

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

December 4, 2000

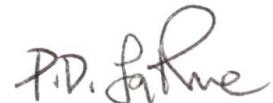
LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 20, 2000, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will consider the following petitions:

1. James H. and Ann Kofron, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the NE 1/4, Section 4, T-80N, R-3W, in Center West Township, consisting of 1.11 acres more or less.
2. Norman and Patricia Bickford, RFD, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-2 Urban Residential for the purpose of constructing single family dwellings on a proposed seven (7) lot subdivision on property located in the SE 1/4 of the SE 1/4, Section 30, T-79N, R-1W, in Springdale Township, consisting of 7.47 acres more or less.

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



Phil La Rue
Zoning Administrator

Copies sent out on 12/5/00 to the following:

1. James & Ann Kofron - 860 220th Street, Tipton, Iowa 52772 - Certified
2. Margery Schott - 802 220th Street, Tipton, Iowa 52772
3. Thomas & Lori Schott - 1010 210th Street, Tipton, Iowa 52772

1. Norman & Patricia Bickford - 5732 350th Street, West Branch, Iowa 52358 - Certified
2. Alfred & Enid Simmons - 211 Center Street, West Branch, Iowa 52358
3. Mary Lou Brendel - 205 Cedar, West Branch, Iowa 52358
4. Johnna Jamieson - 211 Dillon Street, West Branch, Iowa 52358
5. Robert & Joan Kruse - 301 Cedar Street, West Branch, Iowa 52358
6. Jane D. Simmons - 305 Cedar Street, West Branch, Iowa 52358
7. Stephen & Barbara Campbell - 313 Cedar Street, West Branch, Iowa 52358
8. Georgia A. Elliott Rev. Trust - 76 330th Street, West Branch, Iowa 52358
9. Eleanor Secrest - 52 330th Street, West Branch, Iowa 52358
10. Patricia, William & Eleanor Secrest - 52 330th Street, West Branch, Iowa 52358
11. Kathryn A. Ryan - 212 Broadway Street, West Branch, Iowa 52358
12. Craig & Lucinda Kiene - 204 Dillon Street, West Branch, Iowa 52358
13. Brneda K. Kunkel - 316 Broadway Street, West Branch, Iowa 52358
14. Paul & Peggy O'Neil - P.O. Box 234, West Branch, Iowa 52358
15. Stephen & Christine Zinkula - 2280 Baker Avenue, West Branch, Iowa 52358
16. Fred Ingram - 2284 Baker, West Branch, Iowa 52358
17. Downey Baptist Church - % Esther S. McCormick - 1035 Diana Street, Iowa City, IA 52240-1173
18. Billy Burton - 108 Walnut Drive, West Branch, Iowa 52358
19. Michael L. & Diane C. Elliott - 103 Walnut Drive, West Branch, Iowa 52358
20. Colony Enterprises - % Calvin Colony, 2474 285th Street NW, Tiffin, Iowa 52340-9398
21. Shelley Sharp Et Ali - % Hertz Farm Management, P.O. Box 500, Nevada, Iowa 50201-0500
22. Jerry D. Lawrence - 2306 Baker Avenue, West Branch, Iowa 52358
23. Karen J. Streets Trust - % Larry Streets, 2394 Baker Avenue, West Branch, Iowa 52358

7 Planning & Zoning Commission members
1 copy to Tipton Conservative on 12/5/00
1 copy faxed to West Branch Times on 12/5/00
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

AGENDA

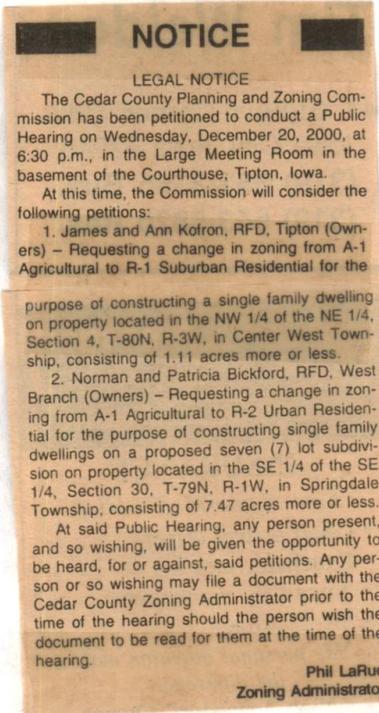
Cedar County Planning & Zoning Commission

December 20, 2000 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Appointment of Secretary
- III. Review of the petitions received from James & Ann Kofron & Norman & Patricia Bickford
- IV. Discussion
- V. Jim Gonyier, E.C.I.A.
Discussion on revised Cedar County Comprehensive Plan
- VI. Conclusion

PROOF OF PUBLICATION



State of Iowa, Cedar County, ss:

I, Debbie Owen,

Publisher of the West Branch Times, a weekly newspaper of general circulation published at West Branch, in said county, and being duly sworn, do declare and say that a Notice, of which the one hereto attached is a copy, was published in said West Branch Times respectively:

December 7, 2000

Fee: \$ 13³¹

Sworn to by the said

before me and signed by her in my presence, this _____

_____ day of _____,

Notary Public

Received of

_____ Dollars

in full on above publication.

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 20, 2000

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, December 20, 2000, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Lamp, Moylan, Krall, Schuett and Zoning Administrator La Rue. Member absent was Brown. Minutes from the previous meeting held on November 15, 2000, were previously sent to the members. Pruess made a motion to accept the minutes as written. Schuett seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. James H. and Ann Kofron, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the NE 1/4, Section 4, T-80N, R-3W, in Center West Township, consisting of 1.11 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 Cedar County Zoning Ordinance. Mrs. Kofron was present for the petition and explained her plans to build a new home on their 5.00 acre tract. They will sell the existing home if approved. The letter from the Tipton Fire Department was reviewed. No problems are expected. The letter from County Engineer, Don Torney, was reviewed. No problems are expected and an access permit has been issued. The C.S.R. is above 75 points but this is a farmstead and has not been in crop production for many years. Slight and severe limitations were noted for building and septic. The severe limitations are due to a high water table and soil expansion. The Commission noted that there may be a hog unit within 1,320 feet. La Rue stated that he did not know if the site was being used.

After further discussion, Lamp made a motion to recommend approval of the zoning change from A-1 to R-1 to the Board of Supervisors. Pruess seconded the motion with a friendly amendment that a requirement for Zoning Administrator La Rue to investigate livestock operations (if any) within 1,320 feet of the proposed site. Ayes all.

2. Norman and Patricia Bickford, RFD, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-2 Urban Residential for the purpose of constructing single family dwellings on a proposed seven (7) lot subdivision on property located in the SE 1/4 of the SE 1/4, Section 30, T-79N, R-1W, in Springdale Township, consisting of 7.47 acres more or less.

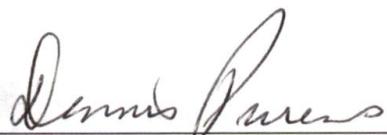
There were no written or verbal objections on file for this petition. La Rue advised the Commission to make their recommendation to the Board of Supervisors in accordance with Chapter 18.2(3) of the Zoning Ordinance. La Rue then advised the Commission that the north 175 feet of this tract, consisting of 2.65 acres more or less, is presently zoned R-2 Urban Residential. The south 4.82 acres of this tract is the area for which the zoning change has been requested. Mr. and Mrs. Bickford were present and explained their plans to subdivide the property for up to seven (7) lots. The Comprehensive Plan was reviewed and the project, for the most part, is in compliance. There are, however, environmental concerns due to Colo-Ely soils and the high water table and runoff flooding. An environmental evaluation will be required to determine the number and area of proposed lots. The C.S.R. was noted to be below 75 points. Limitations for building are moderate to severe due to flooding from drainage across the property. Discussion followed regarding lot size to accommodate two septic absorption fields. La Rue explained that the Zoning Ordinance and Subdivision Ordinance does allow for smaller lots (15,000 square feet), provided community or municipal water supply and sewage disposals are utilized. Mr. Bickford stated that a community well is proposed and sewage disposal and lot size will be determined after the soil evaluation. The letter from the West Branch Fire Department was then reviewed. It stated that they will be able to provide service to this proposed subdivision.

Access to the subdivision was then reviewed. The Commission noted that the lots will have individual access onto Cedar Street and Baker Avenue. The letter from County Engineer, Don Torney, was then reviewed. It stated that entrance locations have not been determined and permits are required. Access onto Baker Avenue (X-30) will be more difficult due to sight distance requirements. He concluded by reminding the Commission of drainage way problems and the gas pipeline which extends across the property between proposed Lots 4 and 5. Engineer Torney, who was in attendance for the meeting, simply stated to consider access site limitations, drainage and the pipeline when considering this subdivision project.

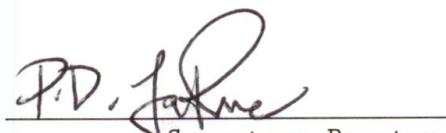
Additional discussion followed which included the Commission noting that the only livestock in the area are sheep on the adjacent property to the west. Lamp then made a motion to recommend approval of the request from A-1 to R-2 to the Board of Supervisors. Schuett seconded the motion. Ayes all.

Election of officers for the 2001 year was then held. Pruess will be Chairperson, Krall will be Co-Chairperson and Penningroth will be Secretary.

Due to the weather conditions, there was not a Comprehensive Plan work session. With no further business to be discussed at this time, the meeting was adjourned.



Dennis Pruess
Chairperson



P.D. Krall
Secretary Pro-tem



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

November 6, 2000

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, November 15, 2000, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will consider the following petitions:

1. Tim Wolfe, Iowa City - Requesting approval of a Preliminary Plat of Survey for Pheasant Run, a sixteen (16) lot subdivision located in the W 1/2 of the E 1/2 and the SE 1/4 of the NE 1/4, all in Section 5, T-79N, R-4W, in Springdale Township, consisting of 41.82 acres more or less. Said petition was previously heard before the Commission at their October 18, 2000, meeting but was tabled.
2. James and Kay Yanecek, RFD, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NW 1/4, Section 31, T-80N, R-4W, in Gower Township, consisting of 2.92 acres more or less.
3. Dennis and Lisa Morey, RFD, Wilton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of placing a double wide modular home on property located in the NE 1/4 of the SW 1/4 and the NW 1/4 of the SE 1/4, Section 33, T-79N, R-1W, in Farmington 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

Copies sent out on 11/6/00 to the following:

Certified

1. Tim Wolfe - Tiox, Inc. & T & R Investments, 3610 Taft Avenue S.E., Iowa City, Iowa 52240-8384
2. Donald A. Secrest - 417 E. Green Street, P.O. Box 491, West Branch, Iowa 52358
3. Timothy & Colleen Crew - 165 290th Street, West Branch, Iowa 52358
4. Lois Esther Secrest - 181 290th Street, West Branch, Iowa 52358
5. Joan Crew - 195 290th Street, West Branch, Iowa 52358
6. Richard & Terri Wagner - 177 290th Street, West Branch, Iowa 52358
7. Clarence & Mary Ann Crew - 181 290th Street, West Branch, Iowa 52358
8. Neal & Lyn Beth Kane - 187 290th Street, West Branch, Iowa 52358
9. James & Margaret Wick - 191 290th Street, West Branch, Iowa 52358
10. Crew Revocable Living Trust - 12212 S. Chinook Court, Phoenix, Arizona 85044
11. Robert E. Wertzbaugher Et Ali - 2382 Atalissa Road, Atalissa, Iowa 52720
12. Gilbert J. Barker - 184 290th Street, West Branch, Iowa 52358
13. Arlieta M. Hamer - 190 290th Street, West Branch, Iowa 52358
14. David & Joan Kabela - 239 290th Street, West Branch, Iowa 52358
15. Mark & Gloria Scharnweber - 178 290th Street, West Branch, Iowa 52358
16. Raymond & Deborah Woods - 172 290th Street, West Branch, Iowa 52358
17. Marvin & Karen Brick - P.O. Box 430, West Branch, Iowa 52358
18. Jerry Eyman - Century 21, 1927 Keokuk Street, Iowa City, Iowa 52240
19. Richard Kordick - 689 185th Street, Tipton, Iowa 52772

1. James & Kay Yanecek - 1740 Cedar-Johnson Road, West Branch, Iowa 52358 - Certified
2. Catherine Kabela Chase - 5688 340th Street N.E., West Branch, Iowa 52358
3. Bernice Kinsey Revocable Trust - 204 Cookson Drive, West Branch, Iowa 52358

1. Dennis & Lisa Morey - 2051 Highway 927, Wilton, Iowa 52778 - Certified
2. Robert & Trudy Mente - 2375 Vermont Avenue, Durant, Iowa 52747
3. Edwin & Ina Gappa - 1508 North Iowa, Washington, Iowa 52353-2828

7 Zoning Commission members

Copy to Tipton Conservtive on 11/6/00

Copy faxed to West Branch Times & Wilton-Durant Advocate News on 11/6/00

2 file copies

2 copies for bulletin boards

Jim Gonyier - E.C.I.A., P.O. Box 1140, Dubuque, Iowa 52004-1140

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 15, 2000

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, November 15, 2000, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Schuett, Brown, Moylan and Zoning Administrator La Rue. Members absent were Lamp and Krall. Minutes from the previous meeting held on October 18, 2000, were previously sent to the members. Pruess made a motion to accept the minutes as written. Brown seconded the motion. Ayes all. The new Commission member, Marty Moylan, was introduced to the Commission.

The Commission members then considered the following petitions:

1. Tim Wolfe, Iowa City - Requesting approval of a Preliminary Plat of Survey for Pheasant Run, a sixteen (16) lot subdivision located in the W 1/2 of the E 1/2 and the SE 1/4 of the NE 1/4, all in Section 5, T-79N, R-4W, in Springdale Township, consisting of 41.82 acres more or less. Said petition was previously heard before the Commission at their October 18, 2000, meeting but was tabled.

There were no written or verbal comments on file for this petition. La Rue advised the Commission to make their recommendation to the Board of Supervisors in accordance with Chapter 3.1 of the Cedar County Subdivision Ordinance. Brown then made a motion to remove this from the table. Pruess seconded the motion. Ayes all. Jerry Eyman was present representing Mr. Wolfe, as was Richard Kordick, Consulting Engineer. The comments from the City of West Branch were reviewed as was the Resolution of Approval from the City Council. The City of West Branch recommends a 6 inch water main and fire hydrants rather than the DNR recommended flush hydrants. The water supply would not be sufficient to fight fire, but to fill portable water tanks. The City is willing and able to provide potable water to the subdivision. The letter from County Engineer, Don Torney, was then reviewed. He stated that the plat complies with all county requirements except road surface. This is acceptable since the road will be private. Mr. Eyman then presented and explained the restrictive covenants for the subdivision. He explained provisions for possible annexation by West Branch and pet (horse) restrictions. Future covenant changes were discussed. Richard Kordick explained that he had met with and resolved the utility, road drainage questions of Don Torney. Randy Citula, Alliant Energy, has approved the proposed utilities for the subdivision.

La Rue explained that the concerns of adjoining property owners, Mr. & Mrs. Kane, have been addressed concerning non-conforming septic systems which cross their property before discharging in the proposed south drainage basin. Septic system construction permits have been issued to the Secrest Estate and Clarence Crew to eliminate this health nuisance.

The fence agreements were then discussed as they are not complete. The agreement between Mr. Wolfe and Mr. and Mrs. Tim Crew is not yet finished because it was determined that the Secrest fence is 15 feet on the Crew's property. The Commission noted that the association will take possession of the fence and the use of the right hand rule. The fence agreement must be finalized prior to the review of this plat by the Board of Supervisors.

Brown then questioned the design standards for this project, especially the road surfacing. He explained that many upgrades will be required to bring the project to the required level for annexation by West Branch. He feels the project is substandard. Mr. Eyman explained that total compliance with the codes (West Branch and Cedar County) would mean that lots would cost an estimated \$100,000 each. The fact that a road is private is acceptable to both West Branch and Cedar County, but the roads will not be taken into the respective road system unless it complies with the jurisdictional code(s).

Following additional discussion, Pruess made a motion to recommend approval of the preliminary plat, subject to completion of the fence agreements. Schuett seconded the motion. Ayes 4 and 1 nay.

2. James and Kay Yanecek, RFD, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NW 1/4, Section 31, T-80N, R-4W, in Gower Township, consisting of 2.92 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 Cedar County Zoning Ordinance.

Mr. and Mrs. Yanecek were present and explained their plans to construct a new dwelling on the north end of their acreage and sell their existing home about 400 feet to the south. The letter from County Engineer, Don Torney,

was reviewed. His letter stated that an entrance permit has been approved and he had no objections. The letter from the West Branch Fire Department stated that they will be able to provide fire and rescue service. The soil evaluation was then reviewed. The evaluation indicated slight to moderate limitations for agricultural crops with a C.S.R. of 70. Limitations for dwellings were moderate to severe. The severe limitation was due to flooding potential on the Colo-Ely soil complex. Limitations for septic systems were moderate to severe due to slope, high groundwater table and flooding. La Rue advised that an alternate septic system will probably be required. The Commission noted that there are no livestock facilities within 1,320 feet. Brown then explained his concerns with spot zoning and urban sprawl. Moylan stated that because this is on a farmstead, not on highly productive land and not a new development, that the request should be approved.

Following discussion, Schuett made a motion to recommend approval to the Board of Supervisors. Moylan seconded the motion. Ayes 3 with 2 nays (Brown and Pruess). This was a narrow approval margin. Mrs. Yanecek inquired as to the nay votes by two commissioners. They replied concerns for agricultural protection from non-farm land uses and urban sprawl.

3. Dennis and Lisa Morey, RFD, Wilton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of placing a double wide modular home on property located in the NE 1/4 of the SW 1/4 and the NW 1/4 of the SE 1/4, Section 33, T-79N, R-1W, in Farmington Township, consisting of 1.00 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. The petition was represented by Jerry Denning, attorney for the Morey's, and two family members. They explained the request for the purpose of placing a modular home on the property for their parents to live who are in poor health. They requested that a conditional zoning agreement be included as part of the approval process. The terms of the agreement would be that if the rezoning is approved, the home would be removed and a request to change the zoning back to A-1 be filed when no longer occupied by the parents. La Rue explained the property will need to be divided because of the general regulation of not more than one principle structure on a lot as per Chapter 3(14)

of the Zoning Ordinance. The Board of Adjustment can not grant a variance for this request.

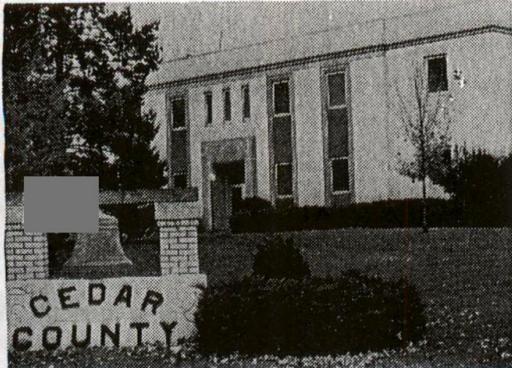
The letter from County Engineer, Don Torney, was reviewed. He expressed no objections. The letter from the Wilton Fire Department was reviewed. They anticipate no problems in providing fire and rescue service. The soil evaluation was then reviewed. Slight limitations are noted for septic systems. Moderate limitations are noted for buildings and the property is prime ag land with a C.S.R. of 95. The Commission also noted that this is a farmstead, not in production and the home would be placed in the area of a corn crib foundation. The Commission expressed concern about the length of the access lane as a potential fire and rescue complication.

Following additional discussion, Pruess made a motion to recommend approval of the request, subject to a conditional zoning agreement that the dwelling be removed and the property rezoned from R-1 to A-1 when the Morey's parents no longer reside there. Schuett seconded the motion. Ayes all.

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

Jan Lenningsoth
Chairperson

P.D. Fafne
Secretary



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

COPY

November 9, 2000

Marty Moylan
1549 King Avenue
Tipton, IA 52772

Dear Marty:

Please be advised that by motion of this Board on November 6, 2000, you have been appointed to fill a vacancy on the Cedar County Planning & Zoning Commission, due to the resignation of Larry Glick. Your term will expire on 12-31-2002.

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

Sincerely,

J. E. Bell

Jon E. Bell, Chairperson

JEB:bjp
copy: Phil La Rue, Zoning Director

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 18, 2000

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, October 18, 2000, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Brown, Krall, Zoning Administrator La Rue and Jim Gonyier, E.C.I.A. Members absent were Glick, Schuett and Lamp.

Minutes from the previous meeting held on September 20, 2000, were previously sent to the members. Brown made a motion to accept the minutes as written. Pruess seconded the motion. Ayes all.

The Commission then considered the following petitions:

1. David and Kathleen Frederick, RFD, Clarence (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the NW 1/4, Section 12, T-79N, R-4W, in Springdale Township, consisting of 1.00 acres more or less.

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

David Frederick was present and explained his plans to construct a home on a 2.00 acre property which he and his wife are receiving from his father. He explained that this site is adjacent to his father's home. About half of his 2.00 acres is presently farmed. There are no livestock in the area. The Commission noted that the tract proposed for rezoning is estimated to be 200 feet back from the county road because the soils to the north were removed 40 years ago when the road was worked on. Trees are presently on the site. The soil evaluation indicates moderate limits for building, slight to severe for septic systems due to slope. The C.S.R. was noted to be 78-95 points (prime ag land). The Commission noted many residential homes in the area. The letter from County Engineer Don Torney was reviewed. The entrance permit has been approved.

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

2. Tim Wolfe, Iowa City - Requesting approval of a Preliminary Plat of Survey for Pheasant Run, a sixteen (16) lot subdivision located in the W 1/2 of the E 1/2 and the SE 1/4 of the NE 1/4, all in Section 5, T-79N, R-4W, in Springdale Township, consisting of 41.82 acres more or less.

There were no written or verbal objections on file for this subdivision petition. La Rue advised the Commission to review this petition in accordance with Chapter 3.1 of the Cedar County Subdivision Ordinance.

Jerry Eyman was present representing Mr. Wolfe, as was Richard Kordick, Consulting Engineer. Mr. Eyman explained that the plat has been revised as per the requests of the West Branch Planning and Zoning and the Cedar County Engineer. The fence agreement documents have not yet been completed. Mr. Eyman explained the restrictive covenants which included provisions for assessments and annexation by West Branch. Don Torney, Cedar County Engineer, then explained that the road design geometrics (right-of-way width, grades, cul-de-sacs) complies with the county's requirements. Since it is proposed for a seal coat surface at this time, the County will not accept the road until it fully complies with county regulations. The road will, at this time, be private. Drainage patterns on the property were discussed as were the drainage basins. Not all utility companies have yet given approval of the subdivision. The erosion control plans were reviewed. The Homeowner Association will pay for drainage and erosion control. Snow removal will also be paid by the association. Insurance will also be maintained.

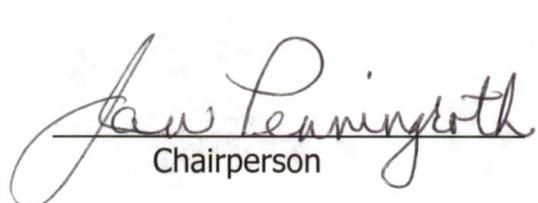
There was then discussion about the turnarounds and cul-de-sacs. Length of the road was then discussed. Confirmation is needed that the City of West Branch has the ability to provide access to public water. The developer will install a water system connected to city water for the subdivision. The Commission does want some sort of hydrant(s) for fire protection. Access to the city's gravity flow sewer system is not cost effective because of only 16 lots. Lot size appears adequate for two septic fields. The siting for the on-site wastewater treatment and disposal systems will be finalized with the final plat. The preliminary soil evaluations have been completed and closely follow the soil maps of the N.C.R.S. The fence agreements were then discussed with adjoining property owner Tim Crew. Mr. Crew wants changes to his agreement. The Commission wants agriculture protected. The Commission also noted that stables are permitted in the R-1 District by Special Use Permit approved by the Cedar County Board of Adjustment, but recommended discouraging horses. Mr. Eyman requested that because West Branch has not given their

approval and the fence agreements and restrictive covenants are not completed, that a continuance be granted until the November meeting. La Rue then also requested documentation on fire protection from the West Branch Fire Department.

After further discussion, Brown made a motion to grant the continuance request until the November 15, 2000, meeting. Pruess seconded the motion. Ayes all.

The Commission members then continued work on the Land Use Plan, with Don Torney in attendance, which included review of the 1999 Fire and Emergency Response Workshop Executive Summary.

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



Jan Penningroth

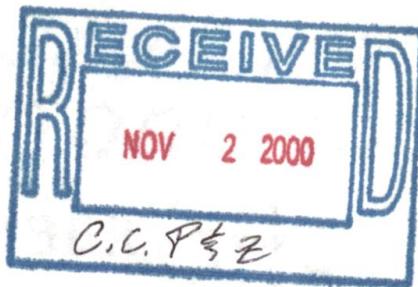
Chairperson



P.D. Rue

Secretary

October 25, 2000



Mr. Phil LaRue
Planning & Zoning Comissioner
Cedar County Courthouse
Tipton, Iowa 52772

Dear Sir,

Please accept my resignation from the Cedar County Planning and Zoning Board. I have found it more difficult to attend monthly meetings because of my other commitments.

It has been my pleasure to serve on this board and I have learned a great deal.

Sincerely,

Larry L. Glick



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

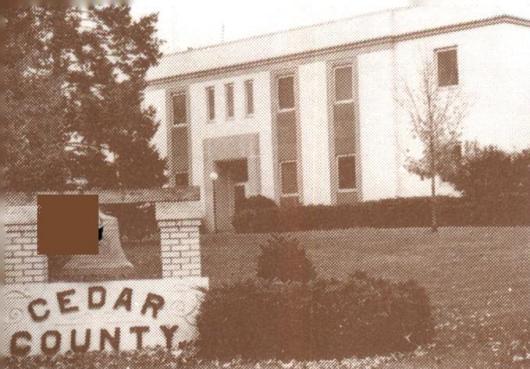
AGENDA

Cedar County Planning & Zoning Commission

October 18, 2000 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from David & Kathleen Frederick and Tim Wolfe
- III. Discussion
- IV. Jim Gonyier, E.C.I.A.
Discussion on revised Cedar County Comprehensive Plan
- V. Conclusion



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

October 9, 2000

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 18, 2000, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will consider the following petitions:

1. David and Kathleen Frederick, RFD, Clarence (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the NW 1/4, Section 12, T-79N, R-4W, in Springdale Township, consisting of 1.00 acres more or less.
2. Tim Wolfe, Iowa City - Requesting approval of a Preliminary Plat of Survey for Pheasant Run, a sixteen (16) lot subdivision located in the W 1/2 of the E 1/2 and the SE 1/4 of the NE 1/4, all in Section 5, T-79N, R-4W, in Springdale Township, consisting of 41.82 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
Zoning Administrator

PL:sl

Copies sent out on 10/10/00 to the following:

1. David & Kathleen Frederick - 7224 County Road X64, Clarence, Iowa 52216 - Certified
2. Wayne & Barbara Frederick - 522 290th Street, West Branch, Iowa 52358
3. Laurie Jewell - 504 290th Street, West Branch, Iowa 52358
4. Joseph & Faye Grobin - P.O. Box 638, West Branch, Iowa 52358
5. Floyd & Mary Helen Fawcett - P.O. Box 837, West Branch, Iowa 52358
6. Randy & Tammy Mather - 789 290th Street, West Liberty, Iowa 52776
7. Susan & Gary Faith - 525 290th Street, West Branch, Iowa 52358
8. Cedar County Secondary Road Dept. - Cedar County Courthouse, Tipton, Iowa 52772
9. K. J. Mather Corp. - 799 290th Street, West Liberty, Iowa 52776
10. 7 P & Z Members
11. 1 copy to Tipton Conservative on 10/9/00
~~12/1/00 copy/faxed to Advocate News/10/9/00~~
13. 2 copies for bulletin boards
14. 2 file copies

1. Tim Wolfe - Tiox, Inc. & T & R Investments, 3610 Taft Avenue S.E., Iowa City 52240-8384
2. Donald A. Secrest - 417 E. Green Street, P.O. Box 491, West Branch, Iowa 52358
3. Timothy & Colleen Crew - 165 290th Street, West Branch, Iowa 52358
4. Lois Esther Secrest - 181 290th Street, West Branch, Iowa 52358
5. Joan Crew - 195 290th Street, West Branch, Iowa 52358
6. Richard & Terri Wagner - 177 290th Street, West Branch, Iowa 52358
7. Clarence & Mary Ann Crew - 181 290th Street, West Branch, Iowa 52358
8. Neal & Lyn Beth Kane - 187 290th Street, West Branch, Iowa 52358
9. James & Margaret Wick - 191 290th Street, West Branch, Iowa 52358
10. Crew Revocable Living Trust - 12212 S. Chinook Court, Phoenix, Arizona 85044
11. Robert E. Wertzbaugher Et Ali - 2382 Atalissa Road, Atalissa, Iowa 52720
12. Gilbert J. Barker - 184 290th Street, West Branch, Iowa 52358
13. Arlieta M. Hamer - 190 290th Street, West Branch, Iowa 52358
14. David & Joan Kabela - 239 290th Street, West Branch, Iowa 52358
15. Mark & Gloria Scharnweber - 178 290th Street, West Branch, Iowa 52358
16. Raymond & Deborah Woods - 172 290th Street, West Branch, Iowa 52358
17. Marvin & Karen Brick - P.O. Box 430, West Branch, Iowa 52358
18. Jerry Eyman - Century 21, 1927 Keokuk Street, Iowa City, Iowa 52240
19. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
20. 7 P & Z members
21. 1 copy to Tipton Conservative on 10/9/00
22. 1 copy faxed to West Branch Times on 10/9/00
23. 2 copies for bulletin boards
24. 2 file copies

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

September 20, 2000

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, September 20, 2000, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Glick, Schuett, Brown and Zoning Administrator La Rue. Members absent were Krall, Pruess and Lamp. Minutes from the previous meeting held on September 6, 2000, were previously sent to the members. Brown made a motion to accept the minutes as written. Schuett seconded the motion. Ayes all.

The Commission then considered the following petitions:

1. Norman and Betty Ellerhoff, RFD, Tipton (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NE 1/4, Section 18, T-80N, R-3W, in Cass Township, consisting of 5.00 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 Supervisors in accordance with Chapter 18.2(3) of the Zoning Ordinance.

Norman and Betty Ellerhoff were present and explained their plans to acquire property from Norman's father, Roy Ellerhoff, so that they can build a home. The soil evaluation was reviewed. The Commission noted that the property is timbered with moderate limitations for building and moderate to severe limitations due to slope for on-site wastewater treatment and disposal. La Rue explained that the percolation test was satisfactory and the slope should pose little difficulty for the septic system construction. A letter from the Tipton Fire Department indicated no problems with providing fire and rescue services to the property and recommended that adequate driveway access be constructed. The letter from County Engineer, Don Torney, was reviewed. Mr. Torney has no objections, provided access side slopes are 10:1.

The Commission acknowledged that the Comprehensive Plan discourages scattered non-farm dwellings, but that there are several residential homes in the area. Brown then asked the Ellerhoff's if the entire 5.00 acres they had requested is necessary. Mrs. Ellerhoff explained that when they filed their petition, the site of the proposed home had not been determined and they now have decided to place the dwelling on the west side of the 5.00 acre tract. The Commission asked if they would be willing

to reduce the size of the rezoning tract by half to 2.50 acres more or less. The Ellerhoff's had no objection. Schuett then made a motion to recommend approval of the change in zoning from A-1 to R-1 for 2.50 acres only. Glick seconded the motion. Ayes all.

2. Wireless Facilities, Inc., Urbandale, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 195 foot tall Personal Communication Services (PCS) tower on property located in the SW 1/4 of the SW 1/4 of the NE 1/4, Section 22, T-79N, R-1W, in Farmington Township, on a tract of land consisting of 35.59 acres more or less. Said property will be leased and is currently zoned A-1 Agricultural.

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 and Ordinance #30.

Bruce Gates, representative for Wireless Facilities, Inc., explained the request for a Special Use Permit at this site. He explained that his company has co-located on 70% of their sites and needs to erect a monopole at this site because there are no towers available in the area for co-location. He then explained, using a map, why this site was selected and the site appraisal documentation. The soil evaluation was reviewed. The C.S.R. was noted to be 90 points, but because the enclosed area is only 50' x 50', the effect on agriculture will be minimal. The Commission noted that including the access easement the total area is about 1.00 acres. Limitations for building are moderate because of the high water table. The report from County Engineer, Don Torney, expressed no objections and an existing access will be used.

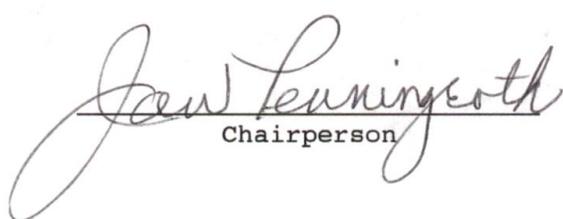
Carla Graves, property owner one-half mile north of the site, then asked Mr. Gates questions and expressed her concerns about the project. She asked about land values. Mr. Gates explained that the tower should not result in a decrease in land values. No such problems have occurred at other sites. Ms. Graves then explained that they have an antenna on their property and wanted assurance that they will not have interference. Mr. Gates explained that the tower operates at very low wattage and at a different assigned frequency. No problems will be observed with T.V. reception either. She inquired about tower lighting and possible health effects. Mr. Gates explained that because the tower will be less than 200 feet tall, the tower will not be

lighted. As for health effects, there is no evidence that there is a problem. Also, the Tele-Communication Act of 1996 prohibits denial based upon "health effects". Finally, as for farming the area, only a 50' x 50' area will be fenced and can be farmed up to the fence. Mrs. Graves stated that she was satisfied with the answers to the project.

Brown then made a motion to recommend approval to the Board of Adjustment. Schuett seconded the motion. Ayes all.

Item #3 on the Commission's agenda was then considered which was a request for an Agreement to Abate in accordance with Chapter 19 of the Cedar County Zoning Ordinance from Kirk Schrock, 101 Broadway Street, West Branch, Iowa. Said property is described as Lot 6 and the West 1/2 Lot 7, Block 10, 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, Iowa, and is presently zoned R-2 Urban Residential. Mr. Schrock was in attendance for the meeting. La Rue explained the circumstances pertaining to the request and provided photographs and diagrams of the property from June 26, 2000, and August 23, 2000. La Rue continued that Mr. Schrock has made great progress toward compliance with the Zoning Ordinance. Mr. Schrock then described his progress toward removing motor vehicles, motorcycles, tires, a mobile home, etc. from his property. He continued by explaining that he has rented a garage to put his valuable cars in and that there is still one mobile home and car yet to be removed from his property. He stated that he needs time in which to finish the job because he needs to go back to work and would like to have until next June in which to complete the abatement work. La Rue explained that, in a telephone conversation with the complainant on 9/20/00, the complainant was pleased with Mr. Schrock's efforts and had no problem with an abatement agreement. With no additional discussion, in accordance with Chapter 19.3, County Infractions of the Zoning Ordinance, Brown made a motion to grant the Agreement to Abate to Kirk Schrock to complete the abatement work consisting of removal of the second mobile home by June 1, 2001. The motor vehicle is to be removed as soon as possible and the property is to comply with the R-2 Urban Residential District regulations. Said agreement is to be reduced to writing. Schuett seconded the motion. Ayes all.

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



Jan Leuningeroth
Chairperson



P.D. LaRue
Secretary

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning and Zoning Commission

September 20, 2000 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of Petitions:

- A. Norman & Betty Ellerhoff
(Rezoning A-1 to R-1)
- B. Wireless Facilities, Inc.
(SUP - Communication Tower)

III. Consideration of the Request for an Agreement to Abate, in accordance with Chapter 19 of the Cedar County Zoning Ordinance, filed by Kirk Schrock, for his property located at 101 Broadway Street, West Branch, Iowa, in the unincorporated town of Downey.

IV. Discussion

V. Conclusion

VI. Adjournment

Copies sent out on 9/8/00 to the following:

1. 7 Zoning Commission members
2. Kirk D. Schrock - 101 Broadway Street, West Branch, Iowa 52358

Boone County Zoning
Commission

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

September 1, 2000

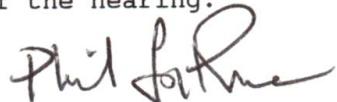
LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, September 20, 2000, 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. Norman and Betty Ellerhoff, RFD, Tipton (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NE 1/4, Section 18, T-80N, R-3W, in Cass Township, consisting of 5.00 acres more or less.
2. Wireless Facilities, Inc., Urbandale, Iowa - Requesting approval of a Special Use Permit authorizing the location of a 195 foot tall Personal Communication Services (PCS) tower on property located in the SW 1/4 of the SW 1/4 of the NE 1/4, Section 22, T-79N, R-1W, in Farmington Township, on a tract of land consisting of 35.59 acres more or less. Said property will be leased and is currently 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 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 9/5/00 to the following:

1. Norman & Betty Ellerhoff - 1152 220th Street, Tipton, Iowa 52772 - Hand delivered
2. Roy Ellerhoff - 1443 Harding Avenue, Tipton, Iowa 52772
3. Donald W. Shotwell - 589 250th Street, West Branch, Iowa 52358
4. Kevin Gleaves - 647 Cedar Valley Road, Tipton, Iowa 52772
5. Jane Cain - 1411 Harding Avenue, Tipton, Iowa 52772

1. Bruce Gates - Wireless Facilities, Inc., 11346 Aurora Avenue, Urbandale, Iowa 50322 - Cert.
2. Allen D. May - Wireless Facilities, Inc., 11346 Aurora Avenue, Urbandale, Iowa 50322
3. Kevin Barker - 2160 310th Street, Wilton, Iowa 52778
4. Warren Thede - 3106 Jersey Ridge Road, Davenport, Iowa 52807
5. Francis & Marguerite Friedli Ltd. - P.O. Box 203072, Austin, Texas 78720
6. I.D.O.T. - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
7. Herchal & Bernadine Fitzer - 106 6th Street, Durant, Iowa 52747
8. Jim & IMP Lightner Co. - 5905 Steuben Court, Dallas, Texas 75248
9. Jeffrey Graves Revocable Trust - P.O. Box 70, Durant, Iowa 52747

7 Planning & Commission Members

1 copy to Tipton Conservative on 9/1/00

1 copy faxed to Wilton-Durant Advocate Times on 9/1/00

2 file copies

2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

September 6, 2000

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, September 6, 2000, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. Members present were Penningroth, Brown, Pruess, Lamp and Zoning Administrator La Rue. Members absent were Schuett, Glick and Krall. Minutes from the previous meeting held on August 23, 2000, were previously sent to the members. Brown made a motion to accept the minutes as written. Pruess seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. HWH Corporation, 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 West 1/2 of the SE 1/4 of the SW 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 11.05 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 Supervisors in accordance with Chapter 18.2(3) of the Zoning Ordinance.

Paul Hanser and his son, Dennis Hanser, were present and explained their plans to expand their current manufacturing facility. The letter from County Engineer, Don Torney, was reviewed. No problems are anticipated. The Comprehensive Plan was reviewed and the need for access to the interstate was acknowledged as was the orderly expansion of the operation. Following discussion, Pruess made a motion to recommend approval of the petition. Brown seconded the motion. Ayes all.

2. Larry and Mary Howsare, RFD, Solon (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NW 1/4, Section 6, T-80N, R-4W, in Gower Township, consisting of 1.45 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 Supervisors in accordance with Chapter 18.2(3) of the Zoning Ordinance.

Larry and Mary Howsare were present and explained their plans to build a home on their property and then sell the remainder of their farm and the existing dwelling. A letter from Dick Stoolman, West Branch Fire Department, indicated no problems with providing fire and rescue

services to this proposed dwelling. The letter from County Engineer, Don Torney, was reviewed. A driveway access permit has been issued and no problems were noted. The Commission noted that there are no livestock operations within 1,320 feet of the proposed site. The soil evaluation was reviewed for C.S.R. This rating was noted to be below 75 points. The Comprehensive plan was noted to discourage scattered residential (non-farm) dwellings.

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

3. Wesley and Shirley Howe, RFD, Durant (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 11, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less.

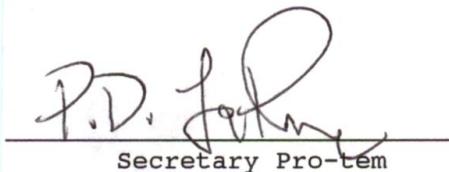
There were no written or verbal objections on file for this petition. La Rue advised the Commission to make their recommendation in accordance with Chapter 18.2(3) of the Zoning Ordinance.

Mr. and Mrs. Howe were present and explained their plans to build a home on a portion of the family farm belonging to his grandfather. A letter received from the Durant Fire Department indicated no problems in providing fire and rescue. The letter received from County Engineer, Don Torney, explained that a driveway permit had been issued and he had no objections. There are no livestock operations within 1,320 feet. Mr. Howe explained that at this site there was once a dwelling. The soil inventory was reviewed. The C.S.R. noted to be about 75 points. Regarding a septic system, the center of the tract is noted to be the Colo-Ely soil complex and the petitioner was encouraged not to construct a septic system within this portion of the tract because of the high ground water table and flooding potential. Discussion followed concerning the number of acres to be rezoned.

Following additional discussion, Pruess made a motion to recommend approval to the Board of Supervisors of the change in zoning of the north 2.5 acres more or less rather than the entire 5.00 acre tract proposed. Lamp seconded the motion. Ayes all.

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


Jan Penningroth
Chairperson


P.D. Johnson
Secretary Pro-tem

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

August 28, 2000

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, September 6, 2000, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. This meeting was previously to be heard on August 16, 2000, but was postponed due to the lack of a quorum.

At this time the Commission will review the following petitions:

1. HWH Corporation, 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 West 1/2 of the SE 1/4 of the SW 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 11.05 acres more or less.
2. Larry and Mary Howsare, RFD, Solon (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NW 1/4, Section 6, T-80N, R-4W, in Gower Township, consisting of 1.45 acres more or less.
3. Wesley and Shirley Howe, RFD, Durant (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 11, T-79N, R-1W, in Farmington Township, consisting of 5.00 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 8/29/00 to the following:

1. H.W.H. Corporation - Attn: Paul Hanser, 2096 Moscow Road, Moscow, Iowa 52760 - Certified
2. I.D.O.T. - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
3. I.D.O.T. - Attn: Sonny Marlatt, Box 348, Tipton, Iowa 52772
4. Herb Townsend - 2372 Plum Avenue, Wilton, Iowa 52778
5. Leota Conner - 509 E. 8th Street, West Liberty, Iowa 52776

1. Larry & Mary Howsare - 10 223rd Street, Solon, Iowa 52333 - Certified
2. William & Fran Albrecht - 5770 Morse Rd. NE, Solon, Iowa 52333
3. Mark & Deborah Dyken - 5673 Morse Road NE, Solon, Iowa 52333
4. William Braddock - 2333 Johnson Cedar Road NE, Solon, Iowa 52333
5. Steve Abbott - P.O. Box 140, West Branch, Iowa 52358
6. Steve & Jill Skay - 2170 Delta Avenue, West Liberty, Iowa 52776
7. Paul & Teresa Cahill Life Estate Et Ali - 712 18th Avenue, Coralville, Iowa 52241

1. Wesley & Shirley Howe - 1945 Yankee Avenue, Durant, Iowa 52747 - Certified
2. Arno & Bernice Paustian - 1993 Yankee Avenue, Durant, Iowa 52747
3. Richard & Barbara Budelier - 1881 Yankee Avenue, North Liberty, Iowa 52765
4. Wendell & Alice King - 205 4th Avenue, Durant, Iowa 52747
5. Norwest Bank of Cedar Rapids - Lester & Edith Arp Trust, 101 3rd Avenue S.W., Cedar Rapids, Iowa 52406

Copy to Tipton Conservative on 8/28/00
2 file copies
2 copies for bulletin board
7 Zoning Commission members

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on September 21 and 25, 2000, 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. HWH Corporation, 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 West 1/2 of the SE 1/4 of the SW 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 11.05 acres more or less.
2. Larry and Mary Howsare, RFD, Solon (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NW 1/4, Section 6, T-80N, R-4W, in Gower Township, consisting of 1.45 acres more or less.
3. Wesley and Shirley Howe, RFD, Durant (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 11, T-79N, R-1W, in Farmington Township, consisting of 2.50 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 9/12/00 to the following:

1. H.W.H. Corporation - Attn: Paul Hanser, 2096 Moscow Road, Moscow, Iowa 52760 - Certified
2. I.D.O.T. - Right-of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
3. I.D.O.T. - Attn: Sonny Marlatt, Box 348, Tipton, Iowa 52772
4. Herb Townsend - 2372 Plum Avenue, Wilton, Iowa 52778
5. Leota Conner - 509 E. 8th Street, West Liberty, Iowa 52776

1. Larry & Mary Howsare - 10 223rd Street, Solon, Iowa 52333 - Certified
2. William & Fran Albrecht - 5770 Morse Road NE, Solon, Iowa 52333
3. Mark & Deborah Dyken - 5673 Morse Road NE, Solon, Iowa 52333
4. William Braddock - 2333 Johnson Cedar Road NE, Solon, Iowa 52333
5. Steve Abbott - P.O. Box 140, West Branch, Iowa 52358
6. Steve & Jill Skay - 2170 Delta Avenue, West Liberty, Iowa 52776
7. Paul & Teresa Cahill Life Estate Et Ali - 712 18th Avenue, Coralville, Iowa 52241

1. Wesley & Shirley Howe - 1945 Yankee Avenue, Durant, Iowa 52747 - Certified
2. Arno & Bernice Paustian - 1993 Yankee Avenue, Durant, Iowa 52747
3. Richard & Barbara Budelier - 1881 Yankee Avenue, North Liberty, Iowa 52765
4. Wendell & Alice King - 205 4th Avenue, Durant, Iowa 52747
5. Norwest Bank of Cedar Rapids - Lester & Edith Arp Trust, 101 3rd Avenue S.W., Cedar Rapid-
Iowa 52406

1 Copy to Tipton Conservative
1 Copy faxed to Wilton-Durant Advocate News
Board of Supervisors
2 File Copies

2 Bulletin Board Copies



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

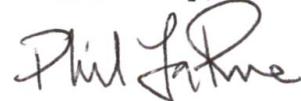
August 16, 2000

Dear Petitioner/Property Owner:

Enclosed please find a revised Legal Notice for the meeting of the Cedar County Planning and Zoning Commission. This meeting was to be heard on August 16, 2000, but has been postponed and continued due to the lack of a quorum until Wednesday, August 23, 2000, at 6:30 p.m.

The regular meeting of the Cedar County Board of Adjustment concerning the petitions for Telecommunication Towers remains on schedule for Thursday, August 24, 2000.

Sincerely,

A handwritten signature in black ink that appears to read "Phil La Rue".

Phil La Rue
Zoning Administrator

PL:sl



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

August 16, 2000

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 23, 2000, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. This meeting was previously to be heard on August 16, 2000, but was postponed and continued to the above date due to the lack of a quorum.

At this time the Commission will review the following petitions:

1. IPCS Wireless, Inc., 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 SW 1/4 of the NW 1/4 of the SE 1/4, Section 9, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less. Said property will be leased and is currently zoned A-1 Agricultural.
2. IPCS Wireless, Inc., 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 NW 1/4 of the SW 1/4 of the NW 1/4, Section 7, T-79N R-4W, in Springdale Township, consisting of 1.00 acres more or less. Said property will be leased and is currently 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 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

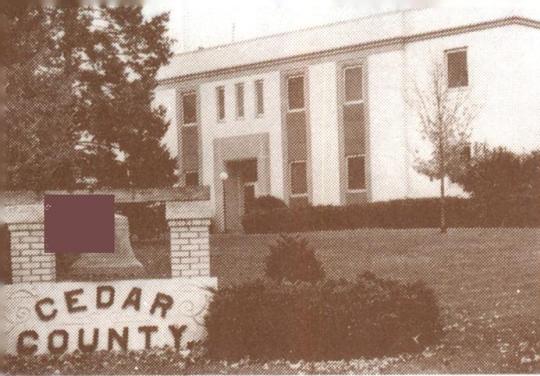
PL:sl

Copies sent out on 8/16/00 to the following:

1. David Cunningham - IPCS Wireless, Inc., 11 Hawkeye Lane, Geneseo, Illinois 61254 - Certified
2. Dorothy & Ronald Voss & Rosemary Jane Voss Trust - 2423 Walden, Apt. 305, Iowa City 52246
3. Rolland Meixner - 1930 Inca Avenue, Atalissa, Iowa 52720
4. Rodney & Ileen Hanson - 875 297th Street, Atalissa, Iowa 52720
5. James & Evelyn Buol - 1969 Inca Avenue, Atalissa, Iowa 52720
6. Hilbert & Karl Nebergall & Ileen Hanson - 2365 Atalissa Road, Atalissa, Iowa 52720
7. Dan Banta - P.O. Box 607, West Branch, Iowa 52358

1. David Cunningham - IPCS Wireless, Inc., 11 Hawkeye Lane, Geneseo, Illinois 61254 - Certified
2. Donald & Fern Thompson - 142 Wetherell, Box 35, West Branch, Iowa 52358
3. West Branch Community School - 148 N. Oliphant, West Branch, Iowa 52358
4. John Beecher Jr. - 123 Oliphant Street, West Branch, Iowa 52358
5. Gary A. Milder - 21 300th Street, West Branch, Iowa 52358
6. City of West Branch - Attn: Ty Doermann, 304 E. Main Street, West Branch, Iowa 52358

Marian Peden - 899 290th Street, Atalissa, Iowa 52720



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

August 7, 2000

LEGAL NOTICE

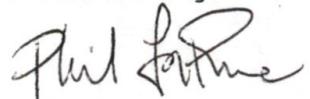
The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 16, 2000, at 6:30 p.m., in the Large Meeting Room in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petitions:

1. HWH Corporation, 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 West 1/2 of the SE 1/4 of the SW 1/4, Section 17, T-79N, R-2W, in Rochester Township, consisting of 11.05 acres more or less.
2. Larry and Mary Howsare, RFD, Solon (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NW 1/4, Section 6, T-80N, R-4W, in Gower Township, consisting of 1.45 acres more or less.
3. Wesley and Shirley Howe, RFD, Durant (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 11, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less.
4. IPCS Wireless, Inc., 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 SW 1/4 of the NW 1/4 of the SE 1/4, Section 9, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less. Said property will be leased and is currently zoned A-1 Agricultural.

5. IPCS Wireless, Inc., 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 NW 1/4 of the SW 1/4 of the NW 1/4, Section 7, T-79N, R-4W, in Springdale Township, consisting of 1.00 acres more or less. Said property will be leased and is currently 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 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 8/9/00 to the following:

1. H.W.H. Corporation - Attn: Paul Hanser, 2096 Moscow Road, Moscow, Iowa 52760 - Certified
2. IDOT - Right-of-way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
3. I.D.O.T. - Attn: Sonny Marlatt - Box 348, Tipton, Iowa 52772
4. Herb Townsend - 2372 Plum Avenue, Wilton, Iowa 52778
5. Leota Conner - 509 E. 8th Street, West Liberty, Iowa 52776

1. Larry & Mary Howsare - 10 223rd Street, Solon, Iowa 52333 - Certified
2. William & Fran Albrecht - 5770 Morse Rd. NE, Solon, Iowa 52333
3. Mark & Deborah Dyken - 5673 Morse Rd. NE, Solon, Iowa 52333
4. William Braddock - 2333 Johnson Cedar Rd. NE, Solon, Iowa 52333
5. Steve Abbott - P.O. Box 140, West Branch, Iowa 52358
6. Steve & Jill Skay - 2170 Delta Avenue, West Liberty, Iowa 52776
7. Paul & Teresa Cahill Life Estate Et Ali - 712 18th Avenue, Coralville, Iowa 52241

1. Wesley & Shirley Howe - 1945 Yankee Avenue, Durant, Iowa 52747 - Certified
2. Arno & Bernice Paustian - 1993 Yankee Avenue, Durant, Iowa 52747
3. Richard & Barbara Budelier - 1881 Yankee Avenue, North Liberty, Iowa 52765
4. Wendell & Alice King - 205 4th Avenue, Durant, Iowa 52747
5. Norwest Bank Cedar Rapids - Lester & Edith Arp Trust, 101 3rd Avenue S.W. Cedar Rapids 52406

1. David Cunningham - IPCS Wireless, Inc., 11 Hawkeye Lane, Geneseo, IL 61254 - Certified
2. Dorothy & Ronald Voss & Rosemary Jane Voss Trust - 2423 Walden, Apt. 305, Iowa City 52246
3. Rolland Meixner - 1930 Inca Avenue, Atalissa, Iowa 52720
4. Rodney & Ileen Hanson - 875 297th Street, Atalissa, Iowa 52720
5. James & Evelyn Buol - 1969 Inca Avenue, Atalissa, Iowa 52720
6. Hilbert & Karl Nebergall & Ileen Hanson - 2365 Atalissa Road, Atalissa, Iowa 52720

1. David Cunningham - IPCS Wireless, Inc., 11 Hawkeye Lane, Geneseo, IL 61254 - Certified
2. Donald & Fern Thompson - 142 Wetherell, Box 35, West Branch, Iowa 52358
3. West Branch Community School - 148 N. Oliphant, West Branch, Iowa 52358
4. John Beecher Jr. - 123 Oliphant Street, West Branch, Iowa 52358
5. Gary A. Milder - 21 300th Street, West Branch, Iowa 52358
6. City of West Branch - Attn: Ty Doermann, 304 E. Main Street, West Branch, Iowa 52358
7. Dan Banta - P.O. Box 607, West Branch, Iowa 52358

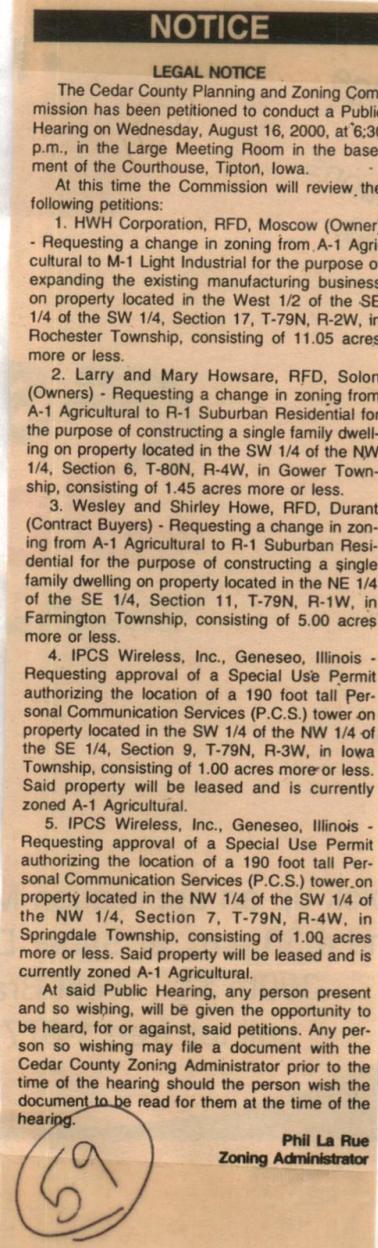
7 Zoning Commission Members

Copies to Tipton Conservative, Sun News, Wilton Advocate & West Branch Times

2 file copies

2 copies for bulletin boards

PROOF OF PUBLICATION



State of Iowa, Cedar County, ss:

I, Debbie Owen,

Publisher of the West Branch Times, a weekly newspaper of general circulation published at West Branch, in said county, and being duly sworn, do declare and say that a Notice, of which the one hereto attached is a copy, was published in said West Branch Times respectively:

August 10, 2000

Fee: \$ 24 54

Sworn to by the said

before me and signed by her in my presence, this _____

day of _____,

Notary Public

Received of

Dollars

in full on above publication.

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 23, 2000

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 23, 2000, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Krall, Brown, Pruess and Zoning Administrator La Rue. Members absent were Glick, Schuett and Lamp. Minutes from the previous meeting held on July 19, 2000, were previously sent to the members. Brown made a motion to accept the minutes as written. Pruess seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. IPCS Wireless, Inc., 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 SW 1/4 of the NW 1/4 of the SE 1/4, Section 9, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less. Said property will be leased and is currently 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) and Chapter 5, Section D(12) of the Zoning Ordinance and County Ordinance #30, pertaining to the placement of telecommunication towers in making a recommendation to the Board of Adjustment.

David Cunningham, representative for IPCS Wireless, explained the request for a Special Use Permit. Roland Meixner, the property owner, was also present. Mr. Cunningham explained that the site is one of 55 sites in Iowa. He then explained that co-location is preferred to erecting a tower, but because there is no tower within the required area of coverage, a tower is needed. This site is located 1,320 feet west of the site which was denied by the Board of Adjustment in August 1999. They will be co-locating on the Iowa Wireless tower at the Interstate 80, Highway 38 interchange in Cedar County. There are no suitable sites within 3.0 miles, beyond one-half mile as per Ordinance #30. This tower can easily accomodate additional antennas.

Rod Hansen, adjoining property owner to the east, then explained that their perspective is better with this site. He then expressed concern with possible interference, with for example, T.V.

reception. Mr. Cunningham explained the differences in frequency should not have an effect on reception. Mr. Hansen stated that most of their concerns have been resolved but wants a guarantee that they won't have a problem. Mr. Cunningham stated that he is not authorized to guarantee that the Hansen's will not have any problems, only that the tower will comply with F.C.C., state and county regulations. La Rue briefly explained Ordinance #30 and stated that Cedar County can not deny a tower based upon health concerns as per the Telecommunication Act of 1996. The letter from County Engineer, Don Torney, was then read. He stated no objections with the access.

Following discussion, Pruess made a motion to recommend that the Special Use Permit be granted. Krall seconded the motion. Ayes all.

2. IPCS Wireless, Inc., 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 NW 1/4 of the SW 1/4 of the NW 1/4, Section 7, T-79N, R-4W, in Springdale Township, consisting of 1.00 acres more or less. Said property will be leased and is currently 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), Chapter 5, Section D(12) and County Ordinance #30, pertaining to telecommunication tower placement in making a recommendation to the Board of Adjustment.

David Cunningham then explained the need for this tower's placement. Mr. Don Thompson and his daughter, property owner, were also present. The letter from County Engineer, Don Torney, was then reviewed. This Level "B" road received no maintenance in the winter. Mr. Cunningham again explained that no existing tower is available within one-half mile. They will manage to get to the site regardless of road maintenance. The county, city or school is not responsible to provide access. The tower siting was then discussed in relation to the property of the West Branch school. The tower is at least half the height from school property and the possibility of tower collapse was discussed. Fencing was also discussed as per the Ordinance. Don Torney then asked if a new access entrance is being proposed. Discussion then followed about

right-of-way width and the City of West Branch's maintenance as well as Johnson County. The addition of gravel to any needed access will be at IPCS's expense subject to County approval. IPCS will also provide any gravel needed along the dirt road. Discussion followed. The tower is available for co-location.

Following additional discussion, Pruess then made a motion to recommend approval subject to the understanding that the road is Level "B" and any improvements and road maintenance are to be at the developer's expense with appropriate regulatory authority approval. Also, any future road improvements must be at least 66 feet in right-of-way width. Brown seconded the motion. Ayes all.

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



Jan Lewengroth

Chairperson



P.D. Prue

Secretary Pro-tem

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 19, 2000

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 19, 2000, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Schuett, Brown, Zoning Administrator La Rue and Jim Gonyier, E.C.I.A. Members absent were Lamp, Glick and Krall. Minutes from the previous meeting held on July 6, 2000, were previously sent to the members. Brown made a motion to accept the minutes as written. Schuett seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. Vicki Reynolds, RFD, West Branch (Owner) - Requesting approval of a Special Use Permit for the purpose of operating a dog grooming shop and kennel on property located in the NW 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4, Section 32, T-79N, R-4W, in Springdale Township, consisting of 0.71 acres more or less. Said property is currently zoned A-1 Agricultural.

La Rue advised the Commission to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance when making a recommendation to the Board of Adjustment. There were no written or verbal objections on file for this petition. La Rue explained that dog kennels must be located 750 feet from the dwelling of an adjoining property owner. A letter from Cheryl Edwards, adjoining property owner, was read and stated that she had no objections.

Vicki Reynolds was present and explained that this will be a dog grooming shop. The Iowa Department of Agriculture has done their inspection and given approval. A license will be issued for her kennel. There was discussion about a change of ownership with the neighboring property. La Rue explained that the terms of the special permit would apply and any problems addressed by the Board of Adjustment. County Engineer, Don Torney, then explained his letter and pointed out that Ms. Reynolds' access is a shared easement. He stated that he had no objections.

Following discussion, Brown made a motion to recommend approval to the Board of Adjustment with the understanding that there is no animal boarding as per her petition. Pruess seconded the motion. Ayes all.

2. Wendling Quarries, Inc., DeWitt, Iowa - Requesting approval of a Special Use Permit for the purpose of expanding their existing limestone quarry operation on property located in Lot 1 of Lot B, in the NE 1/4, Section 23, T-80N, R-3W, in Center West Township, consisting of 27.105 acres more or less. Said property is presently zoned A-1 Agricultural.

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

John Tuthill and Marc Whitman, Wendling Quarries, were present and explained the petition to expand their quarry operation to the south. He explained that operation began in 1926 and then described the operation and ownership changes to present. Photographs of the property were presented. He also explained that their access road (Stone Mill Road) is paved and no additional road usage is expected. The access from King Avenue will continue to be a farm access only. The separation distance between the operation and dwellings was then reviewed. There are no occupied dwellings within 500 feet of the areas proposed for mining. La Rue explained the ordinance requirement for the 500 feet separation and that the Special Use Permit is required due to the expansion of the present use. Truck traffic is not expected to increase. The letter from County Engineer, Don Torney, was reviewed. Wendling Quarries has no plan for using the access onto King Avenue. The present access onto Stone Mill Road will be adequate. Reclamation of the spent areas was discussed. The operation has begun reclamation of areas of the property. Blasting is done twice a year and notification to neighbors is sent out.

Following additional discussion, Pruess made a motion to recommend approval of the Special Use Permit to the Board of Adjustment. Schuett seconded the motion. Ayes all.

At this time, the Commission also considered 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".

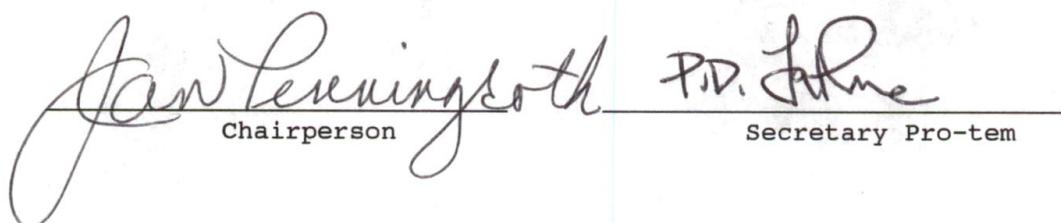
PURPOSE. The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas for commercial wireless telecommunications as provided for in the Federal Telecommunications Act of 1996 and any other communication towers which meet the structural criteria listed in this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

There were no written or verbal comments on file. La Rue explained the revisions to the ordinance which was presented during 1999 to the Board of Supervisors. A map was presented to show towers in the unincorporated areas of Cedar County. There was then discussion on the abandonment of these towers.

Following discussion, Brown made a motion to recommend approval of Ordinance Number 30 to the Board of Supervisors. Schuett seconded the motion. Ayes all.

The Commission then discussed the Comprehensive Plan revision project with Jim Gonyier, E.C.I.A., and County Engineer, Don Torney. Land use was discussed as were the goals of the present 1980-2000 plan.

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



Jan Levingsoth P.D. John
Chairperson Secretary Pro-tem



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

July 19, 2000 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from Vicki Reynolds,
Wendling Quarries and Ordinance #30
- III. Discussion
- IV. Jim Gonyier, E.C.I.A.
Discussion on revised Cedar County Comprehensive Plan
- V. Conclusion

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

July 10, 2000

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 19, 2000, 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. Vicki Reynolds, RFD, West Branch (Owner) - Requesting approval of a Special Use Permit for the purpose of operating a dog grooming shop and kennel on property located in the NW 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4, Section 32, T-79N, R-4W, in Springdale Township, consisting of 0.71 acres more or less. Said property is currently zoned A-1 Agricultural.
2. Wendling Quarries, Inc., DeWitt, Iowa - Requesting approval of a Special Use Permit for the purpose of expanding their existing limestone quarry operation on property located in Lot 1 of Lot B, in the NE 1/4, Section 23, T-80N, R-3W, in Center West Township, consisting of 27.105 acres more or less. Said property is presently zoned A-1 Agricultural.

At this time, the Commission 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 Offices of the Cedar County Auditor and Zoning Administrator for review.

Copies sent out on 7/12/00 to the following:

1. Vicki Reynolds - 2328 Baker Avenue, West Branch, Iowa 52358 - Certified
2. Eleanor Secrest - 52 330th Street, West Branch, Iowa 52358
3. Patricia, William & Eleanor Secrest - 52 330th Street, West Branch, Iowa 52358
4. Dorothy Spencer - 2000 N. Dubuque Street, Iowa City, Iowa 52245
5. Jerry Lawrence - 2306 Baker Avenue, West Branch, Iowa 52358
6. Greg & Cheryl Edwards - 2316 Baker Avenue, West Branch, Iowa 52358
7. Karen J. Streets Trust - % Larry Streets, 2394 Baker Avenue, West Branch, Iowa 52358

1. Wendling Quarries, Inc. - Attn: John Tuthill, P.O. Box 120, DeWitt, Iowa 52742 - Certified
2. Richard Martin Moylan - 1549 King Avenue, Tipton, Iowa 52772
3. Mildred Eiler - 1664 Snaggy Ridge Road, Tipton, Iowa 52772
4. Kirk Sissel & Cindy Beverlin - 1526 King Avenue, Tipton, Iowa 52772
5. Donald & Lois Rosenow - 1104 Plum Street, Tipton, Iowa 52772

7 Zoning Commission members

1 copy to Tipton Conservative on 7/10/00

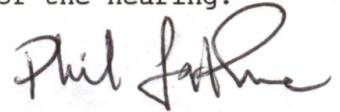
1 copy to West Branch Times on 7/10/00

2 file copies

2 copies for bulletin boards

Jim Gonyier - E.C.I.A., P.O. Box 1140, Nesler Center, Suite 330, Dubuque, Iowa 52001

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

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on August 3 and 7, 2000, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time the Board will review the following petitions:

1. Norm Grunder, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SE 1/4, Section 34, T-79N, R-2W, in Sugar Creek Township, consisting of 1.40 acres more or less.
2. Tim Wolfe, Iowa City (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural and R-2 Urban Residential to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed sixteen (16) lot subdivision on property located in the W 1/2 of the E 1/2 and the SE 1/4 of the NE 1/4, all in Section 5, T-79N, R-4W, in Springdale Township, consisting of 41.82 acres more or less.
3. Stan Severin, RFD, 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 SE 1/4 of the SE 1/4, Section 15, T-82N, R-1W, in Massillon Township, consisting of 1.16 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 7/19/00 to the following:

1. Norman Grunder - Box 1146, Wilton, Iowa 52778 - Certified
2. David Johnson - 6000 Hidden Brook Lane, Knoxville, TN 37938
3. Townsend Farms, Inc. - 2372 Plum Avenue, Wilton, Iowa 52778
4. Alan & Crystal Bartels - 2390 Plum Avenue, Wilton, Iowa 52778
5. Gerald Goodwin - 2394 Plum Avenue, Wilton, Iowa 52778
6. Thomas & Margaret Allen - 2398 Plum Avenue, Wilton, Iowa 52778
7. Leroy & Melanie VanRoekel - 1582 Cedar Muscatine Road, Wilton, Iowa 52778
8. Martin Wacker & Carolyn Kiser-Wacker - 2389 Plum Avenue, Wilton, Iowa 52778
9. Warren & Barbara Vitek - 2391 Plum Avenue, Wilton, Iowa 52778
10. Kirk & Kim Latta - 2397 Plum Avenue, Wilton, Iowa 52778

1. Tim Wolfe - Tiox Inc. & T & R Investments, 3610 Taft Avenue S.E., Iowa City, Iowa 52240-8384
2. Donald A. Secrest - 417 E. Green Street, P.O. Box 491, West Branch, Iowa 52358
3. Timothy & Colleen Crew - 165 290th Street, West Branch, Iowa 52358
4. Lois Esther Secrest - 181 290th Street, West Branch, Iowa 52358
5. Joan Crew - 195 290th Street, West Branch, Iowa 52358
6. Richard & Terri Wagner - 177 290th Street, West Branch, Iowa 52358
7. Clarence & Mary Ann Crew - 181 290th Street, West Branch, Iowa 52358
8. Neal & Lyn Beth Kane - 187 290th Street, West Branch, Iowa 52358
9. James & Margaret Wick - 191 290th Street, West Branch, Iowa 52358
10. Crew Revocable Living Trust - 12212 S. Chinook Court, Phoenix, AZ 85044
11. Robert E. Wertzbaugher Et Ali - 2382 Atalissa Road, Atalissa, Iowa 52720
12. Gilbert J. Barker - 184 290th Street, West Branch, Iowa 52358
13. Arlieta M. Hamer - 190 290th Street, West Branch, Iowa 52358
14. David & Joan Kabela - 239 290th Street, West Branch, Iowa 52358
15. Mark & Gloria Scharnweber - 178 290th Street, West Branch, Iowa 52358
16. Raymond & Deborah Woods - 172 290th Street, West Branch, Iowa 52358
17. Marvin & Karen Brick - P.O. Box 430, West Branch, Iowa 52358
18. Jerry Eyman - Century 21, 1927 Keokuk Street, Iowa City, Iowa 52240
19. Richard Kordick - 689 185th Street, Tipton, Iowa 52772 - Copy sent out on 7/21/00 per request

1. Stan Severin - 2167 130th Street, Lowden, Iowa 52255 - Certified
2. Brian Severin - 2167 130th Street, Lowden, Iowa 52255
3. William Eiselstein - 640 Mill Street, Wheatland, Iowa 52777
4. Fred Ziegler - 1984 110th Avenue, Wheatland, Iowa 52777

Board of Supervisors

- 1 copy to Tipton Conservative
- 1 copy to Sun News
- 1 copy to Wilton Advocate News
- 1 copy to West Branch Times
- 2 file copies
- 2 copies for bulletin boards

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

June 26, 2000

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Thursday, July 6, 2000, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. This meeting was previously scheduled to be heard on June 21, 2000, but was postponed because of the lack of a quorum.

At this time the Commission will review the following petitions:

1. Norm Grunder, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SE 1/4, Section 34, T-79N, R-2W, in Sugar Creek Township, consisting of 1.40 acres more or less.
2. Tim Wolfe, Iowa City (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural and R-2 Urban Residential to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed sixteen (16) lot subdivision on property located in the W 1/2 of the E 1/2 and the SE 1/4 of the NE 1/4, all in Section 5, T-79N, R-4W, in Springdale Township, consisting of 41.82 acres more or less.
3. Stan Severin, RFD, 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 SE 1/4 of the SE 1/4, Section 15, T-82N, R-1W, in Massillon Township, consisting of 1.16 acres more or less.

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



Phil La Rue
Zoning Administrator

Copies sent out on 6/26/00 to the following:

1. Norman Grunder - Box 1146, Wilton, Iowa 52778 - Certified
2. David Johnson - 6000 Hidden Brook Lane, Knoxville, TN 37938
3. Townsend Farms, Inc. - 2372 Plum Avenue, Wilton, Iowa 52778
4. Alan & Crystal Bartels - 2390 Plum Avenue, Wilton, Iowa 52778
5. Gerald Goodwin - 2394 Plum Avenue, Wilton, Iowa 52778
6. Thomas & Margaret Allen - 2398 Plum Avenue, Wilton, Iowa 52778
7. Leroy & Melanie VanRoekel - 1582 Cedar Muscatine Road, Wilton, Iowa 52778
8. Martin Wacker & Carolyn Kiser-Wacker - 2389 Plum Avenue, Wilton, Iowa 52778
9. Warren & Barbara Vitek - 2391 Plum Avenue, Wilton, Iowa 52778
10. Kirk & Kim Latta - 2397 Plum Avenue, Wilton, Iowa 52778

1. Tim Wolfe - Tiox Inc. & T & R Investments, 3610 Taft Avenue S.E., Iowa City, Iowa 52240-8384
2. Donald A. Secrest - 417 E. Green Street, P.O. Box 491, West Branch, Iowa 52358
3. Timothy & Colleen Crew - 165 290th Street, West Branch, Iowa 52358
4. Lois Esther Secrest - 181 290th Street, West Branch, Iowa 52358
5. Joan Crew - 195 290th Street, West Branch, Iowa 52358
6. Richard & Terri Wagner - 177 290th Street, West Branch, Iowa 52358
7. Clarence & Mary Ann Crew - 181 290th Street, West Branch, Iowa 52358
8. Neal & Lyn Beth Kane - 187 290th Street, West Branch, Iowa 52358
9. James & Margaret Wick - 191 290th Street, West Branch, Iowa 52358
10. Crew Revocable Living Trust - 12212 S. Chinook Court, Phoenix, AZ 85044
11. Robert E. Wertzbaugher Et Ali - 2382 Atalissa Road, Atalissa, Iowa 52720
12. Gilbert J. Barker - 184 290th Street, West Branch, Iowa 52358
13. Arlieta M. Hamer - 190 290th Street, West Branch, Iowa 52358
14. David & Joan Kabela - 239 290th Street, West Branch, Iowa 52358
15. Mark & Gloria Scharnweber - 178 290th Street, West Branch, Iowa 52358
16. Raymond & Deborah Woods - 172 290th Street, West Branch, Iowa 52358
17. Marvin & Karen Brick - P.O. Box 430, West Branch, Iowa 52358
18. Jerry Eyman - Century 21, 1927 Keokuk Street, Iowa City, Iowa 52240

1. Stan Severin - 2167 130th Street, Lowden, Iowa 52255 - Certified
2. Brian Severin - 2167 130th Street, Lowden, Iowa 52255
3. William Eiselstein - 640 Mill Street, Wheatland, Iowa 52777
4. Fred Ziegler - 1984 110th Avenue, Wheatland, Iowa 52777

7 Zoning Commission Members

1 copy to Tipton Conservative on 6/23/00
1 copy faxed to West Branch Times on 6/23/00
2 file copies
2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 6, 2000

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Thursday, July 6, 2000, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Brown, Krall, Glick, Schuett, Lamp and Zoning Administrator La Rue. Commissioner Pruess was absent. Minutes from the previous meeting held on May 17, 2000, were previously sent to the members. Krall made a motion to accept the minutes as written. Schuett seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. Norm Grunder, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SE 1/4, Section 34, T-79N, R-2W, in Sugar Creek Township, consisting of 1.40 acres more or less.

La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. There were no written or verbal objections on file for this petition. Norm Grunder was present as were the future owners of the property, Mr. & Mrs. David Johnson. Mr. Grunder then explained his plans to sell this parcel of ground to the Johnson's so that they may build a home. He continued that this property is timbered and the driveway permit has been approved by the County Engineer. He explained that this property can not be farmed. It was noted that this property is contiguous to residential properties and is in compliance with the Comprehensive Plan in that this property would be part of a residential clustering and not a scattered residential site. It was noted by the Commission in a letter that the Wilton Fire Department will be able to provide service for this home. A letter from the County Engineer, Don Torney, had no objections. A soil inventory was then reviewed. Corn Suitability Rating (C.S.R.) was 67 points and not prime ag ground. There are moderate to severe limitations for both building and septic due to soil wetness. There were questions whether or not the soil map is accurate as Walford and Atterberry soil associations. Mr. Grunder explained that there is more red sand than silt on these portions of the site. Wetness can be dealt with by drainage tiles. The Commission noted that there are no livestock operations (500 head or more) within 1,320 feet of the site. Following additional discussion, Krall made a motion to recommend approval of the petition to the Board of Supervisors, subject to following driveway permit requirements. Lamp seconded the motion. Ayes all.

2. Tim Wolfe, Iowa City (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural and R-2 Urban Residential to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed sixteen (16) lot subdivision on property located in the W 1/2 of the E 1/2 and the SE 1/4 of the NE 1/4, all in Section 5, T-79N, R-4W, in Springdale Township, consisting of 41.82 acres more or less.

La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He continued that if a zoning map amendment is approved by the Board of Supervisors, then preliminary and final plats for a major subdivision will be reviewed by Cedar County and the City of West Branch. He then stated that there are verbal objections to this petition as well as one written letter of objection and one letter of concern. Tim Wolfe, contract buyer, was present as was Jerry Eyman (spokesperson for Mr. Wolfe) and their engineering consultant, Richard Kordick. Mr. Eyman explained that they are proposing a large lot subdivision with an access connecting with the county highway (F-44). Proposed lots will be at least 2.00 acres in size and they will have on-site wastewater systems. They have spoken with the City of West Branch and propose having a public water line installed to provide public water to the site. He explained that part of this property is against city limits. The Commission asked if annexation by the city is possible. Mr. Eyman stated that annexation is possible. The Commission then asked about on-site wastewater systems and private water wells. La Rue stated that if the developer proposes on-site wastewater systems, then the lots must be large enough for two septic absorption fields and individual water wells are not allowed in major subdivisions. They must have a public water system or connect to public utilities. Mr. Eyman explained that they plan to install a full sized water main and fire hydrants. The Commission questioned that on the rezoning plat, the location of four private water wells is shown. La Rue explained that originally a private system was proposed, but because of the policy by the Iowa Department of Natural Resources, to consider this type of development, a public water system, connecting to public utilities has been proposed by the developer.

The Commission then reviewed the soil inventory and evaluation. The C.S.R. average was noted to be 68 points and not prime ag land. For building sites, there are moderate to severe limitations. Severe limitations being due to wetness from a high water table and poor bearing capacity. Septic system limitations vary from slight to severe, with severe limitations due to slope and wetness from the high water table. La Rue explained that limitations due to slope can be easily

overcome with careful on-site system design and siting. The wetness, due to the high ground water table and runoff flooding, will require that some lots be larger to stay out of the Colo-Ely soil complex as well as good engineering practices, careful siting, subsurface tiling and the use of approved alternate on-site wastewater treatment and disposal systems to protect ground water supplies. The letter from County Engineer, Don Torney, was reviewed. Engineer Torney felt that, although the development will generate a large amount of traffic, County Road F-44 can accommodate the traffic with minimal impact. He has no objections if the entrance permit requirements are followed. No letter is on file from Dick Stoolman, West Branch Fire Department. The Commission questioned whether or not public sewer could be provided rather than on-site treatment and disposal. Mr. Eyman stated that this is not possible at this time because of the way the land lies and the distance. A lift pump system could be installed but the costs are very high and the city will not share in the costs. This, combined with the long distance, is why private on-site systems are being proposed at this time.

The Cedar County Comprehensive Plan was then reviewed for land use and objectives. The Commission noted the need to discourage scattered non-farm developments. Development is to be encouraged in or adjacent to incorporated areas. Compact, compatible growth is desired to encourage the extension of public utilities and facilities in areas changing from rural to urban so that essential services can be provided. The goal is to provide and promote cost effective, compact development adjacent to existing communities. Development policies were then reviewed. The agricultural policy is to protect prime agricultural land as well as scenic and environmentally sensitive areas. The residential policy is to discourage scattered residential development, especially when the resulting density will not support a full range of services. To encourage development as a natural extension of the community for an orderly compact pattern of growth is desired. The future land use map for the City of West Branch was then reviewed. This map indicated that portions of this property and adjoining properties are planned as mixed residential areas. The Commission concluded that the proposal for residential development complied with the Comprehensive Plan even though adjacent to both residential and agricultural lands.

The letters of objection and concern were then read. The letter from Richard and Terri Wagner, 177 290th Street, West Branch, expressed opposition to the petition adjacent to their property. They were concerned about drainage onto their property. The Commission noted that drainage and erosion control plans are and will be required for this proposed development. They also do not want the

land rezoned because of adjoining ag land uses. A letter of concern from Attorney Marion Neely, Iowa City, representing Neal and Lyn Kane, 187 290th Street, West Branch, was then read. Mr. Neely's letter stated that the Kane's have a concern about their septic system's absorption field in relation to the proposed development. A second point of the letter was that a septic system drain tile drains across the front yard of their property toward a drainage basin on the proposed development site. They desire that the buyer (Mr. Wolfe) work with the sellers of the property to determine if this tile is being used to drain septic tanks. Third, the existing joint well which served the Kane's home. The Kane's are receptive to capping this well and connecting to the proposed public water line. Fourth, there is an easement across their property which provides access to the ag land on the adjoining property which is the basis for the new subdivision and it's use presently. If the development is approved, they desire the easement vacated. La Rue stated that a portion of the Kane's septic absorption field does cross the property line along the northeast property line. He recommended that an easement agreement, in accordance with the state on-site wastewater regulations, be drafted and recorded. Mr. Eyman stated that they are willing to give an easement and plan to vacate the access easement across the Kane's property. Regarding the tile line across the front of the Kane's property, La Rue stated that if this is a septic discharge line, then this will need to be brought up to state code. There was then discussion about drainage patterns on the property. Mr. Eyman explained that there will be two drainage basins on the property to control water flow on the property. There was then discussion about the adjoining agricultural properties. The Commission noted that existing ag uses will be continued. Tim Crew, adjoining property owner, expressed concern with the proposed development in that this will interfere with his farming operations. He explained that with his livestock (cattle and sheep) operation and with crop planting, harvesting and chemical application, this development will have an adverse impact on it. He then expressed concern about stray dogs harassing his livestock and the problems he has had. He is concerned about legal actions and does not feel that development should be occurring in this area but in other locations. These agricultural operations will continue. Marion Neely, attorney for the Kane's then spoke that again they are not objecting so much as just wanting some things cleared up. He asked who is selling the property. Mr. Eyman stated that it is the Secrest family. Jim Wick, adjoining property owner to the east, then spoke and expressed his concerns about drainage on the property. He presented photos into the record. He explained that the area

where the developer proposes a drainage basin and road access between his property and the Kane's is a swamp and always wet. He worries that this will back up and flood his property. The Commission noted that the soils at the site of this drainage basin, as well as the other drainage basin to the north, are in the Colo-Ely soil complex. Mr. Wick continued with his concerns about drainage off the proposed development at the site of the second drainage basin. These soils are always wet. Richard Kordick, Consulting Engineer, then explained that the basin next to County Road F-44 will be a dry bottom basin and the basin to the north will be of the wet bottom type. The goal is to release the captured water slowly. Discussion continued at length on the drainage issue and included tiling. Commissioner Brown expressed concern about the drainage in areas of this property and locating septic systems in or near these soil complexes. He would like to see the development served by public sewer. Mr. Wick then continued to express concern about locating septic systems in these wet areas and their effect on the ground water supply. He then stated that West Branch is planning on expanding to the west, not east. This was explained to him by City Administrator, Ty Doermann. Dave Clark, West Branch, then spoke about the West Branch Comprehensive Plan as a member of the Planning and Zoning Commission who participated on the preparation of the city's plan.

Following additional discussion, Lamp made a motion to recommend approval to the Board of Supervisors for a change in zoning from A-1 and R-2 to R-1. Motion died for lack of a second. Commissioner Brown then spoke about concerns on groundwater protection, septic systems, drainage, proposed road type and protection for existing agricultural land uses surrounding the property. Mr. Eyman then stated that these concerns and details will need to be resolved and that approval will be needed from several commissions and other groups. The issue of urban meeting rural does not have an easy answer. David Clark asked to know the criteria the Commission will use in making a recommendation. La Rue read the guidelines from Chapter 18.2(3) of the Zoning Ordinance that the Commission must consider. He explained that, not only Cedar County must give approval, but also the City of West Branch must have an opportunity to review and make recommendation on the proposed subdivision. Lamp again moved to make a recommendation to the Board of Supervisors to approve the change in zoning from A-1 and R-2 to R-1 with the following concerns: Drainage, groundwater, septic systems, protection of the surrounding ag uses and the road type, so that it is "right". Brown seconded the motion. Ayes 4 and 2 nays.

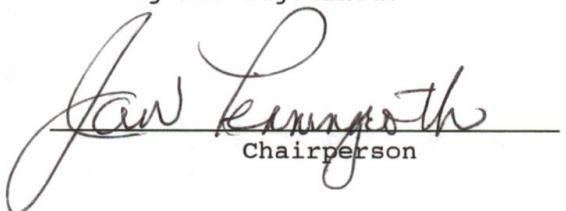
3. Stan Severin, RFD, Lowden (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SE 1/4, Section 15, T-82N, R-1W, in Massillon Township, consisting of 1.16 acres more or less.

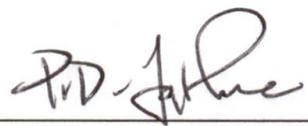
La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. There were no written or verbal objections on file for this petition. There was a letter of advisement from Wendling Quarries, DeWitt, Iowa.

Mr. and Mrs. Severin were present, as was their daughter and her husband. Mr. Severin explained that they would like to divide a tract of land off of their farm so that their daughter and husband can build a home on this area of non-tillable ground. They are aware that Wendling Quarries mine limestone in their area. La Rue then read the letter from Marc Whitman, Wendling Quarries. The letter was to advise the Severin's of the quarry operation and to make them aware of the truck traffic and blasting that occurs there. The site the Severin's have selected for the dwelling is over 500 feet away from the areas of quarry activity. The Commission also noted that there are no large livestock operations within 1,320 feet.

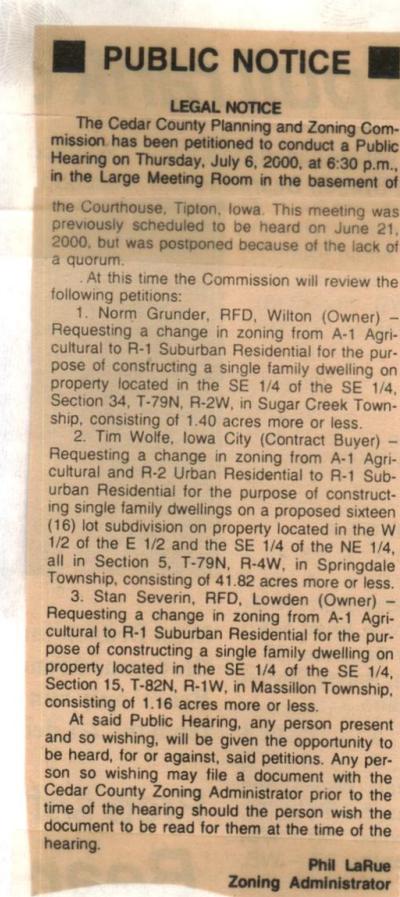
The soil evaluation was then reviewed, as was the comprehensive plan. The soil inventory indicates that a majority of the soils at this site are of the Rockton series and have a C.S.R. of 13 points. There are slight limitations for building and severe limitations for most of the site due to bedrock. Unless the sewage effluent is pumped north upslope of the proposed house and onto the Dinsdale Silt Loam (slight limitations), an alternate septic system such as a Wisconsin mound or lined sand filter will be required. The comprehensive plan discourages scattered non-farm developments, but no adverse impacts are anticipated. The letter from County Engineer, Don Torney, states that the entrance permit has been approved, and because of the quarry, the additional traffic will have minimal impact. The letter from the Lowden Fire Department states that there will be no problems with providing service to the proposed home. With no additional discussion, Lamp made a motion to recommend approval of the change in zoning from A-1 to R-1. Krall seconded the motion. Ayes all.

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


Jan Lamprecht
Chairperson


Priscilla J. Rue
Secretary PRO Temp

PROOF OF PUBLICATION



State of Iowa, Cedar County, ss:

I, Debbie Owen,

Publisher of the West Branch Times, a weekly newspaper of general circulation published at West Branch, in said county, and being duly sworn, do declare and say that a Notice, of which the one hereto attached is a copy, was published in said West Branch Times respectively:

June 29, 2000

Fee: \$

1.769

Sworn to by the said

before me and signed by her in my presence, this _____

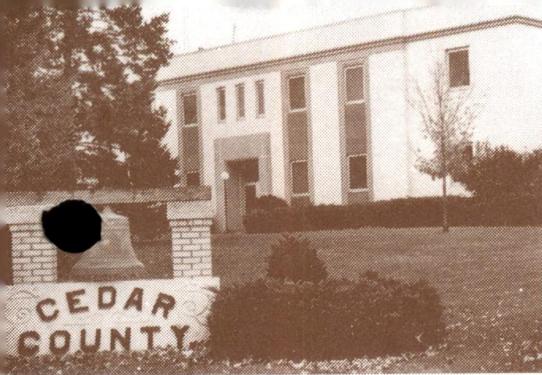
____ day of _____, 1998.

Notary Public

Received of

____ Dollars

in full on above publication.



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

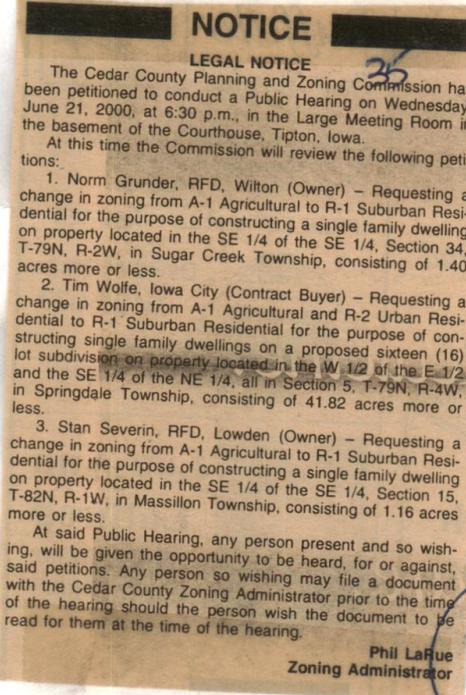
Cedar County Planning & Zoning Commission

June 21, 2000 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from Norm Grunder,
Tim Wolfe & Stan Severin
- III. Discussion
- IV. Jim Gonyier, E.C.I.A.
Discussion on revised Cedar County Comprehensive Plan
- V. Conclusion

PROOF OF PUBLICATION



State of Iowa, Cedar County, ss:

I, Debbie Owen,

Publisher of the West Branch Times, a weekly newspaper of general circulation published at West Branch, in said county, and being duly sworn, do declare and say that a Notice, of which the one hereto attached is a copy, was published in said West Branch Times respectively:

June 8, 2000

Fee: \$

17 92

Sworn to by the said

before me and signed by her in my presence, this _____
day of _____, 1997.

Notary Public

Received of

Dollars

in full on above publication.

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

June 5, 2000

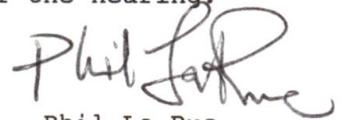
LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 21, 2000, 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. Norm Grunder, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SE 1/4, Section 34, T-79N, R-2W, in Sugar Creek Township, consisting of 1.40 acres more or less.
2. Tim Wolfe, Iowa City (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural and R-2 Urban Residential to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed sixteen (16) lot subdivision on property located in the W 1/2 of the E 1/2 and the SE 1/4 of the NE 1/4, all in Section 5, T-79N, R-4W, in Springdale Township, consisting of 41.82 acres more or less.
3. Stan Severin, RFD, 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 SE 1/4 of the SE 1/4, Section 15, T-82N, R-1W, in Massillon Township, consisting of 1.16 acres more or less.

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



Phil La Rue
Zoning Administrator

Copies sent out on 6/8/00 to the following:

1. Norman Grunder - Box 1146, Wilton, Iowa 52778 - Certified
2. David Johnson - 6000 Hidden Brook Lane, Knoxville, TN 37938
3. Townsend Farms, Inc. - 2372 Plum Avenue, Wilton, Iowa 52778
4. Alan & Crystal Bartels - 2390 Plum Avenue, Wilton, Iowa 52778
5. Gerald Goodwin - 2394 Plum Avenue, Wilton, Iowa 52778
6. Thomas & Margaret Allen - 2398 Plum Avenue, Wilton, Iowa 52778
7. Leroy & Melanie VanRoekel - 1582 Cedar Muscatine Road, Wilton, Iowa 52778
8. Martin Wacker & Carolyn Kiser-Wacker - 2389 Plum Avenue, Wilton, Iowa 52778
9. Warren & Barbara Vitek - 2391 Plum Avenue, Wilton, Iowa 52778
10. Kirk & Kim Latta - 2397 Plum Avenue, Wilton, Iowa 52778

1. Tim Wolfe - Tiox Inc. & T & R Investments, 3610 Taft Avenue S.E., Iowa City, IA 52240-8384
2. Donald A. Secrest - 417 E. Green Street, P.O. Box 491, West Branch, Iowa 52358
3. Timothy & Colleen Crew - 165 290th Street, West Branch, Iowa 52358
4. Lois Esther Secrest - 181 290th Street, West Branch, Iowa 52358
5. Joan Crew - 195 290th Street, West Branch, Iowa 52358
6. Richard & Terri Wagner - 177 290th Street, West Branch, Iowa 52358
7. Clarence & Mary Ann Crew - 181 290th Street, West Branch, Iowa 52358
8. Neal & Lyn Beth Kane - 187 290th Street, West Branch, Iowa 52358
9. James & Margaret Wick - 191 290th Street, West Branch, Iowa 52358
10. Crew Rovocable Living Trust - 12212 S. Chinook Court, Phoenix, AZ 85044
11. Robert E. Wertzbaugher Et Ali - 2382 Atalissa Road, Atalissa, Iowa 52720
12. Gilbert J. Barker - 184 290th Street, West Branch, Iowa 52358
13. Arlieta M. Hamer - 190 290th Street, West Branch, Iowa 52358
14. David & Joan Kabela - 239 290th Street, West Branch, Iowa 52358
15. Mark & Gloria Scharnweber - 178 290th Street, West Branch, Iowa 52358
16. Raymond & Deborah Woods - 172 290th Street, West Branch, Iowa 52358
17. Marvin & Karen Brick - P.O. Box 430 - West Branch, Iowa 52358
18. Jerry Eyman - Century 21, 1927 Keokuk Street, Iowa City, Iowa 52240

1. Stan Severin - 2167 130th Street, Lowden, Iowa 52255 - Certified
2. Brian Severin - 2167 130th Street, Lowden, Iowa 52255
3. William Eiselstein - 640 Mill Street, Wheatland, Iowa 52777
4. Fred Ziegler - 1984 110th Avenue, Wheatland, Iowa 52777

7 Zoning Commission Members
1 copy to newspaper on 6/5/00
2 file copies
2 copies for bulletin boards

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on June 8 and 12, 2000, 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. Thomas and Juanita Hearst, RFD, Tipton (Owners) - Requesting approval of a Preliminary Plat of Survey for Hidden River Heights, Part III, a sixteen (16) lot subdivision located in the SE 1/4, Section 13, T-79N, R-3W, in Rochester Township, consisting of 44.6 acres more or less.
2. Charles and Barbara Krall, RFD, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SW 1/4, Section 16, T-80N, R-4W, in Gower Township, consisting of 2.29 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 5/31/00 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 Milford, New Jersey 07646
11. Mid-America Pipeline Co. - 613 Green Acres Drive, Solon, Iowa 52333
12. 1 copy faxed to Susan Benz, MMS Consultants on 5/30/00

1. Charles & Barbara Krall - 163 250th Street, West Branch, Iowa 52358 - Certified
2. Brent & Deborah Donohoe - 1453 Plato Road, West Branch, Iowa 52358
3. Deanna Lear - 10 E. Zeller Street, North Liberty, Iowa 52317
4. Dick & Marie Anderson - 1704 Charles Avenue, West Branch, Iowa 52358

1 copy to newspaper on 5/26/00

1 copy faxed to West Branch Times on 5/26/00

Board of Supervisors

2 file copies

2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 17, 2000

The Cedar County Planning and Zoning Commission conducted a site viewing on Wednesday, May 17, 2000, at 5:15 p.m., prior to the regularly scheduled Public Hearing. Members present were Penningroth, Pruess, Schuett, Lamp, Krall and Zoning Administrator La Rue. Members absent were Brown and Glick.

The purpose of this site viewing was for the consideration of the request for approval of the preliminary plat filed by Thomas and Juanita Hearst, RFD, Tipton. Said petition was heard by the Commission at their April 19, 2000, meeting but was tabled until revisions to the plat could be made and a site viewing of the area within the plat performed. The Commission walked the area of the proposed subdivision and the areas to be included within the proposed subdivision road right-of-way with owner Tom Hearst and Glen Meisner, MMS Consultants. Also in attendance was County Engineer, Don Torney. The location of the proposed roadways for a connected loop and/or cul-de-sacs were viewed in relation to the Mid-America Pipeline, easements and lot lines. The particular features of each lot which will be served by this road system were considered which also included access, proposed dwelling and septic system location. The degree of slope was also examined for the feasibility of a connected loop road system. There was considerable discussion on the size and location of cul-de-sacs if this option was selected over a loop road system. There was also discussion on the removal of trees and erosion control within the subdivision.

Having concluded the site viewing, the Commission returned to the Courthouse. The Commission then conducted their scheduled Public Hearing at 6:30 p.m., in the basement of the Courthouse, Tipton, Iowa. Members present were Penningroth, Pruess, Schuett, Lamp, Krall and Zoning Administrator La Rue. Members absent were Glick and Brown. Minutes from the previous meeting held on April 19, 2000, were previously sent to the members. After comment on the minutes, Pruess made a motion to approve the minutes as written. Schuett seconded the motion. Ayes all.

The Commission then considered the following petitions:

1. Thomas and Juanita Hearst, RFD, Tipton (Owners) - Requesting approval of a Preliminary Plat of Survey for Hidden River Heights, Part III, a sixteen (16) lot subdivision located in the SE 1/4, Section 13, T-79N, R-3W, in Rochester Township, consisting of 44.6 acres more or less.

La Rue advised the Commission to consider this petition in accordance with Chapter 3.1A(3), Chapters 6, 7 and 8 of the Subdivision Ordinance. There were no written or verbal objections on file for this petition.

Mr. and Mrs. Hearst were present as was Glen Meisner, MMS Consultants. Mr. Hearst explained that he would like a variance from the Board of Supervisors to be granted to allow a road slope of an estimated 12%, plus or minus 2% slope from the ordinance requirement of 8%. County Engineer Don Torney had no objections with such a variance request. The topography will dictate the degree of slope. Mr. Hearst then stated that he would like a variance for this proposal or to grant a variance on the cul-de-sac right-of-way and road surface radiiuses. He presented information from Johnson County on their cul-de-sac radius regulations. It was noted by the Commission in reviewing the Johnson County regulations that Johnson County does not allow cul-de-sacs for more than 10 lots. There are 16 lots in this preliminary subdivision plat. He proposed a right-of-way radius of 75' and no variance on the surfaced roadway. He requested a variance on the cul-de-sac radius for the right-of-way only. Mr. Meisner then explained that he has environmental concerns with tree removal and runoff if the loop road system is selected rather than the use of cul-de-sacs.

There was then some discussion on variances and under what board's jurisdiction are they considered under the subdivision ordinance. The Board of Supervisors has jurisdiction after recommendation by Planning & Zoning. The Commission then considered both options and their individual points. Mr. Hearst then explained that he prefers the connection of the roads to be a loop and requested allowing a variance to allow a road slope of 12%, plus or minus 2%, from the required 8% maximum grade. The road will remain at a 66' right-of-way based upon proposed traffic counts. A cul-de-sac will be placed at the edge of Lot 26 with a proposed radius of 100' with a 50' radius surfaced portion. It was noted that the access for Lot 19 is 50' wide and is for one lot only, never to be divided into two or more lots.

Following additional discussion, Lamp made a motion for approval of the preliminary plat to the Board of Supervisors with a recommendation on the "loop" proposal and to allow a variance on the percent of slope from 8% to a maximum of 12%, plus or minus 2%, as per the plat and grading plans dated as revised 5/11/00. Pruess seconded the motion. Pruess then asked, that if at all possible, to keep the slope at 12% or less. This would include the road to the campground. Ayes all.

2. Charles and Barbara Krall, RFD, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SW 1/4, Section 16, T-80N, R-4W, in Gower Township, consisting of 2.29 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. Commisioner Krall explained her conflict of interest as the petitioner and, therefore, would not hear this case.

Mr. and Mrs. Krall explained their petition to allow a home to be built by a future buyer. Mr. Krall explained that the driveway will be moved 150' west of the existing field access to comply with the Secondary Road Dept. No letter from Dick Stoolman, West Branch Fire Department has yet been received. It is believed that adequate service can be provided. The soil evaluation was then reviewed. The C.S.R. is less than 75 points. Limitations on low buildings are moderate and septic limitations are moderate to severe based upon slope for conventional systems. This site is about 1.25 miles from Baker Avenue. There are no large livestock operations within 1,320 feet of this site.

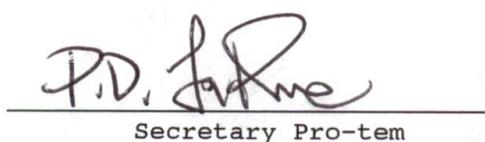
After a brief discussion, Pruess made a motion to approve the change in zoning and forward it to the Board of Supervisors. Lamp seconded the motion. Ayes all.

The Commission then discussed a zoning question pertaining to Chapter 16, Nonconforming Structures and Uses, of the Zoning Ordinance. They also received an update from Zoning Administrator La Rue regarding Dennis Bruun's, Box 9, Lowden, Iowa, agreement to abate his zoning violation. It has not been signed and a Notice of Violation will be sent out.

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



Jan Penningroth
Chairperson



P.D. La Rue
Secretary Pro-tem



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

May 8, 2000

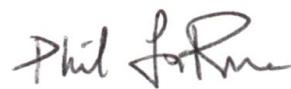
LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 17, 2000, 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. Thomas and Juanita Hearst, RFD, Tipton (Owners) - Requesting approval of a Preliminary Plat of Survey for Hidden River Heights, Part III, a sixteen (16) lot subdivision located in the SE 1/4, Section 13, T-79N, R-3W, in Rochester Township, consisting of 44.6 acres more or less. This petition was reviewed by the Commission at their April 19, 2000, meeting but was postponed until a site viewing can be performed by the Commission prior to the meeting on May 17th.
2. Charles and Barbara Krall, RFD, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SW 1/4, Section 16, T-80N, R-4W, in Gower Township, consisting of 2.29 acres more or less.

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


Phil La Rue
Zoning Administrator

Copies sent out on 5/10/00 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 Milford, New Jersey 07646
11. Mid-America Pipeline Co. - 613 Green Acres Drive, Solon, Iowa 52333
12. Susan Benz - MMS Consultants, Inc., 1917 South Gilbert Street, Iowa City, Iowa 52240

1. Charles & Barbara Krall - 163 250th Street, West Branch, Iowa 52358 - Certified
2. Brent & Deborah Donohoe - 1453 Plato Road, West Branch, Iowa 52358
3. Deanna Lear - 10 E. Zeller Street, North Liberty, Iowa 52317
4. Dick & Marie Anderson - 1704 Charles Avenue, West Branch, Iowa 52358

7 Zoning Commission members

1 copy to Tipton Conservative and West Branch Times on 5/8/00

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

AGENDA

Cedar County Planning and Zoning Commission Public Hearing

May 17, 2000

- I. 5:00 p.m. -- Leave from the Courthouse to perform a site viewing of Tom & Juanita Hearst's proposed subdivision, Hidden River Heights, Part III, RFD, Tipton, Iowa.
- II. 6:30 p.m. -- Public Hearing on the Preliminary Plat for Hidden River Heights, Part III.
- III. Discussion
- IV. Conclusion
- V. Adjournment

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 19, 2000

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, April 19, 2000, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Glick, Penningroth, Schuett and Zoning Administrator La Rue. Members absent were Krall, Lamp and Brown. Minutes from the previous meeting held on March 16, 2000, were previously sent to the members. Penningroth made a motion to approve the minutes as written. Glick seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. Leo Grunder, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on a proposed one (1) lot subdivision located in the SW 1/4 of the SW 1/4, Section 35, T-79N, R-2W, in Sugar Creek Township, consisting of 4.30 acres more or less.

La Rue advised the Commission to review this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. He then explained that a request for continuance had been received from Attorney Jerry Denning, Wilton, on behalf of his clients, Mark and Emily Patton, adjoining property owners. The request to postpone the consideration of this petition was based upon the fact that the Patton's, who were unable to attend the meeting, have an option and right of first refusal to purchase the real estate that Mr. Grunder has petitioned to rezone. La Rue explained that in consulting with the Cedar County Attorney, two options were apparent: Grant the continuance until the next regularly scheduled meeting or to consider the petition and make a recommendation to the Board of Supervisors, at which time the Patton's may appear and discuss the matter before the Board when the petition is considered. The Commission chose to consider the petition.

La Rue then explained that if this property is rezoned, it will need to be subdivided before it can be developed. Mr. Grunder was present and explained that the Patton's do have an option and right of first refusal to purchase this real estate. It is his intention to sell the property so that a dwelling may be built on it. It was noted by the Commission that there is flood plain on the property as indicated on the F.I.R.M. map. The dwelling would need to be built outside of this area or comply with Chapter 20 of the Zoning Ordinance. The soil evaluation was then reviewed. It was noted that this property is timbered

and has never been farmed. There are moderate limitations for buildings except in the flood plain which has severe limitations. Septic systems limitations are slight to moderate except in the flood plain where they are severe. A review of the letter from County Engineer, Don Torney, indicated that an entrance permit has been approved. This site is about one-half mile from Wilton and no problems are expected with fire and rescue.

With no further discussion, Schuett made a motion to recommend approval of the petition. Pruess seconded the motion. Ayes all.

2. Gary and Robin Helmold, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SW 1/4, Section 16, T-80N, R-3W, in Center West Township, consisting of 1.50 acres more or less.

La Rue advised the Commission to review 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.

Mr. and Mrs. Helmold were present and explained their plans to build a home in the middle of this 30 acre timbered tract where the previous owner had fruit trees and a garden. The Commission noted that this tract is at the end of a dead end road and the petitioners must travel across about 100 feet of the neighbor's property to gain access. The petitioners were advised to get this easement into writing and have it recorded. The letter from County Engineer Torney was reviewed and stated that he had no objections, but verbally at the meeting, he advised the Helmold's to obtain a written access easement. The letter from the Tipton Fire Dept. indicated no problems are expected in providing service. The soil evaluation indicated that this is a timbered soil with slight to moderate limitations for septic systems and moderate limitations for buildings.

Pruess then made a motion to recommend approval subject to obtaining a written access easement. Schuett seconded the motion. Ayes all.

3. Alan and Janet Dohmen, RFD, Mechanicsville (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of placing a manufactured home on property located in the NW 1/4 of the NE 1/4, Section 18, T-82N, R-3W, in Fremont Township, consisting of 1.00 acres more or less.

La Rue advised the Commission to review 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.

Mr. and Mrs. Dohmen were present as was their son Mark and his fiancee. Mr. Dohmen explained their plans to place a manufactured home on the property for their son and future daughter-in-law to live. He explained that there was a house on the property until twenty years ago. There is presently a barn, machine shed, grain bins and a well on the property. The soil evaluation was then reviewed. It was noted that the property is not in crop production. There are only slight limitations for septic systems and moderate limitations for buildings. The letter from the County Engineer stated that the access has been approved. A letter from the Mechanicsville Fire Department stated that there will be no problem with providing service to this property. It was noted by the Commission that there are no livestock operations within 1,320 feet of the property.

With no additional discussion, Pruess made a motion to recommend approval of this petition. Schuett seconded the motion. Ayes all.

4. Robert and Brenda Hanks, RFD, Mechanicsville (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on a proposed one (1) lot subdivision located in the NW 1/4 of the NE 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 1.00 acres more or less.

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

Mr. Hanks and adjoining property owner, Forest Johnson, were present for this petition. Mr. Hanks explained his plans to divide off a portion of his property to the east of his residence so that another dwelling can be constructed. La Rue explained that a portion of the area to be rezoned is presently zoned R-1 (approximately 0.5 acres). He then explained the lot requirements for this district and that the Hanks' rezoned tract will still be over 1.00 acre in size. He continued that this property will also need to be subdivided before it can be developed. The soil evaluation was then reviewed. It was noted that the site is not in crop production and farm buildings were on this site. Limitations for building are

slight to moderate. Limitations for septic are slight and severe. The problem on the north half of the tract is slope. A letter from the Mechanicsville Fire Department indicated no problem with providing service. The letter from the County Engineer was then reviewed and indicated a driveway permit is required. There were no other concerns.

Following additional discussion, Schuett made a motion to recommend approval with a driveway meeting the County requirements. Pruess seconded the motion. Ayes all.

5. Rick and Darlene Ehlers, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the SE 1/4, Section 26, T-80N, R-3W, in Rochester Township, consisting of 1.89 acres more or less.

La Rue advised the Commission that the petitioners had withdrawn their petition due to access problems.

6. Mark Thede, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling where a dwelling previously existed on property located in the W 1/2 of the NW 1/2, Section 18, T-79N, R-1W, in Farmington Township, consisting of 5.72 acres more or less.

La Rue advised the Commission to review 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.

Mr. Thede was present and explained his plans to construct a dwelling on this property. He continued that the home on the property was removed several years ago, along with considerable debris, to clean up the property. The soil evaluation was then reviewed. It was noted that this area is not in crop production and generally has a C.S.R. below 75. Limitations for building are slight to severe due to flooding. The limitations are slight to severe for septic systems due to slope and high ground water and flooding potential (Colo-Ely soil complex). The septic will need careful siting to avoid these problems. The petitioner plans to build on the south end of the tract where all limitations are the least. The letter from the Wilton Fire Department indicated no problem with providing service. The letter from the County Engineer stated that the existing driveway can not be used for the new dwelling due to inadequate site distance. A new driveway will need to be constructed 450 feet north of the existing one.

Schuett then made a motion to recommend approval of this petition subject to a new access which meets County requirements. Pruess seconded the motion. Ayes all.

7. Thomas and Juanita Hearst, RFD, Tipton (Owners) - Requesting approval of a Preliminary Plat of Survey for Hidden River Heights, Part III, a sixteen (16) lot subdivision located in the SE 1/4, Section 13, T-79N, R-3W, in Rochester Township, consisting of 44.6 acres more or less.

La Rue advised the Commission to review this petition in accordance with Chapter 3.1A(3), Chapter 6, 7 and 8 of the Subdivision Ordinance. There were no written or verbal objections on file for this petition. La Rue then explained that the Cedar County Board of Adjustment on March 23, 2000, after a site survey, granted some variances on required front yard setbacks in the R-1 district.

Mr. and Mrs. Hearst were present as was Glen Meisner, M.M.S. Consultants. The Hearst's briefly explained their proposal with their consultant. The letter from the County Engineer was then reviewed (See attached letter). Extensive, detailed discussion then followed concerning the subdivision road system design. Commission members expressed concern of the fact that Hearst Drive does not extend through the subdivision as was proposed in 1995 & 1996 with Hidden River Heights, Parts I and II, but now ends in a substandard cul-de-sac. County Engineer, Don Torney, was present and explained each of his concerns and comments while Mr. Meisner, the Hearst's and the Commission continued the discussion of the concerns on this private road system. These concerns included the fact that the road going along the edge of Lots 23-26, and leads to the camping area along the river, has a 12% slope and the maximum slope according to the ordinance is 8%. This road also has a cul-de-sac at the edge of Lot 26. The water distribution system which will use three private wells was then discussed. La Rue recommended that the water sampling be performed by a certified well contractor to ensure that proper water sampling is performed. The soil evaluation for septic systems performed by Judy Krieg, geologist, was then reviewed. Lots 11, 16 and 18 have been previously altered, and therefore, sand-filters, followed by trenches, are recommended. On Lots 13, 14, 19, 21, 25 and 26, a conventional trench soil absorption system should be adequate. On Lots 12, 15, 17, 20, 22, 23 and 24, there may not be adequate area for a conventional absorption field. Care must be taken to protect the area for the septic system during the construction of the dwelling. Alternate systems such as sand filters followed by trenches are recommended if there is not adequate area available. Discussion followed. Engineer Torney requested a meeting the following week with the Hearst's and their consultant regarding changes to the proposed road system.

Following additional discussion, Pruess made a motion that the petition be tabled until the May 17th meeting so that the consultant and County Engineer can meet and revise the plat as per the concerns of the County Engineer and that the Commission perform a site viewing prior to the hearing. Schuett seconded the motion. Ayes all.

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

Jan Leunigloth
Chairperson

P.D. LaFave
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

April 10, 2000

LEGAL NOTICE

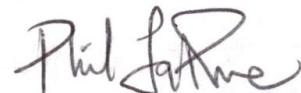
The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, April 19, 2000, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petitions:

1. Leo Grunder, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on a proposed one (1) lot subdivision located in the SW 1/4 of the SW 1/4, Section 35, T-79N, R-2W, in Sugar Creek Township, consisting of 4.30 acres more or less.
2. Gary and Robin Helmold, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SW 1/4, Section 16, T-80N, R-3W, in Center West Township, consisting of 1.50 acres more or less.
3. Alan and Janet Dohmen, RFD, Mechanicsville (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of placing a manufactured home on property located in the NW 1/4 of the NE 1/4, Section 18, T-82N, R-3W, in Fremont Township, consisting of 1.00 acres more or less.
4. Robert and Brenda Hanks, RFD, Mechanicsville (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on a proposed one (1) lot subdivision located in the NW 1/4 of the NE 1/4, Section 19, T-82N, R-3W, in Fremont Township, consisting of 1.00 acres more or less.

5. Rick and Darlene Ehlers, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the SE 1/4, Section 26, T-80N, R-3W, in Rochester Township, consisting of 1.89 acres more or less.
6. Mark Thede, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling where a dwelling previously existed on property located in the W 1/2 of the NW 1/4, Section 18, T-79N, R-1W, in Farmington Township, consisting of 5.72 acres more or less.
7. Thomas and Juanita Hearst, RFD, Tipton (Owners) - Requesting approval of a Preliminary Plat of Survey for Hidden River Heights, Part III, a sixteen (16) lot subdivision located in the SE 1/4, Section 13, T-79N, R-3W, in Rochester Township, consisting of 44.6 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 4/13/00 to the following:

1. Leo Grunder - 1012 W. Wate Street, Wilton, Iowa 52778 - Certified
2. Mark & Emily Patton - 1611 Cedar Muscatine Road, Wilton, Iowa 52778
3. Thomas Levad - 715 Parkview, Wilton, Iowa 52778
4. David & Susan Nieman - 1615 Cedar Muscatine Road, Wilton, Iowa 52778
5. Brad & Jane Garrett - 1625 Cedar Muscatine Road, Wilton, Iowa 52778
6. James & Sharon Grunder - 2634 100th Street, Wilton, Iowa 52778

1. Gary & Robin Helmold - 1358 Highway 130, Tipton, Iowa 52772 - Certified
2. Jeffery & Joanna Reichert - 876 247th Street, Tipton, Iowa 52772
3. Reggie Farms, Inc. - 938 305th Street, Atalissa, Iowa 52720

1. Alan Dohmen - 1887 182nd Avenue, Mechanicsville, Iowa 52306 - Certified
2. Cary Lieser - 1111 Simons Road, Oswego, Illinois 60543
3. Puffers, Inc. - 413 Fox Avenue, Mechanicsville, Iowa 52306
4. Leora Tenley - 681 120th Street, Mechanicsville, Iowa 52306

1. Robert Hanks - 110 N. Linn, Mechanicsville, Iowa 52306 - Certified
2. Forest & Jeanne Ann Johnson - 503 Old Lincoln Highway, Mechanicsville, Iowa 52306
3. Mary Juhl - 210 N. Oak Street, Mechanicsville, Iowa 52306
4. Kent & Jennifer Klinkammer - 604 E. Oak Street, Mechanicsville, Iowa 52306
5. Clifford & Debra Ann Taylor - 629 Old Lincoln Highway, Mechanicsville, Iowa 52306
6. Steve Joy - Attorney at Law, 203 E. First Street, Mechanicsville, Iowa 52306

1. Rick & Darlene Ehlers - 1692 Snaggy Ridge Road, Tipton, Iowa 52772 - Certified
2. Jeff & Joanna Reichert - 876 247th Street, Tipton, Iowa 52772
3. Cedar County Historical Society - % Don Stout, 607 Orange Street, Tipton, Iowa 52772
4. Larry & Sharon Hodgden - 608 3rd Street N.W., Cedar Rapids, Iowa 52405

1. Mark Thede - 1981 Taylor Avenue, Wilton, Iowa 52778 - Certified
2. Carleen Wieck - 416 E. 6th Street, Wilton, Iowa 52778
3. Robert K. Wilkins - P.O. Box 327, Bennett, Iowa 52721

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
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9. James & Anne Schneider - 128 N. 6th Street, West Branch, Iowa 52358
10. Robert & Gail Meli - 978 Pacific Street, New Milford, New Jersey 07646
11. Mid-America Pipeline Co. - 613 Green Acres Drive, Solon, Iowa 52333
12. Susan Benz - MMS Consultants, Inc., 1917 South Gilbert Street, Iowa City, Iowa 52240

7 Zoning Commission members
1 copy to newspaper on 4/10/00
2 file copies
2 copies for bulletin boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 16, 2000

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, March 16, 2000, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Penningroth, Brown, Glick, Krall, Lamp and Zoning Administrator La Rue. Members absent were Pruess and Schuett. Minutes from the previous meeting held February 3, 2000, were previously sent to the members. Krall made a motion to approve the minutes as written. Lamp seconded the motion. Ayes all.

The Commission members then considered the following petitions on the agenda:

1. Mark Graver, 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 NW 1/4 of the NW 1/4, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 2.00 acres more or less.

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

Mark Graver was present and explained his desire to rezone about 2.00 acres of his property so that a home may be built at that location. La Rue directed the Commission to the fact that Mr. Graver owns in excess of 35.00 acres and would be entitled to an agricultural exemption. Mr. Graver explained that he would still like the area rezoned in case he would decide to sell his farm ground. The letter from Don Torney, Cedar County Engineer, was reviewed as was the soil evaluation. No problem was noted for a driveway access or impact to the road. Building limitations were moderate with severe limitations due to slope for conventional septic systems. An on-site septic system can be designed to deal with slope limitations. Crop suitability indicated this is not prime ag land. A letter from the Lisbon Fire Department stated that no problems are anticipated in providing fire and rescue service. It was noted by the Commission that this site is adjacent to a residential use and within 300 feet of residential zoned property, Watkinson Acres. Alterations to Adams Avenue with the IDOT Highway 30 project were then discussed. Following this discussion, Lamp made a motion to recommend approval of the request to the Board of Supervisors. Krall seconded the motion. Ayes all.

2. Charles and Barbara Krall, RFD, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SW 1/4, Section 7, T-80N, R-4W, in Gower Township, consisting of 1.97 acres more or less.

La Rue advised the Commission to review this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. La Rue explained that he had been contacted by Dr. and Mrs. John Canady, Iowa City, adjoining property owners, regarding their concern with this petition. Commissioner Krall explained her conflict of interest with this case as she is one of the petitioners and excused herself from hearing the petition.

Charles Krall was present and explained his intention to sell the property if rezoned so that someone may build a home there. He explained that at one time there was a dwelling on the site. The letter from County Engineer Don Torney indicates no problem with a driveway access or impact to the road. A letter from the West Branch Fire Department stated no problems are anticipated with providing fire and rescue service. A review of the soil evaluation indicates moderate limitations for building, moderate to severe limitations due to slope for conventional septic systems and crop suitability indicates that this is not prime ag land. There are no large livestock confinement operations within 1320 feet of this site.

Dr. John Canady was present and expressed his concerns regarding the rezoning of this property. He questioned the rational for rezoning and selling this site adjacent to his property when the Krall's have a considerable amount of property to the east with more advantageous sites (possibly) along the highway, County Road X-30, Baker Avenue. He also wanted to know the type and quality of home that would be built there if the property was rezoned. Mr. Krall explained that he would presume and hope that a nice home would be built. La Rue explained that Cedar County has not adopted a building code and has very limited ability to regulate the quality of the dwelling. Most regulations pertain to manufactured housing and to building placement on a property. Dr. Canady stated that he would consider a solution to the problem through the purchase of the site. He concluded by expressing his concern on septic system placement due to slope. La Rue stated that there are several options for on-site wastewater treatment and disposal when working with severe limitations due to slope.

With no additional comments, Lamp made a motion to recommend approval of the request from A-1 to R-1 to the Board of Supervisors. Glick seconded the motion. Ayes 3 and 1 nay.

3. Cory and Bambi Simpson, West Liberty (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling where a dwelling previously existed on property located in the NE 1/4 of the SE 1/4, Section 16, T-79N, R-3W, in Iowa Township, consisting of 2.00 acres more or less.

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

Mr. and Mrs. Cory Simpson were present and explained their plans to acquire two acres from his father so that they may build a home. Mr. Simpson explained that until just a few years ago (1980's) a dwelling was on the site and now only a few old buildings and concrete foundations remain from when his family raised hogs at the site. He plans to remove the buildings and concrete to allow the home to be built. There are no livestock operations within 1320 feet of the site. The letter from Don Torney, Cedar County Engineer, was reviewed pertaining to driveway access and road impacts stating that no problems are expected. A letter from the Atalissa Fire Department indicated no problems with providing fire and rescue service. A review of the soil evaluation indicates moderate limitations pertaining to building, slight to moderate limitations for conventional septic systems due to slope and a seasonal high groundwater table in the Muscatine Silt Loam on the east side of the proposed site. Crop suitability indicates that the C.S.R. on a majority of the property has a high crop suitability but only a portion has been row cropped because of the site. Placement of the home and the septic system was then discussed because of the high seasonal water table on the east side of the property. The Simpson's were encouraged to site the dwelling to the east and the on-site wastewater and treatment system on the west side of the lot to protect the groundwater and avoid a premature failure of the septic system.

With no additional comments, Krall made a motion to recommend approval of the request from A-1 to R-1 to the Board of Supervisors. Lamp seconded the motion. Ayes all.

4. Don 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 a proposed one (1) lot subdivision located in the SE 1/4 of the SW 1/4, and the SW 1/4 of the SE 1/4, Section 5, T-80N, R-2W, in Center East Township, consisting of 4.68 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to review this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He then explained that if the change in zoning is approved, the property will need approval from the City of Tipton and the Board of Supervisors for a minor subdivision. He concluded by explaining the orientation of Lot 1 to Auditor's Parcel "B" owned by Ron Lamp, approved by the Board at hearings held on 4/19/99 and 1/20/00. Commissioner Don Lamp was present and explained his proposal to rezone the property so that a home may be built upon it. The buyer will remove any structures. The letter from County Engineer, Don Torney, indicated no problem with driveway access or impact to the road. It was noted by the Commission that access to the property shown on the subdivision plat, recorded in Book 5, Page 49 of the Cedar County Recorder's Office, is via a shared access and existing easement on Lot 1. It was recommended that this existing easement be permanently shown on the subdivision plat. The soil evaluation was then reviewed. It was noted that only a narrow strip across this lot has a C.S.R. above 75. Limitations are moderate for building and for conventional septic systems, limitations range from slight to severe because of slope. It was noted that this site conforms with the policy of clustering residential uses. A review of the letter from the Tipton Fire Department indicated no problems with providing fire and rescue service to this site. There are no livestock operations within 1320 feet of this site.

With no additional discussion, Krall made a motion to recommend approval of the request to the Board of Supervisors. Glick seconded the motion. Ayes all (4).

With no additional business on the agenda, the meeting was adjourned.

Jasie Lanningroth
Chairperson

Larry L. Glick
Secretary

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

March 6, 2000

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 15, 2000, 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. Mark Graver, 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 NW 1/4 of the NW 1/4, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 2.00 acres more or less.
2. Charles and Barbara Krall, RFD, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SW 1/4, Section 7, T-80N, R-4W, in Gower Township, consisting of 1.97 acres more or less.
3. Cory and Bambi Simpson, West Liberty (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling where a dwelling previously existed on property located in the NE 1/4 of the SE 1/4, Section 16, T-79N, R-3W, in Iowa Township, consisting of 2.00 acres more or less.
4. Don 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 a proposed one (1) lot subdivision located in the SE 1/4 of the SW 1/4, and the SW 1/4 of the SE 1/4, Section 5, T-80N, R-2W, in Center East Township, consisting of 4.68 acres more or less.

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

Phil La Rue
Zoning Administrator

Copies sent out on 3/8/00 to the following:

1. Mark Graver - 555 Greenridge Road, Lisbon, Iowa 52253 - Certified
2. Brian Hall - 232 Charles Avenue, Mechanicsville, Iowa 52306
3. DeWalt Young - 1549 Fairidge Drive, Kingsport, TN 37664
4. Allison & Alan Kamerling - 271 Adams Avenue, Lisbon, Iowa 52253
5. Donald & Mary Sievers - 293 Adams Avenue, Lisbon, Iowa 52253
6. Malcom & Peggy Kimble - 265 Adams Avenue, Lisbon, Iowa 52253
7. Gary & Mary Franck - 31 130th Street, Lisbon, Iowa 52253
8. Richard & Joan Corum - 33 130th Street, Lisbon, Iowa 52253

1. Charles & Barbara Krall - 163 250th Street, West Branch, Iowa 52358 - Certified
2. J. W. Canady - 3787 Cottage Reserve Road N.E., Solon, Iowa 52333
3. Farmer's National Co. - 11516 Nicholas St., Omaha, NE 68154
4. Bruce Ahrens - 1416 Santa Fe Drive, Iowa City, Iowa 52246
5. Joseph John Ruzek Estate - % Debra Kay Fuhrmeister, Adm., 1508 Brookwood Dr., I.C. 52240
6. Joseph John Ruzek Estate - % Tammy S. Ruzek, Adm., 1593 Baker Avenue, West Branch 52358
7. Joseph John Ruzek - % Joseph Mark Ruzek, Adm., P.O. Box 188, Olds, Iowa 52647
8. Conni Lynch Irrevocable Trust - % Trust Dept., P.O. Box 1460, Iowa City, Iowa 52244

1. Cory and Bambi Simpson - 300 S. Columbus, Lot 103, West Liberty, Iowa 52776 - Certified
2. Ronald & Debra Simpson - 972 305th Street, Atalissa, Iowa 52720
3. Horace & Diana Tigrett - 2068 Ivory Avenue, Atalissa, Iowa 52720
4. Duane Dotson - 2206 Jefferson Avenue, Atalissa, Iowa 52720
5. Everett & Betty Crees - 2103 Ivory Avenue, Atalissa, Iowa 52720
6. John Crees - 2085 Ivory Avenue, Atalissa, Iowa 52720

1. Don Lamp - P.O. Box 422, Tipton, Iowa 52772 - Certified
2. Vernon Lamp - 1254 Old Muscatine Road, Tipton, Iowa 52772
3. Keith & Linda Lamp - 1341 230th Street, Tipton, Iowa 52772
4. Ronald Elijah - 1353 230th Street, Tipton, Iowa 52772
5. Ron & Wendy Lamp - 605 W. 9th Street, Tipton, Iowa 52772
6. Jeffrey & Ruthann Salsberry - 1334 Old Muscatine Road, Tipton, Iowa 52772
7. Tom & Pam Spear - 1376 230th Street, Tipton, Iowa 52772
8. William & Mary Nehring - 1305 230th Street, Tipton, Iowa 52772
9. Charles Jones - 1307 Redstar Road, Tipton, Iowa 52772

7 Zoning Commission members
1 copy to newspaper on 3/6/00
2 file copies
2 copies for bulletin boards

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

February 11, 2000

TO: Cedar County Planning & Zoning Commission Members

I am writing this note to inform you that there will not be a meeting on February 16, 2000, because no petitions have been received. The next scheduled meeting will be March 15, 2000.



Phil La Rue
Zoning Administrator

PL:s1

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 3, 2000

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Thursday, February 3, 2000, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Krall, Glick, Schuett, Lamp and Zoning Administrator La Rue. Members absent were Penningroth and Brown. Minutes from the last meeting held on December 15, 1999, were previously sent to the members. Lamp made a motion to approve the minutes as written. Schuett seconded the motion. Ayes all.

The Commission members then considered the following petition on the agenda:

1. Sean and Lisa Barkley, RFD, Lowden (Owners) - Requesting a change in zoning from C-1 Local Commercial to M-1 Light Industrial for the purpose of starting an automotive service, repair and reconstruction business on property located on Lots 2-5, Block 6, in the NW 1/4 of the NE 1/4, Section 14, T-82N, R-1W, Massillon Township, in the unincorporated town of Massillon. Said property consists of 0.83 acres more or less.

La Rue requested that the Commission consider the request in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. He then explained that there is a letter of concern from adjoining property owner, Yolanda Santos. Her letter was read into the minutes concerning the depreciation of her property value due to the automobiles on the Barkley property, regulations on immobile vehicles and junk yards, noise from the proposed business, and finally, painting fumes from automobile painting. La Rue explained the uses allowed in the C-1 Local Commercial District and the M-1 Light Industrial District.

Sean Barkley (Owner) was present as was his father, Art Barkley. Chairperson Pruess then asked Mr. Barkley to explain his request for the change in zoning districts. Mr. Barkley explained that he would like to be able to purchase salvage vehicles and to repair and then resell them at the property. In the future, he would like to erect a pole building for the purpose of doing vehicle frame straightening and painting. For now, he would only do limited vehicle reconstruction (i.e. door, fender, etc. replacement). Schuett asked Mr. Barkley how many immobile vehicles are presently on the property. Mr. Barkley stated that there are three immobile vehicles currently on the property. He explained that two of these vehicles are for parts and one is to be removed as soon as possible.

The Commission then reviewed the county zoning map for the town of Massillon, the Zoning Ordinance and the Comprehensive Plan as it pertains to commercial and industrial areas. It was noted by the Commission that Mr. Barkley's property was zoned C-1 Local Commercial by the Board of Supervisors in April 1959, as part of the original zoning map. It was also noted that Ms. Santo's property is also zoned C-1 and had a service station on that site at one time. It was also noted that west of Mr. Barkley's property is zoned M-1 Light Industrial. The soil evaluation was reviewed and listed only moderate limitations for buildings and crops while there are severe limitations for septic systems due to bedrock (limestone) within 24 inches of the ground. The letter from County Engineer, Don Torney, was reviewed and no objections are made concerning the petition. Pruess asked how to address the apparent valid concerns of Ms. Santos. La Rue stated concerning the immobile vehicles, their removal or enclosure inside a building would accomplish this along with appropriate zoning. Regarding her concern as to how many vehicles are allowed before it is a junk yard, this depends on the zoning classification, the condition of and use of the vehicles, the amount of time the vehicles are on the property, as well as whether or not the vehicles are enclosed. One vehicle could be considered as junk. Regarding noise, the Commission can easily address this by locating the work area(s) away from adjoining residential homes and working inside a building. As for paint fumes, these would need to be addressed by the Department of Natural Resources through air quality regulations and separation from the adjoining homes. Mr. Barkley was asked about the hours the business would be done. He stated he would be working from around 7:30 a.m. to 5:00 p.m. He then explained that he would like to build the pole building north of his home attached to his garage. La Rue expressed concern with this site because of its closeness to Ms. Santo's home (estimated at 65 feet) and the difficulty to comply with the appropriate zoning district setbacks for rear and side yards. He then explained the purpose of building setbacks, and if appropriate, the procedure to petition for variances to the Board of Adjustment. Considerable discussion followed concerning the request and the history of the property. It was noted by the Commission that a dwelling is a permitted accessory use of the M-1 zoned property. Pruess inquired whether or not the use could be permitted as a Special Use and reviewed by the Board of Adjustment. A review of the Zoning Ordinance determined that this would not be an option, whereas a conditional zoning agreement between the petitioner and the Board of Supervisors would be allowed. A recommendation to approve the petition can be made by the Commission which includes recommended terms of a conditional agreement to be considered by the Board of Supervisors when reviewing the petition.

Following additional discussion, including guidance from Assistant Attorney, Sterling Benz, Schuett made a motion to recommend to the Board of Supervisors approval of the change in zoning for Mr. Barkley's property, Lots 2-5, Block 6, from C-1 Local Commercial to M-1 Light Industrial with a conditional zoning agreement. The recommendation on the agreement includes the following: the business must be conducted inside the existing garage for a period not longer than two (2) years, after which time, another building must be erected a distance away from the adjoining property owners lot line and all work done in the new building; that there can only be not more than four (4) operable and registered motor vehicles and four (4) inoperable and/or unregistered motor vehicles on the property at one time; all inoperable motor vehicles must be enclosed in a building or screened by a six foot fence. Lamp seconded the motion. Ayes all.

Item number two on the Commission's agenda was then considered.

A request for an Agreement to Abate in accordance with Chapter 19 of the Cedar County Zoning Ordinance from Dennis Bruuns, Box 9, Lowden, Iowa. Said property is specifically located at 736 Washington Avenue, Lowden, and is described as Parcel "B", SE 1/4 of the NW 1/4, Section 11, T-81N, R-1W, in Springfield Township, Cedar County, Iowa. Said parcel consists of 6.21 acres more or less and is presently zoned A-1 Agricultural.

Penny Souhrada, attorney for Mr. Bruuns was present and represented him at the meeting. Also in attendance was County Engineer, Don Torney. Chairperson Pruess requested that Zoning Administrator La Rue explain the circumstances pertaining to the request. La Rue provided a diagram and photographs of Mr. Bruuns property which detailed the following: motor vehicles; earth moving equipment; trailers; scrap and salvaged lumber; scrap and structural metals as well as steel drums and tires. He explained that all observations and photographs were taken from the county right-of-way or on adjoining properties. He then gave a short history of the property and past meetings with Mr. Bruuns in which he was informed that a change in zoning would be required to develop and use the property. He then explained the enforcement procedures for the zoning ordinance. He then explained the Zoning Ordinance pertaining to compliance with the ordinance, permitted uses in the A-1 Agricultural District and Chapter 19, County Infractions, specifically Subsections 19.2 and 19.3 pertaining to Agreements to Abate. Attorney Souhrada acknowledged that her client is difficult to contact due in part to his job as an iron worker and then explained that her client was injured in a motor vehicle accident on January 19th while trying to attend the Planning and Zoning meeting which he did not know was postponed due to weather. She presented a letter from St. Mary's Hospital Mayo Clinic, and stated that Mr. Bruuns will be unable to work for 6 weeks on his doctor's orders. She then explained that on January 17, 2000, she visited the property and

acknowledged that there is too much stuff on the property. She continued by explaining that her client realizes that these materials should not be on the property, and is willing to remove them. He will be retiring on July 1, 2000, and will be able to devote this time to abate the property. La Rue explained that the registered letter(s) sent to Mr. Bruuns were returned due to the fact that he had again changed his address which was why his attorney was also provided the meeting agendas. Discussion following on setting a timetable to clean up the property and the degree of difficulty in removing the materials. It does not appear the materials are in the county right-of-way. County Engineer, Don Torney, then expressed his concern about the two illegal driveways for access that Mr. Bruuns put in without county permits. Engineer Torney continued that these driveways have been removed by the county and Mr. Bruuns put them back in. He then stated that Mr. Bruuns can not legally have a driveway along the road due to inadequate site distance. Attorney Souhrada responded that these driveways may be needed to remove the material. Access to the property was then discussed and the possible future use of the property. Engineer Torney wants Mr. Bruuns to apply for a driveway permit and they will make a site survey.

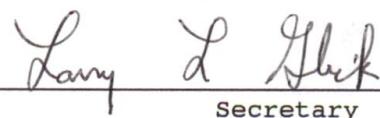
Discussion followed regarding a temporary access permit to allow removal of the materials. Discussion continued concerning the agreement to abate with recommendations from Assistant County Attorney, Sterling Benz. Mr. Bruuns will need to work with the Secondary Road Department on access, the motor vehicles will need to be removed by July 30, 2000, and all remaining materials and equipment removed by September 1, 2000. The Agreement to Abate document form was then read. A copy of the agreement shall be placed into Mr. Bruuns file. The existing unpermitted driveways must be removed and all discussion pertaining to access referred to by the County Engineer and a temporary driveway permit application made within two weeks.

With no further discussion, Schuett made a motion that the Agreement to Abate be granted upon the fact that all motor vehicles be removed by July 30, 2000, and all other remaining materials, trailers and equipment be removed by September 1, 2000. The illegal driveways must be removed and all matters pertaining to access referred to the County Engineer, including application for a temporary access permit within two weeks. The signed Agreement to Abate must be returned to the Cedar County Zoning Department within thirty days. Krall seconded the motion. Ayes all.

With no additional business on the agenda, the meeting was adjourned.



Sue Lenningsoth
Chairperson



Larry L. Glick
Secretary



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning and Zoning Commission Public Hearing

February 3, 2000 - 6:30 p.m.

Large Meeting Room, Basement of the Cedar County Courthouse
Tipton, Iowa

- I. Introduction
- II. Review of the petition filed by Sean and Lisa Barkley for a change in zoning from C-1 to M-1, Lots 2-5, Block 6, Town of Massillon, 2271 120th Street, Lowden, Iowa.
- III. Consideration of the request for an Agreement to Abate, in accordance with Chapter 19 of the Cedar County Zoning Ordinance, filed by Attorney Penny Souhrada on behalf of her client, Dennis Bruuns, Bettendorf, for property located at 736 Washington Avenue, Lowden, Iowa.
- IV. Discussion
- V. Conclusion
- VI. Adjournment



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

January 21, 2000

LEGAL NOTICE

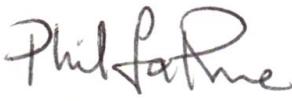
The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Thursday, February 3, 2000, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa. This meeting was previously scheduled for January 19, 2000, but was postponed due to weather conditions.

At this time the Commission will review the following petition:

1. Sean and Lisa Barkley, RFD, Lowden (Owners) - Requesting a change in zoning from C-1 Local Commercial to M-1 Light Industrial for the purpose of starting an automotive service, repair and reconstruction business on property located on Lots 2-5, Block 6, in the NW 1/4 of the NE 1/4, Section 14, T-82N, R-1W, Massillon Township, in the unincorporated town of Massillon. Said property consists of 0.83 acres more or less.

The Commission will also consider an Agreement to Abate request filed with the department.

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 1/21/00 to the following:

1. Sean & Lisa Barkley - 2271 120th Street, Lowden, Iowa 52255 - Certified
2. Robert Harkins - 209 Hoover Highway, Lowden, Iowa 52255
3. Yolanda Santos - 2273 120th Street, Lowden, Iowa 52255
4. Arthur & Lana Barkley - 101 West Street, Wheatland, Iowa 52777
5. Carla & Ben Caes - 102 West Street, Wheatland, Iowa 52777
6. Gert Watts - 103 1st Street, Lowden, Iowa 52255
7. Wayne Robinson - 574 Rose Avenue, Clarence, Iowa 52216
8. John & Marilou Skinner - 175 Hoover Highway, Lowden, Iowa 52255
9. Kevin J. Skinner - 231 Hoover Highway, Lowden, Iowa 52255
10. Bruce Bright - 228 Hoover Highway, Lowden, Iowa 52255
11. Marvin Bright Life Use - 228 Hoover Highway, Lowden, Iowa 52255
12. William & Barbara Ihns - 112 1st Street, Lowden, Iowa 52255
13. Lorenzo & Mary Guizar - 224 Hoover Highway, Lowden, Iowa 52255
14. Gayle (Ridge) Mess - 26834 169th Avenue, Long Grove, Iowa 52756
15. Sherry Quinlin - 226 Hoover Highway, Lowden, Iowa 52255
16. Neal Mess - 2284 122nd Street, Lowden, Iowa 52255
17. Massillon Cemetary & Church - 2281 120th Street, Lowden, Iowa 52255
18. Eugene & Judy Bowman - 239 Hoover Highway, Lowden, Iowa 52255
19. Larry & Janice Behne - 266 Hoover Highway, Lowden, Iowa 52255
20. Michael Pentland - 2578 285th Avenue, DeWitt, Iowa 52742
21. 7 Zoning Commission Members
22. 1 copy to newspaper on 1/21/00
23. 2 file copies
24. 2 copies for bulletin boards



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

January 10, 2000

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, January 19, 2000, 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. Sean and Lisa Barkley, RFD, Lowden (Owners) - Requesting a change in zoning from C-1 Local Commercial to M-1 Light Industrial for the purpose of starting an automotive service, repair and reconstruction business on property located on Lots 2-5, Block 6, in the NW 1/4 of the NE 1/4, Section 14, T-82N, R-1W, Massillon Township, in the unincorporated town of Massillon. Said property consists of 0.83 acres more or less.

The Commission will also consider an Agreement to Abate request filed with the department.

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 1/11/00 to the following:

1. Sean & Lisa Barkley - 2271 120th Street, Lowden, Iowa 52255 - Certified sent on 1/10/00
2. Robert Harkins - 209 Hoover Highway, Lowden, Iowa 52255
3. Yolanda Santos - 2273 120th Street, Lowden, Iowa 52255
4. Arthur & Lana Barkley - 101 West Street, Wheatland, Iowa 52777
5. Carla & Ben Caes - 102 West Street, Wheatland, Iowa 52777
6. Gert Watts - 103 1st Street, Lowden, Iowa 52255
7. Wayne Robinson - 574 Rose Avenue, Clarence, Iowa 52216
8. John & Marilou Skinner - 175 Hoover Highway, Lowden, Iowa 52255
9. Kevin J. Skinner - 231 Hoover Highway, Lowden, Iowa 52255
10. Bruce Bright - 228 Hoover Highway, Lowden, Iowa 52255
11. Marvin Bright Life Use - 228 Hoover Highway, Lowden, Iowa 52255
12. William & Barbara Ihns - 112 1st Street, Lowden, Iowa 52255
13. Lorenzo & Mary Guizar - 224 Hoover Highway, Lowden, Iowa 52255
14. Gayle (Ridge) Mess - 26834 169th Avenue, Long Grove, Iowa 52756
15. Sherry Quinlin - 226 Hoover Highway, Lowden, Iowa 52255
16. Michael Pentland - 230 Hoover Highway, Lowden, Iowa 52255
17. Neal Mess - 2284 122nd Street, Lowden, Iowa 52255
18. Massillon Cemetary & Church - 2281 120th Street, Lowden, Iowa 52255
19. Eugene & Judy Bowman - 239 Hoover Highway, Lowden, Iowa 52255
20. Larry & Janice Behne - 266 Hoover Highway, Lowden, Iowa 52255
21. 7 Zoning Commission members
22. 1 copy to newspaper on 1/10/00
23. 2 file copies
24. 2 copies for bulletin boards

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

January 10, 2000

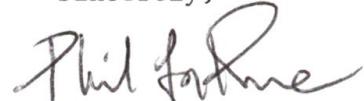
TO: Cedar County Planning & Zoning Commission Members

Enclosed please find a copy of the Agenda for the January 19, 2000, meeting, a copy of the Public Hearing Notice and correspondence to Mr. Dennis Bruuns, Bettendorf, and his attorney, Penny Souhrada, and an aerial photo of the property. Mr. Bruuns, through his attorney, is requesting a meeting for the purpose of an Agreement to Abate what appears to be a salvage yard on property that Mr. Bruuns owns in Cedar County. Please review Chapter 19, County Infraction, Page 88 of your Zoning Ordinance.

I would encourage you to drive by the property if you can, or make arrangements with me to take you to the site. Mr. Bruuns' property is located at 736 Washington Avenue, Lowden, Iowa, described as Parcel "B" in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 11, T-81N, R-1W, in Springfield Township, consisting of 6.21 acres more or less. This property is presently zoned A-1 Agricultural District.

If you have any questions regarding this matter or the meeting, please do not hesitate to give me a call.

Sincerely,



Phil La Rue
Zoning Administrator

PL:sl



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning and Zoning Commission Public Hearing

January 19, 2000 - 6:30 p.m.

Large Meeting Room, Basement of the Cedar County Courthouse
Tipton, Iowa

- I. Introduction
- II. Review of the petition filed by Sean and Lisa Barkley for a change in zoning from C-1 to M-1, Lots 2-5, Block 6, Town of Massillon, 2271 120th Street, Lowden, Iowa.
- III. Consideration of the request for an Agreement to Abate, in accordance with Chapter 19 of the Cedar County Zoning Ordinance, filed by Attorney Penny Souhrada on behalf of her client, Dennis Bruuns, Bettendorf, for property located at 736 Washington Avenue, Lowden, Iowa.
- IV. Discussion
- V. Conclusion
- VI. Adjournment



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

COPY

January 6, 2000

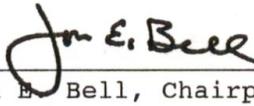
Dave Schuett
2043 - 310th Street
Wilton, IA 52778

Dear Mr. Schuett:

Please be advised, that upon the Board's motion of January 3, 2000, you have been reappointed to a three-year term on the Planning & Zoning Commission. Your term will expire on 12-31-2002.

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

Sincerely,



Jon E. Bell, Chairperson
Cedar County Board of Supervisors

JEB:bjp



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

COPY

January 6, 2000

Dennis Pruess
1652 Hwy 30 E
Clarence, IA 52216

Dear Mr. Pruess:

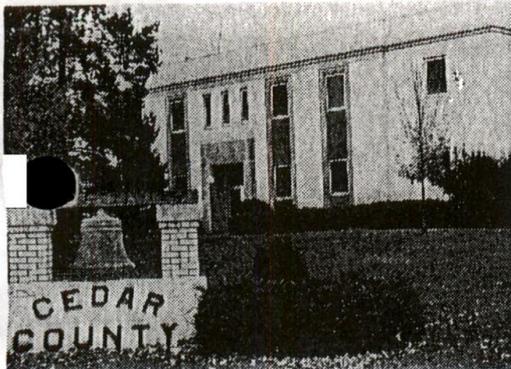
Please be advised, that upon the Board's motion of January 3, 2000, you have been reappointed to a three-year term on the Planning & Zoning Commission. Your term will expire on 12-31-2002.

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Sincerely,

Jon E. Bell, Chairperson
Cedar County Board of Supervisors

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400 CEDAR ST., TIPTON, IOWA 52772-1752
TELEPHONE (319) 886-3168

COPY

January 6, 2000

Larry Glick
190 Solon RD
Solon, IA 52333

Dear Mr. Glick:

Please be advised, that upon the Board's motion of January 3, 2000, you have been reappointed to a three-year term on the Planning & Zoning Commission. Your term will expire on 12-31-2002.

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

Sincerely,

Jon E. Bell, Chairperson
Cedar County Board of Supervisors

JEB:bjp

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on December 30, 1999, and January 6, 2000, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time the Board 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. 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. Said petition was reviewed by the Planning and Zoning Commission at their regular meeting on December 15, 1999.

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 12/20/99 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. 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 Milford, New Jersey 07646
11. Mid-America Pipeline Co. - 613 Green Acres Drive, Solon, Iowa 52333

Board of Supervisors

1 copy to newspaper on 12/17/99

2 file copies

2 copies for bulletin boards