larry & Joan Maske - 113 Northside Drive, West Branch, Iowa 52358 - Certified
2. Lindsey & Debbie Simpson - 2151 Indian Avenue, West Liberty, Iowa 52776
3. Mary Jane Simpson Life Est. Et Ali - 300 E. 8th Street, West Liberty, Iowa 52776
4. Lyle Beaver - 307 Bon Aire Mobile Home Lodge, Iowa City, Iowa 52240

1. Forest & Jeanne Ann Johnson - 503 Old Lincoln Highway, Mechanicsville, IA 52306 - Certified
2. Katherin Spry & Miriam Bonner - 1723 Primrose Drive, Cedar Falls, Iowa 50613
3. Richard & Mary Juhl - 210 N. Oak Street, Mechanicsville, Iowa 52306
4. Jennifer & Kent A. Klinkhammer - 604 E. Oak Street, Mechanicsville, Iowa 52306
5. Pamela S. Seehusen - 118 E. 1st Street, Mechanicsville, Iowa 52306
6. Clifford V. & Debra Ann Taylor - 629 Old Lincoln Highway, Mechanicsville, Iowa 52306
7. Verna R. Siver - 804 Hall Avenue, Lowden, Iowa 52255

7 Zoning Commission members
1 copy to newspaper on 7/6/98
2 file copies
2 copies for bulletin boards

Phil

Bell	<input checked="" type="checkbox"/>
Campion	<input checked="" type="checkbox"/>
Martens	<input checked="" type="checkbox"/>
Moeller	<input checked="" type="checkbox"/>
Weih	<input checked="" type="checkbox"/>

LYNCH'S EXCAVATING, INC.

607 NORTH 4TH STREET
WEST BRANCH, IOWA 52358

COPY

SHOP (319) 643-7135
MOBILE (319) 331-0863
FAX (319) 643-7151
HOME (319) 643-5554

Cedar County
Tipton Courthouse
Tipton, Ia 52772

June 29, 1999

To Whom It May Concern:

Due to my moving out of the Tipton area, please accept my resignation on the Board. I wish you the best in the future.

Sincerely,



Dale Lynch

1999 JUL - 1 AM 10:21
FILED
PATRICIA MEYER
CEDAR COUNTY AUDITOR

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 17, 1998

The Cedar County Planning and Zoning Commission conducted a Public Hearing on June 17, 1998, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Pruess, Penningroth, Lynch, Krall, Brown, Schuett and Zoning Administrator La Rue. Member absent was Glick.

Minutes of the May 20, 1998, meeting were previously sent to the Commission members. The minutes were approved as written.

The Commission then considered the following petitions:

1. Miracles Can Happen Boys Ranch, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-3 Multi-Family Residential for the purpose of allowing a fourth unrelated child to reside in a single dwelling unit on property located in the NE 1/4 of the SE 1/4 of the NE 1/4, Section 15, T-79N, R-2W, in Sugar Creek Township. Said rezoning tract consists of 1.38 acres more or less located within a 49.98 acre farm.

This petition was previously heard on May 20, 1998, but was tabled so that information on Special Use Permits, definitions, or conditional zoning could be prepared. Brown made a motion to remove this case from the table and into open session. Krall seconded the motion. Ayes all.

Mr. and Mrs. Jim Fry, Miracles Can Happen Boys Ranch, RR, Wilton, were present for the hearing. There were no additional written or verbal objections on file since that received on May 13, 1998, from Harry Sherwood.

La Rue then presented a definition for a "Transitional Youth Home" and explained that for a Special Use Permit to be considered, this definition would need to be amended into the Zoning Ordinance. Amendments to allow the youth home would also have to be amended into the A-1, AR-1, R-1 or R-2 zoning districts. The alternative to a S.U.P. is conditional rezoning, in accordance with the Code of Iowa, Chapter 335.7, County Zoning. La Rue explained that as part of a petition/ordinance changing land from one zoning district to another (A-1 to R-3), the Board of Supervisors may impose conditions on a property in addition to existing regulations. These conditions must be agreed to in writing by the property owner before the public hearing of the Board of Supervisors or any adjournment of the hearing. He continued that the conditions must be reasonable and be imposed to satisfy public needs which are directly caused by the requested zoning change. La Rue explained that this

matter had been discussed with County Attorney Lee Beine and Jim Fry. Mr. Fry stated that he preferred a conditional rezoning.

La Rue requested that this petition be considered in accordance with Chapter 18.2(3) of the Zoning Ordinance in making a recommendation on the conditional rezoning of this property to the Board of Supervisors. He then stated that the following terms for conditional rezoning had been discussed with Lee Beine and Jim Fry:

1. That not more than four (4) non-blood relatives can reside on the property.
2. That this conditional rezoning is only for the Miracles Can Happen Boys Ranch and no other person(s), group or organization.
3. Violations of the conditions and safeguards of the conditional zoning agreement shall be deemed a violation of the terms of the Zoning Ordinance and punishable under Chapter 19 of the Zoning Ordinance.
4. Amendments to the terms of the conditional zoning may only be approved by the Board of Supervisors after a public hearing.
5. And, should the conditional zoning use of the property by Miracles Can Happen Boys Ranch be discontinued, or violation(s) of the terms of the conditional agreement proven, then the Board of Supervisors, in accordance with Chapter 18 of the Zoning Ordinance, may rezone the property back to A-1 Agricultural and the property used only in accordance with the Zoning Ordinance.

Mr. Fry stated that they would agree to these conditions. La Rue stated that if recommended to the Board for approval with these conditions, that he would have Mr. Beine draft a conditional zoning agreement for the Board of Supervisors and Miracles Can Happen Boys Ranch to sign. Miracles Can Happen Boys Ranch would be responsible for the recording of this agreement which would be referenced to the abstract for the property. Signing of the agreement may occur prior to the public hearing of the Board of Supervisors for this petition, or at the public hearing prior to voting on the petition.

After further discussion, Brown made a motion that the zoning district be changed from A-1 to R-3 with the above conditions to the Board of Supervisors. Pruess seconded the motion. Ayes all.

2. Mary Lou Prizler, Davenport (Owner) - Requesting a change in zoning from M-1 Light Industrial to A-1 Agricultural for the purpose of eliminating an unused industrial district on property located in the NW 1/4 of the NE 1/4, Section 11, T-79N, R-3W, in Iowa Township, consisting of 0.74 acres more or less.

Mrs. Prizler was not in attendance for this public hearing. La Rue explained the purpose of the zoning change from M-1 to A-1 and that the case be heard without the petitioner's presence, and that the petition be reviewed in accordance with Chapter 18.2(3) of the Zoning Ordinance. La Rue explained that this property was rezoned to M-1 on April 27, 1992, by the Board of Supervisors for stained glass window manufacture. The business was not in operation for more than about one year and has not been used after that. Because of this, the owner was approached by the County Zoning Department about eliminating this M-1 District, and the owner agreed to the request for a petition to remove this district from the official zoning map.

Schuett then made a motion to recommend the change in zoning from M-1 to A-1 to the Board of Supervisors. Krall seconded the motion. Ayes all.

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

Dr. Mueller and his attorney, David Sciezinski, Wilton, were present to explain their request. La Rue requested the Commission to consider this request in accordance with Chapter 18.2(3) of the Zoning Ordinance. He then reminded the Commission that this petition was previously heard and denied by the Planning & Zoning Commission on June 5, 1996, and Board of Supervisors on June 20, 1996.

Chairperson, Jan Penningroth, made a request that she be excused as Chairperson and the Commission, because she is a member of the Tipton Country Club and felt that this was a conflict of interest. She requested Commissioner Pruess to act as Chairperson Pro-tem. Schuett made a motion with Krall seconding to excuse Penningroth as Chairperson and the petition and recognize Pruess as Chairperson Pro-tem. Ayes all.

Chairperson Pruess then asked for comment. Lowell Dendinger, Tipton, Attorney for Mente Farms, filed a written objection with the Commission against the petition to rezone 119 acres for the golf course. Attorney David Sciezinski then presented the case for Dr. Mueller. He explained the boundaries of the property, proposed improvements (club house, access road, greens, fairways, etc.). He then presented information and figures on why the property should be rezoned. Economically, the golf course would have 40 persons on the payroll, presently

the property has an assessed value of \$53,369 and a tax revenue of \$1,266. With the approval of the course and completion of the improvements, the value would increase to an assessed value of \$1,350,000 and tax revenues of \$32,020. Chairperson Pruess asked if tax values are actual or estimates. Sciezinski stated that the present tax values are actual and the proposed tax value and revenues are estimates. He continued to explain the revenues if there was a local option sales tax.

Regarding the impact of the golf course on the area roads, Attorney Sciezinski explained that the former county engineer has proposed a cost sharing of the development over 20 years. Lowell Dendinger asked Mr. Sciezinski about the construction costs for the roads. Former County Engineer, Mark Nahra, was present and explained the proposed cost estimates for the road projections for the 20 year period, of which the first 10 years would be in a Tax Increment Finance (T.I.F.) District. He continued to explain that in year one the roads would be upgraded and 255th Street would be extended to County Road X-52 (Old Muscatine Road) across Section 22, Center East Township, or directing traffic onto 240th Street past the Transfer Station. Nahra recommends using 255th Street of the two options. This would include graveling the road and dust control. The county would control the fugitive dust because the traffic generated by the golf course users exceeds I.D.N.R. definitions of "normal traffic". Since traffic is in excess of normal, residents of the area could require the county to control the fugitive dust generated by golf course customers. Cost share is based at \$1.00 per round of golf. During the first year, based on anticipated use, Dr. Mueller's contribution would be \$5,000.00 and the county's contribution would be \$272,640.00. Year two would consist of road grading and dust control. Cost to the county would be \$17,700.00. Dr. Mueller would contribute \$7,500.00 and T.I.F. \$32,900.00. Year three would consist of road grading, maintenance and dust control. Cost to the county would be \$17,700.00, Dr. Mueller would contribute \$9,000.00 and T.I.F. \$32,900.00. Year four, Macadam Base and a seal coat would be put on the road. Cost to the county would be \$449,165.97, Dr. Mueller would contribute \$10,000.00 and T.I.F. \$32,900.00. It is estimated that total costs for all road improvements will be \$1,088,970.25 with Dr. Mueller contributing a total of \$339,500.00.

Lowell Dendinger asked about local support for the golf course and continued to ask about the prior decision by the Commission and the Board of Supervisors regarding what has changed. He mentioned Jim Bowie's (former P & Z member) objection to the case. Lynch asked about the notification of property owners within 500 feet of the development and their opinions to the project. Also, if CEDCO was involved with the project. Dendinger asked Assistant County Attorney, Sterling Benz, why this petition was resubmitted while under appeal to district court and a question about the road

system. Benz stated that no decision has been made by the district court to which the 1996 case has been appealed. Also, that this petition addresses concerns of the 1996 petition for safety (traffic and road maintenance).

Dendinger then brought up the County Road Resolutions used for land development -- that the road will be accepted the way it is. La Rue explained this resolution is used for county subdivisions only and generally residential development. Nahra stated that residential road traffic is a permitted use and fugitive dust generated from traffic to the proposed golf course project will have to be controlled by the county, according to I.D.N.R. Administrative Rules. This area would be in a T.I.F. district and maintenance costs are about \$3,000.00 per mile per year. The county will have significant road improvement expenses during the first five years of the project if approved. Nahra continued to explain T.I.F. districts with development tax dollars directed toward the road improvements. Krall asked about safety with the improvements. Nahra stated the road would be graded, widened and dust control applied. The road will be built to improve traffic flow and direct traffic toward Highway 38 from the Old Muscatine Road. He again stated that he recommends extending 255th Street one mile to connect with the highway. The road will develop toward a paved road as funds (taxes) become available. Dendinger asked if the county puts the money up front and what if the development is not completed. The county will have to pay for it all. Concerns on tax burdens were expressed. Benz stated that there is a three year window before the road is finally finished (fourth year) in which the county could monitor development and delay further improvements if warranted.

Ken Mente asked Mark Nahra if the new county engineer, when hired, will support this project to its conclusion with the Board of Supervisors or new board members. Nahra replied, if this development and the road improvements are supported by the Board of Supervisors, then the road improvement project will become part of the Secondary Roads Five Year Construction Program. The new county engineer may object to the project, but the Board of Supervisors adopts this program which he must follow. The program can only be changed by the Board of Supervisors. La Rue was asked by Dendinger about land use plans and the recent hog manure problem near residential homes. La Rue explained the current 1980-2000 Land Use Plan. Benz questioned the propriety of discussing other specific agricultural/residential conflicts. He continued that the situation must be examined as it applies in this case and Mente's proposed livestock expansion. The Agricultural-Recreational district permitted uses were examined. It was noted that farm dwellings and recreational activities are permitted uses, not residential development. Brown commented

that the golf course would attract residential development and they are being encouraged to locate close to urban areas rather than scattered development. Dendinger presented photos showing soil erosion problems which have occurred since development began. The planting of trees in the county right-of-way was then discussed. Acting County Engineer, Ron Knoche, stated that the trees are exactly 33 feet from the center of the right-of-way and therefore, not in it. Lynch questioned how the land was parceled. It is parcels and government lots. Don Lamp, Tipton realtor, expressed his opinion on the project and why Cedar County needs development.

Dendinger then asked the Commission to consider "what has changed?" since the last time this petition was before them and what, if anything, has changed which would cause the Commission to reverse its decision. Scieszinski stated that the concerns on the road have been addressed. Chairperson Pruess asked for a motion for or against the petition. Lynch then made a motion to approve the change in zoning from A-1 to AR-1 with agreement on the proposed road improvements between Dr. Mueller and the Board of Supervisors. There was no second to the motion. Brown then made a motion to deny the petition on the grounds of the risk to the county on the road project and possible residential development surrounding the golf course. Motion was seconded by Schuett. Ayes 3 with 1 nay. Lynch went on record that the agricultural areas and use have changed (larger farms, fewer owners) and that the only future for Cedar County is development throughout the county. He does not want to be included in "We" on the motion and vote on this decision.

4. Kun Chae Bae Trust and KM Communications, Skokie, Illinois (Contract Buyer) - Requesting approval of a Special Use Permit authorizing the location of a 1,459 foot communication tower and broadcast station on property located in the SE 1/4 of the NE 1/4, Section 19, T-80N, R-4W, in Gower Township, on a parcel consisting of 68.83 acres more or less.

No written or verbal objections were on file for this petition. La Rue advised the Commission to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance when making a recommendation to the Board of Adjustment.

Attorney Bruce Goddard was present representing the petitioners. Also present was Dell Brown, broadcast engineer. Mr. Goddard explained the proposal to purchase 68 acres from Liberty Bank and Trust by Mr. Bae (trustee). The F.C.C. license has been applied for by KM Communications. Their proposal is to construct a 1,459 foot tall tower and broadcast studio. The lighted tower would comply with all F.C.C. and F.A.A. guidelines, will be supported by three support wire systems and anchors which will be fenced and meet the setback require-

ments of the A-1 district. The studio building would be 60 feet by 90 feet in area. Mr. Dell Brown explained all specifics on the tower itself. The television station (Channel 20) would be an independent station or United Paramount Communication which would serve up to 23 counties. There will be 5 employees at the station and up to 40 employees at a later date. Brown asked about the feasibility of co-locating this tower on the 1,550 foot tall Iowa Public Television (Channel 12) tower one-half mile southeast or co-location on this proposed tower. It is not possible to co-locate this tower on the Channel 12 tower. Co-location of other antennas is possible on this tower. The representatives continued

to explain that they tried to place this tower at a site in Johnson County but the location was denied approval by the F.A.A. This tower will be located further than one-half the tower height from the nearest dwelling. Krall inquired about possible television interference by this tower being so close to the Channel 12 tower. There should be no interference Mr. Brown stated, but if there is, it will be the responsibility of the t.v. company to correct the problem.

Access to the site off County Road X-30 was questioned after reviewing the letter from Acting Engineer, Ron Knoche, expressing concern on the site distance for the access which is inadequate on County Road X-30. He is requesting that the petition be tabled until the access issue is settled. La Rue expressed concern about the proposed location of the tower and broadcast station site.

Diagrams provided with the application indicate the tower is just east of the creek and soils have severe restrictions because of flooding and high groundwater tables in the Colo-Ely soil complex. The structures, well and septic system must comply with all zoning and public health regulations. It was agreed that the tower should be relocated further west away from the creek. The Commission then discussed with Mr. Goddard two options for making a recommendation. First, to recommend approval to the Board of Adjustment provided all concerns on the tower and station location, well, septic, the parking area and the access onto X-30 are addressed prior to review by the Board of Adjustment. Second, to table the petition until all concerns have been addressed and approved by the Commission, at which time they would make a recommendation to the Board of Adjustment. Former County Engineer, Mark Nahra, stated his concerns are with the access onto County Road X-30 and wants this addressed before making a recommendation to the Board of Adjustment. Absolute minimum distance required is 550 feet.

After further discussion, Brown made a motion to recommend approval to the Board of Adjustment, provided all the concerns of the Commission are addressed as per the first option. Lynch seconded the motion. Ayes 3; nays 3; tied

vote. With no clear majority, the petition is tabled until concerns are addressed and reviewed by the Commission as per Option #2.

5. Donald Lamp, 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 a proposed one (1) lot subdivision on property located in Parcel A in the SE 1/4 of the NE 1/4, Section 5, T-80N, R-2W, in Center East Township, consisting of 1.84 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He then advised the Commission that the division of the parcel is a major subdivision and will require review or waiver by both the Tipton Planning and Zoning and City Council prior to review by the Cedar County Planning and Zoning. This property is about 260 feet from the Clark Subdivision, zoned R-1.

Don Lamp was present and explained his plans to have the property rezoned so that a single family dwelling can be built.

Regarding the septic system, the degree of slope on the N 1/3 of the lot may cause some difficulties. The well will need to be carefully located. The C.S.R. of the property has a rating of above 75 only in a portion of the south end of the lot. It was noted in the letter from Acting Engineer Knoche, that an approved access exists onto Red Star Road. The letter from Tipton Fire Chief, John Miller, indicates that a dwelling at this site will cause no problems in service. Questions on subdivisions were then addressed.

After further discussion, Pruess made a motion to recommend approval to the Board of Supervisors. Krall seconded the motion. Ayes all.

With no additional business to be discussed before the Commission, the hearing was adjourned.



Jan Leungsoth
Chairman



P.D. La Rue
Secretary

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

June 8, 1998

LEGAL NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, June 17, 1998, 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. Miracles Can Happen Boys Ranch, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-3 Multi-Family Residential for the purpose of allowing a fourth unrelated child to reside in a single dwelling unit on property located in the NE 1/4 of the SE 1/4 of the NE 1/4, Section 15, T-79N, R-2W, in Sugar Creek Township. Said rezoning tract consists of 1.38 acres more or less located within a 49.98 acre farm.
2. Mary Lou Prizler, Davenport (Owner) - Requesting a change in zoning from M-1 Light Industrial to A-1 Agricultural for the purpose of eliminating an unused industrial district on property located in the NW 1/4 of the NE 1/4, Section 11, T-79N, R-3W, in Iowa Township, consisting of 0.74 acres more or less.
3. Dr. Gene Mueller, Davenport (Owner) - Requesting a change in zoning from A-1 Agricultural to AR-1 Agricultural Recreational for the purpose of operating a public golf course on property located in the S 1/2 of the NE 1/4 and the NE 1/4 of the NE 1/4, Section 28, and the NW 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4, Section 27, T-80N, R-2W, in Center East Township, consisting of 119 acres more or less.
4. Kun Chae Bae Trust and KM Communications, Skokie, Illinois (Contract Buyer) - Requesting approval of a Special Use Permit authorizing the location of a 1,459 foot communication tower and broadcast station on property located in the SE 1/4 of the NE 1/4, Section 19, T-80N, R-4W, in Gower Township, on a parcel consisting of 68.83 acres more or less.

Copies sent out on 6/10/98 to the following:

1. Jim Fry - Miracles Can Happen Boys Ranch, Inc., 1614 300th Street, Wilton, IA 52778 - C
2. Mike Frymoyer - 1426 330th Street, Moscow, Iowa 52760
3. Charles & Carolin Frymoyer - 1232 300th Street, Tipton, Iowa 52772
4. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
5. JeriLynn S. Schenkel - 1612 300th Street, Wilton, Iowa 52772
6. Floyd & Judith Goddard - 1689 310th Street, Wilton, Iowa 52778
7. Jean Ann & Tom Whetstone - 1607 300th Street, Wilton, Iowa 52778

1. Mary Lou Prizler - 2416 W. 38th Street Place, Davenport, Iowa 52806 - Certified
2. Double-D Game Farm - 1817 Snaggy Ridge Road, Tipton, Iowa 52772
3. Larry & Beverly Witmer - 706 10th Street, Durant, Iowa 52747
4. Catherine L. Isabel - 101 W. Rochester, Atalissa, Iowa 52720
5. Janice Marie Isabel - 985 310th Street, Atalissa, Iowa 52720
6. Dwain McKinney Estate - 1888 Fox Avenue, West Branch, Iowa 52358

1. Dr. Gene Mueller - 2228 Hickory Grove Road, Davenport, Iowa 52804 - Certified
2. Michael & Julie McBride - 1624 Old Muscatine Road, Tipton, Iowa 52772
3. Otto & David Kruse - 601 Inland Road, Tipton, Iowa 52772
4. Mente Farms, Inc. - 1507 260th Street, Tipton, Iowa 52772
5. Kenneth & Betty Mente - 1507 260th Street, Tipton, Iowa 52772
6. Craig & Debra Lynn Allen - 1458 265th Street, Tipton, Iowa 52772
7. Robert & Christine Plueger - 405 4th Avenue, Clarence, Iowa 52216
8. Ellis & Donna Ahrens - 1642 Old Muscatine Road, Tipton, Iowa 52772
9. Dwain & Evelyn Ford - 1627 Old Muscatine Road, Tipton, Iowa 52772
10. David & Lisa Wulf - 1355 255th Street, Tipton, Iowa 52772
11. Edward & Anita Daufeldt - 521 W. 3rd Street, Tipton, Iowa 52772
12. Robert & Alice Whitlatch - 1550 265th Street, Tipton, Iowa 52772

1. Kun Chae Bae Trust - 3654 W. Jarvis, Skokie, Illinois 60076 - Certified
2. KM Communications, Inc. - Stan Byers, Chief Engineer, 3654 W. Jarvis Avenue, Skokie, Illinois 60076
3. Liberty Trust & Savings Bank - 502 8th Avenue, P.O. Box 1118, Durant, Iowa 52747
4. Joseph J. & Esther P. Ruzek - 226 W. Main, West Branch, Iowa 52358
5. Fred Michael - 1442 Baker Avenue, West Branch, Iowa 52358
6. Robert Jindrich - 79 265th Street, West Branch, Iowa 52358
7. Ronald & Catherin Ellyson - Box 457, West Branch, Iowa 52358
8. Binbuster, Inc. - 121 Bickford Drive, West Branch, Iowa 52358
9. Fobian Farms, Inc. - 3639 Oasis Road NE, West Branch, Iowa 52358
10. Donald & Kristine Murphy - 1528 Baker Avenue, West Branch, Iowa 52358
11. Cedar County Cooperative - P.O. Box 192, Tipton, Iowa 52772
12. Vivian & Keith Howard - 111 260th Street, West Branch, Iowa 52358

1. Don Lamp - P.O. Box 422, Tipton, Iowa 52772 - Certiified
2. Marty & Leah Jo Weimann - 1381 Red Star Road, Tipton, Iowa 52772
3. Stuart & Sharon Clark - 1353 Red Star Road, Tipton, Iowa 52772
4. Conservative Publishing Company - W. 5th Street, Tipton, Iowa 52772
5. Bradley & Jeanette Kirkpatrick - 1355 Red Star Road, Tipton, Iowa 52772
6. Fraseur Equipment Co. - 1120 Cedar Street, Tipton, Iowa 52772
7. City of Tipton - 407 Lynn Street, Tipton, Iowa 52772
8. George & Pauline Cary - 1418 Highway 130, Tipton, Iowa 52772

**

**

5. Donald Lamp, 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 a proposed one (1) lot subdivision on property located in Parcel A in the SE 1/4 of the NE 1/4, Section 5, T-80N, R-2W, in Center East Township, consisting of 1.84 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

** Additional copies sent out on 6/11/98 to the following:

For Gene Mueller's Rezoning Petition:

1. David Scieszinski - Attorney at Law, 108 E. 4th St., Box 394, Wilton, Iowa 52778
2. Randall Bormann - 1649 Old Muscatine Road, Tipton, Iowa 52772
3. Robert W. McCroskey - 1647 Old Muscatine Road, Tipton, Iowa 52772
4. Richard & Mabel Stout - 1641 Old Muscatine Road, Tipton, Iowa 52772
5. Larry & Dennis Hansen - 1941 120th Street, Clarence, Iowa 52216

For Don Lamp's Rezoning Petition:

1. Marge Wethington - 1327 Highway 130 E., Tipton, Iowa 52772

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 20, 1998

The Cedar County Planning and Zoning Commission conducted a Public Hearing on May 20, 1998, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Brown, Pruess, Glick, Penningroth, Krall, Lynch and Zoning Administrator La Rue. Member absent was Schuett.

Minutes of the April 15, 1998, meeting were previously sent to the Commission members. Pruess made a motion to approve the minutes as written. Brown seconded the motion. Ayes all.

The Commission then considered the following petitions:

1. Miracles Can Happen Boys Ranch, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-3 Multi-Family Residential for the purpose of allowing a fourth unrelated child to reside in a single dwelling unit on property located in the NE 1/4 of the SE 1/4 of the NE 1/4, Section 15, T-79N, R-2W, in Sugar Creek Township. Said rezoning tract consists of 1.38 acres more or less located within a 49.98 acre farm.

One written objection was read which was filed by Harry Sherwood. La Rue advised the members to consider this petition according to Chapter 18.2, Subsection 3, of the Cedar County Zoning Ordinance.

Jim Frey, Program Director of the Boys Ranch, spoke on behalf of the Ranch. He explained the reason they need a rezoning to accomodate a fourth unrelated child to reside at their home.

La Rue explained that the house and and it's septic system was no problem as far as size. He also explained that a Special Use Permit had not been considered an option at this time. Brown stated that he knew of the good work that the Frey's do with the boys. The Frey's get legal guardianship of the boys from a judge while they are in charge of them. Loren Mohr who lives a few miles from the Frey's, said he knows of the good work they do but is concerned about rezoning in the future when the Frey's move on. Don Holiday who lives next door, stated that the kids harass those who go by the ranch and is not in favor of the rezoning and the government not being in charge.

After further discussion, Lynch made a motion to table this petition and bring it to the attention of the County Attorney and possibly using Chapter 5, Section B.7, or a Special Use Permit in accordance with Chapter 5, Section D. The corn suitability rating of the site was discussed. Motion was seconded by Brown. Ayes all.

2. Cedar County Fair Association, Tipton (Owner) - Requesting a change in zoning from R-1 Suburban Residential to AR-1 Agricultural - Recreational for the purpose of eliminating a non-conforming use of the property located on Lots 1-10, in the SE 1/4 of the SW 1/4 and the NE 1/4 of the SW 1/4, Section 36, T-81N, R-3W, in Center West Township, consisting of 38.76 acres more or less.

There were no written or verbal objections on file for this petition. La Rue asked the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He also explained that this area was zoned R-1 in 1959 and this change in zoning is mainly to update the zoning classification on the zoning map and make the area a permitted use.

Following a brief discussion, Brown made a motion to approve the rezoning request and forward it to the Board of Supervisors. Lynch seconded the motion. Ayes all.

3. Brenda Johnson, RFD, West Branch (Owner) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This dwelling will be located in the NW 1/4 of the NW 1/4, Section 28, T-80N, R-4W, in Gower Township.

There was one written letter of objection on file from Jeff Renander, RR, West Branch. La Rue requested that the Commission consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance.

Brenda Johnson explained to the Commission members her reasons for wanting to build on the land that is in her family. Mr. Renander explained that homes should not be built on good agricultural land.

Lynch made a motion to recommend the Special Use Permit be authorized to the Board of Adjustment for building this house. The motion received no second and thus died.

After much further discussion, Pruess made a motion to recommend the Special Use Permit be authorized for building her home and sharing a well maintenance agreement with her brothers. Krall seconded the motion. Ayes 4 with 1 nay.

4. Larry and Evelyn Beaver, RFD, West Liberty - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This dwelling will be located in the NW 1/4 of the NE 1/4, Section 19, T-79N, R-3W, in Iowa Township. La Rue asked the Commission to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance.

No written or verbal objections were on file for this petition. Many concerns were brought up about whether this was one or two farms based upon ownership or abstracts.

After further discussion, Glick made a motion to recommend to the Board of Adjustment a Special Use Permit with reservations protecting financial interest of petitioners. Pruess seconded the motion. Ayes 4 with 2 nays.

5. Aaron Steward and Tara Daniels, RFD, Moscow (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 Lot B in the NW 1/4 of the NW 1/4, Section 30, T-79N, R-2W, in Rochester Township, consisting of 12.00 acres more or less.

No written or verbal objections were on file for this petition. La Rue advised the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance.

Aaron Steward, Tara Daniels and property owner, Richard Daniels, were present and explained their plans to construct a single family dwelling. They explained that although they are only going to construct just one house at this time, they are requesting to rezone all of Lot B so that they won't have to appear before the Commission and Board of Supervisors for additional rezonings in the future. This is because Mr. Daniels' children may also want to construct a home on the property. La Rue explained that the division of Lot B would constitute a major subdivision and many improvements will be required such as roads, common water well, etc. He also express concern about the site plan which was presented. Not all lots meet code requirements and the soils may be inadequate for conventional septic systems due to a high risk of ground water contamination. Septic systems and homes must be carefully sited in this area because of soil limitations. Mr. Steward explained that their proposed home would be located north of Lot 1. Lot A and Lot 1 are presently zoned R-1. Lynch explained that at this time they are only asking for a change in zoning, not a subdivision. La Rue explained that this is true, but it may be appropriate for the Commission to

determine the appropriateness of the subdivision at the time of the review of the rezoning request, and it is within the authority of the Commission to recommend to the Board of Supervisors their recommendation on the number of acres to be rezoned and upgrades on roads and streets.

A review of the C.S.R. on the property indicated that this is not prime agricultural ground. The letter from the County Engineer on the road was also reviewed.

After discussion, Lynch made a motion to recommend the change in zoning from A-1 to R-1 on the 12 acres. Glick seconded the motion. Pruess stated concern about rezoning the whole 12 acres at once. Ayes 4 with 2 nays.

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

Jan Pennington
Chairman

P.D. Joline
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

May 4, 1998

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, May 20, 1998, 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. Miracles Can Happen Boys Ranch, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-3 Multi-Family Residential for the purpose of allowing a fourth unrelated child to reside in a single dwelling unit on property located in the NE 1/4 of the SE 1/4 of the NE 1/4, Section 15, T-79N, R-2W, in Sugar Creek Township. Said rezoning tract consists of 1.38 acres more or less located within a 49.98 acre farm.
2. Cedar County Fair Association, Tipton (Owner) - Regarding a change in zoning from R-1 Suburban Residential to AR-1 Agricultural - Recreational for the purpose of eliminating a non-conforming use of the property located on Lots 1-10, in the SE 1/4 of the SW 1/4 and the NE 1/4 of the SW 1/4, Section 36, T-81N, R-3W, in Center West Township, consisting of 38.76 acres more or less.
3. Brenda Johnson, RFD, West Branch (Owner) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This dwelling will be located in the NW 1/4 of the NW 1/4, Section 28, T-80N, R-4W, in Gower Township.
4. Larry and Evelyn Beaver, RFD, West Liberty, Requesting a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This dwelling will be located in the NW 1/4 of the NE 1/4, Section 19, T-79N, R-3W, in Iowa Township.

5. Aaron Steward and Tara Daniels, RFD, Moscow (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 Lot B in the NW 1/4 of the NW 1/4, Section 30, T-79N, R-2W, in Rochester Township, consisting of 12.00 acres more or less.

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



Phil La Rue
Zoning Administrator

PL:s1

Copies sent out on 5/8/98 to the following:

1. Jim Fry - Miracles Can Happen Boys Ranch, Inc., 1614 300th Street, Wilton, Iowa 52778 - Cert.
2. Mike Frymoyer - 1426 330th Street, Moscow, Iowa 52760
3. Charles & Caroline Frymoyer - 1232 300th Street, Tipton, Iowa 52772
4. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
5. JeriLynn S. Schenkel - 1612 300th Street, Wilton, Iowa 52778
6. Floyd & Judith Goddard - 1689 310th Street, Wilton, Iowa 52778
7. Jean Ann & Tom Whetstone - 1607 300th Street, Wilton, Iowa 52772

1. Evans Waller - President, Cedar Co. Fair Board, 1726 Taylor Avenue, Bennett, Iowa 52721 - Cert
2. Pat Martens - 1091 230th Street, Tipton, Iowa 52772
3. Marilyn Ann Bishop - 2900 Soutter Avenue SE, Cedar Rapids, Iowa 52403
4. Bessie, Robert & Richard Brennan - 1128 220th Street, Tipton, Iowa 52772
5. Elvera Brennan - 1083 220th Street, Tipton, Iowa 52772
6. Norman & Betty Ellerhoss - 1152 220th Street, Tipton, Iowa 52772
7. J. C. Franch Trust LE - Dendinger Trustee, 409 Cedar Street, Box 390, Tipton, Iowa 52772

1. Brenda Johnson - 289 260th Street, West Branch, Iowa 52358 - Certified
2. Harvey Jensen - 159 260th Street, West Branch, Iowa 52358
3. Gary Thomas - 1638 Charles Avenue, West Branch, Iowa 52358
4. Gary D. & Larry L. Thomas & Brenda Johnson - 1638 Charles Avenue, West Branch, Iowa 52358
5. Honey Grove, Ltd. - 1745 Charles Avenue, West Branch, Iowa 52358
6. Jeffery L. Renander - 1613 Charles Avenue, West Branch, Iowa 52358
7. Stephen & Carolyn Wildman - 916 Stone Mill Road, Tipton, Iowa 52772
8. Hilhurst Farms, Inc. - 1718 Delta Avenue, West Branch, Iowa 52358
9. Julie Wentz - 3444 S. Indiana Avenue, Milwaukee, Wisconsin 53207

1. Larry & Evelyn Beaver - 680 310th Street, West Liberty, Iowa 52776 - Certified
2. Marvin Beaver - Trustee & Dorothy, 670 310th Street, West Liberty, Iowa 52776
3. Charles J. Lynch III Et Ali - 526 2nd Avenue S., Cedar Rapids, Iowa 52400
4. Dean & Evelyn Oakes - 2969 Praieir Du Chien NE, Iowa City, Iowa 52240
5. Charles & Janet Wolf - 4 Greenview Drive, West Branch, Iowa 52358

1. Aaron Steward & Tara Daniels - Box 49, Moscow, Iowa 52760 - Certified
2. Richard & Donna Daniels - 1220 320th Street, Moscow, Iowa 52760
3. Randy & Karen Marolf - 1274 330th Street, Moscow, Iowa 52760
4. Linda & Dennis Dykstra - 1120 320th Street, Moscow, Iowa 52760
5. Kent & Joy Sheeley - 1264 320th Street, Moscow, Iowa 52760
6. Kenneth & Sherry Linder - 1210 320th Street, Moscow, Iowa 52760

7 Zoning Commission members

- 1 copy to Tipton Conservative on 5/4/98
- 1 copy to West Branch Times on 5/4/98
- 1 copy to Wilton/Durant Advocate News on 5/4/98
- 2 file copies
- 2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 15, 1998

The Cedar County Planning and Zoning Commission conducted a Public Hearing on April 15, 1998, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Krall, Glick, Pruess, Schuett, Brown and Zoning Administrator La Rue. Members absent were Lynch and Penningroth.

The meeting was called to order by Pro-tem Chairperson Pruess. Minutes of the March 18, 1998, meeting were previously sent to the Commission members. Schuett made a motion to approve the minutes as written. Brown seconded the motion. Ayes all.

The Commission then considered the following petition:

1. Pauline Hansen, RFD, Mechanicsville (Owner) - Requesting a change in zoning from M-2 Heavy Industrial to R-1 Suburban Residential, for the purpose of eliminating a non-conformity so as to permit the replacement of her existing dwelling on property located in the SW 1/4 of the SW 1/4, Section 13, T-82N, R-4W, in Pioneer Township, consisting of 1.34 acres more or less.

There were no written or verbal objections on file for this petition. Zoning Administrator La Rue requested the Commission to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance.

Mr. and Mrs. Hansen were present at the hearing and explained their plans to replace their existing home and to use the septic system which was installed for the existing mobile for Phil Boots. La Rue explained that presently this property is considered a non-conforming permitted use, and any proposed change to buildings or use requires that the non-conformity be eliminated by a change in zoning. This is why he recommends the change in zoning from M-2 to R-1 so that the current use is in conformity with the zoning district. He continued that this property was zoned to M-2 on April 27, 1959, by the Cedar County Board of Supervisors when the first zoning ordinance and zoning map was adopted.

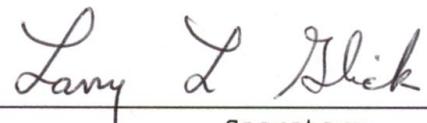
La Rue said that the Hansen's have petitioned the Cedar County Board of Adjustment for a temporary variance to allow two dwellings to be heard on April 23, 1998. He also has requested an inspection report on the existing septic system to be sure that it will adequately serve the new dwelling. He also stated that it may be necessary to install a curtain tile around the septic to lower the ground water table. Also, that the collapsed building,

debris and inoperable motor vehicles be removed. The Hansen's agreed. La Rue stated that he has not received a letter from County Engineer Mark Nahra concerning the county road system. The C.S.R. indicates that this is prime agricultural land, but this is not a factor because of the current land use. Following discussion, Krall made a motion to recommend the change in zoning from M-2 to R-1. 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

April 6, 1998

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, April 15, 1998, 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. Pauline Hansen, RFD, Mechanicsville (Owner) - Requesting a change in zoning from M-2 Heavy Industrial to R-1 Suburban Residential, for the purpose of eliminating a non-conformity so as to permit the replacement of her existing dwelling on property located in the SW 1/4 SW 1/4, Section 13, T-82N, R-4W, in Pioneer Township, consisting of 1.34 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 4/7/98 to the following:

1. Pauline Hansen - 308 Franklin Avenue, Mechanicsville, Iowa 52306 - Certified
2. Weets Farms, Inc. -1 & 2 - 350 Franklin Avenue, Mechanicsville, Iowa 52306
3. Vernon & Marie Boots - 109 W. First Street, Mechanicsville, Iowa 52306
4. IBP, Inc. - Attn: Tax Department, P.O. Box 515, Dakota City, NE 68731
5. I.D.O.T. - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
6. Lola Maher - 302 N. Cherry, Mechanicsville, Iowa 52306
7. 7 Planning and Zoning Commission Members
8. 1 copy to newspaper on 4/6/98
9. 2 file copies
10. 2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 18, 1998

The Cedar County Planning and Zoning Commission conducted a Public Hearing on March 18, 1998, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Pruess, Schuett, Glick, Penningroth, Brown, Lynch and Zoning Administrator La Rue. Member absent was Krall.

The meeting was called to order by Chairperson Penningroth. Minutes of the February 18, 1998, meeting were previously sent to the Commission members. Brown made a motion to approve the minutes as written. Lynch seconded the motion. Ayes all.

The Commission then considered the following petitions:

1. David and Le Ann Tatman, RFD, Tipton (Owners) - Requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural for the purpose of relocating the R-1 District further north for a proposed single family dwelling within the boundaries of a 15.93 acre tract. Said R-1 District is located in Parcel B, in the SW 1/4, SE 1/4, Section 15, T-80N, R-4W, in Gower Township, and consists of 1.00 acres more or less.
2. David and Le Ann Tatman, 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 Parcel B, in the SW 1/4, SE 1/4, Section 15, T-80N, R-4W, in Gower Township, consisting of 1.00 acres more or less.

Zoning Administrator La Rue requested that, because the petitioners were asking to relocate an existing R-1 tract, the Commission allow these petitions to be considered at the same time, but with separate motions for the recommendation to the Board of Supervisors. This was acceptable to the Commission members. There were no written or verbal objections on file for these petitions. La Rue advised the Commission to consider these petitions in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. Mr. Tatman was present and explained his intention to eliminate the existing R-1 tract and relocate it further north down the hill because he feels that the present site is too close to the county road. He cited concern for his young children, road noise and the fact that he trains hunting dogs as reasons he feels the R-1 tract should be relocated. La Rue stated that a review of the soil map indicated that the proposed R-1 site has severe limitations for agricultural usage and septic systems due to slope only for Fayette Silt Loam. Limitations are moderate for building sites. He continued that it appears that a

conventional septic system should be able to be located on the property without too much difficulty in spite of slope provided the system was not located in the Colo-Ely soil complex. He questioned whether the slope is as severe as indicated. Corn Suitability Ratings (C.S.R.) are well below what is considered prime agricultural ground. Discussion on proximity to livestock confinements indicated that there are none within 1,320 feet except for horses and pasture. A review of the letter from County Engineer, Mark Nahra, indicated that the road should not be impacted by this R-1 district relocation.

Following additional discussion, Lynch made a motion to recommend the change in zoning for Petition #1 from R-1 to A-1 to the Board of Supervisors. Pruess seconded the motion. Ayes all. Lynch then made a motion that the Commission recommend approval of the change in zoning for Petition #2 from A-1 to R-1 to the Board of Supervisors. Schuett seconded the motion. Ayes four with 1 nay. Motion carried.

3. River Valley Cooperative, Eldridge - Requesting a change in zoning from A-1 Agricultural to M-1 Light Industrial for the purpose of expanding their grain storage facility on property located on Lots 5-12, Block 3, in the SW 1/4, SE 1/4, SW 1/4, Section 2, T-79N, R-1W, in Farmington Township, along the north edge of the unincorporated town of Sunbury, consisting of 2.69 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission members to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. Lon Warnecke and Devon Schroeder from River Valley Cooperative were present and explained their plan to construct a stadium storage system for grain on property presently owned by Ron & Joyce Weih. The property will be purchased if the rezoning petition is approved. Mr. Warnecke continued that this property is adjacent to their existing facility which is presently zoned M-1 Light Industrial. It was noted by the Commission that the south 100 feet of Lots 9, 10, 11 and 12, Block 3, are presently zoned M-1. This zoning district was established at the time the original zoning maps were adopted in April of 1959. Mr. Warnecke was asked about access to this site because Herman Street is not suitable for heavy truck traffic. He explained that access to the site will be through their existing property off County Road F-44. The storage bin will be filled via a conveyor system and emptied via a scoop and auger system. The bin will be covered to control grain dust.

The letter received from County Engineer, Mark Nahra, was reviewed. It was noted that he wants access to the site

through their property off County Road F-44. A review of the soils at this site indicate the C.S.R. is prime agricultural for Tama Silt and Atterberry Silt Loams. Dennis Weih, who lives east of this area, stated that he has no objections to the proposal by River Valley Cooperative. It was also noted by the Commission that the cooperative had two options toward using this property for grain storage. The first was rezoning to M-1 because commercial grain storage is a permitted use in accordance with Chapter 12, Section B6, M-1 District of the Zoning Ordinance or a Special Use Permit in accordance with Chapter 5, Section D1, A-1 District of the Zoning Ordinance.

Following further discussion, Pruess made a motion to recommend approval of the change in zoning from A-1 to M-1 in spite of the high C.S.R. because the area is adjacent to the petitioner's property which is zoned M-1, a portion of this proposed site is zoned M-1 and the area being removed from agriculture is minimal. Schuett seconded the motion. Ayes all.

4. Robert Rouse, Executor, James Kidd Estate (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 NW 1/4, NW 1/4, Section 4, T-82N, R-4W, in Pioneer Township, consisting of 1.58 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission members to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. Present to represent the estate was Brooks Haesemeyer, Realtor, Mechanicsville, Iowa, who has Power of Attorney. Mr. Haesemeyer explained his client's intention to sell the property for the purpose of constructing one single family dwelling on a lot which has existed for over 100 years. He continued that presently the property has been used as hay ground and that access to the property would be off Badger Road. He presented a letter from Cedar County Disaster Services that fire and rescue will be provided by the Mechanicsville Fire & Rescue Department and will have no difficulty serving the site. The letter from Mark Nahra, Cedar County Engineer, was reviewed and indicated that one dwelling should not impact the county road and that the Grade B road will not be upgraded.

La Rue reminded the Commission members that adjacent to the property to the east along Badger Road, the Commission recommended to deny a rezoning petition from Aa to Rs for a five lot subdivision by Scott and Carolyn Oakes, Naperville, Illinois, on March 22, 1995. This petition was also denied by the Cedar County Board of Supervisors on April 3, 1995. La Rue continued that because of the

denial of the rezoning request for the five lot subdivision, Mr. and Mrs. Oakes petitioned for a change in zoning from Aa to Rs for a 1.14 acre tract where there is an existing farm dwelling. The rezoning of this farmstead tract would permit its division and sale off of a farm to Mr. Scott Duecker. This petition which was acceptable to adjoining property owners was recommended by the Commission for approval on April 26, 1995, and approved by the Board of Supervisors on May 18, 1995, with the understanding that this dwelling would be the only dwelling on the property and no additional housing development permitted.

Rick Springsteen, adjoining property owner to the west, and in Jones County, expressed concern about residential dwellings being built in agricultural areas. He also wished to know what is planned in the future for the areas north and south of this rezoned tract and how many acres are in this tract. Kenny Springsteen, who is also part owner of the property to the west, expressed concern about septic systems and suitability of this land for housing. A review of the soils in the area of the proposed rezoning indicate that the C.S.R. is prime agricultural land and there are only slight limitations for septic systems with little danger of ground water contamination. There are only moderate limitations for building construction. Soils south of the rezoning tract consist of Sparta Loamy fine sand and pose a severe hazard of ground water contamination by septic systems, while soils to the north are of the same type as the rezoning tract (Fayette Silt Loam).

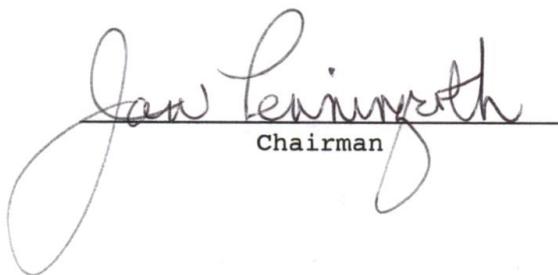
Scott Duecker, who lives east of this property, rented this property in 1997 from Mr. Kidd for hay ground. He expressed concern about more houses coming into the area. He explained that permitting this rezoning would provide a foothold to allow more homes, and Mr. Oakes is waiting to see if this petition is approved. He then stated that he would like to purchase the property but not at the price asked. He and the other property owners expressed concern about the large residential subdivision nearby in Jones County which has no zoning. The property owners feel that approval of this petition near the subdivision in Jones County would encourage further residential development. They feel adequate lots are already available near Lisbon (along Adams Avenue in Cedar County).

Marcella Courtney, property owner to the south, expressed concern about zoning just the middle of this tract. Mr. Haesemeyer then explained why this portion of the tract was selected for the home site. La Rue then explained that only 1.58 acres, more or less, is included in this petition for rezoning and the minimum lot size

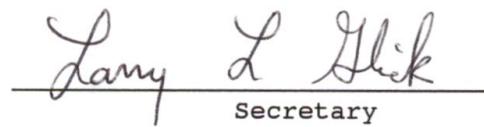
is one acre with a width of at least 150 feet. The tract was kept below 2.00 acres, more or less, to prevent a land division for a second house. In this way, approval for building sites must be granted by the Zoning Commission and Board of Supervisors before the owner can request zoning construction permits. As petitioned, only one home can be built, if approved by the Commission and the Board of Supervisors, on the rezoned portion of the tract. It appears that the entire tract consists of about 6.00 acres, more or less. Arlene Jilovec stated that a great deal of the property could be good ground for crops and wishes the site to remain agricultural.

Following additional discussion, Brown made a motion that the rezoning request from A-1 to R-1 be denied, based upon the high C.S.R. and the inconsistency with the current land use in the area. Schuett seconded the motion. Ayes four with one nay. Motion carried.

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



Jan Penningth
Chairman



Lamy L. Glik
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

March 9, 1998

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, March 18, 1998, 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. David and Le Ann Tatman, RFD, Tipton (Owners) - Requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural for the purpose of relocating the R-1 District further north for a proposed single family dwelling within the boundaries of a 15.93 acre tract. Said R-1 District is located in Parcel B, in the SW 1/4, SE 1/4, Section 15, T-80N, R-4W, in Gower Township, and consists of 1.00 acres more or less.
2. David and Le Ann Tatman, 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 Parcel B, in the SW 1/4, SE 1/4, Section 15, T-80N, R-4W, in Gower Township, consisting of 1.00 acres more or less.
3. River Valley Cooperative, Eldridge - Requesting a change in zoning from A-1 Agricultural to M-1 Light Industrial for the purpose of expanding their grain storage facility on property located on Lots 5-12, Block 3, in the SW 1/4, SE 1/4, SW 1/4, Section 2, T-79N, R-1W, in Farmington Township, along the north edge of the unincorporated town of Sunbury, consisting of 2.69 acres more or less.
4. Robert Rouse, Executor, James Kidd Estate (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 NW 1/4, NW 1/4, Section 4, T-82N, R-4W, in Pioneer Township, consisting of 1.58 acres more or less.

Copies sent out on 3/11/98 to the following:

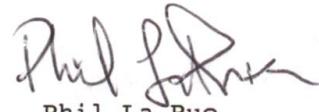
1. David & Le Ann Tatman - 1590 King Avenue, Tipton, Iowa 52772 - Certified
2. Waters Family Ltd. - 143 Buckeye Road, West Branch, Iowa 52358
3. Hillendale Trust - % Marguerite Zousel, 1479 Echo Avenue, West Branch, Iowa 52358
4. Kevin & Kelly Jo Greer - 379 250th Street, West Branch, Iowa 52358
5. Bryan & Bertha Brook - 361 250th Street, West Branch, Iowa 52358
6. Gerald & Blanche Stout - 415 E. 4th Street, Tipton, Iowa 52772
7. Bret Stout - 503 N. 6th Street, Box 8, West Branch, Iowa 52358

1. Lon Warnecke - River Valley Cooperative, 409 Center St., Stockton, Iowa 52769 - Certified
2. Rekemeyer Farms, Inc. FJPD - 1731 Vermont Avenue, Bennett, Iowa 52721
3. Steven & Ann Ralfs - 1851 270th Street, Bennett, Iowa 52721
4. Farmers Grain & Lumber Co. - RFD #2, Wilton, Iowa 52778
5. Richard & Shirley Toyne - 2213 290th Street, Wilton, Iowa 52778
6. James & Denise Rutherford - 2212 290th Street, Wilton, Iowa 52778
7. Rick & Sondra Griffin - 2230 290th Street, Wilton, Iowa 52778
8. Ronald & Joyce Weih - 2176 270th Street, Bennett, Iowa 52721
9. Keith & Deanna Petersen - 108 Herman, Wilton, Iowa 52778
10. Roger Meier - Box 937, Durant, Iowa 52747
11. Wilbert & Shirley Spengler - 2231 290th Street, Wilton, Iowa 52778
12. Norma Petersen - 806 7th Street, Durant, Iowa 52747
13. Richard & Barbara Budelier - 1881 Yankee Avenue, New Liberty, Iowa 52765
14. Robert & Martha McCallister - 212 Herman Street, Wilton, Iowa 52778
15. Kenneth McCallister - 180 Miller Street, Wilton, Iowa 52778
16. Robhert & Kenneth McCallister - 212 Herman Street, Wilton, Iowa 52778
17. John & Rozella Simons - 2241 290th Street, Wilton, Iowa 52778
18. Dennis & Edthye Weih - 1895 Wilson Avenue, Wilton, Iowa 52778
19. Ellen & Ernest Ledtje - 218 Herman Street, Wilton, Iowa 52778
20. Herman & Llewellyn Luerssen - 2249 290th Street, Wilton, Iowa 52778
21. Marvin Pace - 203 Miller Street, Wilton, Iowa 52778
22. Marvin N. & Karlyn Pace - 103 South Street, Wilton, Iowa 52778
23. Susan Milligan - 101 South Street, Wilton, Iowa 52778
24. Donald Mockmore - 200 Miller Street, Wilton, Iowa 52778
25. Jane & Daryl Clark - 401½ Cedar Street, Wilton, Iowa 52778

1. Brooks J. Haesemeyer - 0830 125th Street, Mechanicsville, Iowa 52306 - Certified
2. Edward & Marcella Koutny - 2226 Alderman Road, Springville, Iowa 52336
3. Scott & Carolyn Oakes - 28 W. 355 Rogers Avenue, Warren Illinois 60555
4. Wayne & Lucile Youngblut - 306 Linn Ridge Road, Mt. Vernon, Iowa 52314
5. Rick Springsteen - 225 Badger Road, Lisbon, Iowa 52253
6. Edward Hudachek - 167 Badger Road, Lisbon, Iowa 52253

7 Zoning Commission members
2 file copies
2 copies for bulletin boards
1 copy to newspaper on 3/9/98

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



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

February 9, 1998

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, February 18, 1998, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will consider the following petitions:

1. Robert Menke, RFD, Wilton (Owner) - Requesting approval of a Special Use Permit authorizing the location of an agricultural trailer sales and display area on property located in the NE 1/4, SE 1/4, Section 33, T-79N, R-1W, in Farmington Township. This parcel consists of 38.00 acres more or less.
2. Iowa Wireless, Des Moines, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 195 foot personal communication services (P.C.S.) tower on property located in the NE 1/4, NE 1/4, Section 23, T-79N, R-2W, in Sugar Creek Township, consisting of 29.78 acres more or less.
3. Iowa Wireless, Des Moines, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 199 foot personal communication services (P.C.S.) tower on property located in the N 1/2, SE 1/4, SE 1/4, Section 2, T-79N, R-4W, in Springdale Township, consisting of 74.5 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 2/10/98 to the following:

1. Robert G. Menke - 2160 310th Street, Wilton, Iowa 52778 - Certified
2. Herchal Fitzer - 2233 Washington Avenue, Durant, Iowa 52747
3. Everett J. & Grace P. Rife Trust - 210 7th Street #2, Durant, Iowa 52747
4. Wahkonsa Country Club - 2358 Vermont Avenue, Durant, Iowa 52747
5. Harre Farms LC - Durant, Iowa 52747 13150 106th Ave, Davenport 52804 Barbara^m Harre
6. William Hartz - 2325 Vermont Avenue, Durant, Iowa 52747

1. Jeff B. Patten - Systems Development Manager, Iowa Wireless, 312 8th Street, Suite 410, Des Moines, Iowa 50309 - Certified
2. John & Patricia Grosjean - 809 West 2nd, Muscatine, Iowa 52761
3. Floyd & Judith Goddard - 1689 310th Street, Wilton, Iowa 52778
4. Timothy & Laurie DeVore - 1680 310th Street, Wilton, Iowa 52778
5. Frederick & Alva Gill - 2184 Old Muscatine Road, Wilton, Iowa 52778
6. Contel Cellular, Inc. - C/O AD Valorem Services Co., P.O. Box 211507, Bedford, TX 76095-8507
7. Cathryn Thede - 212 W. 5th Street, Box 1067, Wilton, Iowa 52778
8. Jack & Deborah Brenner - 2096 Rose Avenue, Wilton, Iowa 52778
9. Patricia Lopker - 822 S. 14th Avenue, Washington, Iowa 52353
10. Leland Smith - 1964 Vermont Avenue, Wilton, Iowa 52778
11. I.D.O.T. - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010

1. Jeff B. Patten - Systems Development Manager, Iowa Wireless, 312 8th Street, Suite 410, Des Moines, Iowa 50309 - Certified
2. Alfred Fawcett Estate - 2039 Eureka Avenue, West Branch, Iowa 52358
3. Joseph & Faye Grobin - Box 638, West Branch, Iowa 52358
4. Herbert Sondegaard - 321 N. 5th Street, West Branch, Iowa 52358
5. Randy & Tammy Mather - 789 290th Street, West Liberty, Iowa 52776
6. Alan & Xann Mather - 774 300th Street, West Liberty, Iowa 52776
7. Floyd & Mary Helen Fawcett - 330 W. Main, Box 837, West Branch, Iowa 52358
8. Laurie Jewell - 504 290th Street, West Branch, Iowa 52358

7 Zoning Commission members
2 file copies
1 copy to newspaper on 2/9/98
2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 18, 1998

The Cedar County Planning and Zoning Commission conducted a Public Hearing on February 18, 1998, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Schuett, Krall, Brown, Lynch, Glick and Zoning Administrator La Rue.

The meeting was called to order by Chairperson Penningroth. Minutes of the January 21, 1998, were previously sent to the Commission members and were approved as written.

The Commission then considered the following petitions:

1. Robert Menke, RFD, Wilton (Owner) - Requesting approval of a Special Use Permit authorizing the location of an agricultural trailer sales and display area on property located in the NE 1/4, SE 1/4, Section 33, T-79N, R-1W, in Farmington Township. This parcel consists of 38.00 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to consider the petition in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance when considering this petition for a recommendation to the Cedar County Board of Adjustment. Mr. Menke was present and explained his request for a Special Use Permit to allow the location of his trailer sales and display area adjacent to his new farm dwelling and proposed shop and horse arena. The proposed site is directly across the road from the Wahkonsa Country Club. Mr. Menke continued to explain that his display area would be 100 feet by 200 feet in size and there will be a buffer type fence surrounding the entire display area. He continued that new trailers would be backed into the garage of the shop to connect lights and brakes during the winter.

Bruce Rabedeaux, President of the Wahkonsa Country Club, was present and stated that although he had no objections toward Mr. Menke's proposal, he is concerned about liability from stray golf balls hitting the trailers in the display area. Mr. Menke stated that he has insurance and is not concerned. Other country club board members expressed concern about how the display area was going to look with both old and new trailers. Mr. Menke stated that all trailers will be kept inside the fenced display area. His answers seemed to satisfy the club's concerns.

The letter from Mark Nahra, Cedar County Engineer, was reviewed regarding the road which will service this area and his concerns whether or not this use is appropriate and compatible with the other land uses (agricultural, recreational and suburban residential) in the area. Discussion continued concerning the corn suitability rating (C.S.R.) of the site; the display area and proposed shop, and why the tract of the proposed Special Use Permit was described as 38.00 acres rather than the acreage of the site itself. It was questioned whether or not a survey plat should be required to specifically locate the proposed display area and shop. Also discussed was whether or not it would be appropriate to recommend that the proposed site be re-located on Mr. Menke's property about a quarter mile south so as to be along Highway 927, rather than across from the country club. Also discussed was the need to include the shop in the Special Use Permit.

Following further discussion, Pruess made a motion that the Commission recommend the Special Use Permit for the display area, not larger than 20,000 square feet, surrounded by an adequate screening fence, and the trailer shop, all to be located in the immediate area of the new dwelling. This will all be subject to annual review and site review by the County Engineer. Schuett seconded the motion.

Ayes all.

2. Iowa Wireless, Des Moines, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 195 foot personal communication services (P.C.S.) tower on property located in the NE 1/4, NE 1/4, Section 23, T-79N, R-2W, in Sugar Creek Township, consisting of 29.78 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission members to consider this petition and Petition #3 in accordance with Chapter 17.18(2) of the Zoning Ordinance when making their recommendation to the Board of Adjustment. He continued that this proposed tower site is adjacent to the existing G.T.E. communication tower northwest of the Wilton, I-80/Highway 38 Interchange.

John Steidling, Zoning Specialist, Andy Anderson and Jeff Patton were present representing Iowa Wireless and explained their intention to construct a P.C.S. tower on the property owned by John and Patricia Grosjean who were also present. Mr. Steidling explained that this site was selected for the convenience of co-existence, but not co-locating on the G.T.E. tower. Co-location was not possible due to economic reasons. Mr. Steidling explained that co-location is possible on this tower. He continued that this will be a free standing tower with an overall height of 199 feet (including the lightning rod) within

a security fenced 75 foot by 75 foot area. Also, there will be a gravel road leading to the leased area to provide for monthly service. Because of this tower's height, there is no requirement for F.A.A. aircraft lighting, day or night. Discussion continued regarding the strength of these towers (wind load), screening and letter from County Engineer, Mark Nahra.

Brown then made a motion that the Commission recommend approval to the Board of Adjustment of the Special Use Permit within the easement area, subject to annual review by the Board. Krall seconded the motion. Ayes all.

3. Iowa Wireless, Des Moines, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 199 foot personal communication services (P.C.S.) tower on property located in the N 1/2, SE 1/4, SE 1/4, Section 2, T-79N, R-4W, in Springdale Township, consisting of 74.5 acres more or less.

There were no written or verbal objections on file for this petition. La Rue explained that this proposed tower site is about 500 feet north of the cabin owned by the property owner of the site.

John Steidling, Andy Anderson and Jeff Patton, Iowa Wireless, and property owner, Floyd Fawcett, were present for this petition. Mr. Steidling again explained their intention to construct a 199 foot free standing P.C.S. tower on Mr. Fawcett's property. He explained why it is not feasible to co-locate this tower on the proposed Nextel West communication tower in Section 9, also in Springdale Township. He continued that this tower would be surrounded by a security fenced 60 foot by 60 foot area. Also, there will be a gravel road leading to the leased area to provide for monthly service.

Following further discussion and review of County Engineer, Mark Nahra's letter, Schuett made a motion to recommend approval to the Board of Adjustment of the Special Use Permit within the easement area, subject to annual review by the Board. Pruess seconded the motion. Ayes all.

Following the Public Hearing, Zoning Administrator La Rue briefed the Commission on the Menke petition (to eliminate a zoning violation) and proposed zoning permit fees. The meeting then adjourned.



Jan Fanningworth
Chairman



Larry L. Shiek
Secretary

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 21, 1998

The Cedar County Planning and Zoning Commission held a Public Hearing on Wednesday, January 21, 1998, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present at the hearing were Brown, Pruess, Glick, Schuett, Lynch and Zoning Administrator La Rue. Members absent were Penningroth and Krall.

Dale Lynch was introduced as the new member of the Commission. Dennis Pruess served as Chairperson Pro-tem in Penningroth's absence.

Minutes of the previous meeting held on December 17, 1997, were previously sent to the members. Schuett made a motion to approve the minutes as written. Brown seconded the motion. Ayes all.

The Commission then considered the following petitions:

1. Northern Border Pipeline Company, Omaha, Nebraska - Requesting approval of a Special Use Permit authorizing the location of a communication tower on property located in the NE 1/4, NE 1/4, SW 1/4, Section 30, T-79N, R-1W, in Farmington Township, consisting of 6.16 acres more or less.

No written or verbal objections were on file for this petition. La Rue advised the Commission to consider the petition in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance and other ordinance requirements in making a recommendation to the Cedar County Board of Adjustment.

Gerry Rathouze, Project Manager for Northern Border Pipeline, spoke on behalf of the company. He explained that the 320 foot tower is needed to improve the communications of the people servicing the pipeline. This tower will be located along the pipeline route. Meters along the pipeline are electronic and these towers are needed to communicate with the main office in Omaha. The Commission reviewed the letter from County Engineer Mark Nahra.

Brown asked if it is feasible to co-locate the antenna at an existing site in the area. Mr. Rathouze explained that because there will be 4 ten foot microwave dishes on this tower, that co-locating is not practical because of their weight and size. Pruess then inquired about the setback requirement for this tower and the guy wire anchors. A-1 Agricultural District regulations state that a 50 foot front and rear yard and a 30 foot side yard are needed. It was noted by the Commission that the rear yard was only 30 feet. Mr. Rathouze explained that he felt the setback was for dwellings and accessory structures. The Commission felt that the rear yard abutting a farm field was not a severe limitation and a variance by the Board of Adjustment could be considered.

Following additional discussion, Schuett made a motion to recommend to the Board of Adjustment that this Special Use Permit be approved, subject to annual review by the Board. Lynch seconded the motion. All ayes.

2. Amy Kortemeyer, Lisbon (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4, SE 1/4, NE 1/4, Section 31, T-82N, R-4W, in Pioneer Township, consisting of 4.00 acres more or less.

La Rue asked the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Amy Kortemeyer, her husband, and her father, Larry Kohl, were present. La Rue then informed the Commission that in July of 1992, the Commission recommended to deny a rezoning petition from A-1 to R-1 by Brian & Bobby Kruse requesting to permit construction of a single family dwelling, based upon the fact that the site had severe limitations for septic systems, the site had previously been denied a zoning change for a three lot subdivision in the 1970's and verbal and written objections by property owners in the area. This property is located in the SE 1/4, NW 1/4, Section 31, T-81N, R-4W, in Pioneer Township. The objectors, Mr. & Mrs. John Kohl and William & Dorothy Stock, argued against approval of the Kruse's petition based upon previous denial, a rock quarry at the site, possible contamination of the groundwater, the loss of agricultural land to residential development and the fact that there was an existing livestock feedlot one-half mile east along 155th Street. The Kruse's petition was approved by the Board of Supervisors by a vote of 3 to 2. The feedlot was not considered a factor based upon the fact that it was further than one-quarter of a mile away.

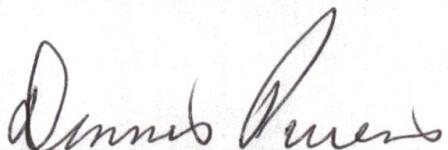
La Rue explained that in the Kortemeyer case, the same feedlot would be adjacent to the property to be rezoned, and the objectors against the Kruse's petition were in favor of the Kortemeyer's petition. La Rue then read a letter of concern from the feedlot owner, Ken Kohl, RR, Lisbon, regarding the future of his property for livestock use. La Rue explained that Chapter 5, A-1 District, Section G8, states that non-farm dwellings will not be allowed closer than 1320 feet to established feedlots of 500 head or more.

Amy Kortemeyer then explained their plans to build a home on the property which would always remain in the family. Larry Kohl stated that Amy had grown up on a farm and the feedlot has not been used for ten years. They explained that they know the feedlot and grain bins are there and have no problem with their future use. Brown stated that

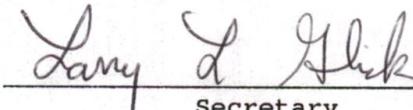
this is not the problem and that the problem arises with the future owners of the property. Lynch stated that the future is unknown and there is no guarantee that the property will always be with the family. Letters from the Lisbon fire and ambulance service, as well as the letter from County Engineer, Mark Nahra, concerning the road were reviewed. No problems were noted. Discussion continued regarding the loss of agricultural land to residential development, the adjacent feed lot & taxation. A review of the C.S.R. and soil map was then made.

Lynch then made a motion to recommend approval of the change in zoning from A-1 to R-1 to the Board of Supervisors. There was no second to the motion. Pruess asked for discussion. Discussion continued with Brown expressing concern of the hog facilities that are present, even if they have not been used recently. Following additional discussion, Glick seconded the motion still on the floor. Ayes 3 with 2 nays. La Rue explained to Mrs. Kortemeyer that a 3 to 2 vote is not a majority of the Commission, and the Board of Supervisors will be advised of this fact.

Discussion was then held regarding land use, livestock and the farm definition. The meeting was then adjourned.



Chairman



Secretary

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

January 15, 1998

Dale Lynch
808 Plum Street
Tipton, Iowa 52772

Dear Dale:

I wish to thank you for your willingness to serve on the Cedar County Planning and Zoning Commission. Enclosed please find copies of the Cedar County Zoning Ordinance, Subdivision Ordinance and Comprehensive Plan, as well as the Legal Notice for the upcoming Zoning Commission's January Meeting.

If you have any questions about the Cedar County Zoning and Subdivision Ordinances or the Planning and Zoning Commission, please feel free to contact me at your convenience.

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

Sincerely,

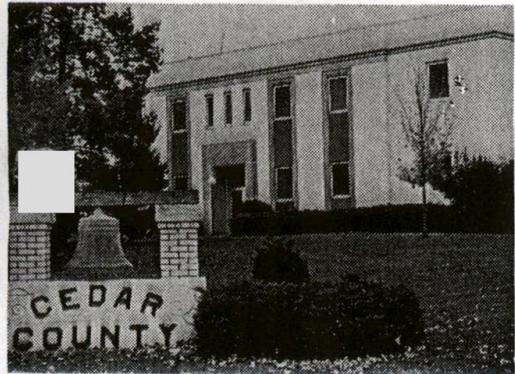


Phil La Rue /SL

Phil La Rue
Zoning Administrator

PL:sl

Encs.



phil

COPY

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

January 8, 1998

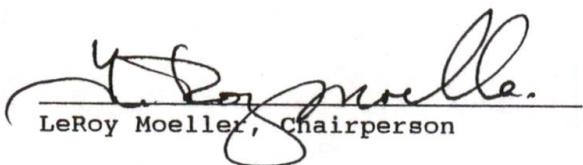
Dale Lynch
808 Plum Street
Tipton, IA 52772

Dear Mr. Lynch:

Please be advised that by motion of this Board on January 5, 1998, you have been appointed to a three (3) year term on the Cedar County Zoning Board. Your term will expire on 12-31-2000.

Your willingness to serve is greatly appreciated. If you have any questions, please contact this Board.

Sincerely,



LeRoy Moeller, Chairperson

LM:bjp

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

January 5, 1998

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, January 21, 1998, 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. Northern Border Pipeline Company, Omaha, Nebraska - Requesting approval of a Special Use Permit authorizing the location of a communication tower on property located in the NE 1/4, NE 1/4, SW 1/4, Section 30, T-79N, R-1W, in Farmington Township, consisting of 6.16 acres more or less.
2. Amy Kortemeyer, Lisbon (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4, SE 1/4, NE 1/4, Section 31, T-82N, R-4W, in Pioneer Township, consisting of 4.00 acres more or less.

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



Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 1/7/98 to the following:

1. George A. Rood - Northern Border Pipeline Company, P.O. Box 3330, Omaha, NE 68103-0330 - Certified
2. Henry & Marlene Hemmerich - 1849 330th Street, Wilton, Iowa 52778
3. Ruth Jipp - 1833 325th Street, Wilton, Iowa 52778
4. Mervin D. Jipp & Et Al - 2172 Spicer Avenue, Wilton, Iowa 52778
5. Hilbert & Mary Lea Stoll - 1856 330th Street, Wilton, Iowa 52778
6. Larry & Martha Brinning - 104 6th Street, Durant, Iowa 52747
7. Pasvogel & Son, Inc. - 1795 Rose Avenue, Tipton, Iowa 52772
8. Michael & Jan Marie Petersen - 803 8th Street, Durant, Iowa 52747
9. Harold & Esther Ovesen - 2199 Spicer Avenue, Wilton, Iowa 52778
10. Robert & Louise Jipp - 2230 Spicer Avenue, Wilton, Iowa 52778
11. Barry Langley - 2019 Rose Avenue, Wilton, Iowa 52778

1. Amy Kortemeyer - Box 112, Lisbon, Iowa 52253 - Certified
2. Larry Kohl - 200 155th Street, Lisbon, Iowa 52253
3. John & Venita Kohl - 562 Baker Avenue, Lisbon, Iowa 52253
4. Lois Baxa - 805 Belmont Avenue, Lisbon, Iowa 52253
5. Kenneth Kohl - 14 122nd Street, Lisbon, Iowa 52253
6. Robert & Lucille Stork - 132 160th Street, Lisbon, Iowa 52253
7. William Stork - 601 Baker Avenue, Lisbon, Iowa 52253
8. Dorothy Stork - 607 Baker Avenue, Lisbon, Iowa 52253

7 Zoning Commission members
1 copy to newspaper on 1/5/98
2 file copies
2 copies for bulletin boards