



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

December 6, 1999

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 15, 1999, 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. Bruce and Anna Lovell, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of having the same zoning classification as the remainder of their property. Said tract is located in the SW 1/4 of the NW 1/4, Section 7, T-79N, R-2W, in Rochester Township, consisting of 1.86 acres more or less. This petition was heard before the Commission at the November 17, 1999, Public Hearing but was tabled until the December 15th meeting.
2. Thomas and Juanita Hearst, RFD, Tipton (Owners) Requesting a change in zoning from C-2 Highway Commercial to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed 17 lot subdivision on Government Lot 3 in the N 1/2 of the SE 1/4, Section 12, T-79N, R-3W, in Rochester Township, consisting of 35.29 acres more or less. This petition was heard before the Cedar County Board of Supervisors on November 22, 1999, but was referred back to the Cedar County Planning and Zoning Commission for a recommendation of proposed changes to the boundary of the area to be rezoned.

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 12/7/99 to the following:

1. Bruce & Anna Lovell - 1185 Cemetery Road, Tipton, Iowa 52772 - Certified
 2. Bruce & Laura Zaruba - 1926 Highway 38, Tipton, Iowa 52772
 3. John & Joyce Zaruba - 1924 Highway 38, Tipton, Iowa 52772
 4. Hawkeye Grain System - % Jeff Odeen, 171 W. Rochester Avenue, Atalissa, Iowa 52720
 5. Charles & Caroline Frymore - 1232 300th Street, Tipton, Iowa 52772
 6. Iowa Dept. of Transportation - Right-Of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
 7. Frances & Dale Thumma, Trustees - 1149 290th Street, Tipton, Iowa 52772
 8. Robert & Gail Meli - 978 Pacific Street, New Mildord, New Jersey 07646
 9. James & Anne Schneider - 128 N. 6th Street, West Branch, Iowa 52358
 10. Tom & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772
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1. Tom & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772 - Certified
 2. Lester & Ellen Proctor - 1190 Cemetery Road, Tipton, Iowa 52772
 3. Sharpless Trust - C/O Janet Nelson, 1901 2nd Street, Tipton, Iowa 52772
 4. Bruce Lovell - 1185 Cemetery Road, Tipton, Iowa 52772
 5. Alan & Simone Hansen - 12 Hearst Drive, Tipton, Iowa 52772
 6. Wilton Motors, Inc. - C/O Tom & Juanita Hearst, 630 W. 5th Street, Wilton, Iowa 52778
 7. Donald & Melissa Roth - 605 W. 3rd Street, Tipton, Iowa 52772
 8. Jerry & Rita Sloan - 2359 Spicer, Wilton, Iowa 52778
 9. James & Anne Schneider - 128 N. 6th Street, West Branch, Iowa 52358
 10. Robert & Gail Meli - 978 Pacific Street, New Mildrod, NJ 07646
 11. Mid-America Pipeline Co. - 613 Green Acres Drive, Solon, Iowa 52333
-

7 Zoning Commission Members
1 copy to newspaper on 12/6/99
2 file copies
2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 15, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, December 15, 1999, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Glick, Penningroth, Krall, Schuett and Zoning Administrator La Rue. Members absent were Brown and Lamp. Minutes from the last meeting held on November 17, 1999, were previously sent to the members. Pruess made a motion to approve the minutes as written. Schuett seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. Bruce and Anna Lovell, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of having the same zoning classification as the remainder of their property. Said tract is located in the SW 1/4 of the NW 1/4, Section 7, T-79N, R-2W, in Rochester Township, consisting of 1.86 acres more or less. This petition was heard before the Commission at the November 17, 1999, Public Hearing but was tabled until the December 15th meeting.

La Rue again advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. There were no written or verbal objections on file. Mr. Lovell was present and again explained his request for the change in zoning. The Commission reviewed the letter dated November 30, 1999, from Lee Beine, Cedar County Attorney. This letter pertains to Chapter 5, Section G(8) of the Zoning Ordinance and the separation distance between non-farm dwellings and "established feedlot or livestock confinement operation". Mr. Beine's letter discusses Mr. & Mrs. John Zaruba's existing, but presently not in use, hog confinement which is closer than 1,320 feet to Mr. Lovell's property. All of Mr. Lovell's property, except the 1.86 acres in question, is presently zoned R-1. His letter, to paraphrase, states that because Mr. Lovell has property within 1,320 feet of the Zaruba's existing, but not used, hog confinement which is presently zoned R-1, it would be inconsistent not to allow the change in zoning for the 1.86 acre tract. He concluded his letter by recommending a reasonable interpretation of the Ordinance for non-farm purposes.

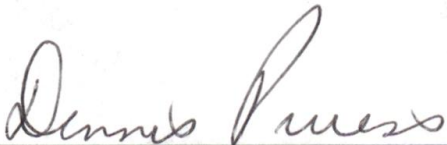
Considerable discussion followed by the Commission including livestock and other ag uses on R-1 zoned property. Pruess then made a motion to recommend approval of the change in zoning from A-1 to R-1, with consideration to the letter from the County Attorney. Krall seconded the motion. Ayes all.

2. Thomas and Juanita Hearst, RFD, Tipton (Owners) - Requesting a change in zoning from C-2 Highway Commercial to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed 17 lot subdivision on Government Lot 3 in the N 1/2 of the SE 1/4, Section 12, T-79N, R-3W, in Rochester Township, consisting of 35.29 acres more or less. This petition was heard before the Cedar County Board of Supervisors on November 22, 1999, but was referred back to the Cedar County Planning and Zoning Commission for a recommendation of proposed changes to the boundary of the area to be rezoned.

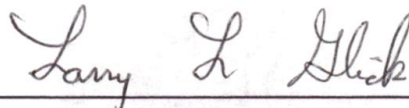
La Rue again advised the Commission members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. There were no written or verbal objections on file. Mr. and Mrs. Hearst were present and explained the proposed changes to the boundaries of what will be Hidden River Heights, Part III. Mr. Hearst explained that the south boundary of the proposal follows the road into the campground, and the west edge is a wetland. There will be no modification of the wetland. La Rue remarked pertaining to soils that there are no additional soils or variations in soil type than those reviewed previously. Most limitations pertain to slope or excessive percolation rates for septic systems. C.S.R. remains low due to slope and soil types. It was noted by the Commission that lot descriptions, roads, etc., were not included on the rezoning exhibit. Mr. Hearst was asked about lot sizes for some of these lots. He explained that there may be lots up to 5 acres in size. There was then discussion on division of some of the larger lots by future owners. Mr. Hearst explained that the restrictive covenants would prohibit this (only one house per lot).

After additional discussion, Pruess made a motion to recommend approval of the change in zoning from C-2 to R-1. Schuett seconded the motion. Ayes all.

The Commission members then discussed the proposed Highway 30 changes and the new comprehensive plan before adjourning.



Chairperson



Secretary



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

November 8, 1999

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, November 17, 1999, at 6:00 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petitions:

1. Bruce and Anna Lovell, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of having the same zoning classification as the remainder of their property. Said tract is located in the SW 1/4 of the NW 1/4, Section 7, T-79N, R-2W, in Rochester Township, consisting of 1.86 acres more or less.
2. James Crock, 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 SW 1/4 of the SE 1/4, Section 12, T-80N, R-3W, in Center West Township, consisting of 1.033 acres more or less.
3. Dean and Gail Gluesing, Clarence (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NE 1/4, Section 14, T-82N, R-2W, in Dayton Township, consisting of 3.49 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 11/10/99 to the following:

1. Bruce & Anna Lovell - 1185 Cemetery Road, Tipton, Iowa 52772 - Certified
 2. Bruce & Laura Zaruba - 1926 Highway 38, Tipton, Iowa 52772
 3. John & Joyce Zaruba - 1924 Highway 38, Tipton, Iowa 52772
 4. Hawkeye Grain System - & Jeff Odeen, 171 W. Rochester Avenue, Atalissa, Iowa 52720
 5. Charles & Caroline Frymore - 1232 300th Street, Tipton, Iowa 52772
 6. Iowa Dept. of Transportation - Right-Of-Way Office, Attn: Steve Westrold,
800 Lincoln Way, Ames, Iowa 50010
 7. Frances & Dale Thumma, Trustees - 1149 290th Street, Tipton, Iowa 52772
 8. Robert & Gail Meli - 978 Pacific Street, New Milford, New Jersey 07646
 9. James & Anne Schneider - 128 N. 6th Street, West Branch, Iowa 52358
 10. Tom & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772
-

1. James Crock - 210 E. 12th Street, Tipton, Iowa 52772 - Certified
 2. Raymond & Margaret Crock - 222 E. 13th Street, Tipton, Iowa 52772
 3. Dorothy Bunker Trustee - 620 N. Ottawa, Dixon, Illinois 61021
-

1. Dean & Gail Gluesing - 308 2nd Avenue, Clarence, Iowa 52216 - Certified
 2. Lynco Farms, Inc. - % C. J. Lynch, Box 2457, Cedar Rapids, Iowa 52406
 3. K. W. & Gary Roelf - 306 2nd Avenue, Clarence, Iowa 52216
 4. Allan P. Hasselbusch - 251 Oxford Junction Road, Clarence, Iowa 52216
 5. Evelyn Hasselbusch - 411 2nd Avenue, Clarence, Iowa 52216
-

7 Zoning Commission members

1 copy to newspaper on 11/8/99

File copies

Copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 17, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, November 17, 1999, at 6:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Glick, Lamp, Schuett, Krall, Brown and Zoning Administrator La Rue. The minutes from the last meeting held on November 3, 1999, were approved as read.

The Commission members then considered the following petitions:

1. Bruce and Anna Lovell, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of having the same zoning classification as the remainder of their property. Said tract is located in the SW 1/4 of the NW 1/4, Section 7, T-79N, R-2W, in Rochester Township, consisting of 1.86 acres more or less.

La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. There were no written or verbal objections on file for this petition. La Rue explained that all of the Lovell's property, except for this tract which was previously owned by the State of Iowa, was rezoned in 1976 by Don Rathjen prior to review of the preliminary plat for Spring Valley Estates Subdivision. He explained that the Commission's minutes do not explain why the portion of the subdivision, now owned by the Lovell's, was rezoned and included in the preliminary plat but not in the final plat(s). Mr. Lovell and his engineer, Glen Meisner, M.M.S. Consultants, were present and explained the request to change the zoning on this remaining portion of his property. Future development of a portion of the property has been proposed. Mr. and Mrs. John Zaruba, adjoining property owners, were present and were asked about their livestock operation and it's capacity. They explained that they presently have no hogs at the site. Mr. Zaruba then stated that this site has poor soils and any homes will have wet basements due to a high water table. Chapter 5, A-1 Agricultural District, Section G,8 of the Zoning Ordinance was reviewed. The Commission noted that the ordinance requires non-farm dwellings to be 1,320 feet from an established livestock confinement or feedlot of 500 head or more. It was noted that this section was also in the 1975 Zoning Ordinance. The Commission felt that this site is established and only inactive at this time.

Mr. Lovell asked what a non-farm dwelling is. La Rue explained that this is a dwelling used for residential purposes and/or located on a tract of land less than 35 acres. There was then discussion on what constitutes a farm. La Rue explained that the purpose of this regulation is to protect the right to farm. He continued that this section, in his opinion, only pertains to the distance from the non-farm dwelling to the livestock site and not to property lines. There was then discussion if this problem can be over come by good home owner association covenants. The answer to this question and why the 19.43 acre tract adjacent to the tract, for which this petition has been made, was rezoned by not platted are not presently known. There was then discussion whether or not a building permit can be issued closer than 1,320 feet from a confinement to a non-farm dwelling even though the property is properly zoned for development and only platting may be required. There was then discussion on how to proceed with a recommendation. Pruess then made a motion to recommend approval of the zoning change subject to being able to protect the livestock operation in the future. There was no second to the motion. Discussion followed. Brown then made a motion to table the petition until the December 15, 1999, meeting so that the County Attorney's Office can be consulted on how to proceed. Krall seconded the motion. This was not objectionable to Mr. Lovell. Ayes all.

2. James Crock, 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 SW 1/4 of the SE 1/4, Section 12, T-80N, R-3W, in Center West Township, consisting of 1.033 acres more or less.

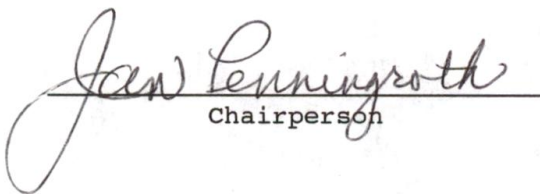
There were no written or verbal objections on file for this petition. La Rue advised the members to make their recommendation in accordance with Chapter 18.2(3) of the Zoning Ordinance. Mr. and Mrs. Crock were present as well as Mr. and Mrs. Ray Crock. Mr. Crock explained his request to build a home on property he once owned. There is no livestock within 1,320 feet of the proposed site. The letter from County Engineer, Don Torney, was reviewed. He explained that an entrance permit has been issued for the site and he has no objections. It was noted by the Commission that this site is on a hard surface road. A letter from John Miller, Tipton Fire Department, was then reviewed and stated that he had no objections. The soil evaluation was reviewed and noted that the C.S.R. is above 75 points but slopes off to the west. The Commission also questioned if the C.S.R.

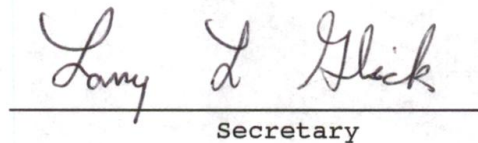
is really that high. Following additional discussion, Lamp made a motion to recommend approval of the change in zoning from A-1 to R-1. Schuett seconded the motion. Ayes 4 and 2 nays.

3. Dean and Gail Gluesing, Clarence (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NE 1/4, Section 14, T-82N, R-2W, in Dayton Township, consisting of 3.49 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the members to make their recommendation in accordance with Chapter 18.2(3) of the Zoning Ordinance. Mr. Gluesing was present and explained his plans to build a home on the property. There is no livestock within 1,320 feet of the proposed site. The Commission did note that there is a limestone quarry adjacent to this property. Chapter 5, A-1 Agricultural Section D,6 was then reviewed. It was determined that the proposed dwelling will be more than 500 feet from the quarry. Mr. Gluesing stated that he is aware that the quarry does blast periodically and the adjacent property owner explained to him that it is not a problem. The letter from County Engineer, Don Torney, was reviewed. It was noted that an entrance permit has been issued for the site and he has no objections. It was noted that this site is on a hard surface road. A review of the soil evaluation was held and it was noted that most of the site has a C.S.R. above 75 points. The Commission again questioned if the C.S.R. is really that high and the site is pasture. Following additional discussion, Krall made a motion to recommend approval of the change in zoning from A-1 to R-1. Lamp seconded the motion. Ayes all.

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


Chairperson


Secretary



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

October 22, 1999

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, November 3, 1999, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. This petition was to have been heard on October 20, 1999, but was postponed due to the lack of a quorum.

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

1. Thomas and Juanita Hearst, RFD, Tipton (Owners) - Requesting a change in zoning from C-2 Highway Commercial to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed 13 lot subdivision on Government Lot 3 in the N 1/2 of the SE 1/4, Section 12, T-79N, R-3W, in Rochester Township, consisting of 24.1 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 10/26/99 to the following:

1. Tom & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772 - Certified
2. Lester & Ellen Proctor - 1190 Cemetery Road, Tipton, Iowa 52772
3. Sharpless Trust - C/O Janet Nelson, 1901 2nd Street, Tipton, Iowa 52772
4. Bruce Lovell - 1185 Cemetery Road, Tipton, Iowa 52772
5. Alan & Simone Hansen - 12 Hearst Drive, Tipton, Iowa 52772
6. Wilton Motors, Inc. - C/O Tom & Juanita Hearst, 630 W. 5th Street, Wilton, Iowa 52778
7. Donald & Melissa Roth - 605 W. 3rd Street, Tipton, Iowa 52772
8. Jerry & Rita Sloan - 2359 Spicer, Wilton, Iowa 52778
9. James & Anne Schneider - 128 N. 6th Street, West Branch, Iowa 52358
10. Robert & Gail Meli - 978 Pacific Street, New Mildrod, NJ 07646
11. Russ Applebee - Mid-American Pipeline Co., P.O. Box 1308, Iowa City, Iowa 52241
12. 7 Zoning Commission members
13. 1 copy to newspaper on 10/25/99
14. 2 file copies
15. 2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 3, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, November 3, 1999, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. This meeting was previously scheduled to be heard on October 20, 1999, but was postponed due to the lack of a quorum. Members present were Penningroth, Pruess, Lamp, Brown and Zoning Administrator La Rue. Members absent were Schuett, Krall and Glick.

Minutes from the last meeting held on September 15, 1999, were previously sent to the members. Pruess made a motion to approve the minutes as written. Lamp seconded the motion. Ayes all.

The Commission members then considered the following petition:

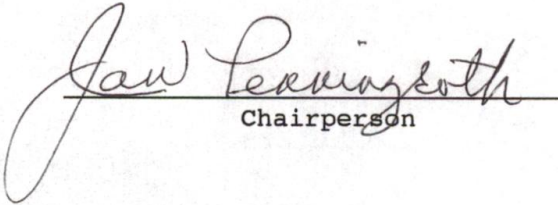
1. Thomas and Juanita Hearst, RFD, Tipton (Owners) - Requesting a change in zoning from C-2 Highway Commercial to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed 13 lot subdivision on Government Lot 3 in the N 1/2 of the SE 1/4, Section 12, T-79N, R-3W, in Rochester Township, consisting of 24.1 acres more or less.

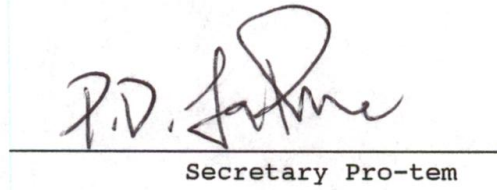
La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. There were no written or verbal objections on file for this petition. La Rue reminded the Commission that in March 1995, Mr. and Mrs. Hearst were before the Commission and Board of Supervisors with petitions for a change in zoning which were approved. Mr. and Mrs. Hearst were present as was their surveying engineer, Glen Meisner, M.M.S. Consultants. Mr. Meisner explained the Hearst's plan for the next phase of their development. Mr. Meisner and La Rue explained the differences between the original 1995 Preliminary Plat and Final Plats as reflected on the zoning map. La Rue explained that this rezoning appears to comply with the Comprehensive Plan and is an expansion of an existing residential area. Improvements for the subdivision will be discussed and reviewed with the Preliminary Plat at a later date.

The letter from Cedar County Engineer, Don Torney, was reviewed and explained that when the subdivision is developed that roads need to be properly designed as per the Subdivision Ordinance. He had no further concerns for this petition. The soils were reviewed and it was determined not to be prime ag land. Septics will need individual siting due to slope and soil types.

Following further discussion, Pruess made a motion to recommend approval of this petition to the Board of Supervisors. Lamp seconded the motion. Ayes all.

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


Chairperson


Secretary Pro-tem



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

October 4, 1999

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 20, 1999, 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. Thomas and Juanita Hearst, RFD, Tipton (Owners) - Requesting a change in zoning from C-2 Highway Commercial to R-1 Suburban Residential for the purpose of constructing single family dwellings on Government Lot 3 in the N 1/2 of the SE 1/4, ^{Section 17} T-79N, R-3W, in Rochester Township, consisting of 24.1 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

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3. Sharpless Trust - C/O Janet Nelson, 1901 2nd Street, Tipton, Iowa 52772
4. Bruce Lovell - 1185 Cemetery Road, Tipton, Iowa 52772
5. Alan & Simone Hansen - 12 Hearst Drive, Tipton, Iowa 52772
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8. Jerry & Rita Sloan - 2359 Spicer, Wilton, Iowa 52778
9. James & Anne Schneider - 128 N. 6th Street, West Branch, Iowa 52358
10. Robert & Gail Meli - 978 Pacific Street, New Mildrod, NJ 07646
11. 7 Zoning Commission members
12. 1 copy to newspaper on 10/4/99
13. 2 file copies
14. 2 copies for bulletin boards

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on October 11 and 18, 1999, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time the Board will review the following petitions:

1. Michael and Bethany Henson, West Branch (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 23, T-79N, R-3W, in Iowa Township, consisting of 1.03 acres more or less.
2. Willy and Vicki Bendixen, Stanwood (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the SE 1/4, Section 23, T-82N, R-4W, in Pioneer Township, consisting of 1.37 acres more or less.

At this time, the Board will also be considering the following proposed ordinance: Ordinance Number 30, "An Ordinance regulating the placement of telecommunications towers and antennas on property located in the unincorporated areas of Cedar County, Iowa".

PURPOSE. The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas for commercial wireless telecommunications as provided for in the federal Telecommunications Act of 1996 and any other communication towers which meet the structural criteria listed in this ordinance.

Cedar County Ordinance Number 30, is on file in the Office of the Cedar County Auditor for review.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard. However, the Board does request that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 9/27/99 to the following:

1. Michael & Bethany Henson - 154 Powell Street, West Branch, Iowa 52358 - Certified
 2. Ed Kofron - 1577 Logan Avenue, Tipton, Iowa 52772
 3. Ivan & Nanette Behrens - 2114 Atalissa Road, Atalissa, Iowa 52720
 4. Norma Dickey - 2180 Atalissa Road, Atalissa, Iowa 52720
-

1. Willy & Vicki Bendixen - 313 Sunset Drive, Stanwood, Iowa 52337 - Certified
 2. Puffers, Inc. - 0393 Echo Avenue, Mechanicsville, Iowa 52306
 3. Alan Weets - 0350 Franklin Avenue, Mechanicsville, Iowa 52306
 4. Harry & Marcia K. Driscoll - 683 Dixon Avenue, Mechanicsville, Iowa 52306
 5. Keith & Cleo Conner - 479 Old Lincoln Highway, Mechanicsville, Iowa 52306
-

Tipton Conservative
Sun-News
Wilton-Durant Advocate News
West Branch Times

Board of Supervisors
2 File copies
2 copies for bulletin boards



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

September 17, 1999

TO: Cedar County Planning & Zoning Commission Members

It's time for us to again try and have our meeting with the Cedar County Board of Supervisors, Jim Gonyier, E.C.I.A., and Steve Lacina, Cedar County Economic Development. At the request of the Board of Supervisors, they would like to get started on the Comprehensive Plan.

During the discussion of the Comprehensive Plan by the Planning and Zoning Commission members on September 15, 1999, it was agreed to meet with the Board on September 23, 1999, at 9:00 a.m., in the Board of Supervisors Meeting Room. Please contact Sharon and let her know if you will be able to attend.

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

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl

cc: Jim Gonyier, E.C.I.A.
Steve Lacina, Cedar Co. Economic Development

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

September 15, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, September 15, 1999, at 6:40 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Glick, Lamp and Zoning Administrator La Rue. Members absent were Penningroth, Krall and Schuett. Commissioner Pruess served as temporary Chairperson.

Minutes from the last meeting held on August 18, 1999, were previously sent to the members. Brown made a motion to approve the minutes as written. Glick seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. Michael and Bethany Henson, West Branch (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 23, T-79N, R-3W, in Iowa Township, consisting of 1.03 acres more or less.

La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. There were no written or verbal objections on file for this petition. La Rue advised the Commission that he had received a statement of concern from Wayne Behrens, a nearby neighbor, who has 1,700 head hog finishing facilities within 1,200 feet of the proposed dwelling site. Mr. Behrens does not object to the home but he wants to maintain his right to farm. Manure will be applied to his property and there will be odors. The Commission noted that Chapter 5, Section G(8) of the Zoning Ordinance requires 1,320 feet of separation from a confinement and a non-farm dwelling. La Rue advised that a Flood Plain Elevation Certificate, as well as a Plat of Survey, will be required if this zoning is changed. La Rue explained that this proposed dwelling site is at the very edge of the Flood Insurance Rate Map (F.I.R.M.), and it appears that a significant portion of this property is located in Zone A, but because of the map quality, it is hard to determine. It is for this reason that La Rue will require the elevation certificate before a zoning permit is issued. Mr. & Mrs. Henson, as well as Realtor Glen Peters, were present and explained their plan to build a home on the property which is presently owned by Ed Kofron. They then explained that they selected this site because not all of it is in the flood plain and they thought that they were far enough away from Mr. Behrens' hog confinements. They then stated that they understand the flood plain regulations and requirements and would consider

relocating the dwelling south to achieve the required 1,320 feet of separation from the hog confinements. La Rue then proposed relocating the proposed rezoning tract 90 degrees southward which would appear to allow the dwellings, subject to setback and flood plain regulations, approximately 1,320 feet from Mr. Behrens' hog confinements.

It was noted by the Commission that the CSR on the property is 63. No problem is expected with a septic system. A letter from County Engineer, Don Torney, indicates that the driveway access has been approved. There is no problem with emergency access to this area as per a letter from the Atalissa Fire Department.

Following further discussion, Brown made a motion to approve the rezoning request if the change in location is made so the dwelling will be over 1,320 feet from the livestock facilities and meets flood plain requirements. Lamp seconded the motion. Ayes all.

2. Willy and Vicki Bendixen, Stanwood (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the SE 1/4, Section 23, T-82N, R-4W, in Pioneer Township, consisting of 1.37 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 Zoning Ordinance. A letter from the Mechanicsville Fire Department indicates no problems in providing emergency services to this area.

Mr. and Mrs. Bendixen were present, as well as Mrs. Bendixen's parents, Mr. & Mrs. Harry Driscoll. Mrs. Bendixen explained their plans to construct a home on this property presently owned by the Driscoll's. There was then discussion on possible routes that the Iowa Department of Transportation may use for the expansion or re-routing of Highway 30 across Cedar County. The soil inventory was evaluated and the CSR was noted to average 74 points. No problem with the septic system is expected. It was noted by the Commission that there are no livestock operations within 1,320 feet of this site. The letter received from the County Engineer was reviewed and indicates no problems with a driveway access. Brown stated concerns of being in an area where no house has previously been. There also is a snow drifting problem in this area during the winter.

After further discussion, Lamp made a motion to recommend the changing in zoning from A-1 to R-1. Glick seconded the motion. Ayes 3 with 1 nay.

3. Mike Moore, Tipton (Contract Buyer) - Requesting a Special Use Permit authorizing the location of a storage rental facility on property located in the NW 1/4 of the NW 1/4, Section 12, T-80N, R-3W, in Center Township, consisting of 1.00 acres more or less.

No written or verbal objections were on file for this petition. La Rue advised the members to make their recommendation to the Board of Adjustment in accordance with Chapter 17.18(2) of the Zoning Ordinance.

Mr. Moore was present and explained his plans to construct three 40' x 100' residential rental storage buildings on this site. La Rue explained the advantages of a Special Use Permit over a rezoning map amendment. There was discussion concerning whether or not exterior storage for boats, campers, etc. would be permitted. Mr. Moore did not anticipate that it would be needed and only enclosed storage will be allowed.

The letter received from the County Engineer was then reviewed. It was noted that minimal road impact is expected to the gravel road, but there may be times when access may be poor due to snow, rain, etc. The soil evaluation was reviewed. A septic system is not necessary. It was noted that the CSR on the property averages less than 70 points and no problems with commercial buildings was noted. It was also noted that the parking area will be gravel and Chapter 14.1G, Off-Street Parking, was reviewed in the Zoning Ordinance. Mr. Moore proposed to use the existing field access with an easement from his grandfather, Chancey Moore, to provide access to the storage area. There was then discussion on a reasonable access width, how it would be surfaced and the easement. Security lighting was also discussed. Mr. Moore stated that lighting would be necessary for obvious reasons. La Rue stated that he did not think there would be any dwellings nearby that the security lights would affect.

Following further discussion, Brown made a motion to recommend approval of the Special Use Permit for three storage buildings with a 40 feet access easement and at least 20 feet of gravel on this and all requirements according to the County

Engineer. He also recommended that this Special Use Permit be reviewed annually by the Board of Adjustment and there would be no external storage. Lamp seconded the motion. Ayes all.

4. The Commission then considered an ordinance regulating the placement of towers and antennas on property in unincorporated areas of Cedar County. There were no written or verbal objections on file for this proposed ordinance.

It was noted that this proposed ordinance was put together using the Clinton County Telecommunication Tower/Antenna Ordinance. It was compiled at the request of the Board of Adjustment with the assistance of Assistant County Attorney, Sterling Benz. La Rue stated that he thought it might be appropriate in Section 5, Application Requirements, to drop the language which states a fee of \$100.00. He recommended the following language to replace the stated fee: "A fee as established by the Cedar County Board of Supervisors and payable to the Treasurer of Cedar County, Iowa". It was noted that this ordinance does not require extra permits for any co-location on existing towers. This ordinance shows that the petitioning company must contact all adjoining property owners and meet the requirements of this ordinance and Chapter 17.18(2) of the Cedar County Zoning Ordinance.

Judy Cottingham was present and wanted to know if there was any thing in this ordinance which talks about the quality of life in Cedar County with the placement of towers. La Rue pointed out Subsection H in Section 5 of the proposed ordinance. Brown explained how the Board had been given the example of the selection of sites from a company. Mrs. Cottingham then inquired about tower lighting. La Rue explained that the Board of Adjustment does require information about this and tower lighting is regulated by the F.A.A. County Engineer, Don Torney, seemed to think the ordinance is fairly complete. He thought it might be useful to have a map showing all towers in the areas, regardless of who's towers they are. He also said we should check on Section 6, Subsection E, regarding the \$1,000,000 insurance. He recommended increasing the amount to 2 to 3 million. It was also suggested to consider adding in Section 7 that the two year inspection records should be reviewed by the Board of Adjustment at their annual review.

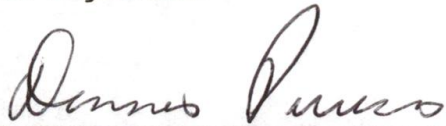
After further discussion, Glick made a motion to recommend the proposed ordinance to the Board of Supervisors with the following changes:

Section 5 - Amend the application fee language as per the discussion.

Section 6(E) - Review as to the insurance amount.

Lamp seconded the motion. Ayes all.

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



Chairperson Pro-tem



Secretary



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

September 3, 1999

LEGAL NOTICE

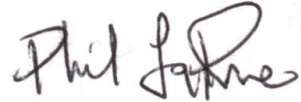
The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, September 15, 1999, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petitions:

1. Michael and Bethany Henson, West Branch (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 23, T-79N, R-3W, in Iowa Township, consisting of 1.03 acres more or less.
2. Willy and Vicki Bendixen, Stanwood (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the SE 1/4, Section 23, T-82N, R-4W, in Pioneer Township, consisting of 1.37 acres more or less.
3. Mike Moore, Tipton (Contract Buyer) - Requesting a Special Use Permit authorizing the location of a storage rental facility on property located in the NW 1/4 of the NW 1/4, Section 12, T-80N, R-3W, in Center Township, consisting of 1.00 acres more or less.

4. Consideration of a proposed ordinance regulating the placement of telecommunications towers and antennas on property located in the unincorporated areas of Cedar County, Iowa.

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



Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 9/9/99 to the following:

1. Willy & Vicki Bendixen - 313 Sunset Drive, Stanwood, Iowa 52337 - Certified
 2. Puffers, Inc. - 0393 Echo Avenue, Mechanicsville, Iowa 52306
 3. Alan Weets - 0350 Franklin Avenue, Mechanisville, Iowa 52306
 4. Harry & Marcia K. Driscoll - 683 Dixon Avenue, Mechanicsville, Iowa 52306
 5. Keith & Cleo Conner - 479 Old Lincoln Highway, Mechanicsville, Iowa 52306
-

1. Michael & Bethany Henson - 154 Powell Street, West Branch, Iowa 52358 - Certified
 2. Ed Kofron - 1577 Logan Avenue, Tipton, Iowa 52772
 3. Ivan & Nanette Behrens - 2114 Atalissa Road, Atalissa, Iowa 52720
 4. Norma Dickey - 2180 Atalissa Road, Atalissa, Iowa 52720
-

1. Mike Moore - 1004 Lynn Street, Tipton, Iowa 52772 - Picked up by Mike on 9/9/99
 2. Chancey & Delores Moore - 1110 Cedar Valley Road, Tipton, Iowa 52772
 3. Norman Jr. & Janet Ford - 111 235th Street, Tipton, Iowa 52772
 4. Jerry O'Rourke - P.O. Box 292, Tipton, Iowa 52772
 5. Dwain Ford - Clerk of Center Township Trustees, 1627 Old Muscatine Road, Tipton 52772
 6. Donald Lamp - P.O. Box 422, Tipton, Iowa 52772
-

- 7 Zoning Commission members
- 1 Copy to newspaper on 9/3/99
- 2 file copies
- 2 copies for bulletin boards

ORDINANCE _____

AN ORDINANCE REGULATING THE PLACEMENT OF TELECOMMUNICATIONS TOWERS AND ANTENNAS ON PROPERTY LOCATED IN THE UNINCORPORATED AREAS OF CEDAR COUNTY, IOWA.

BE IT ENACTED BY THE CEDAR COUNTY BOARD OF SUPERVISORS:

SECTION 1. PURPOSE. The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas for commercial wireless telecommunications as provided for in the federal Telecommunications Act of 1996 and any other communication towers which meet the structural criteria listed in this ordinance.

SECTION 2. DEFINITIONS. For use in this ordinance, certain words used herein shall be defined as follows:

- A. ANTENNA. Any structure or device used to collect or radiate telecommunications signals.
- B. HEIGHT. The vertical distance measures from the base of the structure to the highest point of the structure.
- C. TELECOMMUNICATIONS. The transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- D. TELECOMMUNICATIONS TOWER. Any guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a building or other permanent structure, containing one or more telecommunications antennas, any part of which exceeds 100 feet in height.

SECTION 3. SPECIAL EXCEPTION. A telecommunications tower may be permitted as a Special Exception use as provided in the Cedar County Zoning Ordinance upon determination that all of the applicable conditions in the ordinance are met. Special Exception Use applications are submitted to the Cedar County Board of Adjustment for action after review and recommendation by the Cedar County Planning and Zoning Commission. No additional permits are required for placement of additional equipment on existing towers.

SECTION 4. PERMITTED LOCATIONS. Telecommunications towers are permitted as a Special Exception use in the Agricultural (A-1), Agricultural-Recreational (AR-1), Local Commercial (C-1), Highway Commercial (C-2), Light Industrial (M-1) and Heavy Industrial (M-2) Zoning Districts. Telecommunication towers are not permitted in the Suburban Residential (R-1), Urban Residential (R-2) or the Multi-Family Residential (R-3) Zoning Districts.

SECTION 5. APPLICATION REQUIREMENTS. The applicant for a Special Exception for construction of a telecommunications tower or placement of commercial telecommunications tower on an existing structure other than a tower previously permitted shall file an application, as provided by Chapter 17, Section 18(2) of the Cedar County Zoning Ordinance, with the County Zoning Administrator accompanied by a fee of \$100.00. The application shall include the following documents:

- A. A site plan, drawn to scale, identifying the site boundary; tower location; tower height; guy wires and anchors; existing and proposed structures including accessory structures; photographs or elevation drawings depicting design of proposed structures, parking, fences and landscape plan; and existing uses on adjacent parcels. A site plan is not required if antenna is to be mounted on an approved existing structure;
- B. A current map showing locations of applicant's antennas, facilities, existing towers and proposed towers which are reflected in public records, serving any property within the County;
- C. A report from a structural engineer containing the following:
 - (1) A description of the tower, including a description of the design characteristics and material.
 - (2) Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures".
 - (3) The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
- D. If applicant is other than the site owner, written authorization from the site owner for the application;
- E. Identification of the owners of all antennas and equipment to be located at the site;
- F. Pursuant to Subsection 6(A), evidence that the applicant contacted owners of all existing or approved towers within a one-half mile radius of the proposed new tower site, including county-owned property, and that the equipment for which the tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower;
- G. Evidence that a valid FCC license for the proposed activity has been issued;

- H. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts (areas);
- I. An analysis/opinion of a certified real estate appraiser of the impact on the value of adjacent parcels;
- J. A written agreement to remove the tower and/or antenna within 180 days after cessation of use;
- K. Evidence that necessary FAA approval has been obtained;
- L. Evidence that the applicable conditions of Section 6 of this ordinance have been met;
- M. Additional information as required to determine that all applicable conditions of this ordinance have been met.

SECTION 6. APPLICABLE CONDITIONS. In addition to satisfactorily addressing the considerations set forth in Chapter 17, Section 18, Subsections (2)(d) and (2)(e) of the Cedar County Zoning Ordinance, any applicant must show that all of the following applicable conditions are met:

- A. Co-location. Prior to consideration of a permit, applicant must show existing or alternative tower structures on available publicly owned sites and available privately owned sites are unsuitable for co-location and operation of the facility under applicable telecommunications regulations and applicant's technical design requirements. A separate tower is not allowed if co-location can be found upon an existing or alternative tower structure which meets the engineering requirements of an applicant's cellular network or other broadcasting needs within a one-half mile radius of the proposed new tower site.
- B. Applicant must show that the new tower is designed to accommodate applicant's future demand for additional antennas.
- C. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
- D. All towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, grey or black.

- E. For telecommunications towers on county property, applicant must file with the County Zoning Administrator a written indemnification of the County and proof of liability insurance or other proof of financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, in form approved by the County Attorney. This information shall be updated annually by the applicant.
- F. Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning regulations except setback and height shall apply to the telecommunications tower.
- G. For free-standing or guyed telecommunications towers, setbacks on all sides shall be a distance equal to 1/2 the height of the tower. For monopole towers, the setback shall be equal to the height of the tower.
- H. The base of any telecommunications tower shall be screened from view with a solid screening fence a minimum of six feet in height, or conifer plantings around an unscreened fence.
- I. Upon completion, a sign at the entrance to the tower site shall identify a name and phone number of whom to contact in case of emergency.

SECTION 7. INSPECTION. At least every 24 months, every telecommunications tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures". A copy of such inspection record shall be provided to the County.

SECTION 8. ABANDONMENT. In the event the use of any telecommunications tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date abandonment shall be made by the County Zoning Administrator. Upon such abandonment, the tower owner shall have an additional 180 days within which to (1) reactivate the use of the tower, or (2) dismantle and remove the tower. If the tower is not dismantled and removed as required, the County may do so and assess the cost against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.

SECTION 9. REPEALER. All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. SEVERABILITY. Should any section or provision of this ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

SECTION 11. PENALTY. Any person, persons, firm, partnerships or corporations, whether acting alone or in concert with any other, who violates that ordinance shall be guilty of a county infraction and shall be penalized as set forth in Ordinance #20, of the County Code of Cedar County, Iowa.

SECTION 12. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND ADOPTED this _____ day of _____, 1999,
by the Board of Supervisors, Cedar County, State of Iowa.

Billy D. Campion

Larry Martens

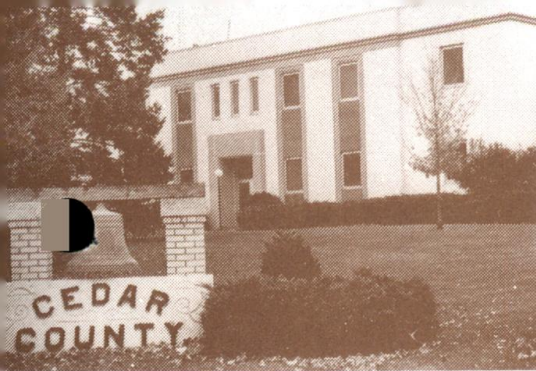
LeRoy Moeller

Dennis Weih

Jon E. Bell, Chairperson
Cedar County Board of Supervisors

ATTEST:

Betty Ellerhoff, County Auditor



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

August 9, 1999

LEGAL NOTICE

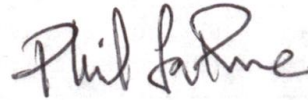
The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 18, 1999, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petitions:

1. Benjamin Sterner, RFD, Moscow (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 Parcel "A" in the NE 1/4 of the SE 1/4, Section 24, T-79N, R-3W, in Rochester Township, consisting of 4.298 acres more or less.
2. Todd Wynkoop, Clarence (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to M-1 Light Industrial for the purpose of using the property for the storage of construction equipment, fabrication shops and storage yard. Said property is located in Parcel "A" in the NW 1/4 of the SE 1/4, Section 27, T-82N, R-2W, in Dayton Township, consisting of 1.01 acres more or less.
3. Illinois P.C.S., LLC, Geneseo, Illinois - Requesting approval of a Special Use Permit authorizing the location of a 190 foot tall Personal Communication Services (P.C.S.) tower on property located in the SE 1/4 of the NW 1/4 of the SE 1/4, Section 9, T-79N, R-3W, in Iowa Township, consisting of 39.00 acres more or less. Said tower site will be leased and consists of an area of 3600 square feet and is zoned A-1 Agricultural.

4. Mark and Terri Merriman, Iowa City (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 Parcel D in the NE 1/4 of the SE 1/4,
Section 36, T-79N, R-4W, in Springdale Township,
consisting of 4.33 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 8/12/99 to the following:

1. Benjamin Sterner - 1162 Moscow Road, Moscow, Iowa 52760 - Certified sent on 8/10/99
2. Randy & Karen Marolf - 1274 330th Street, Moscow, Iowa 52760
3. Anne Klavemann & Binnie McGuirk - 151 Witmer Road, Moscow, Iowa 52760
4. Pamela Geertz - 6907 Cheryl Street, Muscatine, Iowa 52761
5. Stanley & Glenda Sorgenfrey - 155 Witmer Road, Moscow, Iowa 52760
6. Thomas Garlock - 157 Witmer Road, Moscow, Iowa 52760
7. Douglas & Susan Nauman - P.O. Box 597, Wilton, Iowa 52778
8. Robert & Lori Mussig - 162 Witmer Road, Moscow, Iowa 52760
9. Cathy Flesher - 174 Witmer Road, Moscow, Iowa 52760
10. James Kuhlman - 3607 26th Street, Moline, Illinois 61265
11. Melven & Blanche Crane - 145 Witmer Road, Moscow, Iowa 52760
12. Terry L. Crane - 143 Witmer Road, Moscow, Iowa 52760

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1. Todd Wynkoop - 607 1st Avenue, Clarence, Iowa 52216 - Certified sent on 8/10/99
 2. William & Sharon Elijah - 680 Spicer Avenue, Clarence, Iowa 52216
 3. Julie Feldman & Judy & William Life Est. - 604 1st Avenue, Clarence, Iowa 52216
 4. Thomas & Clara Von Muenster - 605 1st Avenue, Clarence, Iowa 52216
 5. Allen L. Moeller - 117 Hoover Highway, Wheatland, Iowa 52777
 6. City of Clarence - 411 Lombard, Clarence, Iowa 52216

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1. Illinois PCS, L.L.C. - 11 Hawkeye Lane, Geneseo, Illinois 61258 - Certified sent on 8/10/99
 2. Rolland Meixner - 1930 Inca Avenue, Atalissa, Iowa 52720
 3. James & Evelyn Suol - 1969 Inca Avenue, Atalissa, Iowa 52720
 4. Rodney & Ileen Hanson - 875 297th Street, Atalissa, Iowa 52720
 5. Hilbert & Karl Nebergall - 2365 Atalissa Road, Atalissa, Iowa 52720
 6. Iowa Dept. of Transportation - Right-of-Way Office, Attn: Steve Westrod, 800 Lincoln Way, Ames, Iowa 50010

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1. Mark & Terri Merriman - 3030 Creighton, Iowa City, Iowa 52245 - Certified sent on 8/10/99
 2. Gerald & Mary Meade - 2369 Garfield Avenue, West Liberty, Iowa 52776
 3. Randy Meade Life Est. & Remainder Jesse James Meade - 2387 Garfield Avenue, West Liberty, Iowa 52776
 4. Robert Risdale - 7573 32nd Avenue, Norway, Iowa 52318
 5. Dennis & Lynne Treimer - 964 270th Street, Tipton, Iowa 52772
 6. Robert & Elaine Rehmke Trust - 2362 Garfield Avenue, West Liberty, Iowa 52776
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7 Zoning Commission members
file copies
bulletin board copies
1 copy to newspaper on 8/9/99

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 18, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 18, 1999, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Brown, Glick, Penningroth, Schuett, Krall and Zoning Administrator La Rue. Members absent were Pruess and Lamp.

Minutes from the last meeting held on July 21, 1999, were previously sent to the members as were minutes from the June 16, 1999, meeting. Schuett made a motion to approve the June minutes as written. Brown seconded the motion. Glick made a motion to approve the July minutes as written. Brown seconded the motion. Ayes all.

The Commission then considered the following petitions:

1. Benjamin Sterner, RFD, Moscow (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 Parcel "A" in the NE 1/4 of the SE 1/4, Section 24, T-79N, R-3W, in Rochester Township, consisting of 4.298 acres more or less.

La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. There were verbal and a written objection on file for this petition. A letter from Cathy Flesher, RR, Moscow, was read into the minutes. She explained that the neighbors have no problem with the Sterner's building a home, but do not want the area to become a suburban area.

Present for the hearing were Clare Sterner, father of Ben Sterner, Ben Sterner and Tanya Zimmerman. Clare Sterner presented the layout of the area. He explained that there was an old farm house on the site in the 1980's. His son wishes to place a home on the property west of the existing access road (easement).

A letter received from County Engineer, Don Torney, was reviewed in which he stated he had no objections as the road is on private property. A letter from the Wilton Fire Department stated that they agree to provide fire and rescue protection to the site. The soil inventory was then reviewed. The C.S.R. is very low. The septic system will need careful siting because of sandy soils.

Robert Mussig questioned why the property needed to be rezoned since there was a house there. La Rue explained that the home was removed from the Assessor's file prior to April, 1996, and therefore, it needed to be rezoned. Discussion was then held on the difference between the

Assessor's designation of Rural Residential, Ag-Recreational and Suburban Residential. Frank Hahn questioned if this tax would cause increases allowing a development to start. He explained the rumors that the 16.0 acres to the northeast will later be developed and wanted to know what will prevent this. It was explained to him that the development would have to be approved by the county.

Tanya Zimmerman, fiance of Ben Sterner, addressed the neighbors and asked them why they did not visit with them (the Sterner's) about their plans. She and the Sterner's continued that they have no plans for additional homes. Brown asked if the Sterner's would write into their covenant that they would only build one home in the form of a conditional zoning agreement. Mr. Sterner stated that they would do so.

Mike Kaefring had questions about the road and it's use. He was concerned about it being relocated and who would pay for it. Tom Garlock expressed concern about the road being grandfathered in and wanted to know if the road would remain at it's present location or be moved. He explained that the residents have a road fund for it's maintenance and don't want to pay for a new road. Terry Crane expressed his concern about the "Witmer Road" and its existing easement. Brown stated that the Commission may need the County Attorney's opinion on the existing road easement for the Board of Supervisors.

Randy Marolf, land owner who sold the ground to Ben Sterner, explained that he sold one parcel for putting a house on and one parcel as farm land and not for a subdivision. Ron Cross talked about the grade of the road and it's upkeep. John Volkers talked about early cabins first in the area and the road condition. He explained that he has been there since 1968 and does not want alot of homes coming into the area. He explained why the residents got the zoning changed for cabins in the early 70's.

After further discussion, Brown made a motion to approve this petition with a conditional zoning agreement for one house only. There would be an access road for the people to get to their houses and also who pays for the maintenance of the road or for changing of the road to this area in the form of a written and recorded easement. Krall seconded the motion. Discussion followed regarding that there is a road maintenance group. This group is responsible for rock, grading of the road, snow fence, etc. It was agreed that a recorded easement and responsibilities is a good idea. Ayes all.

2. Todd Wynkoop, Clarence (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to M-1 Light Industrial for the purpose of using the property for the storage of construction equipment, fabrication shops and storage yard. Said property is located in Parcel "A" in the NW 1/4 of the SE 1/4, Section 27, T-82N, R-2W, in Dayton Township, consisting of 1.01 acres more or less.

There were no written or verbal objections on file for this petition. La Rue requested the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He then explained the history of this property and the fact that the Commission and Board of Supervisors approved a change in zoning from Agricultural to Residential in July and August of 1995 (Petition #1495) but no survey was ever filed and approved by the Board of Supervisors as per the 1975 Zoning Ordinance. Therefore, the ground remained Agricultural. He continued that with a proposed different use, the different zoning classification recommendation was made to the petitioner.

A letter from the Cedar County Engineer was reviewed. He stated that he has no problem with access to the area. A letter received from the Clarence Fire Department explained that they would cover fire and rescue. A letter from Larry Elijah, Clarence Zoning Commission, explained that Mr. Wynkoop's business in the city limits will be zoned Commercial/Business.

Petitioner Todd Wynkoop was present and explained that he would like to construct a building on this parcel for storage of his construction equipment. He explained that he has bought a house so he would like to use the property for his business rather than using it for residential purposes.

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

3. Illinois P.C.S., LLC, Geneseo, Illinois - Requesting approval of a Special Use Permit authorizing the location of a 190 foot tall Personal Communication Services (P.C.S.) tower on property located in the SE 1/4 of the NW 1/4 of the SE 1/4, Section 9, T-79N, R-3W, in Iowa Township, consisting of 39.00 acres more or less. Said tower site will be leased and consists of an area of 3600 square feet and is zoned A-1 Agricultural.

There was a written and verbal objection on file for this petition. La Rue advised the Commission to make their recommendation to the Board of Adjustment in accordance with Chapter 17.18(2) of the Zoning Ordinance and to base their recommendation on five conditions: (1) May not unreasonably discriminate; (2) May not ban all cellular towers; (3) Must act on the request within a reasonable time; (4) Denials must be in writing and based upon substantial evidence; (5) Denials can't be based upon environmental or health concerns.

The letter of objection from adjoining property owners, Rod and Ileen Hanson, was read into the minutes. They explained their concerns about the proposed tower's placement so close to their home, concerns on their property value, television/radio reception, lightning and expansions to the tower itself. Their letter also questioned tower placement and nuisance effects such as wind and noise.

Present for the petition were Tom Hollaman, Illinois P.C.S., and James McConnell, Engineer. Mr. Hollaman explained that the system they are developing is a digital system using a free standing 190 foot tower along I-80 to serve their customers. This tower will not be subject to F.A.A. guidelines because it is less than 200 feet tall. Mr. McConnell then explained the reason for the tower location. He presented a chart which showed areas where a tower would need to be located to prevent breaks in the signal due to trees and topography in the Cedar River Valley. He explained that co-locating on the Iowa Wireless tower west of Springdale and the U.S. Cellular tower to the northeast of Springdale is not possible because they must be co-located at a height which is too low because of topography. They will be co-locating on the Iowa Wireless tower at the Wilton interchange.

Mr. McConnell addressed questions from Mr. and Mrs. Rod Hanson and explained more on the tower siting. He explained that property to the west is in a federal program and therefore not available. This site is partially screened by trees. Mr. Hanson stated that he feels a professional real estate appraiser should be used to address what a tower would do to real estate values and wanted a guarantee that there would be no noise from the equipment. He explained that he had talked to Ken Fawcett, son of Floyd Fawcett, about the Iowa Wireless tower on their property and was told by Ken Fawcett that when the wind blows, there is noise. Mr. Hanson

stated that he wants to be able to sleep at night. Mr. Hanson then asked about the impact the tower would have on their well and how deep the footings are. Mr. Hollaman explained that the footings on a tower of this size are 25 to 30 feet deep and no effect on the well is expected. Mr. Hanson then stated that the time provided by the notice was not enough and the meeting should be adjourned until next year for him to look into this matter. La Rue stated that the Commission and the Board of Adjustment is required to act upon this matter within a reasonable time period. Mr. Holloman then again explained why this site was selected but also said that he was willing to look at an alternative site. Mrs. Hanson stated that she would rather have the tower located behind them (to the east) rather than next to them on her family's property.

Following further discussion, Schuett then made a motion that, with all haste, Illinois P.C.S. re-evaluates this site and proceed on this matter to determine if a more suitable site(s) can be found which will meet their need and the Board of Adjustment will determine which site can be used for the Special Use Permit. Krall seconded the motion. Ayes all.

4. Mark and Terri Merriman, Iowa City (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 Parcel D in the NE 1/4 of the SE 1/4, Section 36, T-79N, R-4W, in Springdale Township, consisting of 4.33 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to make their recommendation in accordance with Chapter 18.2(3) of the Zoning Ordinance. The Commission reviewed a letter from the West Liberty Fire Department that they would provide fire and rescue. The letter received from the County Engineer shows no problem when using the existing dry fill on Gerald Meade's property, but the existing field entrance has serious site distance problems. A neighbor, Robert Remkey, stated that he had no objections.

Mr. and Mrs. Merriman were present, as well as the owners, Mr. & Mrs. Meade. Mr. Merriman explained their plans to build a home next to his inlaws.

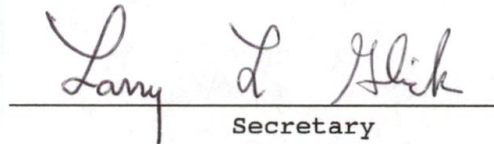
It was noted by the Commission that this property is on a hard surface road (Garfield Avenue). The

soil inventory was reviewed and the petitioners were advised of the potential groundwater in the Colo-Ely soil complex and advised not to put the septic system in this area. The C.S.R. of the property was reviewed.

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

With no further business to be discussed at this time, Schuett made a motion for adjournment. Krall seconded the motion. Ayes all.


Chairperson


Secretary



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

COPY

July 22, 1999

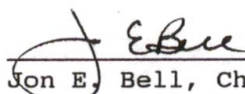
Don Lamp
1004 Mulberry
Tipton, IA 52772

Dear Don:

Please be advised that by motion of this Board on July 15, 1999, you have been appointed to fill a vacancy on the Cedar County Planning & Zoning Commission, due to the resignation of Dale Lynch. 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,



Jon E. Bell, Chairperson

JEB:bjp

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 21, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 21, 1999, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Brown, and by conference call, Commissioner Schuett and Zoning Administrator La Rue. Members absent were Krall, Glick and Lamp.

Minutes from the last meeting held on June 16, 1999, were previously sent to the members. It was decided to approve these minutes at the August meeting.

The Commission then considered the following petition:

1. James and Adrienne Mills, RFD, Tipton - Requesting a Special Use Permit authorizing the location of a dog kennel on property located in Lot 1 in the N 1/2 of the SW 1/4, Section 26, T-81N, R-2W, in Fairfield Township, consisting of 4.12 acres more or less. Said Lot 1 is presently zoned A-1 Agricultural.

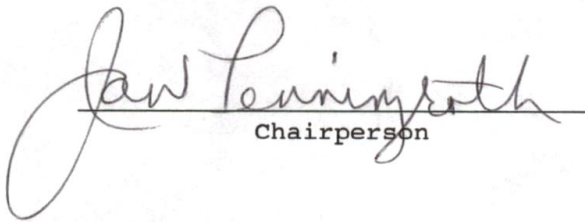
There were no written or verbal objections on file for this petition. La Rue advised the Commission to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance in making a recommendation to the Board of Adjustment. There are no residences within 750 feet of the kennel location.

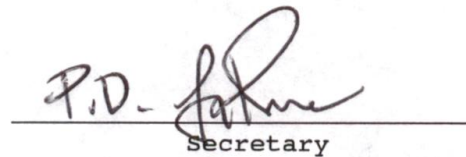
Mr. & Mrs. Mills were present and explained that they will be raising Brittany spaniels for field trials and will be selling the excess puppies. They have requested to be allowed to have facilities for up to fifteen dogs over 6 months of age. They will also be applying for a Iowa Department of Agricultural kennel permit and dogs will be AKC registered. They explained that the state will not do an inspection or license the site until after it has been constructed.

Pruess inquired about kennel size. The Mill's stated that they were not sure but will have a 24' x 30' kennel with six 5' x 10' runs initially and later expanding to twelve runs. They will be installing a septic system for disposal of waste and pen washing. Water and electricity will also be provided as well as LP gas heat.

After a brief discussion, Pruess made a motion to recommend approval of the Special Use Permit to the Board of Adjustment subject to annual review and approval of a permit/license by the Department of Agriculture. Brown seconded the motion. Ayes all.

With no additional business to be discussed, the meeting was adjourned.


Chairperson


Secretary



OFFICE OF THE CEDAR COUNTY HEALTH DEPARTMENT

Cedar County Courthouse

--

Tipton, Iowa 52772

July 2, 1999

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 21, 1999, 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. James and Adrienne Mills, RFD, Tipton - Requesting a Special Use Permit authorizing the location of a dog kennel on property located in Lot 1 in the N 1/2 of the SW 1/4, Section 26, T-81N, R-2W, in Fairfield Township, consisting of 4.12 acres more or less. Said Lot 1 is presently zoned A-1 Agricultural.

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 7/7/99 to the following:

1. James & Adrienne Mills - 1064 Quincy Avenue, Tipton, Iowa 52772 - Certified
2. Richard & Bonnie Shumaker - 1604 240th Street, Tipton, Iowa 52772
3. Shane Martin - 1631 210th Street, Tipton, Iowa 52772
4. Lois Lilienthal Et Ali - 1053 Quincy Avenue, Tipton, Iowa 52772
5. Robert Niermeyer - 1630 200th Street, Clarence, Iowa 52216
6. P & Z members
7. 1 copy to newspaper on 7/2/99
8. 2 file copies
9. 2 copies for bulletin boards

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on July 1 and 8, 1999, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time the Board will review the following petitions:

1. Pioneer Hi-Bred, Durant (Owner) and the Cedar County Conservation Board - Requesting a change in zoning from M-1 Light Industrial to A-1 Agricultural for the purpose of utilizing the property as a County Park on property located in Lots 1-5, Block 11, in the SE 1/4 of the SE 1/4, Section 30, T-79N, R-4W, in Springdale Township in the unincorporated town of Downey.
2. Roxanne Hoover, Cedar Rapids (Contract Buyer), 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 of the NW 1/4, Section 4, T-82N, R-4W, in Pioneer Township, consisting of 6.00 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard. However, the Board does request that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 6/24/99 to the following:

Certified

1. Pioneer Hi-Bred International Inc. - Attn: Joe Kaufman, 2208 Yankee Ave., Durant, IA 52747
 2. Rick Rouse - Cedar Co. Conservation Board, 400 Cedar Street, Tipton, Iowa 52772
 3. Pioneer Hi-Bred Int. Inc. - Attn: Joyce Dogotch Russell, Box 1905, 400 Locust #700
Des Moines, Iowa 50306
 4. Clifford W. Bell - 310 Front Street, West Branch, Iowa 52358
 5. Cornelia A. Berkenpas - 305 Broadway Street, West Branch, Iowa 52358
 6. Chester H. & Linda M. Bowman - 251 320th Street, West Branch, Iowa 52358
 7. Bobby J. & Jeanne M. Stubbs - 319 Broadway Street, West Branch, Iowa 52358
 8. Iowa Electric Light & Power - P.O. Box 351, Cedar Rapids, Iowa 52406
 9. Craig C. & Lucina E. Kiene - 204 Dillon Street, West Branch, Iowa 52358
 10. Paul M. & Peggy L. O'Neil - 2281 Baker Avenue, West Branch, Iowa 52358
 11. Robert M. & Joan C. Kruse - 301 Cedar Street, West Branch, Iowa 52358
 12. Jane D. Simmons - 305 Cedar Street, West Branch, Iowa 52358
 13. Alfred J. & Enid B. Simmons - 211 Center Street, West Branch, Iowa 52358
 14. Stephen L. & Barbara A. Campbell - 313 Cedar Street, West Branch, Iowa 52358
 15. Kathryn A. Ryan - 212 Broadway Street, West Branch, Iowa 52358
 16. Mary Lou Brendel - 205 Cedar Street, West Branch, Iowa 52358
 17. Kevin S. & Johnna W. Jamieson - 211 Dillon Street, West Branch, Iowa 52358
 18. Lawrence H. & Marilyn J. Sexton - 102 Broadway Street, West Branch, Iowa 52358
 19. William J. & Rita M. Krall - P.O. Box 143, 301 W. Main Street, West Branch, Iowa 52358
 20. Pauline Waters - 101 Cedar Street, West Branch, Iowa 52358
 21. Paul E. & Sonia M. Flanagan - 102 Front Street, West Branch, Iowa 52358
 22. Scott R. & Michelle M. Cerwinski - 106 Front Street, West Branch, Iowa 52358
 23. Judith A. Spencer & Richard A. King - 110 Front Street, West Branch, Iowa 52358
 24. Kirk D. & Nancy J. Schrock - 101 Broadway Street, West Branch, Iowa 52358
 25. Mike & Bonnie Klinkkammer - 103 Broadway Street, West Branch, Iowa 52358
 26. Lyle W. & Vicky L. Webb - 111 Broadway Street, West Branch, Iowa 52358
 27. Fobian Brothers - 5363 American Legion Rd., S.E., Iowa City, Iowa 52240
 28. Larry Gene & Lesa L. Regennitter - 2233 Baker Avenue, West Branch, Iowa 52358
 29. West Branch Fertilizer & Chemical, Inc. - 315 E. Main Street, West Branch, Iowa 52358
 30. Iowa Valley Milling Co. - % Edward Spencer, 2353 Baker Avenue, West Branch, Iowa 52358
 31. Ronald R. & Dorothie J. Rood - 423 Water Street, West Branch, Iowa 52358
 32. Kristopher L. Kober - 1883 Garfield, West Branch, Iowa 52358
 33. Waters Family Ltd. - 143 Buckeye Road, West Branch, Iowa 52358
 34. Bennie Harrington - 2287 Broadway Street, West Branch, Iowa 52358
 35. Brenda K. Kunkel - 316 Broadway Street, West Branch, Iowa 52358
 36. John J. Walsh & Michelle L. Brendel - 201 Broadway Street, West Branch, Iowa 52358
-

1. Roxanne Hoover - 1111 Eighteenth Avenue S.W., Cedar Rapids, Iowa 52404 - Certified
 2. Robert Rouse - Executor of James Kidd Estate, 510 6th Avenue, Clarence, Iowa 52216
 3. Brooks Haesemeyer - 8030 125th Street, Mechanicsville, Iowa 52306
 4. Rick Springsteen - 225 Badger Road, Lisbon, Iowa 52253
 5. Scott & Carolyn Oakes - 2170 NW 138th Street, Clive, Iowa 50325
 6. Wayne Youngblut - 306 Linn Ridge Road, Mt. Vernon, Iowa 52314
 7. Edward Hudachek - C/O DIX, 1800 1st Avenue NE, Cedar Rapids, Iowa 52402
-

Board of Supervisors

2 file copies

1 copy to newspaper on 6/21/99

2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 16, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, June 16, 1999, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Brown, Glick, Schuett and Zoning Administrator La Rue. Members absent were Krall and Lynch.

Minutes from the last meeting held on May 19, 1999, were previously sent to the members. Pruess made a motion to approve the minutes as written. Schuett seconded the motion. Ayes all.

The Commission then considered the following petitions:

1. Pioneer Hi-Bred, Durant (Owner) and the Cedar County Conservation Board - Requesting a change in zoning from M-1 Light Industrial to A-1 Agricultural for the purpose of utilizing the property as a County Park on property located in Lots 1-5, Block 11, in the SE 1/4 of the SE 1/4, Section 30, T-79N, R-4W, in Springdale Township in the unincorporated town of Downey.

Zoning Administrator La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. There have been no additional written or verbal objections filed since the petition was previously heard on May 19, 1999. La Rue reminded the Commission of the letter of concern received from the West Branch Fertilizer and Chemical, Inc., regarding the separation distance to the proposed park from their anhydrous ammonia storage plant. There has been no further contact from the company. La Rue explained that on May 21st he consulted Assistant County Attorney Sterling Benz about this matter and the proposed rezoning to R-2 Urban Residential. He explained that the park would not encroach any closer to the anhydrous plant than the already existing and developed urban residential and local commercial districts. The proposed park would probably pose no more of a problem than that which already exists for the chemical plant. The anhydrous plant would need to receive a Special Use Permit if it was sold or expanded the existing facilities. As for a conditional rezoning agreement, he explained that Mr. Benz felt it to be unnecessary if the zoning was changed not to R-2 but to A-1 Agricultural. Public parks are a permitted use in this district also. This district would require another review by the Commission and the Board of Supervisors, should in the future, the Conservation Board no longer want the property and another use is planned.

David Shield, Pioneer Hi-Bred, and Rick Rouse, Cedar County Conservation Board, were present and explained the plans regarding Pioneer Hi-Bred giving Cedar County the property to be used as a park. There is a well on the property and the existing building will be converted into a shelter house. There have been no chemicals applied on this area since 1974, and there are no known underground storage tanks. The letter from Cedar County Engineer, Don Torney, expresses no known problems.

With no further discussion, Schuett made a motion to approve the rezoning request from M-1 to A-1 for a county park. Brown seconded the motion. Ayes all.

2. Cedar County P.C.S., Clarence - Requesting approval of a Special Use Permit authorizing the location of a 190 foot personal communication services (P.C.S.) tower on property located in the NE 1/4 of the SW 1/4 of the NE 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 60.00 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to make their recommendation to the Board of Adjustment in accordance with Chapter 17.18(2) of the Zoning Ordinance. He continued that this property is presently zoned M-2 Heavy Industrial, not A-1 Agricultural.

Andy Anderson, Iowa Wireless, represented Cedar County P.C.S. for their petition. He explained their plans to construct a 190 foot tower on property to be leased from Forest Johnson, RR, Mechanicsville. He continued that an additional site will be selected east of Clarence for another tower and this will then come before the Commission for it's own recommendation to the Board of Adjustment. He then explained their proposed setbacks for this tower at the corner of Old Lincoln Highway and Grant Avenue. Access will be from the Old Lincoln Highway and exceeds all setbacks for both the M-2 and A-1 Districts.

The letter received from County Engineer, Don Torney, was reviewed in which he recommended that the side yard from Grant Avenue from the county right-of-way to the tower anchor point be increased from 45 feet to 50 feet in the event additional right-of-way is ever required. Mr. Anderson explained that these setbacks were selected because they exceed county requirements and allow farming around the tower and anchor points while minimizing the loss of farm land. The area around the anchors, tower and building will be fenced and there will be parking for one vehicle. It was noted by the Commission that there are no airport glide paths within 1/4 mile of the site and no dwellings

or structures within the height of the tower. Mr. Anderson was asked about the possibility of co-location on the U.S. Cellular tower west of Garfield Avenue. He explained that this was looked into but was outside their required zone of coverage. He then said co-location of other antennas will be encouraged at this site, and in fact, they will be locating one of their antennas at the Kirkwood Communication College tower in Tipton. Joe Paider, Mechanicsville Telephone Company, was present and stated that placement of an antenna on the Mechanicsville water tower was looked into but the height was inadequate.

Pruess then asked about the size of the tract (acreage) that the tower will be placed on. La Rue explained that in a lease agreement, the Board of Adjustment has requested notification of all property owners surrounding the entire tract.

With no further discussion, Pruess moved to recommend approval of the Special Use Permit to the Board of Adjustment, subject to consideration of the County Engineer's recommendation and annual review. Brown seconded the motion. Ayes all.

3. Roxanne Hoover, Cedar Rapids (Contract Buyer), 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 of the NW 1/4, Section 4, T-82N, R-4W, in Pioneer Township, consisting of 6.00 acres more or less.

There were no written or verbal objections on file for this petition. La Rue reminded the Commission that the petition by the James Kidd Estate was denied by Planning & Zoning at their March 18, 1998, meeting and also denied by the Board of Supervisors at their hearing on April 9, 1998. He recommended the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance.

It was noted by the Commission that the Mechanicsville Fire Department will provide service to this site. The letter received from County Engineer, Don Torney, was reviewed concerning this petition. No problems are anticipated, but it was noted that Charles Avenue is a Level B road with no plans for improvements or winter maintenance.

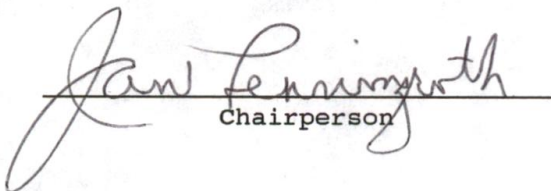
Mr. and Mrs. Hoover were present and were represented by Attorney Steve Nelson, Cedar Rapids. Mr. Nelson presented photos of the property, explained the history of the property and reviewed the petition and why the Commission should recommend approval of the property, including the fact that the Hoover's had talked to adjoining property

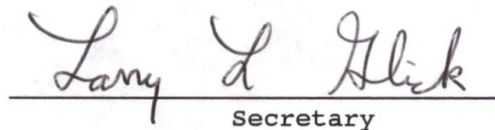
owners. Wayne Youngblut, adjoining property owner, explained that the Hoover's had talked with him to gain support for the petition. He also explained why he had been against the previous petitions in this area. Simply, he and the neighbors are against housing developments in the area, but he would have no objection to a single family dwelling if a document could be drafted that would prevent additional homes from being built on the 6.00 acres. This would stop the trespassing across the property and to their pond which is frequented by the area teenagers. La Rue explained that the Board of Supervisors can enter into a Conditional Zoning Agreement with the Hoover's in accordance with Iowa Code 335 and the document written so that only one dwelling can be constructed on the 6.00 acres. This document must be agreed to by the Board of Supervisors prior to adjournment of the rezoning hearings and must be recorded with the abstract. The Hoover's and their attorney would agree to a conditional rezoning.

Darwin Koutny, adjoining land owner expressed concern about more development after letting another house into this area. Brown expressed his concern about scattered residential developments in the county. Minutes from the March 18, 1998, meeting were reviewed, including the fact that trains often block access from Highway 30.

Following further discussion, Pruess made a motion to recommend a conditional rezoning to the Board of Supervisors of the 6.00 acres from A-1 to R-1 to allow only a single dwelling, that it be understood that Charles Avenue will remain a Level B road and that they are at the very edge of fire and rescue protection from Mechanicsville. Additional discussion followed, including the fact that the County Attorney's Office must be consulted on the conditional rezoning prior to the Board of Supervisors review of the petition. Glick then seconded the motion. Four ayes and one nay.

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


Chairperson


Secretary



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

June 7, 1999

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, June 16, 1999, 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. Pioneer Hi-Bred, Durant (Owner) and the Cedar County Conservation Board - Requesting a change in zoning from M-1 Light Industrial to A-1 Agricultural for the purpose of utilizing the property as a County Park on property located in Lots 1-5, Block 11, in the SE 1/4 of the SE 1/4, Section 30, T-79N, R-4W, in Springdale Township in the unincorporated town of Downey.
2. Cedar County P.C.S., Clarence - Requesting approval of of a Special Use Permit authorizing the location of a 190 foot personal communication services (P.C.S.) tower on property located in the NE 1/4 of the SW 1/4 of the NE 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 60.00 acres more or less.
3. Roxanne Hoover, Cedar Rapids (Contract Buyer), 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 of the NW 1/4, Section 4, T-82N, R-4W, in Pioneer Township, consisting of 6.00 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 6/9/99 to the following:

1. Pioneer Hi-Bred International Inc. - Joe Kaufman, 2208 Yankee Avenue, Durant 52747 - Certified
2. Rick Rouse - Cedar Co. Conservation Board, 400 Cedar Street, Tipton, Iowa 52772
3. Pioneer Hi-Bred - Attn: Joyce Dogotch Russell, Box 9105, 400 Locust #700, Des Moines 50306
4. Clifford W. Bell - 310 Front Street, West Branch, Iowa 52358
5. Cornelia A. Berkenpas - 305 Broadway Street, West Branch, Iowa 52358
6. Chester H. & Linda M. Bowman - 251 320th Street, West Branch, Iowa 52358
7. Bobby J. & Jeanne M. Stubbs - 319 Broadway Street, West Branch, Iowa 52358
8. Iowa Electric Light & Power - P.O. Box 351, Cedar Rapids, Iowa 52406
9. Craig C. & Lucinda E. Kiene - 204 Dillon Street, West Branch, Iowa 52358
10. Paul M. & Peggy L. O'Neil - 2281 Baker Avenue, West Branch, Iowa 52358
11. Robert M. & Joan C. Kruse - 301 Cedar Street, West Branch, Iowa 52358
12. Jane D. Simmons - 305 Cedar Street, West Branch, Iowa 52358
13. Alfred J. & Enid B. Simmons - 211 Center Street, West Branch, Iowa 52358
14. Stephen L. & Barbara A. Campbell - 313 Cedar Street, West Branch, Iowa 52358
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16. Mary Lou Brendel - 205 Cedar Street, West Branch, Iowa 52358
17. Kevin S. & Johnna W. Jamieson - 211 Dillon Street, West Branch, Iowa 52358
18. Lawrence H. & Marilyn J. Sexton - 102 Broadway Street, West Branch, Iowa 52358
19. William J. & Rita M. Krall - P.O. Box 143, 301 W. Main Street, West Branch, Iowa 52358
20. Pauline Waters - 101 Cedar Street, West Branch, Iowa 52358
21. Paul E. & Sonia M. Flanagan - 102 Front Street, West Branch, Iowa 52358
22. Scott R. & Michelle M. Cerwinske - 106 Front Street, West Branch, Iowa 52358
23. Judith A. Spencer & Richard A. King - 110 Front Street, West Branch, Iowa 52358
24. Kirk D. & Nancy J. Schrock - 101 Broadway Street, West Branch, Iowa 52358
25. Mike & Bonnie Klinkkammer - 103 Broadway Street, West Branch, Iowa 52358
26. Lyle W. & Vicky L. Webb - 111 Broadway Street, West Branch, Iowa 52358
27. Fobian Brothers - 5363 American Legion Rd., S.E., Iowa City, Iowa 52240
28. Larry Gene & Lesa L. Regennitter - 2233 Baker Avenue, West Branch, Iowa 52358
29. West Branch Fertilizer & Chemical, Inc. - 315 E. Main Street, West Branch, Iowa 52358
30. Iowa Valley Milling Co. - % Edward Spencer, 2353 Baker Avenue, West Branch, Iowa 52358
31. Ronald R. & Dorothie J. Rood - 423 Water Street, West Branch, Iowa 52358
32. Kristopher L. Kober - 1883 Garfield, West Branch, Iowa 52358
33. Waters Family Ltd. - 143 Buckeye Road, West Branch, Iowa 52358
34. Bennie Harrington - 2287 Broadway Street, West Branch, Iowa 52358
35. Brenda K. Kunkel - 316 Broadway Street, West Branch, Iowa 52358
36. John J. Walsh & Michelle L. Brendel - 201 Broadway Street, West Branch, Iowa 52358

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1. Cedar County PCS, LLC - 608 Lombard, P.O. Box 246, Clarence, Iowa 52216 - Certified
 2. Andy Anderson, Zoning Specialist, Iowa Wireless, 5000 Tremont Avenue, Building 100, Suite 105, Davenport, Iowa 52807
 3. Jeff B. Patten, Site Development Manager, Iowa Wireless - Same as above
 4. Forest & Jeanne Ann Johnson - 503 Old Lincoln Highway, Mechanicsville, Iowa 52306
 5. Montz Farms, Inc. - 736 Old Lincoln Highway, Mechanicsville, Iowa 52306
 6. Chris Shields - 679 Old Lincoln Highway, Mechanicsville, Iowa 52306
 7. Kenneth Sauer - 413 Lemon Avenue, Stanwood, Iowa 52337
 8. Ruth Ruchotzke - 203 W. 1st Street, Mechanicsville, Iowa 52306
 9. Katherine Spry & Miriam Bonner - 1723 Primrose Drive, Cedar Falls, Iowa 50613
 10. Robert & Brenda Hanks - 624 Crestview Drive, Mechanicsville, Iowa 52306

-
1. Roxanne Hoover - 1111 Eighteenth Avenue S.W., Cedar Rapids, Iowa 52404 - Certified
 2. Robert Rouse - Executor of James Kidd Estate, 510 6th Avenue, Clarence, Iowa 52216
 3. Brooks Haesemeyer - 0830 125th Street, Mechanicsville, Iowa 52306
 4. Rick Springsteen - 225 Badger Road, Lisbon, Iowa 52253
 5. Scott & Carolyn Oakes - 2170 NW 138th Street, Clive, Iowa 50325
 8. Wayne Youngblut - 306 Linn Ridge Road, Mt. Vernon, Iowa 52314
 9. Edward Hudachek - C/O DIX, 1800 1st Avenue NE, Cedar Rapids, Iowa 52402

7 Zoning Commission members

1 copy to newspaper on 6/7/99

2 file copies

2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 19, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, May 19, 1999, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Brown, Krall, Schuett, Pruess and Zoning Administrator La Rue. Members absent were Glick and Lynch.

Minutes from the last meeting held on April 21, 1999, were previously sent to the members. Brown made a motion to approve the minutes as written. Pruess seconded the motion. Ayes all.

The Commission then considered the following petitions:

1. Terry Trimpe, Lisbon (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 S 1/2 of the SW 1/4 of the NW 1/4, Section 25, T-81N, R-3W, in Center West Township, consisting of 1.00 acres more or less.

Zoning Administrator La Rue advised the Commission to consider both petitions in accordance with Chapter 18.2(3) of the Zoning Ordinance. There were no written or verbal objections on file for Petition #1. Mr. Trimpe (Owner) and Denise Owens (Contract Buyer) were present. Mr. Trimpe explained his plans to sell the property so that a home could be built there by the Owens'. He explained his reasons for selling this property because it is not suitable for row crops. Presently there are two dwellings immediately west of this site. Letters from the Cedar County Engineer and Tipton Fire Chief were reviewed. There were no objections. There are no livestock confinements in the area. Soils were reviewed. There are no anticipated problems with the well and septic for this property.

Following additional discussion, Pruess made a motion to approve the rezoning request. Krall seconded the motion with the requirement that the rezoning tract be at least 1.00 acres not including the area of the rezoning tract located within the county right-of-way. Ayes all.

2. Pioneer Hi-Bred, Durant (Owner) and the Cedar County Conservation Board - Requesting a change in zoning from M-1 Light Industrial to R-2 Urban Residential for the purpose of utilizing the property as a County Park on property located in Lots 1-5, Block 11, in the SE 1/4 of the SE 1/4, Section 30, T-79N, R-4W, in Springdale Township in the unincorporated town of Downey.

La Rue read a letter of concern received from West Branch Fertilizer and Chemical, Inc., expressing their concern about a public park 240 feet south of their anhydrous ammonia plant. They continued in their letter to explain that the Iowa Department of Agriculture requires not less than 300 feet of separation and they believe that the County Zoning Regulations requires 750 feet. They are concerned that approval of this rezoning would prevent the expansion or sale of their property as an anhydrous plant. La Rue advised that in the M-2 Heavy Industrial District, as the West Branch Fertilizer and Chemical business is presently zoned, Section D(1) requires a minimum of 1,000 feet of separation between the business and residential dwellings or places of public assembly. He continued that in the Agricultural and Light Industrial Districts, 750 feet of separation are required for tank farms and bulk sites. He explained that it was his opinion that the more restrictive separation distance was more for chemical production than storage. Also, in all cases for new businesses or expansion of existing businesses, a Special Use Permit would be required. As for the separation distance of 240 feet to the property lines, there are already urban residential and local commercial districts with residential dwellings or apartments located within this area. Therefore, the change in zoning to R-2 for a park would not encroach any closer to the tank farm. Also, prevailing winds from the south or west should carry any ammonia vapors away from the site. Joe Koffman, Pioneer Plant Manager, and Rick Rouse, Cedar County Conservation Director, were present to explain the park and the use of the property. Brown inquired about potential liability with the rezoning to R-2. La Rue explained that the County Attorney's Office has been unavailable for consultation prior to the public hearing.

Following this discussion, Pruess made a motion to recommend approval to the Board of Supervisors, provided the Conservation Board, upkeep, review and support of the County Attorney's Office regarding concerns with the separation distance from the anhydrous plant and that a conditional zoning agreement between the Cedar County Conservation Board and the Board of Supervisors be considered so that the property will always be a park. Schuett seconded the motion. Ayes all.

The Commission then discussed the policy of review of all Special Use Permits for recommendation to the Board of Adjustment. La Rue advised that while this has been a beneficial policy to the Board, Cedar County is one of perhaps a very few which does this. He continued that there have been requests, generally from petitioners, to eliminate this extra time consuming step, and the policy's elimination would reduce the case load of the Commission. The Board of Adjustment has shown to

be very thorough in their review process and they will also be consulted on May 27, 1999, as to whether or not the policy can or should be eliminated. The Commission advised that they feel it important to be included in the review process, but would be willing to consider it if the revised policy was reviewed on a six month basis.

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


Chairperson


Secretary Pro-tem



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

Agenda For:

Cedar County Planning & Zoning Commission

May 19, 1999

6:30 p.m. - Public Hearing on Rezoning Petitions

7:00 p.m. - Policy Meeting

- I. Introduction: Review Policy for Special Use Permits by the Planning and Zoning Commission for a recommendation to the Board of Adjustment.
- II. Discussion
- III. Conclusion



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

May 10, 1999

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, May 19, 1999, 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. Terry Trimpe, Lisbon (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 S 1/2 of the SW 1/4 of the NW 1/4, Section 25, T-81N, R-3W, in Center West Township, consisting of 1.00 acres more or less.
2. Pioneer Hi-Bred, Durant (Owner) and the Cedar County Conservation Board - Requesting a change in zoning from M-1 Light Industrial to R-2 Urban Residential for the purpose of utilizing the property as a County Park on property located in Lots 1-5, Block 11, in the SE 1/4 of the SE 1/4, Section 30, T-79N, R-4W, in Springdale Township in the unincorporated town of Downey.

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 5/12/99 to the following:

1. Terry Trimpe - 804 Hill Ridge Drive, Lisbon, Iowa 52253 - Certified
2. France J.C. Trust L.E. - Dendinger Trustee, 409 Cedar Street, P.O. Box 390, Tipton, IA
3. Laurie & Ronald Butler - 1001 King Avenue, Tipton, Iowa 52772
4. James Archibald Safley - 1101 205th Street, Tipton, Iowa 52772
5. Ruby Streets - 1770 Highway 38, Tipton, Iowa 52772

**

-
1. Pioneer Hi-Bred International Inc. - Joe Kaufman, 2208 Yankee Avenue, Durant, Iowa 52747
 2. Rick Rouse - Cedar Co. Conservation Board, 400 Cedar Street, Tipton, Iowa 52772
 3. Pioneer Hi-Bred - Attn: Joyce Dogotch Russell, Box 9105, 400 Locust #700, Des Moines 50306
 4. Clifford W. Bell - 310 Front Street, West Branch, Iowa 52358
 5. Cornelia A. Berkenpas - 305 Broadway Street, West Branch, Iowa 52358
 6. Chester H. & Linda M. Bowman - 251 320th Street, West Branch, Iowa 52358
 7. Bobby J. & Jeanne M. Stubbs - 319 Broadway Street, West Branch, Iowa 52358
 8. Iowa Electric Light & Power - P.O. Box 351, Cedar Rapids, Iowa 52406
 9. Craig C. & Lucinda E. Kiene - 204 Dillon Street, West Branch, Iowa 52358
 10. Paul M. & Peggy L. O'Neil - 2281 Baker Avenue, West Branch, Iowa 52358
 11. Robert M. & Joan C. Kruse - 301 Cedar Street, West Branch, Iowa 52358
 12. Jane D. Simmons - 305 Cedar Street, West Branch, Iowa 52358
 13. Alfred J. & Enid B. Simmons - 211 Center Street, West Branch, Iowa 52358
 14. Stephen L. & Barbara A. Campbell - 313 Cedar Street, West Branch, Iowa 52358
 15. Kathryn A. Ryan - 212 Broadway Street, West Branch, Iowa 52358
 16. Mary Lou Brendel - 205 Cedar Street, West Branch, Iowa 52358
 17. Kevin S. & Johnna W. Jamieson - 211 Dillon Street, West Branch, Iowa 52358
 18. Lawrence H. & Marilyn J. Sexton - 102 Broadway Street, West Branch, Iowa 52358
 19. William J. & Rita M. Krall - P.O. Box 143, 301 W. Main Street, West Branch, Iowa 52358
 20. Pauline Waters - 101 Cedar Street, West Branch, Iowa 52358
 21. Paul E. & Sonia M. Flanagan - 102 Front Street, West Branch, Iowa 52358
 22. Scott R. & Michelle M. Cerwinski - 106 Front Street, West Branch, Iowa 52358
 23. Judith A. Spencer & Richard A. King - 110 Front Street, West Branch, Iowa 52358
 24. Kirk D. & Nancy J. Schrock - 101 Broadway Street, West Branch, Iowa 52358
 25. Mike & Bonnie Klinkkammer - 103 Broadway Street, West Branch, Iowa 52358
 26. Lyle W. & Vicky L. Webb - 111 Broadway Street, West Branch, Iowa 52358
 27. Fobian Brothers - 5363 American Legion Rd., S.E., Iowa City, Iowa 52240
 28. Larry Gene & Lesa L. Regennitter - 2233 Baker Avenue, West Branch, Iowa 52358
 29. West Branch Fertilizer & Chemical, Inc. - 315 E. Main Street, West Branch, Iowa 52358
 30. Iowa Valley Milling Co. - % Edward Spencer, 2353 Baker Avenue, West Branch, Iowa 52358
 31. Ronald R. & Dorothea J. Rood - 423 Water Street, West Branch, Iowa 52358
 32. Kristopher L. Kober - 1883 Garfield, West Branch, Iowa 52358
 33. Waters Family Ltd. - 143 Buckeye Road, West Branch, Iowa 52358
 34. Bennie Harrington - 2287 Broadway Street, West Branch, Iowa 52358
 35. Brenda K. Kunkel - 316 Broadway Street, West Branch, Iowa 52358
 36. John J. Walsh & Michelle L. Brendel - 201 Broadway Street, West Branch, Iowa 52358

-
- 7 Zoning Commission members
 - 2 file copies
 - 2 copies for bulletin boards
 - 1 copy to newspaper on 5/10/99

- ** 6. Helen Lumpa - 1101 205th Street, Tipton, Iowa 52772
7. Jeanette Dudgeon - 3031 240th Street, Walcott, Iowa 52773

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 21, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, April 21, 1999, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Brown, Pruess, Lynch, Schuett, Zoning Administrator La Rue and Jim Gonyier, E.C.I.A. Members absent were Krall and Glick.

Minutes from the last meeting held on March 31, 1999, were previously sent to the members. Brown made a motion to approve the minutes as written. Lynch seconded the motion. Ayes all.

The Commission members then considered the following petition:

1. John Moffit, RFD, Mechanicsville (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 dwelling will be located in the NW 1/4 of the SE 1/4, Section 14, T-82N, R-4W, in Pioneer Township.

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 17.18(2) of the Zoning Ordinance when making a recommendation to the Cedar County Board of Adjustment.

Mr. Moffit was present and explained the request for the third dwelling. He will be placing a manufactured home on the property where his son will reside. This dwelling will be located within 250' of his other son's dwelling. Discussion was held on the Zoning Ordinance and Special Use Permits regarding this request. The soil inventory was reviewed. Letters from Don Torney, Cedar County Engineer, and Dan Koch, Mechanicsville Fire and Rescue, were also reviewed. They had no objections.

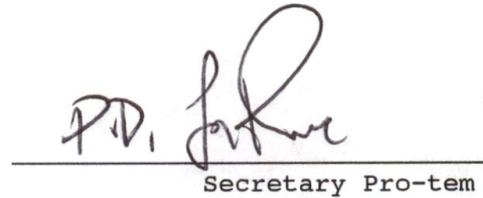
After a brief discussion, Pruess made a motion to recommend approval of the petition to the Board of Adjustment. Brown seconded the motion. Ayes all.

Jim Gonyier, E.C.I.A., then presented information to the Commission on data collected on zoning and development trends. This presentation was presented to the Board of Supervisors on March 25, 1999. Maps were presented showing housing units and population changes from 1970-1990 using census information. Also presented was a map of rezonings for the period 1980-1997. This was followed by considerable discussion leading into land use, economics, transportation and farming. The ability for the County to provide services was also discussed. Mr. Gonyier explained that it is

planned to hold meetings with the Board of Supervisors. The goal is a good land use map. Revisions to the zoning and subdivision ordinances will follow the revised plan and map. It was decided that the Board of Supervisors will set the time of the day meeting when the Planning and Zoning Commission will meet with the Board at a lunch meeting to discuss the Comprehensive Plan 1980-2000 to determine strengths and weaknesses and areas of agreement and disagreement. The Commission was advised to review the existing plan prior to the meeting.

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


Chairperson


Secretary Pro-tem



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

Agenda For:

Cedar County Planning & Zoning Commission

April 21, 1999 7:00 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction - With Jim Gonyier, E.C.I.A.
- II. Discussion on revisions to the Cedar County Comprehensive Plan and creation of written policies.
- III. Conclusion



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

April 5, 1999

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, April 21, 1999, 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. John Moffit, RFD, Mechanicsville (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 dwelling will be located in the NW 1/4 of the SE 1/4, Section 14, T-82N, R-4W, in Pioneer Township.

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 4/7/99 to the following:

1. John Moffit - 0299 Echo Avenue, Mechanicsville, Iowa 52306 - Certified
2. Keith & Cleo Conner - 479 Old Lincoln Highway, Mechanicsville, Iowa 52306
3. Howard B. Secor - % Hertz Farm Management, Box 500, Nevada, Iowa 50201
4. Helen Evans - 2115 1st Avenue SE, Apt. 1311A, Cedar Rapids, Iowa 52402
5. 5 Board of Adjustment members
6. 2 file copies
7. 2 copies for bulletin boards
8. 1 copy to newspaper on 4/2/99

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 31, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on March 31, 1999, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Krall, Glick, Brown, Schuett, Lynch and Zoning Administrator La Rue. Members absent were Pruess and Penningroth.

Minutes from the last meeting held on February 17, 1999, were previously sent to the members. Lynch made a motion to approve the minutes as written. Schuett seconded the motion. Ayes all.

Zoning Administrator La Rue advised the Commission members to consider both petitions in accordance with Chapter 18.2(3) of the Zoning Ordinance. The Commission members then considered the following petitions:

1. Ron Lamp, 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 SW 1/4 of the SE 1/4, Section 5, T-80N, R-2W, in Center East Township, consisting of 2.40 acres more or less.

There were no written or verbal objections on file for this petition. Mr. and Mrs. Lamp were present and explained their plans to build a home in the future at the site. A letter received from the Cedar County Engineer was reviewed which stated no objections. A letter from John Miller, Tipton Fire Department, was also reviewed and stated that there were no objections.

The soil inventory was reviewed. The CSR was noted to be less than 75. There should also be no problem with the septic system. The Commission noted that there are residential areas in this immediate location. The Commission noted on the informal plat the two options for the layout of this parcel. Mr. Lamp explained that they would prefer to have the lot be a rectangle rather than to have a strip extending north of Bob Young's property. The Commission had no objection.

With no 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. Mr. Lamp then explained that he will try to have the property surveyed prior to the Board of Supervisors review.

2. David and Carolyn Waugh (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 24, T-80N, R-3W, in Center West Township, consisting of 1.82 acres more or less.

There were no written or verbal objections on file. Carolyn Waugh and her son, Beau Holub, were present and explained their request so that Beau can construct a dwelling on the site. Letters received from the County Engineer and the Tipton Fire Department were reviewed with no objections. The CSR on the property has an average of less than 75. It was noted that there is an existing lane going to this parcel with access off of Logan Avenue. There is no plan to access the property from the north off 255th Street.

With no 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.

La Rue then explained that Jim Gonyier, E.C.I.A., met with the Board of Supervisors on March 25, 1999, for the purpose of presenting information on rezonings, building permits, etc., since the 1980 Comprehensive Plan. He explained that Mr. Gonyier would like to meet with the Commission at the April 21, 1999, meeting. He then explained that he would like to plan a day meeting in May for the Commission to meet with the Board of Supervisors for the purpose of getting started on updates and revisions to the Comprehensive Plan, etc.

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

Chairperson, Pro-tem


Secretary



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

March 19, 1999

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, March 31, 1999, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. This hearing was previously scheduled for March 17, 1999, but was postponed because of the lack of a quorum.

At this time the Commission will review the following petitions:

1. Ron Lamp, 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 SW 1/4 of the SE 1/4, Section 5, T-80N, R-2W, in Center East Township, consisting of 2.40 acres more or less.
2. David and Carolyn Waugh (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 24, T-80N, R-3W, in Center West Township, consisting of 1.82 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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 3/19/99 to the following:

1. Ron Lamp - 605 W. 9th Street, Tipton, Iowa 52772 - Certified
2. Vernon Lamp - 1254 Old Muscatine Road, Tipton, Iowa 52772
3. Robert & Rebecca Young - 1353 230th Street, Tipton, Iowa 52772
4. Donald Lamp - 1004 Mulberry Street, Tipton, Iowa 52772
5. Keith Lamp - 1341 230th Street, Tipton, Iowa 52772
6. Jeff & Ruth Ann Salsbery - 1334 Old Muscatine Road, Tipton, Iowa 52772
7. Thomas & Pamela Spear - 1376 230th Street, Tipton, Iowa 52772

1. David & Carolyn Waugh - 1170 255th Street, Tipton, Iowa 52772 - Certified
2. Beau D. Holub - P.O. Box 412, Tipton, Iowa 52772
3. Wayne & Frances Ahrens - 1610 Logan Avenue, Tipton, Iowa 52772
4. Charles & Cynthia Knouse - 1596 Logan Avenue, Tipton, Iowa 52772

- 7 Zoning Commission Members
- 2 copies for bulletin boards
- 2 file copies
- 1 copy to newspaper on 3/19/99



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

March 8, 1999

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, March 17, 1999, 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. Ron Lamp, 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 SW 1/4 of the SE 1/4, Section 5, T-80N, R-2W, in Center East Township, consisting of 2.40 acres more or less.
2. David and Carolyn Waugh (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 24, T-80N, R-3W, in Center West Township, consisting of 1.82 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.

P.D. La Rue

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 3/10/99 to the following:

1. Ron Lamp - 605 W. 9th Street, Tipton, Iowa 52772 - Certified
2. Vernon Lamp - 1254 Old Muscatine Road, Tipton, Iowa 52772
3. Robert & Rebecca Young - 1353 230th Street, Tipton, Iowa 52772
4. Donald Lamp - 1004 Mulberry Street, Tipton, Iowa 52772
5. Keith Lamp - 1341 230th Street, Tipton, Iowa 52772
6. Jeff & Ruth Ann Salsbery - 1334 Old Muscatine Road, Tipton, Iowa 52772
7. Thomas & Pamela Spear - 1376 230th Street, Tipton, Iowa 52772
8. 7 Zoning Commission members
9. 2 copies for bulletin boards
10. 2 file copies
11. 1 copy to newspaper on 3/8/99

1. David & Carolyn Waugh - 1170 255th Street, Tipton, Iowa 52772 - Certified
2. Beau D. Holub - P.O. Box 412, Tipton, Iowa 52772
3. Wayne & Frances Ahrens - 1610 Logan Avenue, Tipton, Iowa 52772
4. Charles & Cynthia Knouse - 1596 Logan Avenue, Tipton, Iowa 52772



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

February 8, 1999

LEGAL NOTICE

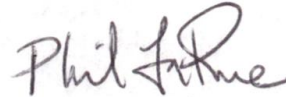
The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, February 17, 1999, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petitions:

1. Ivor Lord, RFD, Lisbon (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 SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4, Section 7, T-82N, R-4W, in Pioneer Township, consisting of 1.76 acres more or less.
2. Darrell and Deeda Hubler, RR, West Branch (Owners) - Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of converting a tavern in to a residential dwelling on property located in Lot 1 of Lot B in the NW 1/4 of the NW 1/4, Section 19, T-80N, R-3W, in Gower Township, in the unincorporated town of Cedar Valley, consisting of 0.85 acres more or less.
3. HWH Corporation/CDC Limited, RFD, Moscow (Owner) - Requesting a change in zoning from A-1 Agricultural to M-1 Light Industrial for the purpose of expanding the existing manufacturing business on property located in the SE 1/4 of the SW 1/4, Section 17, and the NE 1/4 of the NW 1/4, Section 20, T-79N, R-2W, in Rochester Township, consisting of 10.835 acres more or less.
4. Douglas Morningstar, Mt. Vernon (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 NE 1/4 of the SW 1/4, Section 7, T-82N, R-4W, in Pioneer Township, consisting of 1.58 acres more or less.

5. Verna First, Lowden (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 of the SE 1/4, Section 18, T-82N, R-3W, in Fremont Township, consisting of 1.00 acres more or less.

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



Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 2/9/99 to the following:

1. Ivor Lord - 13 115th Street, Lisbon, Iowa 52253 - Certified
 2. Jeffrey F. & Linda L. Wilson - 857 Highway 30, Stanwood, Iowa 52337
 3. Vicky Avon - Pioneer Township Clerk, 623 Crestview Drive, Mechanicsville, Iowa 52306
 4. Stan Pumphrey - 1013 Andre Road, Lisbon, Iowa 52253
-
1. Darrell & Deeda Hubler - 102 Valley Road, West Branch, Iowa 52358 - Certified
 2. Brian & Joan Donovan - 92 Park Road, West Branch, Iowa 52358
 3. Donald & Anna Paul - 1546 Garfield Avenue, West Branch, Iowa 52358
 4. Thomas & Vicki Vaughan - 92 Park Road, West Branch, Iowa 52358
 5. Ivalee Grosvenor - 611 255th Street, West Branch, Iowa 52358
 6. Gene Kelley - 603 255th Street, West Branch, Iowa 52358
 7. Lucile Higginbotham & Luella Snider - 1800 N. 4th, McAllen, Texas 78501
 8. Dean Frauenholtz - 109 Valley Road, West Branch, Iowa 52358
 9. Charles & Velva Ann Zousel - 599 255th Street, West Branch, Iowa 52358
 10. Mi-Dee, Inc. - 1762 Baker Avenue, West Branch, Iowa 52358
 11. Wade & Denise Engelkens - 129 Valley Road, West Branch, Iowa 52358
 12. Edd & Steveta Engenkens - 129 Valley Road, West Branch, Iowa 52358
 13. Robert E. Fennel Trust Agreement - 413 Skyview Drive, Clemson, SC 29631
 14. William & Barbara Wallace - 55 Plum, Apt. 5, Tipton, Iowa 52772
 15. Dale Rodgers & Leslie Bismark - 604 255th Street, West Branch, Iowa 52358
 16. Steven Wildman & Dessa Slaughter - 916 Stone Mill Road, Tipton, Iowa 52772
 17. Lloyd Steffensmeier - 102 W. Main, Lisbon, Iowa 52253
-
1. Paul Hanser - CDC Limited, C/O HWH Corp., 2096 Moscow Road, Moscow, Iowa 52760 - Certified
 2. Herbert & Nancy Townsend - 2372 Plum Avenue, Wilton, Iowa 52778
 3. Pete & Mae J. Eriksen - 2096 Newton Avenue, Moscow, Iowa 52760
 4. Hel mold Partnership - 1282 307th Street, Moscow, Iowa 52760
 5. I.D.O.T. - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
 6. Lois Marolf - 1291 330th Street, Moscow, Iowa 52760
-
1. Douglas D. & Mary E. Morningstar - 1201 Highway 1 N., Mt. Vernon, Iowa 52314
 2. Keith & Joan Morningstar - 1726 240th Avenue, Lisbon, Iowa 52253
 3. Ivor & Mary Lord - 13 115th Street, Lisbon, Iowa 52253
-
1. Verna First - 804 Hall Avenue, P.O. Box 285, Lowden, Iowa 52255 - Certified
 2. Gorman & Kay Robinson - 99 Garfield Avenue, Mechanicsville, Iowa 52306
 3. Donald Studer - P.O. Box 107, Mechanicsville, Iowa 52306
 4. David Wendt - 1132 Country Road X-40, Mechanicsville, Iowa 52306
-
- 7 Zoning Commission members
2 file copies
1 copy to newspaper on 2/8/99
2 copies for ~~file~~/ bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 17, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on February 17, 1999, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Glick, Krall, Schuett, Lynch, Brown and Zoning Administrator La Rue. Member absent was Penningroth.

Minutes of the last meeting held on January 20, 1999, were previously sent to the members. Krall made a motion to approve the minutes as written. Lynch seconded the motion. Ayes all.

Zoning Administrator La Rue advised the Commission to consider all of the petitions in accordance with Chapter 18.2(3) of the Zoning Ordinance. The Comprehensive Plan was reviewed in all cases concerning residential dwellings. The Commission members then considered the following petitions:

1. Ivor Lord, RFD, Lisbon (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 SW 1/4 of the NW 1/4, and the NW 1/4 of the SW 1/4, Section 7, T-82N, R-4W, in Pioneer Township, consisting of 1.76 acres more or less.

Mr. Lord was present and explained that his daughter and son-in-law wish to construct a single family dwelling on his property. The CSR on this land is 20-25. It was also noted that there are no major livestock operations (confinements) near by, no objections to the driveway which is marked and the local fire department has no objection. Nearby neighbors in Linn County were also notified of Mr. Lord's request and no objections were filed. A letter received from County Engineer, Don Torney, was reviewed and stated that he had no objections. La Rue explained that a perc test performed in June 1975 found the soil suitable for septic installation.

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

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

No written or verbal objections were on file for this petition. It was noted that the surrounding properties are zoned R-2. The members were informed that the Hubler's are planning to convert an existing tavern into a residence. A letter received from County Engineer, Don Torney, was reviewed and stated that he had no objections. The area has a reduced speed limit. Therefore, the limited sight distance should be adequate. It was noted that the existing septic system will be adequate. There were no objections from the local fire department. Schuett made a motion to recommend approval of the zoning change from C-1 to R-2. Brown seconded the motion. Ayes all.

3. HWH Corporation/CDC Limited, RFD, Moscow (Owner) - Requesting a change in zoning from A-1 Agricultural to M-1 Light Industrial for the purpose of expanding the existing manufacturing business on property located in the SE 1/4 of the SW 1/4, Section 17, and the NE 1/4 of the NW 1/4, Section 20, T-79N, R-2W, in Rochester Township, consisting of 10.835 acres more or less.

There were no written or verbal objections on file for this petition. Mr. Leroy Van Roekel, HWH Corporation, explained to the members that HWH was requesting an expansion of their existing business so a change in zoning from A-1 to M-1 was needed. There were no objections from the Wilton Fire Department. A letter received from County Engineer, Don Torney, was reviewed and stated he had no objections. Mr. Van Roekel explained how the present plant needs more room. HWH has applied for a driveway permit and the sight distance is adequate. Jerry Marolf who lives nearby (first residence south on the west side of road) stated that he was not happy with the amount of traffic. He also stated that he raises livestock and hoped there would not be any trouble with odors from his operation. The Comprehensive Plan and Zoning Ordinance do not specify separation distances between industries and livestock operations.

After further discussion, Lynch made a motion to recommend approval of the rezoning request. Schuett seconded the motion. Ayes all. Discussion then followed regarding the lagoon system in existence.

4. Douglas Morningstar, Mt. Vernon (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 NE 1/4 of the SW 1/4, Section 7, T-82N, R-4W, in Pioneer Township, consisting of 1.58 acres more or less.

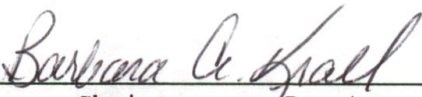
There were no written or verbal objections on file. Mr. Morningstar was present and explained to the members that he wishes to build a single family dwelling on his father's land. The Comprehensive Plan was discussed concerning residential dwellings. The CSR on the property is 98 and 78. There are no large livestock operations nearby. Brown expressed his concern regarding the high CSR and explained that the Commission wishes to discourage building homes on this type of ground. After further discussion, Lynch made a motion to approve the rezoning request. Motion died due to the lack of a second. The Commission was concerned about the CSR. Lynch again made a motion for approval. Glick seconded the motion. Ayes 1 with 4 nays.

5. Verna First, Lowden (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 of the SE 1/4, Section 18, T-82N, R-3W, in Fremont Township, consisting of 1.00 acres more or less.

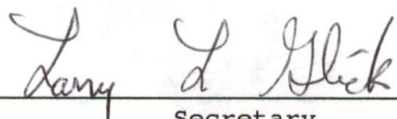
There were no written or verbal objections on file. The local fire department had no objection. The CSR on the property is 70 and it is not located in the flood plain. There are no existing livestock facilities nearby. La Rue explained that because of a high ground water table on the Colo-Ely soil complex, the house foundation and area around the septic absorption field will need extensive tiling.

After a brief discussion, Lynch made a motion to approve the rezoning request. Glick seconded the motion. Brown noted that this property is about one-quarter mile from the City of Mechanicsville, thus in line with the clustering of homes near an established city. The Commission advised that the home builder needs to be aware of the flood plain area nearby. Ayes all.

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



Chairperson, Pro-tem



Secretary

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 20, 1999

The Cedar County Planning and Zoning Commission conducted a Public Hearing on January 20, 1999, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Krall, Brown, Lynch, Glick, Pruess, Schuett and Zoning Administrator La Rue.

Minutes of the last meeting held on December 2, 1998, were previously sent to the members. Brown made a motion to approve the minutes as written. Pruess seconded the motion. Ayes all.

The Commission members then considered the following petition:

1. Aaron Steward, RFD, Moscow - Requesting approval of a Preliminary and Final Plat of Survey for a one (1) lot subdivision 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 2.00 acres more or less.

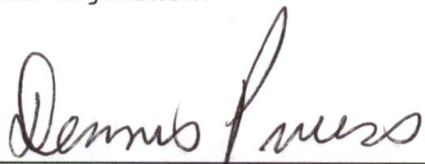
La Rue reminded the Commission that Mr. Steward's rezoning request was heard by them on May 20, 1998, and their recommendation to approve the request was forwarded to the Board of Supervisors. The Supervisors approved the request at their Public Hearing on June 18, 1998. La Rue then advised the Commission to review this subdivision in accordance with Chapter 3.1A3, page 11 of the Cedar County Subdivision Ordinance. He explained also why this land division constitutes a subdivision. He also presented to the Commission a second fence agreement for the property and explained that they appear to be in compliance with the subdivision ordinance. There were no written or verbal objections on file for this petition.

Aaron Steward, Tara Daniels and their attorney, Francesca Passeri, were present and explained their subdivision request. The Commission discussed the private road which will provide access to the lot as well as Ken and Sherry Linder and Richard Daniel properties. The Commission again reviewed the soil evaluation for the property for residential buildings and septic systems. Only moderate limitations were noted on septic absorption fields. The C.S.R. was noted to be 60.

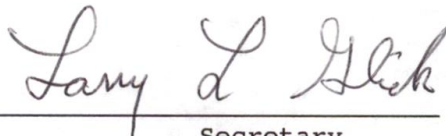
With no further discussion, Lynch made a motion to recommend approval of the major subdivision Preliminary and Final Plat. Schuett seconded the motion. Ayes all.

The Commission then held an election of officers. Jan Penningroth was again nominated as Chairperson by Joel Brown, seconded by Barb Krall. Penningroth accepted the nomination. Dennis Pruess was appointed Chairperson Pro-tem.

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

Handwritten signature of Dennis Pruess in cursive script.

Chairperson

Handwritten signature of Larry L Glick in cursive script.

Secretary



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

January 11, 1999

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, January 20, 1999, 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. Aaron Steward, RFD, Moscow - Requesting approval of a Preliminary and Final Plat of Survey for a one (1) lot subdivision 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 2.00 acres more or less.

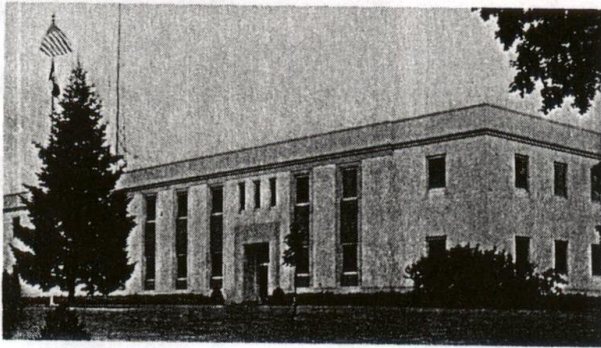
At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 1/13/99 to the following:

1. Aaron Steward - 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. Jerry & Karen Grings - 2307 Moscow Road, Moscow, Iowa 52760
8. 7 Zoning Commission members
9. 1 copy to newspaper on 1/11/99
10. 2 file copies
11. 2 copies for bulletin boards



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

COPY

January 11, 1999

Janice Penningroth
1206 Parkview Dr
Tipton, Iowa 52772

Dear Ms. Penningroth:

Please be advised that by motion of this Board, January 4, 1999, you were reappointed for a three-year term on the Cedar County Planning and Zoning Commission. Your term will expire on 12-31-2001.

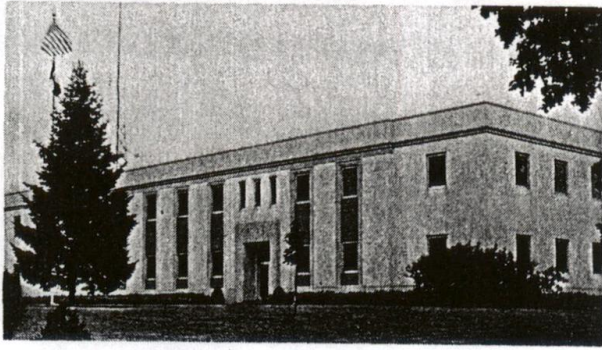
Your willingness to serve in the past has been very much appreciated. If you have any questions, please contact us.

Sincerely,



Jon Bell, Chairperson

JB:bjp



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

COPY

January 11, 1999

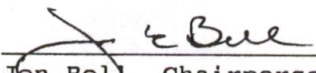
Joel Brown
342 Delta AVE
Mechanicsville, IA 52306

Dear Mr. Brown:

Please be advised that by motion of this Board, January 4, 1999, you were reappointed for a three-year term on the Cedar County Planning and Zoning Commission. Your term will expire on 12-31-2001.

Your willingness to serve on this Commission is greatly appreciated. Please contact the Board of Supervisors or the Environmental & Zoning office, if you have any questions regarding this position.

Sincerely,



Jon Bell, Chairperson

JB:bjp



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

COPY

January 11, 1999

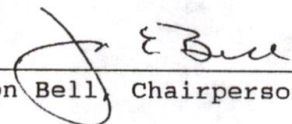
Barb Krall
163 - 250th
West Branch, IA 52358

Dear Ms. Krall:

Please be advised that by motion of this Board, January 4, 1999, you were reappointed to a three-year term on the Cedar County Planning and Zoning Commission. The term will expire on 12-31-2001.

Your willingness to serve on this Commission is greatly appreciated. Please contact the Board of Supervisors or the Environmental & Zoning office, if you have any questions regarding this position.

Sincerely,



Jon Bell, Chairperson

JB:bjp