

zoning

(3211)

Mtgs. Attended

✓ Jan Penningroth	1 mile x 9 = 9 miles	0 110111111	9	\$2.70
✓ Curtis Vaparik	26 miles x 9 =	0 111111110	9	
✓ Joel Brown	36 miles x 10 = 360 miles	1 1111111011	10	\$108.00
✓ Dave Schuett	38 miles x 8 = 304 miles	1 1011011011	8	\$91.20
✓ Don Lamp	1 mile x 4 = 4 miles	0 1001011000	4	\$1.20
✓ Marty Maylan	8 miles x 10 = 80 miles	1 1011111111	10	\$24.00
✓ Dennis Gruess	24 miles x 11 = 264 miles	1 1111111111	11	\$79.20

30¢/mile

B of A

✓ Forest Johnson	32 miles x 2 = 64 miles	1100	2	\$19.20
✓ Claudia Buyer	36 miles x 4 = 144 miles	1111	4	43.20
✓ Ray Penningroth	8 miles x 2 = 16 miles	0101	2	4.80
✓ Bill Lenker	26 miles x 4 = 104 miles	1111	4	31.20
✓ Chuck Hay	30 miles x 4 = 120 miles	1111	4	36.00

cell  
-669-5156

Michelle Blake  
1276 235th St.

Tipton

250'

(2679)

39 acres

Sec. 25  
NW, SW

20 acres of NE, SE  
Sec. 26 W Center

W Center  
Sec. 26  
Reichert

556-4166

Claim No. \_\_\_\_\_

VENDOR NAME: Bill Lenker

DESCRIPTION Mileage reimbursement for attending  
Board of Adjustment meetings during 2002

104 total miles traveled x \$.30/mile = \$31.20

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
3963	01000	06300	127	88		\$31.20

Filing Stamp

Signature

1/14/03

Date

Claim No. \_\_\_\_\_

VENDOR NAME: Chuck Hoy

DESCRIPTION Mileage reimbursement for attending  
Board of Adjustment meetings during 2002

120 total miles traveled x \$.30/mile = \$36.00

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
4308	01000	06300	127	88		\$36.00

Filing Stamp

Signature

1/14/03

Date

Claim No. \_\_\_\_\_

VENDOR NAME: Claudia Beyer

DESCRIPTION Mileage reimbursement attending  
Board of Adjustment meetings during 2002

144 total miles traveled x \$.30/mile = \$43.20

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
1521	01000	06300	127	88		\$43.20

Filing Stamp

Signature

1/14/03

Date

Claim No. \_\_\_\_\_

VENDOR NAME: Raymond Penningroth

DESCRIPTION Mileage reimbursement for attending  
Board of Adjustment meeting during 2002

16 total miles traveled x \$.30/mile = \$4.80

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
3964	01000	06300	127	88		\$4.80

Filing Stamp

Signature

1/14/03

Date

Claim No. \_\_\_\_\_

VENDOR NAME: Dennis Pruess

DESCRIPTION Mileage reimbursement for attending  
Planning & Zoning Commission meeting during 2002  
264 total miles traveled x \$.30/mile = \$79.20

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
3961	01000	06300	127	88		\$79.20

Filing Stamp

Signature

1/14/03

Date

Claim No. \_\_\_\_\_

VENDOR NAME: Forest Johnson

DESCRIPTION Mileage reimbursement for attending  
Board of Adjustment meetings during 2002  
64 total miles traveled x \$.30/mile = \$19.20

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
1664	01000	06300	127	88		\$19.20

Filing Stamp

Signature

1/14/03

Date

Claim No. \_\_\_\_\_

VENDOR NAME: Don Lamp

DESCRIPTION Mileage reimbursement for attending  
Planning & Zoning Commission meetings during 2002  
4 total miles traveled x \$.30/mile = \$1.20

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
5275	01000	06300	127	88		\$1.20

Filing Stamp

Signature

1/13/03

Date

Claim No. \_\_\_\_\_

VENDOR NAME: Marty Moylan

DESCRIPTION Mileage reimbursement for attending  
Planning & Zoning Commission meetings during 2002  
80 total miles traveled x \$.30/mile = \$24.00

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
5381	01000	06300	127	88		\$24.00

Filing Stamp

Signature

1/14/03

Date

Claim No. \_\_\_\_\_

Filing Stamp

VENDOR NAME: Joel Brown

DESCRIPTION Mileage reimbursement for attending  
Planning & Zoning Commission meetings during 2002  
360 total miles traveled x \$.30/mile = \$108.00

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
475	01000	06300	127	88		\$108.00

Signature

1/13/03

Date

Claim No. \_\_\_\_\_

Filing Stamp

VENDOR NAME: Dave Schuett

DESCRIPTION Mileage reimbursement for attending  
Planning & Zoning Commission meetings during 2002  
304 total miles traveled x \$.30/mile = \$91.20

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
531	01000	06300	127	88		\$91.20

Signature

1/13/03

Date

Claim No. \_\_\_\_\_

VENDOR NAME: Kurtis Voparil

DESCRIPTION Mileage reimbursement for attending  
Planning & Zoning Commission meetings during 2002  
234 total miles traveled x \$.30/mile = \$70.20

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
3211	01000	06300	127	88		\$70.20

Filing Stamp

Signature

1/14/03

Date

Claim No. \_\_\_\_\_

VENDOR NAME: Jan Penningroth

DESCRIPTION Mileage reimbursement for attending  
Planning & Zoning Commission meetings during 2002  
9 total miles traveled x \$.30/mile = \$2.70

VENDOR	FUND	FUNCTION	OBJECT	DEPT.	PROJ.	AMOUNT
1460	01000	06300	127	88		\$ 2.70

Filing Stamp

Signature

1/13/03

Date

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 19, 2001

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, December 19, 2001, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Moylan, Pruess, Brown, Penningroth, Schuett, Lamp and Zoning Administrator La Rue. Member absent was Krall. Minutes from the previous meeting held on November 21, 2001, were read and approved by the members. Brown made a motion and Moylan seconded to accept the minutes as written. Ayes all.

The Commission members then considered the following petitions:

1. Gary Stonerook, Tipton (Contract Buyer) and Jerry & Barbara Wood, RFD, Atalissa (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, consisting of 1.71 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He explained that this split will cause a minor subdivision and with two additional lots being proposed, another map amendment will be required. La Rue reported that the C.S.R. was less than 76 and that care had to be used in determining the type of septic system due to poor filtering abilities of the sandy soil. He then explained that on this property a frontage strip 150 feet wide along 3rd Street is presently zoned R-2 Urban Residential. A review of the Comprehensive Plan shows that this rezoning appears to be in compliance.

Gary Stonerook, contract buyer, was present as were Mr. & Mrs. Wood. Mr. Stonerook explained his plans to build a home on the property. A letter from the County Engineer reported that an entrance permit had been issued and the County had no objection. The letter from the Tipton Fire Department was reviewed. They will be able to provide service but need an adequate access. Mike Bocca, an adjoining land owner, voiced concern about water run-off, especially if more homes were built. Don Torney, County Engineer, responded that the County has no authority to make changes other than on road right-of-way. He offered to get together with property owners to do some planning. Jerry & Barbara Wood, owners, described the drainage way.

With no additional discussion, Joel Brown made a motion to recommend approval of the rezoning request to the Board of Supervisors, providing the run-off problem be addressed by all parties. Don Lamp seconded the motion. Ayes all.

2. Dennis Domer, Letts, Iowa (Contract Buyer) and Max Nebergall, Tipton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SW 1/4, Section 11, T-80N, R-3W, in Center West Township, consisting of 1.46 acres more or less. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. La Rue reported that there was one written objection on file for this petition.

The C.S.R. was noted to be less than 75. The septic system would require some careful planning due to slope. La Rue then read the letter of objection received from Dick Schrad, City Manager of Tipton. Mr. Schrad was present at the hearing.

Dennis Domer, contract buyer, was present as was the owner, Max Nebergall. Mr. Domer explained his plans to build a home on the property. The letter of objection was then discussed concerning a residential use next to the old city dump site. Mr. Domer will use the existing well on Mr. Nebergall's property with an easement which is 1,100 feet from the city property. Regarding the objection, the City of Tipton is concerned about an incompatible land use and future nuisance complaints. The City has a burning permit from the I.D.N.R. The Administrative Code 567--23.2 requires one-quarter mile separation from a burn site to a dwelling unless a written affidavit is agreed upon and submitted to the I.D.N.R. and the City of Tipton. Dick Schrad then stated that the City of Tipton would review its opposition if a written waiver of liability and/or objections to the usage by the City of its site, not limited to open burning, can be agreed upon by the City of Tipton and the Domer's. This document would need to be recorded with the abstract and would run with the property to restrict complaints by future owners of the property.

After discussion about safety concerns, the possibility of burning tree limbs and being near the old city dump, all agreed to the City drawing up a document giving more information on the above. A copy will be given to the owner and contract buyers before the January meeting for their pursuance. County Engineer, Don Torney, explained that the entrance permit can only be approved for the present entrance. The letter from the Tipton Fire Department was reviewed. They will be able to provide service but need an adequate access.

With no further discussion, Schuett made a motion to table this petition until next month. Moylan seconded the motion. Ayes all.

3. Clint Henning and Denise Heath, Wheatland (Contract Buyers) and Todd Pruess, 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 Lot 2 of the Pruess First Addition in the SW 1/4 of the NE 1/4, Section 4, T-81N, R-1W, in Springfield Township, consisting of 1.00 acres more or less. La Rue reported no written or verbal objections were on file and advised the Commission to make their decision based upon Chapter 18.2(3) of the Zoning Ordinance.


Mr. Henning and Ms. Heath were present and explained their plans to build a home on the property. La Rue advised the Commission that Lot 2 was in a minor subdivision, Pruess First Addition. He then informed the Commission that he had been contacted by John Tuthill, Wendling Quarries, who have no objection but wish to inform the petitioners of their active quarry operation. The separation distance between the quarry site and the proposed dwelling is adequate. The contract buyers were advised about the possible traffic at times from the quarry. The soil evaluation was reviewed. The C.S.R. is less than 76. Soil limitations for septic will require careful planning due to slope. There are no livestock facilities within one-quarter mile. A letter from the Lowden Fire Department voiced no objections to this location. The letter from County Engineer, Don Torney, was reviewed. It stated that growing crops may obstruct sight distance so caution should be observed. He had no objections.

With no further discussion, Lamp made a motion to recommend the change in zoning from A-1 to R-1 on this property to the Board of Supervisors. Moylan seconded the motion. Ayes all.

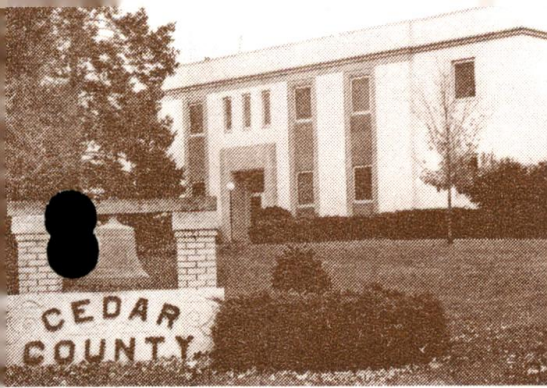
With no additional business to be discussed at this time, the meeting was adjourned.



Chairperson



Secretary



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

December 10, 2001

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 19, 2001, 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. Gary Stonerook, Tipton (Contract Buyer) and Jerry and Barbara Wood, RFD, Atalissa (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, consisting of 1.71 acres more or less.
2. Dennis Domer, Letts, Iowa (Contract Buyer) and Max Nebergall, Tipton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SW 1/4, Section 11, T-80N, R-3W, in Center West Township, consisting of 1.46 acres more or less.
3. Clint Henning and Denise Heath, Wheatland (Contract Buyers) and Todd Pruess, 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 Lot 2 of the Pruess First Addition in the SW 1/4 of the NE 1/4, Section 4, T-81N, R-1W, in Springfield 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 12/12/01 to the following:

1. Gary L. Stonerook - 1876 2nd Street, Tipton, Iowa 52772 - Certified
  2. Jerry & Barbara Wood - 1985 Atalissa Road, Atalissa, Iowa 52772
  3. Herman & Sharon Voss - 1918 Monroe Street, Tipton, Iowa 52772
  4. James Emerson - 1911 3rd Street, Tipton, Iowa 52772
  5. Rochester Methodist Church - % Beverly Yerington, Sec./Treas., 504 E. 2nd Street, Tipton, Iowa 52772
  6. Donald & Sharon Stiff - 1903 3rd Street, Tipton, Iowa 52772
  7. Daniel & Connie Wulff - 1891 3rd Street, Tipton, Iowa 52772
  8. Herbert Ford - 1811 King Avenue, Tipton, Iowa 52772
  9. Michael & Beryl Rocca - 1926 4th Street, Tipton, Iowa 52772
  10. Louise Idlewine - 1728 Washington Street, Tipton, Iowa 52772
  11. Bruce Armstrong - 1875 2nd Street, Tipton, Iowa 52772
  12. Matthew Miller & Shawnalee Berry - 1872 3rd Street, Tipton, Iowa 52772
  13. Helen/Robert Nicolaus Trust - % Hertz Farm Management, P.O. Box 500, Nevada, IA 50201-0500
- 

1. Dennis Domer - 14501 Highway 92, Letts, Iowa 52754 - Certified
  2. Ruth E. & Max E. Nebergall - 1007 E. 7th Street, Tipton, Iowa 52772
  3. Frank W. & Wilma N. Pearson - 1413 Jeffery Drive, Tipton, Iowa 52772
  4. City of Tipton - 407 Lynn Street, Tipton, Iowa 52772
  5. Julie Worden & Bret Rippey - 1352 King Avenue, Tipton, Iowa 52772
- 

1. Clint Henning & Denise Heath - P.O. Box 182, Wheatland, Iowa 52777 - Certified
  2. Todd M. Pruess - 717 Union Avenue, Lowden, Iowa 52255
  3. Wendling Quarries - P.O. Box 230, DeWitt, Iowa 52742
  4. Alvin & Catharine Licht - 2140 160th Street, Lowden, Iowa 52255
  5. Ralph, Denise & Brian King - 405 McKinley Avenue, Lowden, Iowa 52255
  6. Jess & Debra Axline - 2093 160th Street, Lowden, Iowa 52255
  7. Gary & Joni King - 112 Davenport Court, Elridge, Iowa 52748
  8. Wilbert & Nola Wenndt - 403 Hall Avenue, Lowden, Iowa 52255
- 

- 7 Planning & Zoning Commission members  
1 Copy to Tipton Conservative & Sun News on 12/10/01  
2 file copies  
2 copies for bulletin boards

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on January 24 and 28, 2002, at 11:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petitions:

1. Gary Stonerook, Tipton (Contract Buyer) and Jerry and Barbara Wood, RFD, Atalissa (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 2, T-79N, R-3W, in Rochester Township, consisting of 1.71 acres more or less.
2. Clint Henning and Denise Heath, Wheatland (Contract Buyers) and Todd Pruess, 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 Lot 2 of the Pruess First Addition in the SW 1/4 of the NE 1/4, Section 4, T-81N, R-1W, in Springfield 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. However, the Board does request, but does not require, 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 1/8/02 to the following:

1. Gary L. Stonerook - 1876 2nd Street, Tipton, Iowa 52772 - Certified
  2. Jerry & Barbara Wood - 1985 Atalissa Road, Atalissa, Iowa 52720
  3. Herman & Sharon Voss - 1918 Monroe Street, Tipton, Iowa 52772
  4. James Emerson - 1911 3rd Street, Tipton, Iowa 52772
  5. Rochester Methodist Church - % Beverly Yerington, Sec./Treas., 504 E. 2nd Street, Tipton, Iowa 52772
  6. Donald & Sharon Stiff - 1903 3rd Street, Tipton, Iowa 52772
  7. Daniel & Connie Wulff - 1891 3rd Street, Tipton, Iowa 52772
  8. Herbert Ford - 1811 King Avenue, Tipton, Iowa 52772
  9. Michael & Beryl Rocca - 1926 4th Street, Tipton, Iowa 52772
  10. Louise Idlewine - 1728 Washington Street, Tipton, Iowa 52772
  11. Bruce Armstrong - 1875 2nd Street, Tipton, Iowa 52772
  12. Matthew Miller & Shawnalee Berry - 1872 3rd Street, Tipton, Iowa 52772
  13. Helen/Robert Nicolaus Trust - % Hertz Farm Management, P.O. Box 500, Nevada, IA 50201-0500
- 

1. Clint Henning & Denise Heath - P.O. Box 182, Wheatland, Iowa 52777 - Certified
  2. Todd M. Pruess - 717 Union Avenue, Lowden, Iowa 52255
  3. Wendling Quarries - P.O. Box 230 - DeWitt, Iowa 52742
  4. Alvin & Catharine Licht - 2140 160th Street, Lowden, Iowa 52255
  5. Ralph, Denise & Brian King - 405 McKinley Avenue, Lowden, Iowa 52255
  6. Jess & Debra Axline - 2093 160th Street, Lowden, Iowa 52255
  7. Gary & Joni King - 112 Davenport Court, Elridge, Iowa 52748
  8. Wilbert & Nola Wenndt - 403 Hall Avenue, Lowden, Iowa 52255
- 

Board of Supervisors

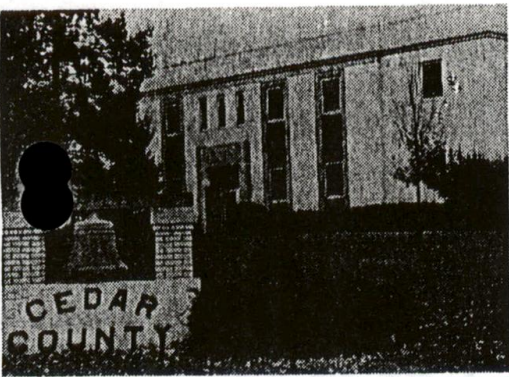
2 File Copies

2 Copies for Bulletin Boards

1 Copy to Tipton Conservative & Sun News on 1/4/02

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*Zoning*



Cedar County  
**BOARD OF SUPERVISORS**  
400 CEDAR ST., TIPTON, IOWA 52772-1750  
TELEPHONE (563) 886-3168

**COPY**

January 7, 2002

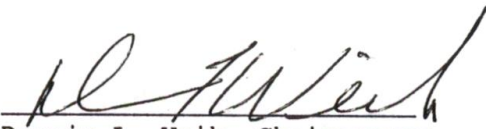
Joel Brown  
342 Delta AVE  
Mechanicsville, IA 52306

Dear Mr. Brown:

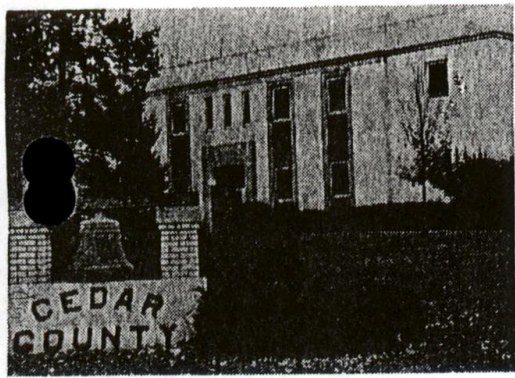
Please be advised that by motion of this Board, January 7, 2002, you were reappointed for a three-year term on the Cedar County Planning and Zoning Commission. Your term will expire on 12-31-2004.

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

Sincerely,

  
Dennis L. Weih, Chairperson

DLW:bjp



Cedar County  
**BOARD OF SUPERVISORS**  
400 CEDAR ST., TIPTON, IOWA 52772-1750  
TELEPHONE (563) 886-3168

**COPY**

January 7, 2002

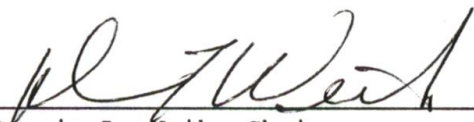
Janice Penningroth  
1206 Parkview Dr  
Tipton, Iowa 52772

Dear Janice Penningroth:

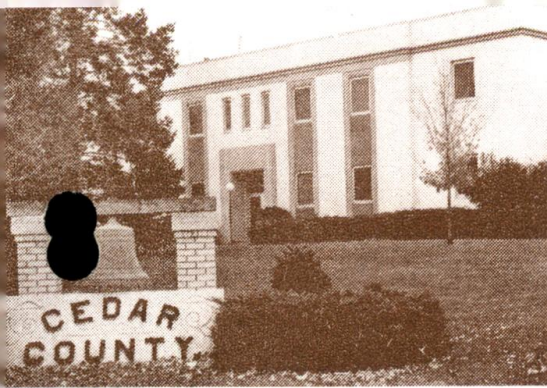
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Your willingness to serve in the past has been very much appreciated. If you have any questions, please contact us.

Sincerely,

  
\_\_\_\_\_  
Dennis L. Weih, Chairperson

DLW:bjp



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, December 19, 2001 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Gary Stonerook - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- B. Dennis Domer - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- C. Clint Henning & Denise Heath - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Discussion

IV. Conclusion

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 21, 2001

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, November 21, 2001, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Krall, Pruess, Moylan, Brown, Penningroth and Zoning Administrator La Rue. Members absent were Lamp and Schuett. Minutes from the previous meeting held on October 17, 2001, were read and approved by the members. Brown made a motion to accept the minutes as written. Moylan seconded the motion. Ayes all.

The Commission members then considered the following petition:

1. 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 the NE 1/4 of the SW 1/4 and a portion of the W 1/2 of the SW 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4, all in Section 4, T-81N, R-1W, in Springfield Township, consisting of 44.65 acres more or less. Said property 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) of the Zoning Ordinance in making a recommendation to the Board of Adjustment.

Representing Wendling Quarries were John Tuthill and Mark Whitman who explained that this property is being purchased 3 to 4 years in advance of when the property will be used. Mr. Tuthill then explained the plan to begin removing limestone from the old quarry site as well as a good portion of the south face of the present quarry site once the rock at the present site has been mined out. The scale and stockpiling area will, at that point, be moved to the south with a road access onto 167th Street. As per the Zoning Ordinance, a minimum distance of at least 500 feet will be maintained between the active quarry site and a dwelling. County Engineer, Don Torney, was then asked about any access problems onto 167th Street. He explained that there is adequate site distance in the area of the future access site. He stated no objections. Mr. Tuthill and Mr. Whitman were then asked about the route the gravel trucks would use with the relocation of the scales and stockpile. Mr. Tuthill explained that traffic would continue to 167th Street for one-half mile and then onto Hoover Highway which is paved. There are no dwellings along 167th Street for which dust control would be required.

The soil evaluation was then reviewed. It was noted that a good portion of the property has a C.S.R. of at least 75 points. A portion of this ground is in the area of the old quarry scar. Discussion followed on the depth of overburden to be removed to access the limestone. Mr. Tuthill explained that, until the area is needed, it will be farmed.

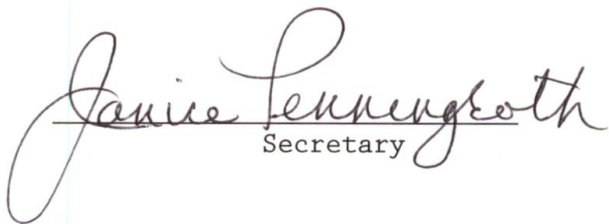
Todd Pruess and Barry Clough, adjoining property owners, were present. Mr. Clough had concerns about the possible dust and noise to be created by this facility. Mr. Tuthill explained the nature of the excavation businesses relating to dust and noise. La Rue explained that dust can not leave the property. Road dust will not be a problem as the Clough's live along Hoover Highway. Pertaining to the view of quarry area, Mr. Tuthill stated that if there were some concerns, Wendling Quarries would be willing to plant conifers along their east property line. The Commission reiterated that the Board of Adjustment would have to annually review this Special Use Permit, thus allowing any future concerns to be voiced at that time, should this be necessary.

Following discussion, Krall made the motion that the Commission recommend approval of the Special Use Permit on this property with suggestion of future conifer plantings on the east property line and subject to appropriately placed driveway. Moylan seconded the motion. Ayes all.

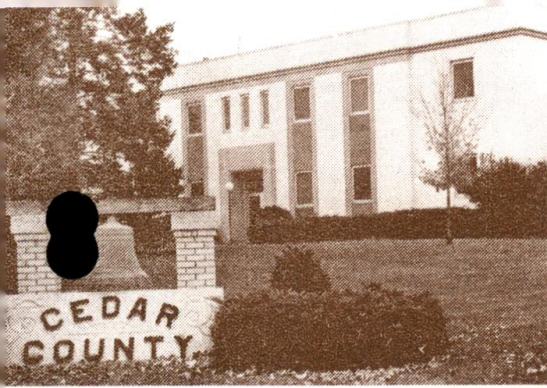
With no additional business to be discussed at this time, the meeting was adjourned.



Chairperson



Secretary



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

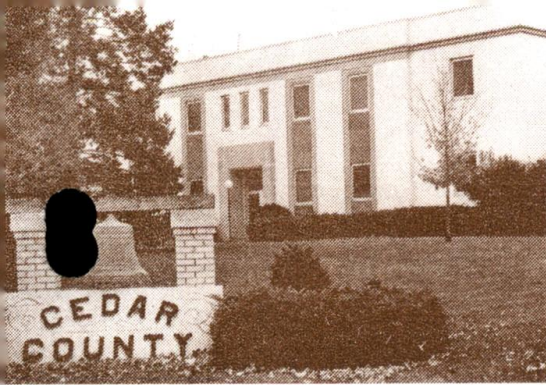
AGENDA

Cedar County Planning & Zoning Commission

Wednesday, November 21, 2001 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
  - A. Wendling Quarries, Inc. - Special Use  
Permit for expanding their existing  
limestone quarry operation
- III. Discussion
- IV. Conclusion



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

November 5, 2001

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, November 21, 2001, 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 petition:

1. Wendling Quarries, Inc., De Witt, Iowa - Requesting approval of a Special Use Permit for the purpose of expanding their existing limestone quarry operation on property located in the NE 1/4 of the SW 1/4 and a portion of the W 1/2 of the SW 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4, all in Section 4, T-81N, R-1W, in Springfield Township, consisting of 44.65 acres more or less. Said property 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 petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 11/8/01 to the following:

1. John Tuthill - Wendling Quarries, Inc., P.O. Box 230, DeWitt, Iowa 52742-0230 - Certified
2. Raymond C. Schneckloth Trust - % Gary Schneckloth, 2005 Dunn Road, Camanche, IA 52730
3. Russell E. Gifford - 1302 2nd Street, Camanche, Iowa 52730 - Contract Buyer
4. Todd Pruess - 717 Union Avenue, Lowden, Iowa 52255
5. George & Lucile Otey - 619 4th Avenue, DeWitt, Iowa 52742
6. Barry Clough - 2061 Hoover Highway, Lowden, Iowa 52255
7. Ralph, Denise & Brian King - 405 McKinley, P.O. Box 54, Lowden, Iowa 52255
8. Henry & Marilyn Niermeyer - 2096 Hoover Highway, Lowden, Iowa 52255
9. 7 Zoning Commission members
10. 1 Copy to Tipton Conservative on 11/5/01
11. 2 File Copies
12. 2 Copies for Bulletin Boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 17, 2001

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, October 17, 2001, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Krall, Moylan, Penningroth, Brown and Zoning Administrator La Rue. Members absent were Lamp, Pruess and Schuett. Minutes from the previous meeting held on August 29, 2001, were read and approved by the members. Brown made a motion to accept the minutes as written. Penningroth seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. Pond View Acres, LLC (Contract Buyers) and Floyd & Judith Goddard, RFD, Wilton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed eight (8) lot subdivision on property located in the SW 1/4 of the SE 1/4 and the S 1/2 of the SE 1/4 of the SE 1/4, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 48.32 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 Cedar County Zoning Ordinance. Stuart Werling, attorney representing the buyers and owners, was present and explained the proposal to develop a portion of the property as an eight lot subdivision which abuts a hard surface road, Rose Avenue. This development, if approved, will have a private gravel or seal coated road, never to be dedicated to the County with a right-of-way width of 80 feet. The road would have shallow ditches. Access onto Rose Avenue will meet the requirements of the County Engineer. The Commission noted that this proposed development has only one access over 500 feet in length. The petitioners have no plans at this time to create a second access, such as onto 310th Street to the south. Water will be provided via two wells: One to serve Lots 1 and 2, and the other well located in the center of the cul-de-sac to serve Lots 3 through 8.

The soil evaluation was then reviewed. Building: Moderate limitations except for the easterly half of Lot 1 due to flooding on the Colo-Ely soils. Septic: Slight to severe limitations. The severe limitations are due to the percent of slope except for the east half of Lot 1 due to the high water table and flooding on the Colo-Ely soil complex. With careful on-site planning and development, workable septic systems can be installed. Agriculture: Slight to moderate limitations. Lot size must be adequate to provide area for two septic systems. The majority of the property has a C.S.R. below 75 points. The letter from County Engineer

Don Torney was then reviewed. An entrance permit is required. The access requires flattened slopes and the existing cross road culvert can not be blocked. Construction and vehicle traffic should have minimal impact on the hard surface road.

Existing livestock operations within 1/4 mile were then reviewed. The only existing livestock operation belonged to Mr. Goddard who has sold all of his cattle.

Adjoining property owner, Don Holladay, then spoke expressing his concerns about his farming operation. Specifically, crop debris often blows onto this property, drainage from his fields flow onto this land and part of the property floods (east half, Lot 1). He is concerned about being able to continue farming and allowing cattle on the crop stubble if the development is approved, as well as wanting the Commission to know that alot of water flows across this property and the culvert on 310th Street can not handle it all and causes flooding. He also was concerned that homes on this property would affect his deer hunting. Jack Brenner, property owner across Rose Avenue, then spoke expressing his concerns about the flooding on what is proposed to be the east half of Lot 1. Mr. Werling stated that it is obvious that no one would place a home there, but higher up on the west half of the lot. Mr. Brenner continued that he has a firearm repair shop in his home and that he test fires the guns. Would a home on Lot 1 prevent this? La Rue explained the Iowa law statute requires 600 feet of separation between a building and firearm discharge without the property owner's permission.

Richard Kordick, engineer for the project, then spoke and addressed the concerns of the Commission and neighbors. The cul-de-sac will have a diameter of 200 feet as per the subdivision ordinance. The road will be designed to the width required, designed as per the ordinance and requirements of the County Engineer. As for drainage, the subdivision will have drainage basins designed to accomodate a 25 year storm. Release of the storm water would not exceed the flow of a 5 year storm as per the ordinance. Moylan then asked what was the plan for the portion of property not included within the proposed area for the eight lots. The developer has no plans at the present time, but may in the future.

Charles Frymore, property owner then spoke expressing concerns for the compatibility of agricultural and non-agricultural land uses. Discussion continued at length about the proposed development, including the fact that the site plan may look very different with the preliminary plat. The engineering study may show that the number of lots that can be developed will be different (fewer) than the site plan. The letter from the Wilton Fire Department was reviewed. They will provide service to the proposed development. The Compre-

hensive Plan was then reviewed which discourages scattered residential development when the plan will not support a wide range of services.

After additional discussion, Moylan made the motion to recommend to the Board of Supervisors a change in zoning from A-1 to R-1 with the stipulation that the Board carefully consider the drainage patterns on the property and adjoining land usage. Penningroth seconded the motion. Ayes: 3 (Krall, Moylan and Penningroth); Nay: 1 (Brown).

2. Jim Friis, West Branch (Contract Buyer) and Jason Friis, RFD, West Branch (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the SW 1/4, Section 30, T-80N, R-4W, in Gower Township, consisting of 1.65 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.

Jim Friis was present and explained his plans to place a manufactured home on the property he is purchasing from his brother. The soil evaluation was reviewed: Limitations for building are moderate; Septic Systems, the limitations are moderate to severe (due to percent of slope); Agricultural Usage, the C.S.R. is less than 75 points. The letter from County Engineer Don Torney was reviewed. He has no objections if the main driveway is used which presently serves the property owners existing home. The letter from the West Branch Fire Department states a willingness to provide the requested services. There are no livestock operations within 1/4 mile. The Comprehensive Plan was reviewed.

Penningroth then made a motion to recommend approval of the rezoning request with the shared use of the existing driveway. Moylan seconded the motion. Ayes all.

3. Joseph and Mary Goodlove, RFD, Lowden (Owners) - Requesting approval of a Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the NW 1/4 of the SW 1/4, Section 12, T-82N, R-1W, in Massillon Township, consisting of 25.17 acres more or less. Said property is currently zoned A-1 Agricultural.

There were no written or verbal objections on file. 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.

Joyce Sirowy was present representing the Goodlove's. She explained that the petitioners would like to have a Bed and Breakfast Home, using a maximum of three bedrooms. La Rue advised that the home will need to comply with the Iowa Administrative Code, Chapter 137C, pertaining to a fire alarm in each room, in the adjoining hallway and a fire extinguisher. The letter from County Engineer Don Torney was reviewed. An entrance permit is required because of the change in usage. As this is on a hard surfaced road, the impact should be minimal and he has no objections. The petitioners do not wish to have a sign along the highway.

With no further discussion, Brown made a motion to recommend approval of the Special Use Permit request to the Board of Adjustment. Moylan seconded the motion. Ayes all.

4. U.S. Cellular, Cedar Rapids, Iowa (Leasee) and David Litscher (Lessor and Owner) - Requesting approval of a Special Use Permit authorizing the location of a 250 foot tall Cellular Communication Tower on property located in the NE 1/4 of the NE 1/4 of the NE 1/4, Section 27, T-82N, R-3W, in Fremont Township, consisting of 5.74 acres more or less. Said property 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) of the Zoning Ordinance and Ordinance #30 when making a recommendation to the Board of Adjustment.

Roger Hughett and Patrick Armstrong, representing U.S. Cellular, provided the Commission members with a revised site plan reflecting a greater setback for the tower, which, with its upper antenna and lightning rod, is 266 feet tall. They then explained why another tower is necessary along Highway 30 and presented each item required by Section 5 of Ordinance #30. In conjunction with the coverage maps provided by U.S. Cellular, they explained why the existing towers or structures in the area, which are a distance greater than one-half mile do not meet their requirements. Towers examined were the U.S. Government Tower (SE 1/4, SE 1/4, Section 20, T-82N, R-3W), Union Pacific Tower (S 1/2, Section 24, T-82N, R-3W) and the Stanwood Water Tower (Section 24, T-82N, R-3W). These towers/structure are of insufficient height for co-location, can not accomodate their antenna or are too far away from the coverage area for which the proposed tower will provide service. Mr. Hughett presented the line of sight analysis and explained that he created an overlay of the digital photo and added the image of the type of tower into the existing landscape. The tower being proposed has co-location capability for three additional sites. The representatives were asked if more towers are planned east of Stanwood, and can the Lowden tower adequately cover the area. Mr. Armstrong explained that, at this time,

no new towers are proposed, but one will probably be needed in the future in the Clarence area. This is because of the number of calls they are receiving on their tower network and poor coverage between Stanwood and Lowden. Mr. Armstrong did not know how many calls the Lowden tower handles.

The soil evaluation was then reviewed. The report showed that limitations are moderate for building and that this is prime agricultural ground (average C.S.R. is 97 points). Discussion followed regarding farming around towers.

The letter from County Engineer Don Torney was reviewed. Engineer Torney was also present and stated that communication has been poor between the permit wording and requirements and the contractor doing the work for U.S. Cellular on their previous two towers. He wanted to know if this would be true for this proposed tower. Engineer Torney then explained to the Commission and representatives the nature of the problems. Mr. Hughett stated that he would check on and correct this communication problem. Engineer Torney stresses that an access permit is required and all county specifications must be followed (a copy of the engineer's letter was provided to the U.S. Cellular representatives during the meeting). Engineer Torney asked why the lease site is 500 feet deep when the tower will have a setback of 133 feet. Mr. Hughett stated that was his doing using their standard lease agreement. Engineer Torney then asked for written documentation from the Iowa Department of Transportation of the proposed Highway 30 project. Mr. Hughett explained using the site plan that the tower is 540 feet south of the existing highway and the lease boundary is 140 feet from the centerline of the proposed highway project. No written correspondence between U.S. Cellular and IDOT representatives is noted in their application file.

Following additional discussion, Brown made a motion to recommend approval of the Special Use Permit for the 266 foot tall tower. Moylan seconded the motion. Ayes all.

5. Harry and Denise Wethington, RFD, Tipton (Owners) - Requesting approval of a Special Use Permit authorizing the location of a yard waste composting facility on property located in the SW 1/4 of the SE 1/4 of the SW 1/4, Section 32, T-81N, R-2W, in Fairfield Township, consisting of 0.5 acres more or less. Said property is currently zoned A-1 Agricultural.

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

Harry Wethington, owner, and Doug Boldt, City of Tipton, were present and explained the need for this facility. The Commission noted that the compost site operated by Russ Anderson is out of business. Mr. Boldt explained the operation of this facility, including a description of the site, state regulations, the proposed operation and the variance granted by the IDNR pertaining to signing and entrance gating. The site will not be open to the public, brush will not be accepted and any solid waste will be taken to the Cedar County Transfer Station. The site is needed because of the volume of yard waste generated in Tipton (3,000 pounds per week and 150,000 pounds per season). Mr. Wethington will be land applying all yard waste onto his fields. The letter from County Engineer Don Torney was reviewed. He has no objections. The soil evaluation was reviewed. Limitations for building are moderate. The soils are prime agricultural land with a C.S.R. of 90 points. The Commission noted that the evaluation was made only for the storage site.

Moylan then made a motion that the Commission recommend approval of the Special Use Permit request to the Board of Adjustment. Brown seconded the motion. Ayes all.

6. Kim Weber and Sandy Laing, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of two single family dwellings on a proposed two lot subdivision located in the N 1/2 of the NE 1/4 of the SW 1/4, Section 24, T-80N, R-3W, in Center West 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 consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Mr. Weber and Ms. Laing were present and explained their plans to construct two homes on the property. Access onto the property for one of the homes will be along the north boundary of the property and access for the other home near the south boundary.

The letter from County Engineer Don Torney was reviewed. It stated more information is needed. Discussion between Engineer Torney and Weber was held. Engineer Torney then felt that he had a good idea of the proposed accesses and did not feel that access would be a problem. He would have his personnel do a site evaluation. The letter from the Tipton Fire Department was reviewed. It advised that adequate accesses are required. They will provide service. The soil evaluation was reviewed. It showed moderate limitations for building. For septic systems, the limitations were slight to severe due to slope only. For agricultural usage, limitations were slight to severe due to

slope, with a C.S.R. average rating below 75 points. The Comprehensive Plan was reviewed. Other residential land uses in the area were noted.

With no further discussion, Moylan made a motion to recommend approval of the change in zoning from A-1 to R-1. Penningroth seconded the motion. Ayes all.

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

Barbara A. Hall  
Chairperson Pro-tem

Jan Penningroth  
Secretary



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

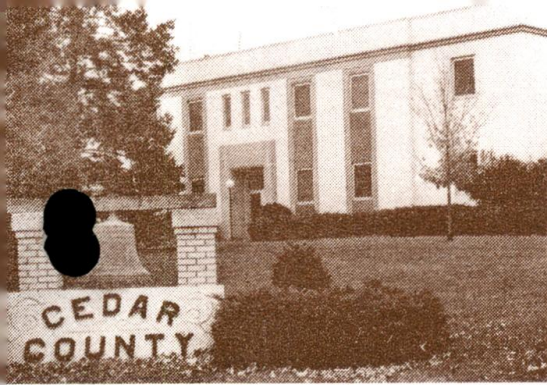
AGENDA

Cedar County Planning & Zoning Commission

Wednesday, October 17, 2001 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
  - A. Pond View Acres, LLC - Change in Zoning from A-1 to R-1
  - B. Jim Friis - Change in Zoning from A-1 to R-1
  - C. Joseph & Mary Goodlove - Special Use Permit for Bed & Breakfast Home
  - D. U.S. Cellular - Special Use Permit for a 250' Communication Tower
  - E. Harry & Denice Wethington - Special Use Permit for a Yard Waste Compost Facility
  - F. Kim Weber & Sandy Laing - Change in Zoning from A-1 to R-1
- III. Discussion
- IV. Conclusion



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

October 8, 2001

LEGAL NOTICE

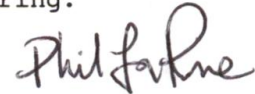
The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 17, 2001, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

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

1. Pond View Acres, LLC (Contract Buyers) and Floyd & Judith Goddard, RFD, Wilton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed eight (8) lot subdivision on property located in the SW 1/4 of the SE 1/4 and the S 1/2 of the SE 1/4 of the SE 1/4, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 48.32 acres more or less.
2. Jim Friis, West Branch (Contract Buyer) and Jason Friis, RFD, West Branch (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the SW 1/4, Section 30, T-80N, R-4W, in Gower Township, consisting of 1.65 acres more or less.
3. Joseph and Mary Goodlove, RFD, Lowden (Owners) - Requesting approval of a Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the NW 1/4 of the SW 1/4, Section 12, T-82N, R-1W, in Massillon Township, consisting of 25.17 acres more or less. Said property is currently zoned A-1 Agricultural.
4. U.S. Cellular, Cedar Rapids, Iowa (Leasee) and David Litscher (Lessor and Owner) - Requesting approval of a Special Use Permit authorizing the location of a 250 foot tall Cellular Communication Tower on property located in the NE 1/4 of the NE 1/4 of the NE 1/4, Section 27, T-82N, R-3W, in Fremont Township, consisting of 5.74 acres more or less. Said property is currently zoned A-1 Agricultural.

5. Harry and Denice Wethington, RFD, Tipton (Owners) - Requesting approval of a Special Use Permit authorizing the location of a yard waste composting facility on property located in the SW 1/4 of the SE 1/4 of the SW 1/4, Section 32, T-81N, R-2, in Fairfield Township, consisting of 0.5 acres more or less. Said property is currently zoned A-1 Agricultural.
6. Kim Weber and Sandy Laing, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of two single family dwellings on a proposed two lot subdivision located in the N 1/2 of the NE 1/4 of the SW 1/4, Section 24, T-80N, R-3W, in Center West 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

X Copies sent out on 10/11/01 to the following:

1. Pond View Acres - Stuart Werling, Attorney at Law, 319 Cedar Street, Tipton, IA 52772
2. Floyd & Judith Goddard - 1689 310th Street, Wilton, Iowa 52778 - Certified
3. Vince & Phyllis Knoche - 2057 Rose Avenue, Wilton, Iowa 52778
4. Donald Holladay - 2043 Rose Avenue, Wilton, Iowa 52778
5. Charles & Caroline Frymoyer - 1231 265th Street, Tipton, Iowa 52772
6. Timothy & Laurie DeVore - 1680 310th Street, Wilton, Iowa 52778
7. John & Patricia Grosjean - 809 West Second Street, Muscatine, Iowa 52761
8. Patricia Anne Lopker - 2068 Rose Avenue, Wilton, Iowa 52778
9. Patricia Lopker & Guy Leith - 822 S. 14th Avenue, Washington, Iowa 52353
10. Cathryn Thede - 212 W. 5th Street, Box 1067, Wilton, Iowa 52778
11. Jack & Deborah Brenner - 2096 Rose Avenue, Wilton, Iowa 52778
12. Leona Wilkins Trust - 1539 Vermont Avenue, Bennett, Iowa 52721
13. Richard Kordick - Kordick Surveying, 689 185th Street, Tipton, Iowa 52772

- 
- X
1. Jim Friis - 38 Hoover Boulevard, West Branch, Iowa 52358 - Certified
  2. Jason Friis - 1696 Cedar Johnson Road, West Branch, Iowa 52358 - Certified
  3. Jim Yanacek - 1738 Cedar Johnson Road, West Branch, Iowa 52358
  4. Ron Ellyson - Box 457, West Branch, Iowa 52358
  5. Herbert & Karen Friis - 3055 Cedar Johnson Road NE, West Branch, Iowa 52358
  6. Bernice Kinsey Revocable Trust - 204 Cookson Drive, West Branch, Iowa 52358
  7. Donald & Judith McConnel - 1660 Cedar Johnson Road, West Branch, Iowa 52358
  8. Hans & Astrid Petersen - 521 Oliphant Street, West Branch, Iowa 52358
  9. Ted Pence - 1754 Cedar Johnson Road, West Branch, Iowa 52358

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1. Joseph & Mary Goodlove - 152 Hoover Highway, Lowden, Iowa 52255 - Certified
  2. John Toms - 113 Hoover Highway, Box 110, Lowden, Iowa 52255
  3. Ferdinand & Patricia Burda - 2391 Highway 136, Oxford Junction, Iowa 52323
  4. Donald & Dena Skinner - 172 Hoover Highway, Wheatland, Iowa 52777
  5. Virginia Eves & Dorothy Clauss - 4462 Santa Monica Avenue, Ocean Beach, CA 92107-2904
  6. Loren Schutt - 1615 Aber Avenue #8, Iowa City, Iowa 52246
  7. Ginger Jackson - P.O. Box 188, Lowden, Iowa 52255
  8. Howard & Nancy Ihns - 1245 20th Avenue SW, Cedar Rapids, Iowa 52405
  9. Allen Moeller - 117 Hoover Highway, Wheatland, Iowa 52777
  10. Ed Hudrlik - Oxford Junction, Iowa 52323

- 
1. Roger Hughett - U.S. Cellular, 850 Twixt Road N.E., Cedar Rapids, Iowa 52402 - Certified
  2. David, Duane & Neva Litscher - 531 Kelly Avenue, Box 99, Stanwood, Iowa 52337 - Certified
  3. Kenneth Boyle - 417 E. Kiowa, Apt. 609, Colorado Springs, CO 80903-3422
  4. Steve Westrold - I.D.O.T., Right-of-Way Office, 800 Lincolnway, Ames, Iowa 50010
  5. Showalter Family LLC & Richard Showalter - 11483 W. 28th Avenue, Lakewood, CO 80215
  6. Robert & Patricia Coppess - 303 2nd Avenue, Stanwood, Iowa 52337

- 
1. Harry & Denice Wethington - 1347 Highway 130, Tipton, Iowa 52772 - Certified
  2. Doug Boldt - City of Tipton, 407 Lynn Street, Tipton, Iowa 52772
  3. Marjorie Wethington - 1327 Highway 130, Tipton, Iowa 52772
  4. Charles Jones - 1307 Red Star Road, Tipton, Iowa 52772
  5. Steve Maurer - P.O. Box 460, Clarence, Iowa 52216
  6. Stuart & Sharon Clark - 1353 Red Star Road, Tipton, Iowa 52772

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- X
1. Kim Weber & Sandy Laing - 810 Lemon Street, Tipton, Iowa 52772 - Certified
  2. Kenneth & Idalia Reichert - 1555 Logan Avenue, Tipton, Iowa 52772
  3. Thomas & Phyllis Hajek - 1600 King Avenue, Tipton, Iowa 52772
  4. Robert & Angela Hilkin - 1565 Logan Avenue, Tipton, Iowa 52772
  5. David & Carolyn Waugh - P.O. Box 412, Tipton, Iowa 52772
  6. Willer & Michels LLC - 242 Ferson Avenue, Iowa City, Iowa 52240
  7. Mildred Eiler - 1664 Snaggy Ridge Road, Tipton, Iowa 52772-9234

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Copy to Tipton Conservative & Sun News on 10/8/01

Copies faxed to Durant-Wilton Advocate News & West Branch Times on 10/8/01

7 Zoning Commission Members

File Copies & Bulletin

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on November 8 and 19, 2001, 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. Pond View Acres, LLC (Contract Buyers) and Floyd & Judith Goddard, RFD, Wilton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed eight (8) lot subdivision on property located in the SW 1/4 of the SE 1/4 and the S 1/2 of the SE 1/4 of the SE 1/4, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 48.32 acres more or less.
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At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, 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

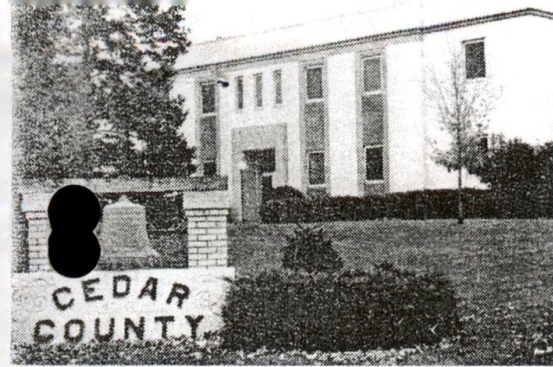
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- 

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  6. Bernice Kinsey Revocable Trust - 204 Cookson Drive, West Branch, Iowa 52358
  7. Donald & Judith McConnel - 1660 Cedar Johnson Road, West Branch, Iowa 52358
  8. Hans & Astrid Petersen - 521 Oliphant Street, West Branch, Iowa 52358
  9. Ted Pence - 1754 Cedar Johnson Road, West Branch, Iowa 52358
- 

1. Kim Weber & Sandy Laing - 810 Lemon Street, Tipton, Iowa 52772 - Certified
  2. Kenneth & Idalia Reichert - 1555 Logan Avenue, Tipton, Iowa 52772
  3. Thomas & Phyllis Hajek - 1600 King Avenue, Tipton, Iowa 52772
  4. Robert & Angela Hilkin - 1565 Logan Avenue, Tipton, Iowa 52772
  5. David & Carolyn Waugh - P.O. Box 412, Tipton, Iowa 52772
  6. Willer & Michels LLC - 242 Person Avenue, Iowa City, Iowa 52240
  7. Mildred Eiler - 1664 Snaggy Ridge Road, Tipton, Iowa 52772
- 

Copies faxed to Tipton Conservative, West Branch Times & Advocate News on 10/25/01  
Board of Supervisors  
File copies  
Bulletin board copies



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

September 19, 2001

Cedar County Board of Supervisors  
Cedar County Courthouse  
400 Cedar Street  
Tipton, Iowa 52772

RE: Urban Renewal Plan

Dear Honorable Board Members:

This letter is to state that, in accordance with the Code of Iowa, Chapter 403.5, we, the members of the Cedar County Planning and Zoning Commission, have reviewed the proposed Urban Renewal Plan and Project for the property generally described as follows:

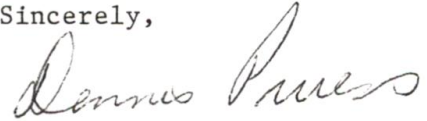
"The following legally described property doing business as the Cedar Valley Golf Course: The South 5/8ths of the East 1/2 of the NE 1/4 and Lots 1-4 of the SW 1/4 of the NE 1/4, Section 28 and the South 5/8ths of the W 1/2 of the NW 1/4, Section 27, all in Township 80 North, Range 2 West of the 5th P.M.; and the right-of-way of Old Muscatine Road aka X52 from the Tipton city limits to a point one-quarter mile past 265th Street; the right-of-way of 265th Street from Old Muscatine Road to Plum Avenue; all property which abuts any of the right-of-way previously described and including four parcels which are directly impacted by access to the right-of-way."

In conducting this review, the Cedar County Comprehensive Plan 1980-2000 was utilized. Section VIII, Transportation of the Comprehensive Plan recommends as a long range goal lists improvements to County Road X-52 from Tipton to F-44 and also includes the farm to market road F-44 from Highway 38 to X-64. The proposed Urban Renewal Plan and Project appears to be consistent with the Cedar County Comprehensive Plan. The Commission recommends that any improvements to roads should be based upon traffic generated within the T.I.F. district. The Commission, therefore, recommends approval of the Urban Renewal Plan and Project as written.

The Commission wishes to advise the Board that if road usage reflects increased traffic counts on alternate routes to the Cedar Valley Golf Course, then the including of these routes should be considered.

The Urban Renewal Plan and Project does have the potential to create increased residential and commercial development in an agricultural environment, thereby increasing the potential for incompatible land uses.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis Pruess".

Dennis Pruess  
Chairperson, Cedar County  
Planning & Zoning Commission

cc: Don Torney, Cedar County Engineer



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

August 31, 2001

Dear Commission Member:

At the Cedar County Planning and Zoning Commission meeting on August 29, 2001, County Engineer, Don Torney, explained the proposed Cedar County Urban Renewal Plan and information on T.I.F. Districts.

In accordance with Chapter 403.5 of the Code of Iowa, the Commission is required to review this information for compliance with the County Comprehensive Plan and to provide written recommendation within thirty days of receipt of the proposed plan. The information was given to me on August 27, 2001. Enclosed please find a copy of that information packet and the minutes from the August 29, 2001, meeting. Please also review the cover page article in the August 29, 2001, issue of the Tipton Conservative.

Because of the required time table, the Commission members in attendance agreed to a work session to discuss this material on Wednesday, September 12, 2001, at 6:00 p.m. in the Large Meeting Room of the Courthouse. I will be providing dinner (pizza).

At the regularly scheduled meeting on September 19, 2001, the Commission will prepare a written recommendation to be given to the Board of Supervisors. This recommendation will be presented to the public at the Board's scheduled Public Hearing on September 27, 2001, at 7:00 p.m.

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

Sincerely,

Phil La Rue  
Zoning Administrator

PL:s1

Encl.

**OFFICE OF THE CEDAR COUNTY ENGINEER  
COURTHOUSE; 400 CEDAR ST**

**PHONE: (319) 886-6102    FAX: (319) 886-2110    EMAIL: ccengr@netins.net**

August 27, 2001

Mr. Phil La Rue  
Cedar County Zoning Administrator  
400 Cedar Street  
Tipton, IA 52772

Dear Phil:

I am submitting the proposed Cedar County Urban Renewal Plan for your review and recommendations, as required by Section 403.5, Code of Iowa.


A Public Hearing is scheduled for September 27, 2001 at 7:00 PM. We would like your comments prior to the meeting.

I have enclosed the Public Meeting Notice, the Cedar County Urban Renewal Plan, Urban Renewal Area with Exhibit A, and aerial photo sheets showing parcels included in the proposed TIF district.

I will attend your meeting on August 29, 2001 to discuss this with you. Please review Section 403.5 Code of Iowa and advise me if you need more information.

If you have any questions or need further information, please contact this office.

Sincerely,



Donald A. Torney, P. E.  
Cedar County Engineer

Enclosures: Hearing Notice, Urban Renewal Plan, Maps

**URBAN RENEWAL PLAN  
CEDAR COUNTY URBAN RENEWAL AREA  
CEDAR COUNTY, IOWA  
INTRODUCTION**

Chapter 403 of the Code of Iowa authorizes cities and counties to establish areas within their boundaries known as "urban renewal areas," and to exercise special powers within these areas. Urban renewal powers were initially provided to cities in order that conditions of deterioration within cities might be brought under control. Gradually, urban renewal has been found to be a useful tool, as well, for economic development in cities and counties.

In order to facilitate the use of urban renewal for economic development, in 1985, the Iowa General Assembly amended Chapter 403 to authorize cities to create "economic development" areas. In 1991, the General Assembly extended urban renewal powers to counties. An economic development urban renewal area may be any area of a county which has been designated by the Board of Supervisors as an area which is appropriate for commercial, industrial or residential enterprises and in which the county seeks to encourage further development. Counties are also authorized to enter into agreements with cities with respect to county urban renewal areas within city boundaries.

The process by which an economic development urban renewal area may be created begins with a finding by the Board of Supervisors that such an area needs to be established within the County. An urban renewal plan is then prepared for the area, which must be consistent with the County's existing comprehensive or general plan. The Board of Supervisors must hold a public hearing on the urban renewal plan, following which, the Board may approve the plan.

The balance of this document is intended to be an Urban Renewal Plan which complies with the provisions of Chapter 403 of the Code of Iowa and sets out proposed activities within the Cedar County Urban Renewal Area.

**DESCRIPTION OF URBAN RENEWAL AREA**

A description of property proposed to be included within the Urban Renewal Area is attached hereto as Exhibit A.

**URBAN RENEWAL OBJECTIVES**

The primary objectives for the development of the Cedar County Urban Renewal Area are:

1. To contribute to a diversified, well-balanced local economy by creating job opportunities and strengthening and increasing the property tax base available to all units of local government in the County.
2. To assist private developers improve land for new and expanded commercial, recreational and residential development.

3. To encourage economic growth and expansion through the use of various state and local incentives.

### **URBAN RENEWAL ACTIVITIES**

The following types of activities are examples of the specific actions which may be undertaken within the Urban Renewal Area:

1. Preparation of plans related to the development and implementation of the Urban Renewal Area and specific urban renewal projects.
2. Construction, maintenance, or improvement of county roads in connection with an urban renewal project.
3. Making available, as appropriate, tax increment financing, including rebate agreements, payable from increased property values in the Urban Renewal Area.
4. Pursuant to state law, provision of direct financial assistance, including grants or loans, to private persons engaged in economic development, in such form and subject to such conditions as may be determined by the Board of Supervisors.

### **PROPOSED PROJECT**

The Urban Renewal Area is being created in order to assist economic development within the County by establishing a method by which the County finance county road improvements along Old Muscatine Road and 265<sup>th</sup> Street, related to the development of the Cedar Valley Golf Course and other private development.

### **TAX INCREMENT FINANCING**

In order to assist in the development of economic activity, the County may be requested to construct public improvements or provide an economic development grant to be used for improvements which would benefit the public and private development and enhance the value of property in the Urban Renewal Area. The County may create, as part of the urban renewal area, a tax increment district, within which the property taxes eventually paid by new private development would be used to pay costs of urban renewal projects for these types of activities, including paying debt service on obligations issued by the County, and paying tax increment rebates to developers.

The concept of tax increment financing enables the County to use property tax dollars produced from new private development to finance various activities within an urban renewal area. The process begins, following Board of Supervisors action to establish an urban renewal area and approve a plan, with the adoption by the Board of a tax increment ordinance. This ordinance designates the urban renewal area as a tax increment area and establishes the property valuations within that area as of a given valuation date, for example, January 1, 2000, as the "frozen" or "base valuation". Thereafter, if the County borrows money to pay the cost of the activities within the area, or enters into a rebate agreement with a private developer, property taxes (except taxes for debt service purposes) levied by all local jurisdictions (city, county,

school, area college) against any increases in valuation over the frozen or base valuations are allocated exclusively to the County's tax increment fund, rather than back to each jurisdiction. Property taxes levied by all local jurisdictions against the frozen base valuations continue to be distributed to those jurisdictions, and, once the County tax increment debt is paid off, property taxes produced from the new valuations, as well as from the frozen base, will be distributed to all local jurisdictions.

### **DURATION OF URBAN RENEWAL PLAN**

This Plan shall remain in effect for no more than twenty years of incremental tax collections.

### **PLAN AMENDMENTS**

This Urban Renewal Plan may be amended to include such things as a change in the project boundaries, to modify renewal objectives or activities, to add or change regulations for development of property, or for any other purposes consistent with Chapter 403 of the Code of Iowa.

### **COUNTY DEBT INFORMATION**

1. Current constitutional debt limit:	\$47,332,414
2. Outstanding general obligation debt:	\$3,965,000
3. Proposed amount of debt to be incurred:	\$1,000,000

# EXHIBIT A

## Cedar County Urban Renewal Area

The following legally described property doing business as the Cedar Valley Golf Course: The South 5/8ths of the East ½ of the NE ¼ and Lots 1-4 of the SW ¼ NE ¼ Section 28 and the South 5/8ths of the W ½ of the NW ¼ Section 27 all in Township 80 North Range 2 West of the 5<sup>th</sup> P.M.; and the right-of-way of Old Muscatine Road aka X52 from the Tipton city limits to a point one-quarter mile past 265<sup>th</sup> Street; the right-of-way of 265<sup>th</sup> Street from Old Muscatine Road to Plum Avenue; all property which abuts any of the right-of-way previously described and including four parcels which are directly impacted by access to the right-of-way.

	PN	OWNER	CONTRACT BUYER	LEGAL DESCRIPTION	CLASS
1	04011284000010	ALLEN CRAIG A & DEBRA LYNN		W 1/2 NW NW SE	A
2	04011284000020	ALLEN CRAIG A & DEBRA LYNN		E 15 AC N 1/2 NW SE	A
3	04011284000030	ALLEN CRAIG A & DEBRA LYNN		N 1/2 NE SE	A
4	04011281000070	BARNUM MATTHEW H & JOYCE A		LOT F SE SE NW EXC LOT 1 OF LOT F	R
5	04011281000080	BARNUM MATTHEW H & JOYCE A		LOT 1 OF LOT F SE SE NW	R
6	04011174000050	BEHRLE DEWEY C & CHERYL L		PARCEL "E" S 1/2	A
7	04011202000040	BEHRLE DEWEY C & CHERYL L		TRI TR NE COR NW NE	A
8	04011174000030	BEHRLE DOUGLAS P & SUE ANN		PARCEL "F" S1/2	R
9	04011283000060	BORMANN RANDALL LEE & MARY		LOT 2 E 1/2 NE SW EXC PT PARCEL A	R
10	04011173000050	CEDAR FARMS INC		NE SW EXC PARCEL "C"	A
11	04011173000080	CEDAR FARMS INC		SE SW NE/LY OF RD EXC PARCEL "E"	A
12	04011273000010	DAUFELDT EDWARD C & ANITA W	WULF DAVID A & LISA	PARCEL "A" NW SW	A
13	04011273000020	DAUFELDT EDWARD C & ANITA W	WULF DAVID A & LISA	N 1/2 SW SW & W 40' NW SW	A
14	04011281000030	FORD DWAIN E & EVELYN L		LOT G NW	R
15	04011213000040	FORD NOLAN L & JULIE A		SW SW E OF RD	A
16	04011281000020	HANSEN LARRY & RENEE		LOT D NW	A
17	04011283000030	HANSEN LARRY & RENEE		LOT 5 NE SW	A
18	04011283000070	HUBLER BETTY L		LOT 3 NE SW	R
19	04011213000030	KOCH MARVIN TRUST		LOT 1 SW SW	A
20	04011281000010	KOCH MARVIN TRUST		LOT A NW W OF RD	A
21	04011281000040	KRUSE OTTO E & DAVID W		N 1/2 NW E OF RD NE NW	A
22	04011173000030	LAING MEARL W & VIRGINIA L		5.50 AC TR W 1/2 EXC LOT H	R
23	04011171000030	LAMP DONALD		LOT 1 SW NW EXC S 37.6' OF E 298.8'	A
24	04011173000020	LAMP DONALD		W'LY PART OF LOT 1 NW SW	A
25	04011064520010	LAMP KEITH & RONALD & DONALD		LOT 1 SW SE	A
26	04011064760010	LAMP KEITH & RONALD & DONALD		SE SE	A
27	04011072000010	LAMP KEITH & RONALD & DONALD		NW NE	A
28	04011072000060	LAMP KEITH & RONALD & DONALD		SE NE EXC PARCELS "A" & "F"	A
29	04011072000100	LAMP KEITH & RONALD & DONALD		NE NE SW OF RD	A
30	04011182000070	MATHEWS W G EST		LOT 1 SE NE	A
31	04011173000070	MAURER STEVE C & KAY L		PT PARCEL C S 1/2	A
32	04011202000010	MAURER STEVE C & KAY L		PARCEL "C" NW NE	A
33	04011281000060	MCBRIDE MICHAEL J & JULIE L		LOT C NW	A
34	04011282000030	MCBRIDE MICHAEL J & JULIE L		LOTS 5-6-7 W 17 AC SW NE	A
35	04011283000050	MCCROSKEY ROBERT W LE		PARCEL A NE SW	R
36	04011074000020	MEINHOLDT ROBERT & BERNICE		LOT A SE 1/4	A
37	04011074000030	MEINHOLDT ROBERT & BERNICE		LOT C SE 1/4	A
38	04011271000050	MENTE KENNETH D & BETTY J	MENTE FARMS INC	SE NW	A
39	04011272000030	MENTE KENNETH D & BETTY J	MENTE FARMS INC	SW NE	A

40	04011173000090	MENTE MARK S & SANDRA L		LOT B NW SW EXC PARCEL "D"	A
41	04011184000030	MENTE MARK S & SANDRA L		LOT B NE SE	A
42	04011074000010	MENTE MICHAEL D & MARJEAN		LOT B SE 1/4	A
43	04011173000010	MENTE TODD		PARCEL "D" LOT B NW SW	A
44	04011271000020	MUELLER GENE V		S 10 AC NW NW	A
45	04011271000030	MUELLER GENE V		SW NW	C
46	04011282000040	MUELLER GENE V		LOTS 1-4 SW NE	C
47	04011282000080	MUELLER GENE V		S 10 AC NE NE	C
48	04011282000090	MUELLER GENE V		SE NE	C
49	04011202000050	PALMER RICHARD B & SHIRLEY R		NE NE	A
50	04011202000060	PALMER RICHARD B & SHIRLEY R		SE NE	A
51	04011204000020	PALMER RICHARD B & SHIRLEY R		NE SE	A
52	04011213000010	PALMER RICHARD B & SHIRLEY R		NW SW	A
53	04011284000040	PLUEGER ROBERT M & CHRISTINE		S 1/2 NW SE	A
54	04011171000020	REGENNITTER MAE M		LOT 2 SW NW EXC 4 AC SE COR	A
55	04011182000040	REGENNITTER MAE M		NE NE E OF RD EXC .91 AC TR	A
56	04011182000080	REGENNITTER MAE M		LOT 2 SE NE E OF RD	A
57	04011182000030	REGENNITTER ROGER A		.91 AC TR IN NE COR NE NE	A
58	04011072000050	SALSBERY J JEFFERY & RUTH ANN		PARCEL "A" E 1/2 NE 1/4 & W 1/2 NW 1/4 SEC 8	A
59	04011072000090	SALSBERY J JEFFERY & RUTH ANN		PARCEL "E" NE NE	A
60	04011072000110	SALSBERY J JEFFERY & RUTH ANN		PARCEL "F" SE NE SEC 7 & SW NW SEC 8	A
61	04011283000040	STOUT RICHARD L & MABEL A		LOT E OF NW & LOT 1 NE SW EXC S 75'	R
62	04011173000040	STUTZEL RONALD & BONNIE		LOT H W 1/2	R
63	04011283000080	TIMMERMAN LEE		LOT 4 SE NE SW	A
64	04011182000020	URMIE DAVID & GLORIA		NE NE W OF RD	A
65	04011182000060	URMIE DAVID & GLORIA		LOT 2 SE NE W OF RD	A
66	04011273000040	WHITLATCH ROBERT D & ALICE		NE SW	A
67	04011274000010	WHITLATCH ROBERT D & ALICE		NW SE	A

SET DATE FOR HEARING ON URBAN  
RENEWAL AREA DESIGNATION AND  
URBAN RENEWAL PLAN AND PROJECT

446874-1

Tipton, Iowa

August 27, 2001

The Board of Supervisors of Cedar County, Iowa, met on August 27, 2001, at 9:45 o'clock, a.m., at the Cedar County Courthouse, Tipton, Iowa, for the purpose of setting a date for a public hearing on the designation of an urban renewal area and on a proposed urban renewal plan and project. The Chairperson presided and the roll being called, the following members of the Board were present and absent:

Present: Moeller, Campion, Bell, Boedeker, Weih

Absent: \_\_\_\_\_ .

The Chairperson announced that a plan had been prepared for a proposed project and that it was now necessary to set a date for a public hearing on the designation of the Cedar County Urban Renewal Area and on that plan and the project outlined therein. Accordingly, Supervisor Moeller moved the adoption of the following resolution entitled "Resolution setting date for a public hearing on designation of the Cedar County Urban Renewal Area and on urban renewal plan and project," and the motion was seconded by Supervisor Bell.

Following due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: Moeller, Campion, Bell, Boedeker, Weih

Nays: \_\_\_\_\_ .

Whereupon, the Chairperson declared the resolution duly adopted, as follows:

## RESOLUTION

Setting date for a public hearing on designation of the Cedar County Urban Renewal Area and on urban renewal plan and project

WHEREAS, studies have been conducted which show the desirability of designating a portion of Cedar County as the Cedar County Urban Renewal Area, pursuant to the provisions of Chapter 403, Code of Iowa; and

WHEREAS, a proposal has been submitted to the Board under which an area within the boundaries set out in Exhibit A would be designated an urban renewal area; and

WHEREAS, this Board is desirous of obtaining as much information as possible from the residents of the County before making this designation; and

WHEREAS, a proposed urban renewal plan for a project within that proposed designated area has been prepared and it is now necessary that a date be set for a public hearing on the designation of the area and on that plan and project;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Cedar County, Iowa, as follows:

Section 1. This Board will meet at the County Courthouse, Tipton, Iowa, on the 27<sup>th</sup> day of September, 2001, at 7:00 o'clock p.m., at which time and place it will hold a public hearing on the designation of the proposed Cedar County Urban Renewal Area described in the preamble hereof and on the proposed urban renewal plan and project for said Area.

Section 2. The County Auditor shall publish notice of said hearing, the same being in the form attached to this resolution, which publication shall be made in a legal newspaper of general circulation in Cedar County, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for the hearing.

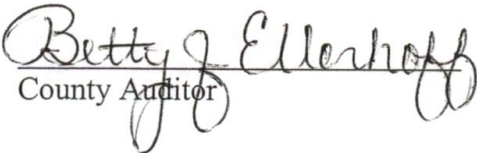
Section 3. Pursuant to Section 403.5 of the Code of Iowa, the County Engineer is hereby designated as the County's representative in connection with the consultation process which is required under that section of the urban renewal law.

Section 4. The proposed urban renewal plan is hereby submitted to the County's Planning and Zoning Commission for review and recommendations, as required by Section 403.5, Code of Iowa.

Passed and approved August 27, 2001.

  
Chairperson, Board of Supervisors

Attest:

  
County Auditor

NOTICE OF A PUBLIC HEARING ON DESIGNATION OF THE CEDAR COUNTY URBAN RENEWAL AREA, AND ON PROPOSED URBAN RENEWAL PLAN AND PROJECT

Notice Is Hereby Given: That at 7:00 o'clock p.m., at the County Courthouse, Tipton, Iowa, on the 27<sup>th</sup> day of September, 2001, there will be conducted a public hearing on the question of designating as the Cedar County Urban Renewal Area, pursuant to Chapter 403, Code of Iowa, the property generally described as follows:

The following legally described property doing business as the Cedar Valley Golf Course: The South 5/8ths of the East ½ of the NE ¼ and Lots 1-4 of the SW ¼ NE ¼ Section 28 and the South 5/8ths of the W ½ of the NW ¼ Section 27 all in Township 80 North Range 2 West of the 5<sup>th</sup> P.M.; and the right-of-way of Old Muscatine Road aka X52 from the Tipton city limits to a point one-quarter mile past 265<sup>th</sup> Street; the right-of-way of 265<sup>th</sup> Street from Old Muscatine Road to Plum Avenue; all property which abuts any of the right-of-way previously described and including four parcels which are directly impacted by access to the right-of-way. All parcels within the urban renewal area are outlined on Exhibit "A". Exhibit "A" is available for review at Cedar County Auditor's Office.

The subject matter of the public hearing will also include a proposed urban renewal plan and project for the Cedar County Urban Renewal Area identified above, pursuant to Chapter 403, Code of Iowa, a copy of which plan is on file for public inspection in the office of the County Auditor.

The general scope of the proposed urban renewal plan, as more specifically described therein, includes the following:

Increasing the tax base and promoting economic growth in Cedar County by encouraging commercial and residential development and assisting private enterprise obtain governmental incentives. The initial purpose of the plan is to create a tax increment financing district to provide a means of financing county road improvements and other public infrastructure.

At the hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matter of the hearing.

Betty Ellerhoff  
County Auditor

**EXHIBIT A****Cedar County Urban Renewal Area**

The following legally described property doing business as the Cedar Valley Golf Course: The South 5/8ths of the East ½ of the NE ¼ and Lots 1-4 of the SW ¼ NE ¼ Section 28 and the South 5/8ths of the W ½ of the NW ¼ Section 27 all in Township 80 North Range 2 West of the 5<sup>th</sup> P.M.; and the right-of-way of Old Muscatine Road aka X52 from the Tipton city limits to a point one-quarter mile past 265<sup>th</sup> Street; the right-of-way of 265<sup>th</sup> Street from Old Muscatine Road to Plum Avenue; all property which abuts any of the right-of-way previously described and including four parcels which are directly impacted by access to the right-of-way.

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3	04011284000030	ALLEN CRAIG A & DEBRA LYNN		N 1/2 NE SE	A
4	04011281000070	BARNUM MATTHEW H & JOYCE A		LOT F SE SE NW EXC LOT 1 OF LOT F	R
5	04011281000080	BARNUM MATTHEW H & JOYCE A		LOT 1 OF LOT F SE SE NW	R
6	04011174000050	BEHRLE DEWEY C & CHERYL L		PARCEL "E" S 1/2	A
7	04011202000040	BEHRLE DEWEY C & CHERYL L		TRI TR NE COR NW NE	A
8	04011174000030	BEHRLE DOUGLAS P & SUE ANN		PARCEL "F" S1/2	R
9	04011283000060	BORMANN RANDALL LEE & MARY		LOT 2 E 1/2 NE SW EXC PT PARCEL A	R
10	04011173000050	CEDAR FARMS INC		NE SW EXC PARCEL "C"	A
11	04011173000080	CEDAR FARMS INC		SE SW NE/LY OF RD EXC PARCEL "E"	A
12	04011273000010	DAUFELDT EDWARD C & ANITA W	WULF DAVID A & LISA	PARCEL "A" NW SW	A
13	04011273000020	DAUFELDT EDWARD C & ANITA W	WULF DAVID A & LISA	N 1/2 SW SW & W 40' NW SW	A
14	04011281000030	FORD DWAIN E & EVELYN L		LOT G NW	R
15	04011213000040	FORD NOLAN L & JULIE A		SW SW E OF RD	A
16	04011281000020	HANSEN LARRY & RENEE		LOT D NW	A
17	04011283000030	HANSEN LARRY & RENEE		LOT 5 NE SW	A
18	04011283000070	HUBLER BETTY L		LOT 3 NE SW	R
19	04011213000030	KOCH MARVIN TRUST		LOT 1 SW SW	A
20	04011281000010	KOCH MARVIN TRUST		LOT A NW W OF RD	A
21	04011281000040	KRUSE OTTO E & DAVID W		N 1/2 NW E OF RD NE NW	A
22	04011173000030	LAING MEARL W & VIRGINIA L		5.50 AC TR W 1/2 EXC LOT H	R
23	04011171000030	LAMP DONALD		LOT 1 SW NW EXC S 37.6' OF E 298.8'	A
24	04011173000020	LAMP DONALD		W'LY PART OF LOT 1 NW SW	A
25	04011064520010	LAMP KEITH & RONALD & DONALD		LOT 1 SW SE	A
26	04011064760010	LAMP KEITH & RONALD & DONALD		SE SE	A
27	04011072000010	LAMP KEITH & RONALD & DONALD		NW NE	A
28	04011072000060	LAMP KEITH & RONALD & DONALD		SE NE EXC PARCELS "A" & "F"	A
29	04011072000100	LAMP KEITH & RONALD & DONALD		NE NE SW OF RD	A
30	04011182000070	MATHEWS W G EST		LOT 1 SE NE	A
31	04011173000070	MAURER STEVE C & KAY L		PT PARCEL C S 1/2	A
32	04011202000010	MAURER STEVE C & KAY L		PARCEL "C" NW NE	A
33	04011281000060	MCBRIDE MICHAEL J & JULIE L		LOT C NW	A
34	04011282000030	MCBRIDE MICHAEL J & JULIE L		LOTS 5-6-7 W 17 AC SW NE	A
35	04011283000050	MCCROSKEY ROBERT W LE		PARCEL A NE SW	R
36	04011074000020	MEINHOLDT ROBERT & BERNICE		LOT A SE 1/4	A
37	04011074000030	MEINHOLDT ROBERT & BERNICE		LOT C SE 1/4	A
38	04011271000050	MENTE KENNETH D & BETTY J	MENTE FARMS INC	SE NW	A
39	04011272000030	MENTE KENNETH D & BETTY J	MENTE FARMS INC	SW NE	A

40	04011173000090	MENTE MARK S & SANDRA L		LOT B NW SW EXC PARCEL "D"	A
41	04011184000030	MENTE MARK S & SANDRA L		LOT B NE SE	A
42	04011074000010	MENTE MICHAEL D & MARJEAN		LOT B SE 1/4	A
43	04011173000010	MENTE TODD		PARCEL "D" LOT B NW SW	A
44	04011271000020	MUELLER GENE V		S 10 AC NW NW	A
45	04011271000030	MUELLER GENE V		SW NW	C
46	04011282000040	MUELLER GENE V		LOTS 1-4 SW NE	C
47	04011282000080	MUELLER GENE V		S 10 AC NE NE	C
48	04011282000090	MUELLER GENE V		SE NE	C
49	04011202000050	PALMER RICHARD B & SHIRLEY R		NE NE	A
50	04011202000060	PALMER RICHARD B & SHIRLEY R		SE NE	A
51	04011204000020	PALMER RICHARD B & SHIRLEY R		NE SE	A
52	04011213000010	PALMER RICHARD B & SHIRLEY R		NW SW	A
53	04011284000040	PLUEGER ROBERT M & CHRISTINE		S 1/2 NW SE	A
54	04011171000020	REGENNITTER MAE M		LOT 2 SW NW EXC 4 AC SE COR	A
55	04011182000040	REGENNITTER MAE M		NE NE E OF RD EXC .91 AC TR	A
56	04011182000080	REGENNITTER MAE M		LOT 2 SE NE E OF RD	A
57	04011182000030	REGENNITTER ROGER A		.91 AC TR IN NE COR NE NE	A
58	04011072000050	SALSBERY J JEFFERY & RUTH ANN		PARCEL "A" E 1/2 NE 1/4 & W 1/2 NW 1/4 SEC 8	A
59	04011072000090	SALSBERY J JEFFERY & RUTH ANN		PARCEL "E" NE NE	A
60	04011072000110	SALSBERY J JEFFERY & RUTH ANN		PARCEL "F" SE NE SEC 7 & SW NW SEC 8	A
61	04011283000040	STOUT RICHARD L & MABEL A		LOT E OF NW & LOT 1 NE SW EXC S 75'	R
62	04011173000040	STUTZEL RONALD & BONNIE		LOT H W 1/2	R
63	04011283000080	TIMMERMAN LEE		LOT 4 SE NE SW	A
64	04011182000020	URMIE DAVID & GLORIA		NE NE W OF RD	A
65	04011182000060	URMIE DAVID & GLORIA		LOT 2 SE NE W OF RD	A
66	04011273000040	WHITLATCH ROBERT D & ALICE		NE SW	A
67	04011274000010	WHITLATCH ROBERT D & ALICE		NW SE	A

STATE OF IOWA

COUNTY OF CEDAR

SS:

I, the undersigned, Auditor of the aforementioned County, do hereby certify that as such I have in my possession or have access to the complete corporate records of the County and of its officers; and that I have carefully compared the transcript hereto attached with the aforesaid records and that the attached is a true, correct and complete copy of the corporate records relating to the action taken by the Board preliminary to and in connection with setting a date for a public hearing on designating the Cedar County Urban Renewal Area and on an urban renewal plan and project.

WITNESS my hand and the seal of the aforementioned County hereto affixed this 27<sup>th</sup> day of August, 2001.

(Seal)

  
County Auditor

**403.5 Urban renewal plan.**

1. A municipality shall not approve an urban renewal project for an urban renewal area unless the governing body has, by resolution, determined the area to be a slum area, blighted area, economic development area or a combination of those areas, and designated the area as appropriate for an urban renewal project. The local governing body shall not approve an urban renewal plan until a general plan for the municipality has been prepared. For this purpose and other municipal purposes, authority is vested in every municipality to prepare, to adopt and to revise from time to time, a general plan for the physical development of the municipality as a whole, giving due regard to the environs and metropolitan surroundings. A municipality shall not acquire real property for an urban renewal project unless the local governing body has approved the urban renewal project in accordance with subsection 4.

2. The municipality may itself prepare or cause to be prepared an urban renewal plan; or any person or agency, public or private, may submit such a plan to a municipality. Prior to its approval of an urban renewal plan, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or, if no recommendations are received within the thirty days, then, without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal plan prescribed by subsection 3.

Prior to its approval of an urban renewal plan which provides for a division of revenue pursuant to section 403.19, the municipality shall mail the proposed plan by regular mail to the affected taxing entities. The municipality shall include with the proposed plan notification of a consultation to be held between the municipality and affected taxing entities prior to the public hearing on the urban renewal plan. Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed urban renewal area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed urban renewal area, and the duration of any bond issuance included in the plan. The designated representative of the affected taxing entity may make written recommendations for modification to the proposed division of revenue no later than seven days following the date of the consultation. The representative of the municipality shall, no later than seven days prior to the public hearing on the urban renewal plan, submit a written response to the affected taxing entity addressing the recommendations for modification to the proposed division of revenue.

3. The local governing body shall hold a public hearing on an urban renewal plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal activities under consideration. A copy of the notice shall be sent by ordinary mail to each affected taxing entity.

4. Following such hearing, the local governing body may approve an urban renewal plan if it finds that:

*a.* A feasible method exists for the location of families who will be displaced from the urban renewal area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families.

*b.* The urban renewal plan conforms to the general plan of the municipality as a whole; provided, that if the urban renewal area consists of an area of open land to be acquired by the municipality, such area shall not be so acquired except:

(1) If it is to be developed for residential uses, the local governing body shall determine that a shortage of

housing of sound standards and design with decency, safety and sanitation exists in the municipality; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

(a) That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

(b) That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

(c) That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

(d) The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

(2) If it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives. The acquisition may require the exercise of governmental action, as provided in this chapter, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, or because of the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

A municipality shall not condemn agricultural land included within an economic development area unless the owner of the agricultural land consents to condemnation or unless the agricultural land is to be acquired for industry as that term is defined in section 260E.2. This paragraph shall not apply to land necessary or useful for the operation of a city utility as defined in section 362.2, for the operation of a city franchise conferred the authority to condemn private property under section 364.2, or a combined utility system as defined in section 384.80.

5. An urban renewal plan may be modified at any time: Provided, that if modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable, and in any event such modification shall be subject to such rights at law or in equity as a lessee or purchaser, or a lessee's or purchaser's successor or successors in interest, may be entitled to assert. The municipality shall comply with the notification and consultation process provided in this section prior to the approval of any amendment or modification to an adopted urban renewal plan if such amendment or modification provides for refunding bonds or refinancing resulting in an increase in debt service or provides for the issuance of bonds or other indebtedness, to be funded primarily in the manner provided in section 403.19.

6. Upon the approval by a municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area, and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

7. Notwithstanding any other provisions of this chapter, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under Pub. L. No. 875, Eighty-first Congress, 64 Stat. L. 1109; 42 U.S.C. § 1855-1855g or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area

without regard to the provisions of subsection 4 and without regard to provisions of this section requiring notification and consultation, a general plan for the municipality, and a public hearing on the urban renewal plan or project.

### Section History: Early form

[C58, 62, 66, 71, 73, 75, 77, 79, 81, § 403.5]

### Section History: Recent form

85 Acts, ch 66, §3; 94 Acts, ch 1182, §6; 96 Acts, ch 1204, § 14-16; 99 Acts, ch 171, §35, 41, 42

### Internal References

Referred to in § 403.14, 403.17

### Footnotes

1999 amendment to subsection 4 applies to urban renewal areas established before, on, or after July 1, 1999, and to amendments to such urban renewal areas; see 99 Acts, ch 171, §41

1999 amendment to subsection 4 applies to state highway construction projects approved for commencement by the transportation commission on or after July 1, 1999, and to all other condemnation proceedings in which the application for condemnation is filed on or after July 1, 1999; see 99 Acts, ch 171, §42

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Previous Section [403.4](#)

Next Section [403.6](#)

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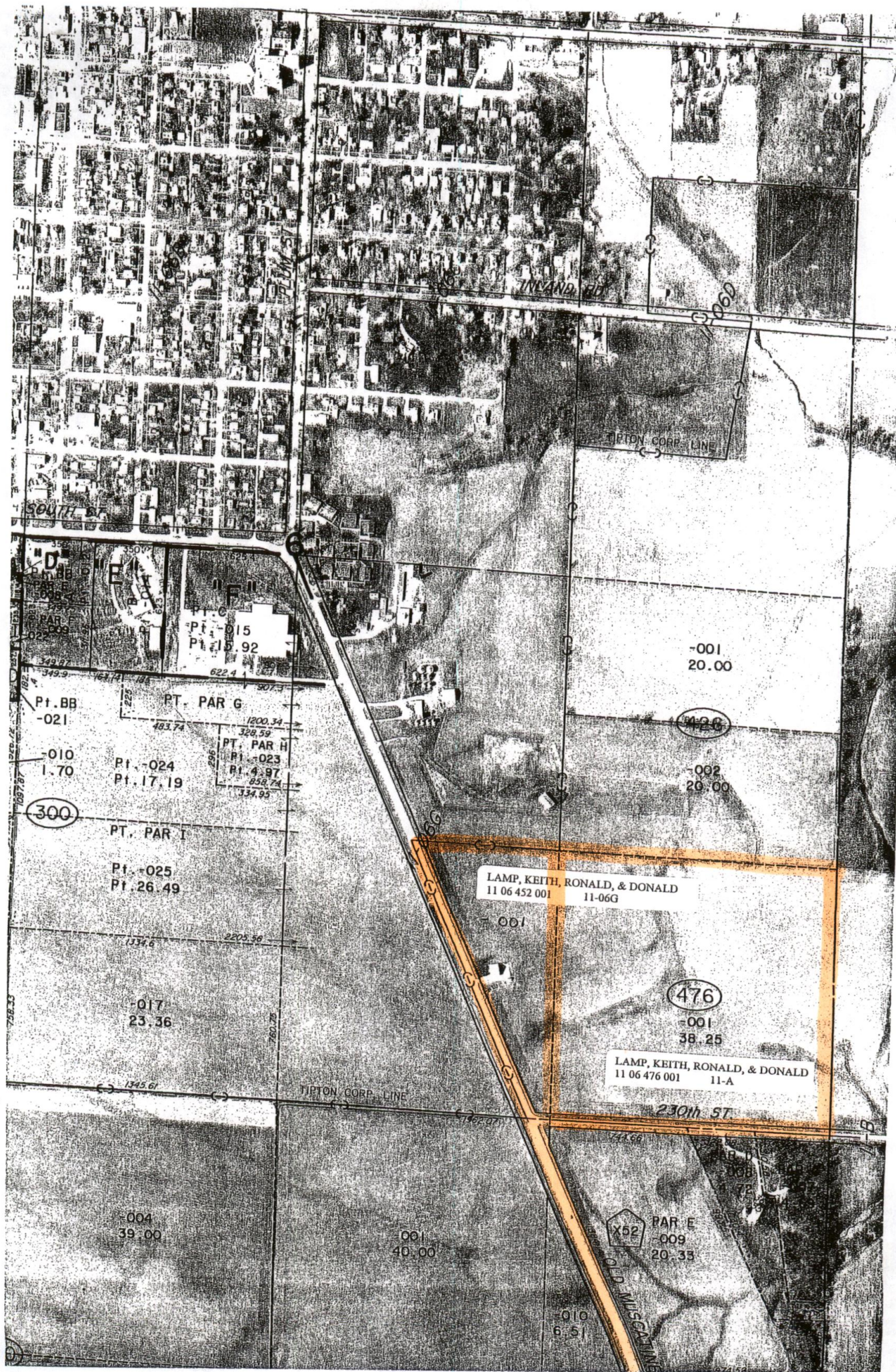
Comments about this site or page? [iacode@staff.legis.state.ia.us](mailto:iacode@staff.legis.state.ia.us).

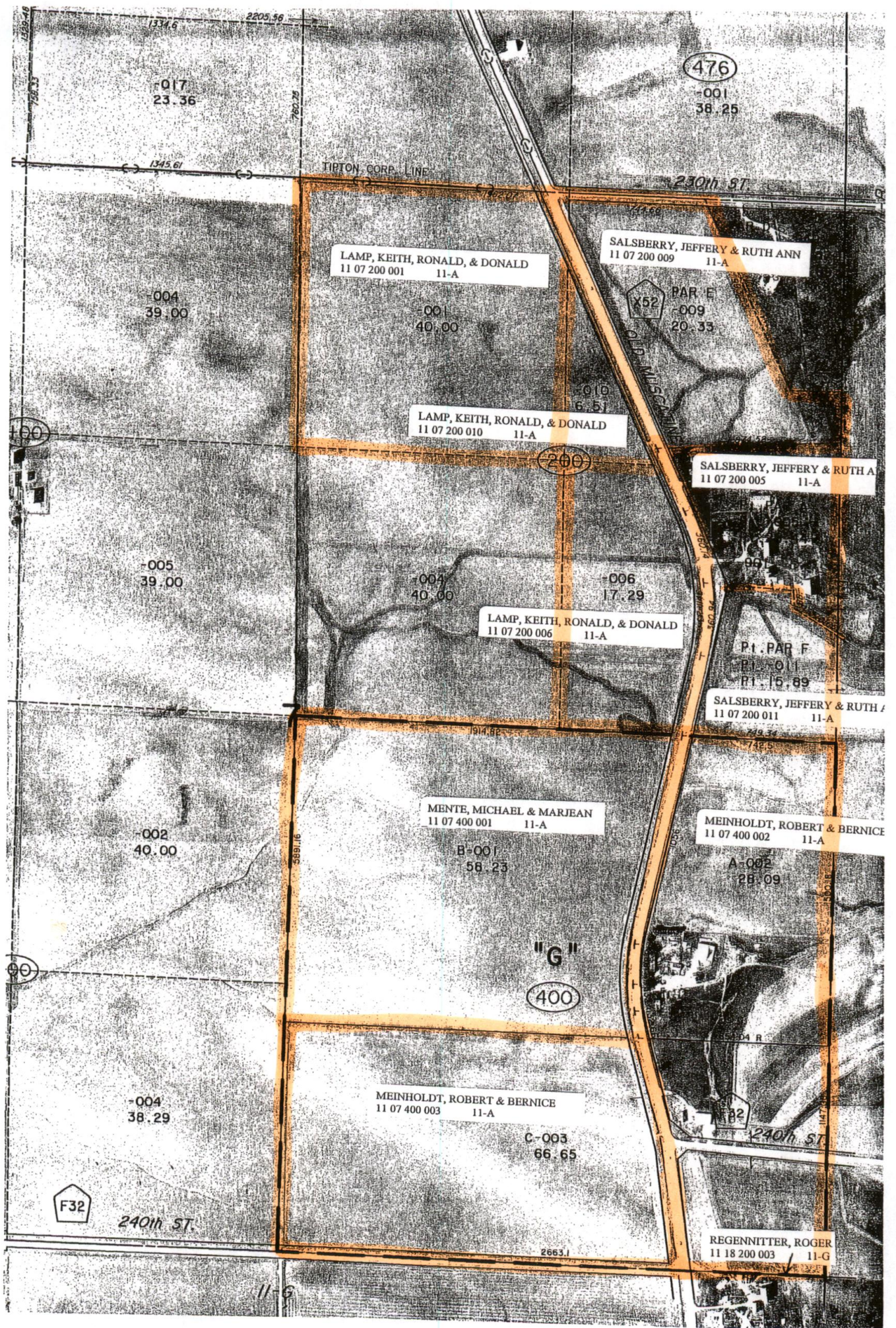
*Please remember that the person listed above does not vote on bills. Direct all comments concerning legislation to State Legislators.*

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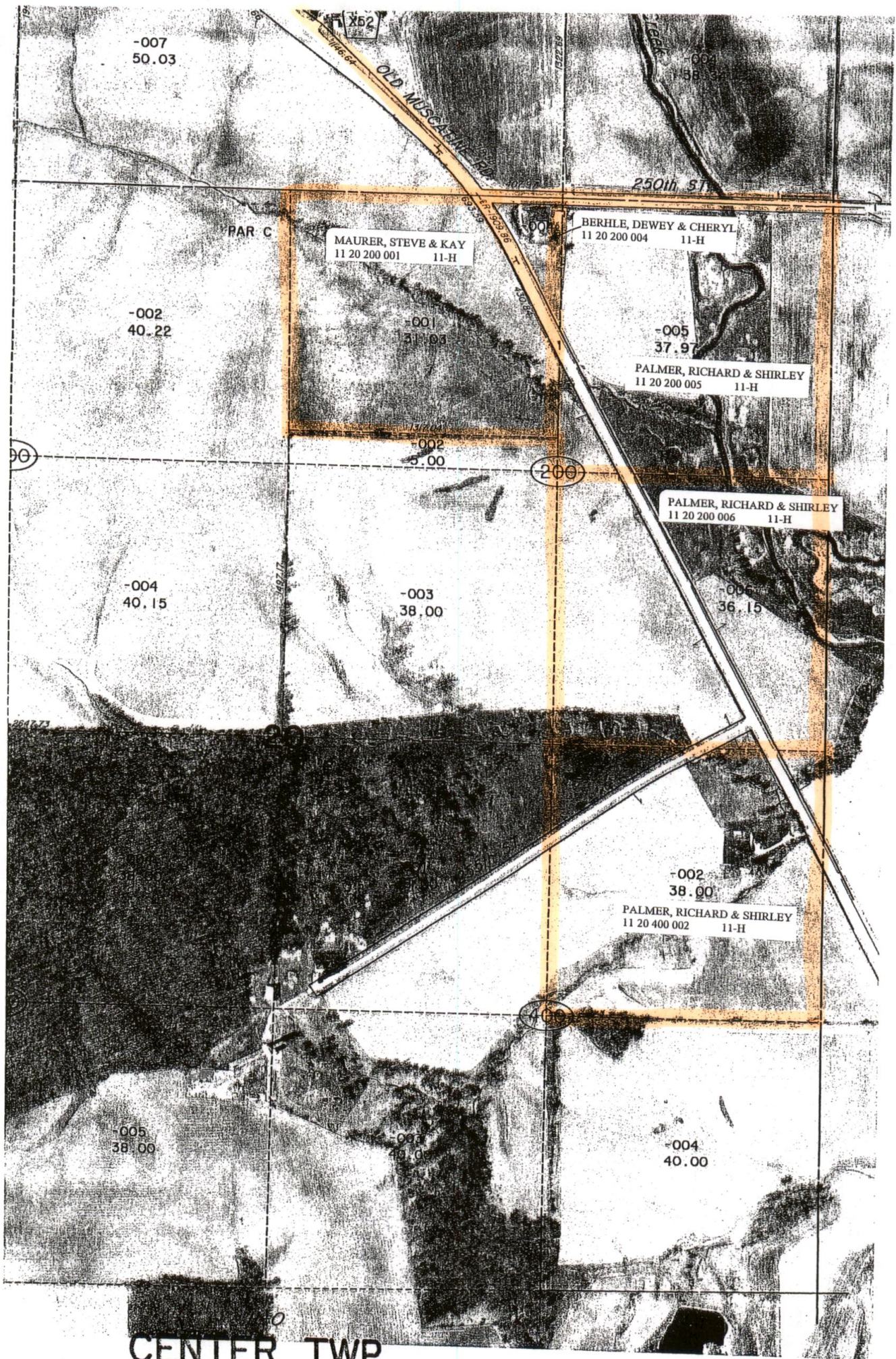
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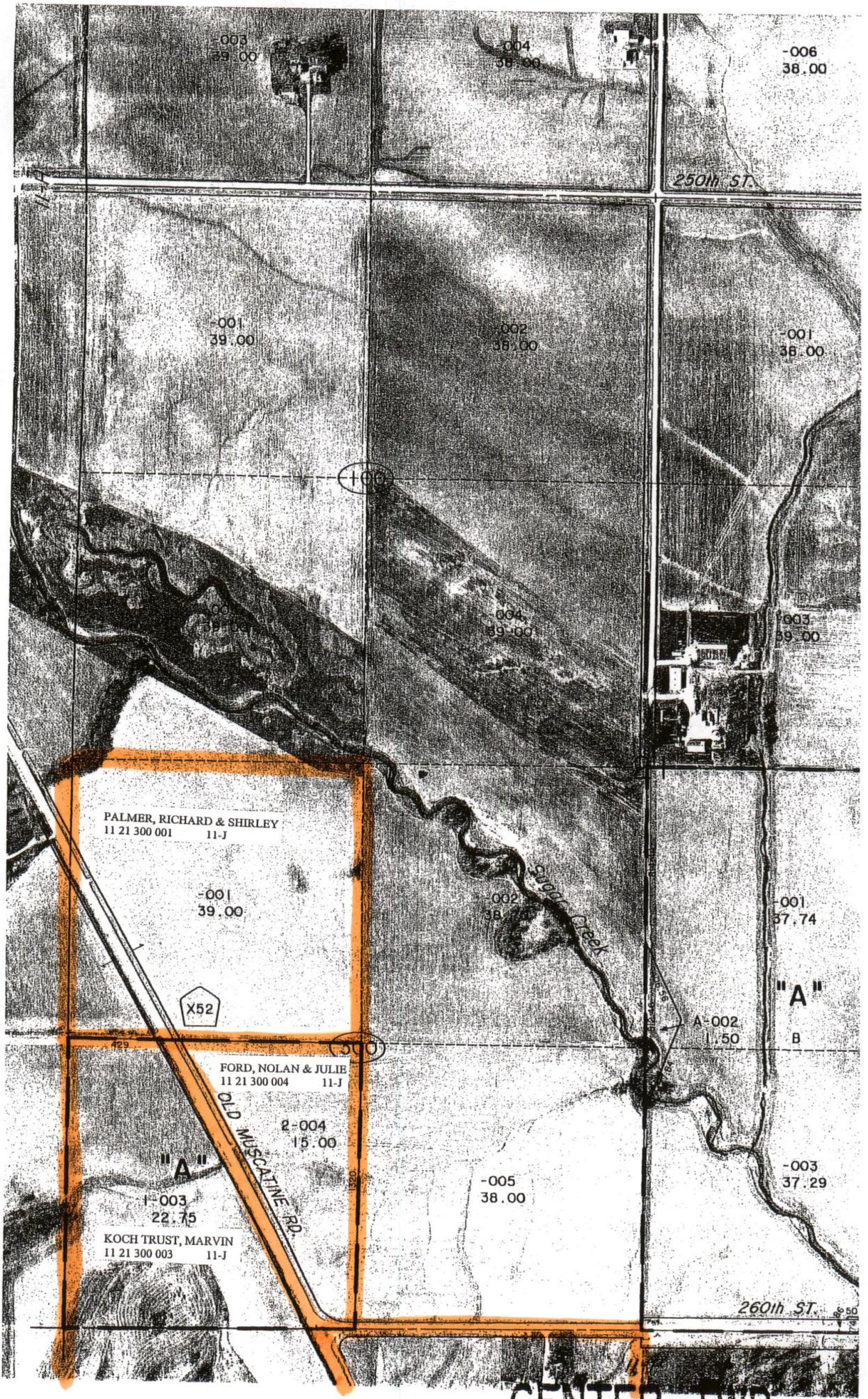
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MUELLER, GENE  
11 27 100 003 11-Q

KENNETH & BETTY MENTE --- CONTRACT TO  
MENTE FARMS, INC.  
11 27 100 005 11-Q

KENNETH & BETTY MENTE --- CONTRACT TO  
MENTE FARMS, INC.  
11 27 200 003 11-Q

-003  
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Sugar Creek -003  
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265th ST.

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DAUFELDT, EDWARD & ANITA --- CONTRACT TO  
WULF, DAVID & LISA  
11 27 300 001 11-Q

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37.72

WHITLATCH, ROBERT & ALICE  
11 27 400 001 11-Q

WHITLATCH, ROBERT & ALICE  
11 27 300 004 11-Q

-001  
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PLUM AVE.

DAUFELDT, EDWARD & ANITA --- CONTRACT TO  
WULF, DAVID & LISA  
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CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 29, 2001

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 29, 2001, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Krall, Moylan, Pruess, Schuett and Zoning Administrator La Rue. Members absent were Lamp, Penningroth and Brown. Minutes from the previous meeting held on July 18, 2001, were read and approved by the members. Moylan made a motion to accept the minutes as written. Pruess seconded the motion. Ayes all.

The Commission members then considered the following petition:

1. Gary and Gayle Van Est, RFD, West Branch (Contract Buyers) and Kim Weber, RFD, Tipton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 14, T-79N, R-3W, in Iowa Township, consisting of 3.44 acres more or less. This meeting was to have been heard on August 14, 2001, but was postponed due to the lack of a quorum.

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 when making a recommendation to the Board of Supervisors. A note was received from George & Thelma Nopoulos regarding this petition. They stated that they had no objection as long as the home is built according to county codes.

Mr. and Mrs. Van Est were present and explained their plans to construct a home on the property consisting of 14 acres. The area is not in ag production and has never been tilled. The location of the property access onto 305th Street was briefly discussed. The soil evaluation was reviewed. The C.S.R. was noted to be below 75 points. Limitations for building are moderate to severe. The area which is severe is west of Pee Dee Creek and is in Zone A of the Flood Insurance Rate Map. The limitations for septic systems are moderate to severe due to slope.

The letter from County Engineer, Don Torney, was reviewed. The existing entrance is adequate for a single lot (home) only. An entrance permit has been issued.

There was then discussion regarding the number of acres requested to be rezoned. The Commission expressed concern with three acres being rezoned because the property could be split and a second home built. This would be a problem due to sight limitations and the road could require more maintenance.

With no further discussion, Krall made a motion to recommend approval of the rezoning request from A-1 to R-1 with the conditional requirement that there be only one dwelling on the property due to access sight distance. Moylan seconded the motion. Ayes all.

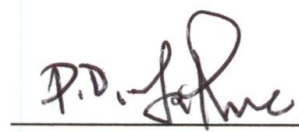
La Rue then advised the Commission of an amendment to the agenda to allow County Engineer, Don Torney, to discuss the proposed Urban Renewal Plan and T.I.F. District. Engineer Torney presented the information to the Zoning Administrator on August 27, 2001. The Commission is given 30 days in which to review the information for compliance with the Comprehensive Plan. A report will then be made by the Commission giving a recommendation to the Board of Supervisors by the 30 day deadline. This is required under Chapter 403.5 of the Code of Iowa. The T.I.F. monies would be used for improvements including construction and maintenance of the roads in the T.I.F. District. The Board of Supervisors have scheduled a Public Hearing by resolution on September 27, 2001, and needs the Commission's recommendation. Engineer Torney explained that signs are going up for the golf course and some are going up in the county road right-of-way. The Board of Supervisors have selected the Old Muscatine Road from Tipton city limits to 1/4 mile south of 265th Street and 265th Street from Old Muscatine Road to Plum Avenue and adjacent land and golf course for the Urban Renewal District.

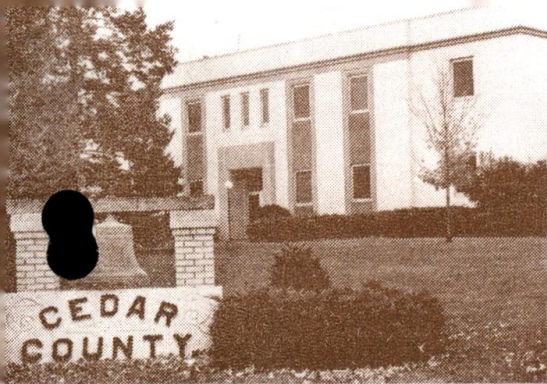
Engineer Torney reviewed with the Commission the information provided in the packets. The golf course development will produce more traffic, and therefore, more road maintenance and a greater need for services. More residential development will also increase this need. Property valuations will increase within this district. He further explained how T.I.F. Districts function and what is expected from the Urban Renewal Plan. He explained that within a T.I.F. District, if a property valuation increases over the base year valuation, this money is then available for usage for the project that the T.I.F. was established. The T.I.F. only gets the funds if there is a debt for roads. If not used on the project, the increased funds are distributed to the usual taxing authority.

Based upon the information provided, the Commission members present expressed a need for a work session prior to the regular meeting of the Commission scheduled for September 19, 2001. It was agreed that this work session of the Commission be held on September 12, 2001, at 6:00 p.m. at the Courthouse.

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

  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Secretary Pro-tem



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

August 20, 2001

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 29, 2001, 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 petition:

1. Gary and Gayle Van Est, RFD, West Branch (Contract Buyers) and Kim Weber, RFD, Tipton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 14, T-79N, R-3W, in Iowa Township, consisting of 3.44 acres more or less. This meeting was to have been heard on August 14, 2001, but was postponed due to the lack of a quorum.

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:s1

Copies sent out on 8/22/01 to the following:

1. Gary & Gayle Van Est - 1964 Delta Avenue, West Branch, Iowa 52358 - Certified
2. Kim Weber - 2039 305th Street, Atalissa, Iowa 52720
3. Leonard & Darlene Eichelberger - Trustees U/Will of H. V. Conley, 2094 Atalissa Road, Atalissa, Iowa 52720
4. Raymond & Sharen Hartz - 1051 305th Street, Atalissa, Iowa 52720
5. George G. Ltd. - P.O. Box 95, Wilton, Iowa 52778

Copy to Tipton Conservative on 8/17/01

7 Zoning Commission members

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

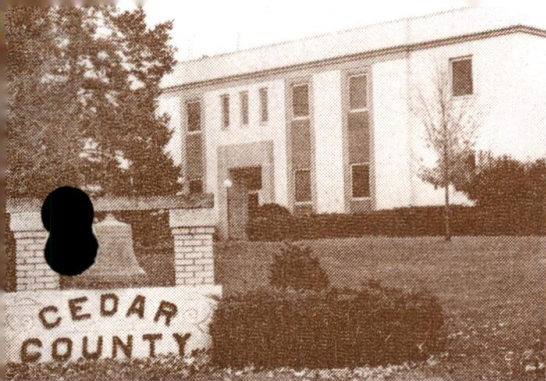
AGENDA

Cedar County Planning & Zoning Commission

Tuesday, August 14, 2001 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
  - A. Gary and Gayle Van Est  
(Change in zoning from A-1 to R-1)
- III. Discussion
- IV. Conclusion



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

August 6, 2001

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Tuesday, August 14, 2001, 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 petition:

1. Gary and Gayle Van Est, RFD, West Branch (Contract Buyers) and Kim Weber, RFD, Tipton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 14, T-79N, R-3W, in Iowa Township, consisting of 3.44 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said 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 8/8/01 to the following:

1. Gary & Gayle Van Est - 1964 Delta Avenue, West Branch, Iowa 52358 - Certified
2. Kim Weber - 2039 305th Street, Atalissa, Iowa 52720
3. Leonard & Darlene Eichelberger - Trustees U/Will of H. V. Conley, 2094 Atalissa Road  
Atalissa, Iowa 52720
4. Raymond & Sharen Hartz - 1051 305th Street, Atalissa, Iowa 52720
5. George G. Ltd. - P.O. Box 473, Wilton, Iowa 52778

- 1 Copy to Tipton Conservative on 8/6/01
- 1 Copy Faxed to West Branch Times on 8/6/01
- 2 File Copies
- 2 Copies for Bulletin Boards
- 7 Planning & Zoning Commission Members



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

July 18, 2001 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
  - A. U.S. Cellular - Communication Tower  
(Mechanicsville Site, Weets Farms, Inc.)
  - B. U.S. Cellular - Communication Tower  
(West Branch Site, Pam Farms, Inc.)
  - C. Larry Slocum - Change in zoning from  
M-1 to R-2
- III. Discussion
- IV. Conclusion

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 18, 2001

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 18, 2001, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Moylan, Pruess, Penningroth, Brown and Zoning Administrator La Rue. Members absent were Krall, Lamp and Schuett. Minutes from the previous meeting held on June 20, 2001, were previously sent to the members. Moylan made a motion to accept the minutes as written. Brown seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. U.S. Cellular, Cedar Rapids, Iowa (Leasee) and Weets Farms, Inc. (Leaser and Owner), 350 Franklin Avenue, Mechanicsville, Iowa - Requesting a Special Use Permit authorizing the location of a 330 foot tall wireless communication tower on property located in the NE 1/4 of the NE 1/4, Section 23, T-82N, R-4W, in Pioneer Township, consisting of 4.34 acres more or less. Said property is zoned A-1 Agricultural.

There were no written or verbal objections on file for this petition. Administrator La Rue advised the members to make their recommendation to the Cedar County Board of Adjustment in accordance with Chapter 17.18(2), Chapter 5, D(12), G(7) of the Zoning Ordinance and Ordinance #30.

U.S. Cellular was represented by Michele Sweeney, Scott Van Roekel and Patrick Armstrong. Also present was Alan Weets, property owner. A very short presentation was given by Ms. Sweeney after which the commission members voiced their concerns. The Commission asked why they can not co-locate on the tower to the southeast one-half mile away on the Crown Castle tower. Mr. Armstrong explained that the Crown Castle tower was not feasible because of its height. The intended U.S. Cellular tower could be used for co-location by other companies. Mr. Van Roekel also gave reasons why U.S. Cellular felt it was difficult to co-locate on the existing tower. They were: the existing tower is of insufficient height for their antenna array and the tower is too far away from Highway 30 to provide sufficient signal strength to prevent dropped calls. It is because their existing towers are too far apart to prevent dropped calls that the proposed tower is being requested. Mr. Weets stated that by requiring co-location, the county is giving the tower owners a monopoly. The Commission disagreed. Mr. Armstrong and Mr. Van Roekel then showed on their coverage map(s) the poor signal strength in the Mechanicsville area because there is no tower of sufficient height for them to provide adequate service for their customers. They then showed their area of coverage if the tower site

was approved. The Commission then asked about the proposed tower location in relation to the planned Highway 30 expansion project which will cross the Weets property south of property owned by Pauline Hansen. Mr. Van Roekel stated that he had contacted the I.D.O.T. district office and the Department faxed them a road concept plan of the proposed highway improvement. He stated that the document was so dark he could not make copies. Therefore, no exhibit was presented to the Commission to accurately determine the proposed highway route and right-of-way boundaries. County Engineer, Don Torney, then recommended that U.S. Cellular contact Lee Benfield from the I.D.O.T. to have documentation of the proposed route to present to the Board of Adjustment next week. The Commission again expressed their concerns regarding the tower site and the highway project. The U.S. Cellular reps again stated that Highway 30's proposed right-of-way does not seem to be a problem although it is quite near the proposed tower.

Adjoining property owner to the west, John Moffit, then spoke and expressed concerns that the tower would cause difficulty with the use of his private airstrip. When asked why his airstrip was not listed on the documentation provided by the petitioner, he explained that it is not registered with the FAA. Mr. Moffitt continued that the existing tower on Mr. Weets property already presents a problem and a second tower will make the use of his airstrip more difficult. La Rue was asked how the Crown Castle tower was erected more or less on the flight path of the airstrip. He explained that the Crown Castle tower was erected prior to the county's regulations pertaining to communication towers. Discussion continued at length concerning safety with the proposed tower closer than one-quarter mile to the airstrip. Discussion included the possible relocation of the tower. U.S. Cellular representatives felt this site will not affect Mr. Moffit's airstrip and relocating the tower to the east may place the tower into the area for the proposed Highway 30 project. Moving the tower south places the structure further from Highway 30. The letter from County Engineer, Don Torney, indicates that an access permit is required for the driveway. He stated no objections. The soil evaluation was then examined. The C.S.R. value was above 75 points (88-99). The Commission noted, however, that the fenced area will be 75 feet by 75 feet (0.13 acres m/l). La Rue read the regulations concerning towers and stated that all would have to be adhered to before this tower would be approved.

Following discussion, Moylan made a motion to recommend to the Board of Adjustment granting a S.U.P. for the site with the requirement for official notification from the I.D.O.T. about the proposed Highway 30 right-of-way and to voice the Commission's concerns for Mr. Moffit's landing strip and safety thereof. Penningroth seconded the motion. Ayes 2 and naves 2.

2. U.S. Cellular, Cedar Rapids, Iowa (Leasee) and Pam Farms, Inc. (Leaser and Owner), 300th Street, West Branch, Iowa - Requesting a Special Use Permit authorizing the location of a 280 foot tall wireless communication tower on property located in the NW 1/4 of the NW 1/4, Section 18, T-79N, R-4W, in Springdale Township, consisting of 4.42 acres more or less. Said property is zoned A-1 Agricultural.

There were no written objections on file. La Rue advised that a verbal objection was received from Mr. and Mrs. James Cahill, RFD, West Branch. He continued that the Cahill's have told him they will write a letter to be given to the Board of Adjustment. He advised to consider this petition in accordance with Chapter 17.18(2), Chapter 5, D(12), G(7) of the Zoning Ordinance and Ordinance #30.

U.S. Cellular was represented by Michele Sweeney, Scott Van Roekel and Patrick Armstrong. They explained the need for a tower in the Oasis (West Branch) area because of poor signal strength. This tower will be shorter because this height is sufficient to provide a good signal for their customers on I-80. They then presented their coverage map(s) outlining the difference in coverage without the tower and with the tower. A commission member voiced a recommendation to increase the height of this proposed tower so that it could allow greater co-location capabilities with other companies, thus reducing the need for additional towers in the County. A letter from Ty Doermann, City Administrator, West Branch, was then read supporting the tower proposal because of poor reception noted by public safety and emergency services personnel. County Engineer, Don Torney, then spoke and stated that the access must be located where there is adequate site distance because of a rise in the road and an access permit is needed.

After further discussion, Brown made a motion to recommend approval to the Board of Adjustment. Moylan seconded the motion. Ayes all.

3. Larry Slocum, West Branch (Owner) - Requesting a change in zoning from M-1 Light Industrial to R-2 Urban Residential for the purpose of constructing a single family dwelling on property located on Lots B, C & D in the unincorporated town of Springdale in the SW 1/4 of the SW 1/4 of the SE 1/4, Section 1, T-79N, R-4W, in Springdale Township, consisting of 0.56 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. Slocum was present and explained his plans to remove the existing structures and build a home on the site to sell. The property is surrounded by residentially used property. There is a well on the property. The septic system to be constructed

for the dwelling will be an alternative system because the soils have been disturbed and the well, in all likelihood, will be closer than 100 feet to the secondary treatment portion of the system. The letter from County Engineer, Don Torney, was reviewed. A tree will need to be removed and the ditch cleaned. An access permit will be needed if a new entrance is requested. He had no objections.

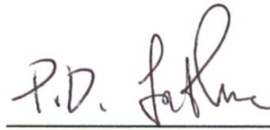
Penningroth then made a motion to recommend a change in zoning from M-1 to R-2. Brown seconded the motion. Ayes all.

The last item on the agenda was a request by Zoning Administrator La Rue to conduct the August Planning and Zoning meeting on Tuesday, the 14th at 6:30 p.m. The Commission members had no objections to this request.

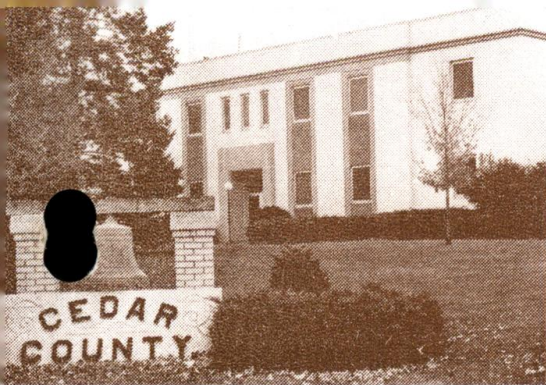
With no further business to be discussed at this time, the meeting was adjourned.



Chairperson



profer Secretary



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

July 9, 2001

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 18, 2001, 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. U.S. Cellular, Cedar Rapids, Iowa (Leasee) and Weets Farms, Inc. (Leaser and Owner), 350 Franklin Avenue, Mechanicsville, Iowa - Requesting a Special Use Permit authorizing the location of a 330 foot tall wireless communication tower on property located in the NE 1/4 of the NE 1/4, Section 23, T-82N, R-4W, in Pioneer Township, consisting of 4.34 acres more or less. Said property is zoned A-1 Agricultural.
2. U.S. Cellular, Cedar Rapids, Iowa (Leasee) and Pam Farms, Inc. (Leaser and Owner), 300th Street, West Branch, Iowa - Requesting a Special Use Permit authorizing the location of a 280 foot tall wireless communication tower on property located in the NW 1/4 of the NW 1/4, Section 18, T-79N, R-4W, in Springdale Township, consisting of 4.42 acres more or less. Said property is zoned A-1 Agricultural.
3. Larry Slocum, West Branch (Owner) - Requesting a change in zoning from M-1 Light Industrial to R-2 Urban Residential for the purpose of constructing a single family dwelling on property located on Lots B, C & D in the unincorporated town of Springdale in the SW 1/4 of the SW 1/4 of the SE 1/4, Section 1, T-79N, R-4W, in Springdale Township, consisting of 0.56 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 7/12/01 to the following:

1. ~~U.S. Cellular - 850 Twixt Town Road NE, Cedar Rapids, Iowa~~
  2. Weets Farms, Inc.-2 - 350 Franklin Avenue, Mechanicsville, Iowa 52306
  3. Michelle Sweeney - GM Selby & Associates, Inc., 2720 1st Ave. NE, Suite 105, C.R, IA 52400
  4. Vernon & Marie Boots - 109 W. First Street, Mechanicsville, Iowa 52306
  5. John Moffit - 299 Echo Avenue, Mechanicsville, Iowa 52306
  6. Pauline Hansen - 308 Franklin Avenue, Mechanicsville, Iowa 52306
- 

1. ~~U.S. Cellular - 850 Twixt Town Road NE, Cedar Rapids, Iowa~~
  2. Pam Farms, Inc. - % Farmers National, 1929 Keokuk, P.O. Box 1488, Iowa City, Iowa 52244
  3. Farmers National Company - Suite 100, 11516 Nicholas Street, Omaha, Nebraska 68154
  4. Paul & Marie Hierseman - 2000 Cedar Johnson Road, West Branch, Iowa 52358
  5. Bruce & Carol Hierseman - 2002 Cedar Johnson Road, West Branch, Iowa 52358
  6. David John Kenney & Roxanne R. Crock - 2036 Cedar Johnson Road, West Branch, IA 52358
  7. Beltaine Trust - 2050 Cedar Johnson Road, West Branch, Iowa 52358-8630
  8. John Beecher Jr. - 123 Oliphant Street, West Branch, Iowa 52358
  9. Gary A. Milder - 21 300th Street, West Branch, Iowa 52358
  10. Ty Doermann - 432 E. Main Street, West Branch, Iowa 52358
- 

1. Larry Slocum - 5430 Fairview Cemetary Rd. NE, West Branch, Iowa 52358 - Certified
  2. Kenneth & Diane Phillips - 555 290th Street, West Branch, Iowa 52358
  3. Robert & Barbara Helmer - 557 290th Street, West Branch, Iowa 52358
  4. Warren & Evelyn Hayslett - 559 290th Street, West Branch, Iowa 52358
  5. Cheryl Sue Turner - 3624 Terrace Hill Dr. NE, Cedar Rapids, Iowa 52402
  6. Robert & Reta Gruwell - 563 290th Street, West Branch, Iowa 52358
  7. Donald Paul - 1546 Garfield Avenue, West Branch, Iowa 52358
  8. Herman Paulsen - 569 290th Street, West Branch, Iowa 52358
  9. Clara Oleson - 1888 Fox Avenue, West Branch, Iowa 52358
  10. Vicki Fobian - 1897 Fox Avenue, P.O. Box 504, West Branch, Iowa 52358
  11. Richard & Tina Sabourin - 1889 Fox Avenue, West Branch, Iowa 52358
  12. Hazel McMath - 537 290th Street, West Branch, Iowa 52358
  13. Donald & Lois Laughlin - 1881 Fox Avenue, West Branch, Iowa 52358
  14. Penelope & Dan Gafeller - 1885 Fox Avenue, West Branch, Iowa 52358
  15. Shane & Mary Larson - 86 Golfview, North Liberty, Iowa 52317
  16. Anders V. Mather Trust - 683 290th Street, West Liberty, Iowa 52776
  17. Russell & Mary Jo Leighty - 540 290th Street, West Branch, Iowa 52358
- 

18. Robert Jr. & Sheryl Bergmann - 544 290th Street, West Branch, Iowa 52358
  19. Catherin Grace - 546 290th Street, West Branch, Iowa 52358
  20. Timothy & Lisa Kilburg - 548 290th Street, West Branch, Iowa 52358
  21. Andrea French & Jerelyn Robertson - 538 290th Street, West Branch, Iowa 52358
  22. Kent & Lizbeth Kaufman - 536 290th Street, West Branch, Iowa 52358
  23. Richard & Carolyn Hinty - 552 290th Street, West Branch, Iowa 52358
  24. Springdale Methodist Church - 554 290th Street, West Branch, Iowa 52358
  25. Jim & Ruth Farmer - 556 290th Street, West Branch, Iowa 52358
  26. Christian & Renee Hogan - 558 290th Street, West Branch, Iowa 52358
- 

27. Ellen Liebergen - 546 290th Street, P.O. Box 244, West Branch, Iowa 52358
- 

- 1 Copy to Tipton Conservative on 7/9/01
- 1 Copy faxed to West Branch Times on 7/9/01
- 7 Zoning Commission members
- 2 File Copies
- 2 Copies for Bulletin Boards



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

June 4, 2001

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 20, 2001, 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 revised Preliminary Plat of Survey for Pheasant Run, a twenty (20) 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 42.58 acres more or less.
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 the NE 1/4 of the NE 1/4, Section 23 and the NW 1/4 of the NW 1/4, Section 24, T-80N, R-3W, in Center West Township, consisting of 31.00 acres more or less. Said property 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 6/4/01 to the following:

1. Jerry Eyman - Century 21, 1927 Keokuk Street, Iowa City, Iowa 52240 - Certified
  2. Tim Wolfe - Tiox, Inc. & T & R Investments, 3610 Taft Avenue S.E., Iowa City 52240-8384
  3. Donald A. Secrest - 417 E. Green Street, P.O. Box 491, West Branch, Iowa 52358
  4. Timothy & Colleen Crew - 165 290th Street, West Branch, Iowa 52358
  5. Lois Esther Secrest - 181 290th Street, West Branch, Iowa 52358
  6. Joan Crew - 195 290th Street, West Branch, Iowa 52358
  7. Richard & Terri Wagner - 177 290th Street, West Branch, Iowa 52358
  8. Clarence & Mary Ann Crew - 181 290th Street, West Branch, Iowa 52358
  9. Neal & Lyn Beth Kane - 187 290th Street, West Branch, Iowa 52358
  10. James & Margaret Wick - 191 290th Street, West Branch, Iowa 52358
  11. Crew Revocable Living Trust - 12212 S. Chinook Court, Phoenix, Arizona 85044
  12. Robert E. Wertzbaugher Et Ali - 2382 Atalissa Road, Atalissa, Iowa 52720
  13. Gilbert J. Barker - 184 290th Street, West Branch, Iowa 52358
  14. Arlieta M. Hamer - 190 290th Street, West Branch, Iowa 52358
  15. David & Joan Kabela - 239 290th Street, West Branch, Iowa 52358
  16. Mark & Gloria Scharnweber - 178 290th Street, West Branch, Iowa 52358
  17. Raymond & Deborah Woods - 172 290th Street, West Branch, Iowa 52358
  18. Marvin & Karen Brick - P.O. Box 430, West Branch, Iowa 52358
  19. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
  20. Ty Doermann - City of West Branch, 304 E. Main Street, WEst Branch, Iowa 52358
- 

1. John Tuthill - Wendling Quarries, Inc., P.O. Box 230, DeWitt, Iowa 52742 - Certified
  2. Mildred Eiler - 1664 Snaggy Ridge Road, Tipton, Iowa 52772
  3. Rick & Kim Rochau - 1509 King Avenue, Tipton, Iowa 52772
  4. Arlin & Vanita Esbaum - 6122 Northwest Blvd., Davenport, Iowa 52806
  5. Ed & Schelly Odeen - 1510 King Avenue, Tipton, Iowa 52772
  6. Willer and Michaels, LLC - Attn: Catherin Johnson, Manager, 242 Ferson Avenue, Iowa City, Iowa 52240
  7. Kirk Sessel & Cindy Beverlin - 1526 King Avenue, Tipton, Iowa 52772
  8. Richard Martin Moylan - 5149 King Avenue, Tipton, Iowa 52772
  9. Farmers National Co. - Suite 100, 11516 Nicholas Street, Omaha, Nebraska 68154
- 

7 P & Z Members

1 Copy to Tipton Conservative on 6/4/01

1 Copy Faxed to West Branch Times on 6/4/01

File Copies

Copies for Bulletin Boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 20, 2001

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, June 20, 2001, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Moylan, Pruess, Penningroth, Schuett, Brown, Lamp and Zoning Administrator La Rue. Member absent was Krall. Minutes from the previous meeting held on May 16, 2001, were previously sent to the members. Brown made a motion to accept the minutes as written, Lamp seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. Tim Wolfe, Iowa City - Requesting approval of a revised Preliminary Plat of Survey for Pheasant Run, a twenty (20) 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 42.58 acres more or less.

There were no written or verbal objections on file for this petition. Administrator La Rue advised the members to make their recommendation in accordance with Chapters 3, 6, 7 & 8 of the Cedar County Subdivision Ordinance.

Jerry Eyman, Realtor, and Richard Kordick, Consulting Engineer, spoke on behalf of the petition and reported that the number of lots was changed from 16 to 20 because of unexpected start-up expenses. Since the majority of the lots have been reduced to an area less than 1.5 acres, and the number of lots increased to 20, adequate open space has been provided. (See Outlot "E".) A bike path is also included in the plan. La Rue reported that he has reviewed the soil evaluation performed by Van Winkle Engineering and all lots appear to have adequate area for two on-site septic systems. Approval has been received from the City of West Branch on the Preliminary and Final Plats. La Rue requested copies of the city resolutions giving approval. The Commission was reminded that the road will remain a private road with no curb and gutter and never to be designated as a county road. Public water from West Branch will be provided to the subdivision. There is also enough right-of-way to bring in city sanitary sewer should West Branch annex this subdivision. The petitioners felt there was no advantage for the subdivision to be brought into the city. The letter from County Engineer Don Torney was reviewed which stated no objections.

Following discussion which included a brief report that the subdivision complies with the Cedar County Comprehensive Plan, Lamp made a motion to recommend to the Board of Supervisors that this preliminary plat be accepted, subject to receipt of the Resolutions of Approval from West Branch City Council. Moylan seconded the motion. Ayes 4 and 1 nay.

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 the NE 1/4 of the NE 1/4, Section 23, and the NW 1/4 of the NW 1/4, Section 24, T-80N, R-3W, in Center West Township, consisting of 31.00 acres more or less. Said property is currently zoned A-1 Agricultural.

Administrator La Rue reported that there were no written or verbal objections on file and that the Commission should make their recommendation to the Cedar County Board of Adjustment in accordance with Chapter 17.18(2) and Chapter 5, A-1 Agricultural District regulations of the Cedar County Zoning Ordinance.

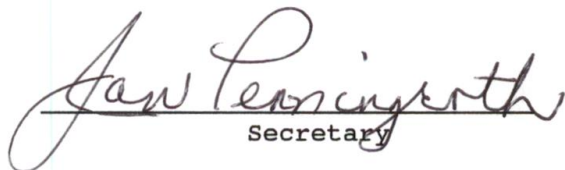
John Tuthill and Mark Whitman, representing Wendling Quarries, spoke on behalf of the petition. Mr. Tuthill explained that Wendling Quarries had acquired the property recently and they propose, that if granted a Special Use Permit, to use a portion of the property in a manner similar to the terms allowed by the Cedar County Board of Adjustment with the approval of their S.U.P. from July 2000 (See also S.U.P. petition #4500 granted on 7/27/00). Mr. Tuthill explained their plan to quarry the limestone straight south of their present operation. There would be no quarrying work to the east of their proposal. (See Page 4 and the site development map in the zoning application booklet). Limestone excavation will only be in Area "A", the reserve area. Overburden storage/berm and quarry screen area is shown as Area "B". Area "C" shall remain agricultural cropland. He explained that there shall be no excavation within 500 feet of dwellings as per the Zoning Ordinance. He then explained a letter to the Zoning Administrator pertaining to Wendling Quarries restricting future land usage as a part of the S.U.P. process. This agreement is between Wendling Quarries and Rick Rochau and Ed Odeen, property owners directly to the east and south respectively of the proposed S.U.P. area. The CSR in Section A and B was quite low and that Section C would remain in cropland. County Engineer Torney reported that he had no objections and that the entrance to the quarry would remain the same as it is presently onto Stone Mill Road. As per the previous S.U.P. (Petition #4500) granted to Wendling Quarries, there would be no heavy truck traffic onto King Avenue from the proposed site. Ruth Cigledy, adjoining property owner to the east, then read her statement which is included in the petition's file. Since so much of the statement was based on third-hand knowledge, the Commission could not use this information to make their decision. However, La Rue did explain his concerns for safety, health and welfare for the previous withdrawn petition to rezone the property for a six lot residential subdivision which included the Zoning Ordinance requirement for 500 feet of separation to dwellings, an attractive nuisance (the quarry) and traffic onto King Avenue. Catherine Johnson, also an adjoining land owner, questioned what would happen if

Wendling Quarries was sold and the impact on future surroundings and environmental conditions. La Rue then read the rules governing the Board of Adjustment's action as per Chapter 5 and 17.18(2) of the Zoning Ordinance. Several Commission members reiterated that Wendling Quarries had a past history of being a good neighbor. Mr. Tuthill then explained their state operation permit requirements and what reclamation actions are taken upon the closure of a quarry operation. He explained that the quarry has little or no effect on livestock operations and agriculture. As for any effect to the pond, their quarrying operation will be about a quarter of a mile to the west of the pond, and it is hard to prove a negative. Concerning truck traffic, La Rue explained that the Board of Adjustment will probably require all quarry truck traffic to use their Stone Mill Road access. La Rue then explained the differences between a S.U.P. and a zoning map amendment (rezoning). He then reviewed the Cedar County Comprehensive Plan as it pertains to quarry operations.

After further discussion, Brown made a motion to recommend to the Board of Adjustment approval of a Special Use Permit for the purpose of expanding their existing limestone quarry operation, being sure that there be no traffic activity from the quarry onto King Avenue and that the June 18, 2001, letter to Rochau and Odeen be adhered to. Schuett seconded the motion. Ayes all.

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

  
Chairperson

  
Secretary

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 16, 2001

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, May 16, 2001, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Schuett, Krall, Brown, Lamp, Pruess, Penningroth and Zoning Administrator La Rue. Member absent was Moylan. Minutes from the previous meeting held on April 18, 2001, 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. Robert and Jeanette Finnegan, West Branch (Contract Buyers) and Brent Donohoe, RFD, West Branch (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the SW 1/4, Section 9, T-80N, R-4W, in Gower Township, consisting of 5.00 acres more or less.

Administrator La Rue advised the members to make their recommendation in accordance with Chapter 18.2(3) of the Zoning Ordinance. One letter of objection received from Bill & Deb Kron was read. Robert Finnegan then explained the reason for the change in zoning for the purpose of constructing a single family dwelling. The letter from County Engineer Don Torney was reviewed. He stated no objections. The soil evaluation was reviewed. The CSR is below 75 and there is not a problem for a septic system on the 5 acre rezoning request. The letter from the West Branch Fire Department states that they will be able to provide fire and rescue service. The Comprehensive Plan was reviewed. It discourages scattered residential development. Brent Donohoe spoke describing the land and that it does not adapt to grain farming and is in pasture. There are no large livestock operations within 1320 feet.

After further discussion, Lamp made a motion to recommend to the Board of Supervisors that this change in zoning be granted. Krall seconded the motion. Ayes 4, Nays 1.

2. Richard and Patricia Furchtenicht, 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 NW 1/4 of the NW 1/4, Section 6, T-79N, R-3W, in Iowa Township, consisting of 4.13 acres more or less.

La Rue advised the members that there were no written or verbal objections on file and to make their recommendation

in accordance with Chapter 18.2(3) of the Zoning Ordinance. A letter from the West Branch Fire Department was read in which they stated no problem delivering emergency services. The letter from County Engineer Don Torney was reviewed. He has no objections. Pat Furchtenicht was present and explained their plans to give a portion of the property to her son so that he may build a home. The Commission asked about the number of acres to be rezoned. La Rue explained that a portion of the property is covered with concrete from the old livestock yard and when removed will not be suitable for a septic system. Also, the soil evaluation indicates that a portion of the property is in the Colo-Ely soil association and is unsuitable for septic systems in that area. This is why the tract is 4.13 acres more or less. The Comprehensive Plan was reviewed. It discourages scattered residential development. This site is next to other residential properties. The soil evaluation was reviewed. The CSR is 70. The report also indicated that the dwelling and septic system can not be located in the Colo-Ely soils due to flooding and high water table. The Commission noted that there are no large livestock operations within 1320 feet.

After further discussion, Schuett made a motion to recommend to the Board of Supervisors that this land be rezoned. Lamp seconded the motion. Ayes 5.

3. Robert and Judy Wright, RFD, West Branch (Owners) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This dwelling will be located at the site of a mobile home which was removed in 1999, in the W 1/2 of the NW 1/4 of the SW 1/4, Section 15, T-80N, R-4W, in Gower Township.

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. Mr. & Mrs. Wright were present and explained the reason for the request for a special use permit to allow their son to purchase and place a trailer in the spot upon which there had been a trailer since 1969. The previous trailer was removed over a year ago due to a fire. Because the previous use had ceased for over a year, the special use permit was required before another mobile home can be moved onto the site. Also, the septic system must be brought up to code.

Schuett then made a motion, seconded by Lamp, to recommend to the Board of Adjustment to issue a special use permit to allow this to be done. Ayes 5.

4. Mildred Eiler, RFD, Tipton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed six (6) lot subdivision on property located in the NE 1/4 of the NE 1/4, Section 23 and the NW 1/4 of the NW 1/4, Section 24, T-80N, R-3W, in Center West Township, consisting of 31.00 acres more or less.

La Rue advised the Commission that the petition has been withdrawn by Mrs. Eiler.

5. UNIsite, Inc., Burr Ridge, Illinois (Leasee) and Robert and Sherry Pearson (Leaser and Owners), 575 290th Street, West Branch, Iowa - Requesting a Special Use Permit authorizing the location of a 315 foot tall wireless communication tower on property located on Lots 13, 14 and 15 in the S 1/2 of the SE 1/4 of the SE 1/4, Section 1, T-79N, R-4W, in Springdale Township. Said property is zoned A-1 Agricultural.

La Rue advised the Commission to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance and Ordinance #30. He advised that there was one letter of objection containing 39 signatures and a letter of objection from Joseph & Leone Maher, West Branch, expressing concern about location on this site and concern about safety because of electromagnetic fields. Representing UNIsite, Inc. were Matthew Hickey, Randy Buckner and Kevin Schmontzy. They explained the history behind this request and why this location was selected for the placement of a tower not to exceed 315 feet tall. Bob Massey, neighbor, questioned the reason for the site selection in as much as it is within 500 feet of several families and seemed to be the lowest point in the area. Bob and Sheryl Bergmann also voiced their displeasure of the tower being located at this site. The Commission then requested that the petitioners further explain why this site was selected with several towers already in the area (and in view). They explained using their signal strength charts that their engineers have determined that there are breaks in the strength of the signal in two areas of Cedar County, hence, two towers. The existing towers either have other companies utilizing any available site(s) or they are not of sufficient height. To serve their customers, they must stay within a required distance of Interstate 80 and the breaks in satisfactory signal strength requires that their tower be located at this site. This site has the highest elevation available for the type of tower that they are proposing. The Commission noted that the tower site is east of the property owners dwelling. The representatives of UNIsite reported that two parties are interested in locating on the tower, and that using this kind of tower would diminish the overall number of towers in an area. A letter from County Engineer Don Torney stated that he has no objection

to the location and that the low traffic count would not cause any problems. An entrance permit will be required. La Rue then explained the Federal Telecommunication Act of 1996, and that this act restricts regulatory agencies from denying a tower site because of health effects such as electromagnetic fields.

After additional discussion and a determination that the petition appeared to comply with Ordinance #30 and the Zoning Ordinance, Lamp moved and Schuett seconded the motion to recommend to the Board of Adjustment that they issue a Special Use Permit. Ayes 4.

\*\*Note: Dennis Pruess had to leave the meeting during the previous discussion and Barb Krall took over as Chairperson).

6. UNIsite, Inc., Burr Ridge, Illinois (Leasee) and Ronald and Nancy Allmandinger (Leaser and Owners), 2196 Taylor Avenue, Wilton, Iowa - Requesting a Special Use Permit authorizing the location of a 315 foot tall wireless communication tower on property located in the S 1/2 of the SW 1/4 of the SW 1/4, Section 20, T-79N, R-1W, in Farmington Township. Said property is 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 the Cedar County Ordinance #30 and Chapter 17.18(2) of the Zoning Ordinance. A letter from County Engineer Don Torney also indicated there were no objections to the site. An entrance permit was needed. The petitioners then explained why and how this site was selected for a tower not to exceed 315 feet in height. They also explained that this tower will be free standing rather than a guy wire supported tower of the type proposed for the Springdale site. The Commission noted that the information provided showed that a guy wired tower is proposed. The petitioners were advised to provide the correct diagrams prior to the Board of Adjustment meeting. This tower is to be located east of the property owners dwelling. La Rue then explained the Telecommunication Act of 1996 and its restrictions on regulatory agencies. It was determined by the Commission that other than a change in the type of tower to self-supporting that the petition appeared to comply with Ordinance #30 and the Zoning Ordinance.

With no further discussion, Lamp made a motion, with Schuett seconding, to recommend to the Board of Adjustment that they grant the Special Use Permit with a request that proper plans be available to same. Ayes 4.

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



Chairperson



Secretary



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

May 16, 2001 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
  - A. Robert and Jeanette Finnegan
  - B. Richard and Patricia Furchtenicht
  - C. Robert and Judy Wright
  - D. Mildred Eiler
  - E. UNIsite, Inc. - Communication Tower  
Robert and Sherry Pearson
  - F. UNIsite, Inc. - Communication Tower  
Ronald and Nancy Allmandinger
- III. Discussion
- IV. Conclusion



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

May 7, 2001

LEGAL NOTICE

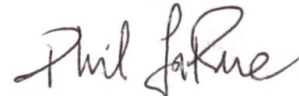
The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 16, 2001, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

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

1. Robert and Jeanette Finnegan, West Branch (Contract Buyers) and Brent Donohoe, RFD, West Branch (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the SW 1/4, Section 9, T-80N, R-4W, in Gower Township, consisting of 5.00 acres more or less.
2. Richard and Patricia Furchtenicht, 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 NW 1/4 of the NW 1/4, Section 6, T-79N, R-3W, in Iowa Township, consisting of 4.13 acres more or less.
3. Robert and Judy Wright, RFD, West Branch (Owners) - Requesting a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5, A-1 Agricultural District, Section C(2) of the Cedar County Zoning Ordinance. This dwelling will be located at the site of a mobile home which was removed in 1999, in the W 1/2 of the NW 1/4 of the SW 1/4, Section 15, T-80N, R-4W, in Gower Township.
4. Mildred Eiler, RFD, Tipton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed six (6) lot subdivision on property located in the NE 1/4 of the NE 1/4, Section 23 and the NW 1/4 of the NW 1/4, Section 24, T-80N, R-3W, in Center West Township, consisting of 31.00 acres more or less.

5. UNIsite, Inc., Burr Ridge, Illinois (Leasee) and Robert and Sherry Pearson (Leaser and Owners), 575 290th Street, West Branch, Iowa - Requesting a Special Use Permit authorizing the location of a 315 foot tall wireless communication tower on property located on Lots 13, 14 and 15 in the S 1/2 of the SE 1/4 of the SE 1/4, Section 1, T-79N, R-4W, in Springdale Township. Said property is zoned A-1 Agricultural.
6. UNIsite, Inc., Burr Ridge, Illinois (Leasee) and Ronald and Nancy Allmandinger (Leaser and Owners), 2196 Taylor Avenue, Wilton, Iowa - Requesting a Special Use Permit authorizing the location of a 315 foot tall wireless communication tower on property located in the S 1/2 of the SW 1/4 of the SW 1/4, Section 20, T-79N, R-1W, in Farmington Township. Said property is 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 5/9/01 to the following:

1. Robert & Jeanette Finnegan - 118 Bickford Drive, West Branch, Iowa 52358 - Certified
2. Brent Donohoe - 1453 Plato Road, West Branch, Iowa 52358
3. Bill & Debra Kron - 294 230th Street, West Branch, Iowa 52358
4. Lyle G. Seydel, Sr. - 445 Garden Street, Iowa City, Iowa 52245
5. Jim & Margaret Wheeler - 1213 Plato Road, West Branch, Iowa 52358
6. Dean Oakes - P.O. Box 1456, Iowa City, Iowa 52240-7819

- 
1. Richard & Patricia Furchtenicht - 592 280th Street, West Branch, Iowa 52358 - Certified
  2. Phyllis Sondergard - 321 N. 5th Street, West Branch, Iowa 52358
  3. Stewart Mather - 79 Eisenhaur Street, West Branch, Iowa 52358

- 
1. Robert & Judy Wright - 1434 Plato Road, West Branch, Iowa 52358 - Certified
  2. Randy Wright - 1446 Plato Road, West Branch, Iowa 52358
  3. Brent Donohoe - 1453 Plato Road, West Branch, Iowa 52358

- 
- ✓ 1. Mildred Eiler - 1664 Snaggy Ridge Road, Tipton, Iowa 52772 - Certified
  - ✓ 2. Edward & Schelly Odeen - 1510 King Avenue, Tipton, Iowa 52772
  - ✓ 3. Willer & Michels LLC - Attn: Catherin Johnson, Mgr., 242 Ferson Ave., Iowa City 52240
  - ✓ 4. Arlin C. & Vaneta L. Esbaum - 6122 NW Blvd., Davenport, Iowa 52806
  - ✓ 5. Rick A. & Kimberly Jo Rochau - 1509 King Avenue, Tipton, Iowa 52772
  - ✓ 6. Wendling Quarries - P.O. Box 120, Dewitt, Iowa 52742
  7. Richard Martin Moylan - 1549 King Avenue, Tipton, Iowa 52772
  8. Kirk W. Sissel & Cindy Beverlin - 1526 King Avenue, Tipton, Iowa 52772
  9. Richard Kordick - Kordick Surveying, 689 185th Street, Tipton, Iowa 52772
  10. Farmers National Co. - Suite 100, 11516 Nicholas Street, Omaha, Nebraska 68154

- 
1. Matthew J. Hickey - Richard Connor Riley & Associates, LLD., 7600 S. County Line Road, Burr Ridge, Illinois 60521 - Certified
  2. Bob Pearson - 575 290th Street, West Branch, Iowa 52358 - Certified
  3. Herschal & Harriet Gray - 1861 Garfield, West Branch, Iowa 52358
  4. Kenneth & Janice Mather - 799 290th Street, West Liberty, Iowa 52776
  5. Herman Paulsen - 569 290th Street, West Branch, Iowa 52358
  6. Darin & Sherry Wolf - 1910 Garfield Avenue, West Liberty, Iowa 52776
  7. Leone & Joseph Maher - 126 Foster Drive, West Branch, Iowa 52358
  8. Anders Mather Trust - 683 290th Street, West Liberty, Iowa 52776
  9. Roscoe & Helen Millet - 1772 Grant Avenue, West Branch, Iowa 52358
  10. Bob & Louis Massey - 570 290th Street, West Branch, Iowa 52358
  11. Cynthia Green - 576 290th Street, West Branch, Iowa 52358
  12. Russ Leighty - 540 290th Street, West Branch, Iowa 52358 (Requested a copy sent)

- 
1. Ronald & Nancy Allmender - 2196 Taylor Avenue, Wilton, Iowa 52778 - Certified
  2. Harry L. Moeller Revocable Trust - 1005 East Street, Wilton, Iowa 52778
  3. Ronald & Reakay Bohnsack - 1947 325th Street, Wilton, Iowa 52778
  4. Donald & Janet Guttenfelder Trust - 108 7th Street, Durant, Iowa 52747
  5. Thomas & Dawn Luethye - 2225 Taylor Avenue, Wilton, Iowa 52778
  6. Helen Reynolds - 8057 Rainbow Road, City Lake Shore, MN 56458
  7. William & Linda Loving - 2171 Union Avenue, Wilton, Iowa 52776
  8. Ricky Hunt - 2171 Taylor Avenue, Wilton, Iowa 52778

- 
- 1 Copy to Tipton Conservative on 5/7/01
  - 1 Copy Faxed to West Branch Times on 5/7/01
  - 1 Copy Faxed to Advocate News on 5/7/01
  - 7 Zoning Commission Members
  - 2 File Copies
  - 2 Copies for Bulletin Boards

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on May 14 and 17, 2001, 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. DeWayne Arends, RFD, Clarence (Owner) - Requesting a change in zoning from M-2 Heavy Industrial to A-1 Agricultural for the purpose of eliminating an undesired zoning district on property located in the N 1/2 of the SW 1/4 of the SW 1/4, Section 23, T-82N, R-2W, in Dayton Township, consisting of 1.15 acres more or less.
2. Ryan and Elizabeth Albaugh, Tipton (Contract Buyers) and Herb and Betty Tholen (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 26, T-81N, R-4W, in Cass Township, consisting of 1.84 acres more or less.
3. Clifford Smith, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-2 Urban Residential for the purpose of constructing a single family dwelling and to bring several lots into compliance with the Zoning Ordinance. The dwelling will be located on the N 1/2 of Lots 7 and 8, Block 1. The additional lots are located as Lots 1, 2, 7 and 8, Block 1, and Lots 1 and 2, Block 4, in the unincorporated town of Lime City, in the NE 1/4 of SE 1/4, Section 16, T-79N, R-2W, in Sugar Creek Township.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, 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 5/3/01 to the following:

1. DeWayne Arends - 305 3rd Avenue, Clarence, Iowa 52216 - Certified
  2. Norman & June Bergmann - 512 7th Avenue, Clarence, Iowa 52216
  3. K. W. & Katherine Roelf - 306 2nd Avenue, Clarence, Iowa 52216
  4. William & Karen Bachman - 371 Oxford Junction Road, Clarence, Iowa 52216
- 

1. Ryan & Elizabeth Albaugh - 209 Lemon Street, Tipton, Iowa 52772 - Certified
  2. Herb & Betty Tholen - 121 E. 6th Street, Tipton, Iowa 52772
  3. Donald & Miriam Williams - P.O. Box 149, Tipton, Iowa 52772
  4. Hertz Farm Management - P.O. Box 500, Nevada, Iowa 50201-0500
  5. Fobian Farms, Inc. - 3639 Oasis Road N.E., West Branch, Iowa 52358
- 

1. Clifford & Doris Smith - 113 East Street, Wilton, Iowa 52778  
(Copy given to Mr. Smith while in office on 4/30/01)
  2. Elnora Showalter - 415 W. 8th Street, Tipton, Iowa 52772
  3. Ricky Allen Smith & LeAnn Johnson - 103 East Street, Wilton, Iowa 52778
  4. Wendling Quarries - P.O. Box 120, DeWitt, Iowa 52742
- 

- 1 Copy to Tipton Conservative on 4/30/01
- 1 Copy Faxed to Wilton-Durant Advocate News on 4/30/01
- 1 Copy to Sun News on 4/30/01
- 2 File Copies
- Board of Supervisors
- 2 Copies for Bulletin Boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 18, 2001

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, April 18, 2001, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Brown, Schuett, Moylan, Penningroth and Zoning Administrator La Rue. Members absend were Lamp, Krall and Pruess. Minutes from the previous meeting held on March 21, 2001, were previously sent to the members. Schuett made a motion to accept the minutes as written. Moylan seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. Arnold "Bud" Paulsen, Cedar Rapids (Owner) - Requesting a Special Use Permit authorizing the location of a storage facility on property located in the NE 1/4 of the SE 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 1.00 acres more or less. Said property is presently 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. A letter from Steve and Theresa Lyons, adjoining property owners, was read. They had no objection to the Special Use Permit request but did want a restriction on storage (to be inside the building) and the property to be relatively weed-free. Mr. Paulsen spoke on behalf of his petition. He stated that he has no intent to run a repair shop, etc. out of this building. It is needed for inside storage only. A letter from County Engineer, Don Torney, was read stating that he had no objection to this petition.

After a brief discussion, Schuett moved and Moylan seconded to recommend a Special Use Permit for this facility to the Board of Adjustment. Ayes 4.

2. DeWayne Arends, RFD, Clarence (Owner) - Requesting a change in zoning from M-2 Heavy Industrial to A-1 Agricultural for the purpose of eliminating an undesired zoning district on property located in the N 1/2 of the SW 1/4 of the SW 1/4, Section 23, T-82N, R-2W, in Dayton Township, consisting of 1.15 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 Cedar County Zoning Ordinance.

DeWayne Arends was present and explained that this M-2 zoning was there when he acquired the property. The intent of the present petition is to return to A-1 since that is its use. La Rue explained that a portion of the property was rezoned, as well as additional ground to the south, by the Board of Supervisors in April of 1959 as part of the zoning map.

Moylan then made a motion to recommend to the Board of Supervisors that this property zoning be changed to A-1 Agricultural. Schuett seconded the motion. Ayes 4.

3. Ryan and Elizabeth Albaugh, Tipton (Contract Buyers) and Herb and Betty Tholen (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 26, T-81N, R-4W, in Cass Township, consisting of 1.84 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to make their recommendation to the Board of Supervisors in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. La Rue explained that, if approved, the property will be subject to a minor subdivision as the Tholen's have sold a portion of this aliquot tract to Fobian Farms and are also retaining a parcel within the tract. The Albaugh's were present and explained that this was the beginning of a long-term plan. The letters received from the Tipton Fire Department and County Engineer, Don Torney, were read. Tipton Fire Chief Miller requested that an adequate driveway be constructed which allowed emergency vehicles. Torney's letter regarded an entrance driveway permit and that it also be adequate for emergency vehicles. The soils map indicated that there might be a problem for the sewer due to the sandy soils which are poor filtering material and pose a risk of ground water contamination. Careful siting of the septic system will be required. The CSR rating is 55.

After discussion, Schuett made a motion to recommend approval of the change in zoning from A-1 Agricultural to R-1 Suburban Residential to the Board of Supervisors. Penningroth seconded the motion. Ayes all.

4. Clifford Smith, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-2 Urban Residential for the purpose of constructing a single family dwelling and to bring several lots into compliance with the Zoning Ordinance. The dwelling will be located on the N 1/2 of Lots 7 and 8, Block 1. The additional lots are located as Lots 1, 2, 7 and 8, Block 1, and Lots 1 and 2, Block 4, in the unincorporated town of Lime City, in the NE 1/4 of SE 1/4, Section 16, T-79N, R-2W, in Sugar Creek Township.

There were no written or verbal objections on file for this petition. La Rue advised the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. La Rue explained that this action is being taken to correct the fact that in April of 1959, the Board of Supervisors did not designate appropriate zoning districts for Lime City when the zoning map was adopted. County Engineer Don Torney's letter stated that he had no objection to this action. La Rue did want to stress the need for careful siting to be sure that there is enough distance between the wells and proposed septic system. A letter from the Wilton Fire Department was read, reiterating that they had no objections to this action.

After a discussion of the best way to handle all the adjustments needed, Moylan moved and Schuett seconded to recommend to the Board of Supervisors that this area zoning be changed from A-1 Agricultural to R-2 Urban Residential. Ayes all.

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

Barbara A. Kraal  
Chairperson

Jan Penningroth  
Secretary



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

April 9, 2001

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, April 18, 2001, 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. Arnold "Bud" Paulsen, Cedar Rapids (Owner) - Requesting a Special Use Permit authorizing the location of a storage facility on property located in the NE 1/4 of the SE 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 1.00 acres more or less. Said property is presently zoned A-1 Agricultural.
2. DeWayne Arends, RFD, Clarence (Owner) - Requesting a change in zoning from M-2 Heavy Industrial to A-1 Agricultural for the purpose of eliminating an undesired zoning district on property located in the N 1/2 of the SW 1/4 of the SW 1/4, Section 23, T-82N, R-2W, in Dayton Township, consisting of 1.15 acres more or less.
3. Ryan and Elizabeth Albaugh, Tipton (Contract Buyers) and Herb and Betty Tholen (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 26, T-81N, R-4W, in Cass Township, consisting of 1.84 acres more or less.
4. Clifford Smith, RFD, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-2 Urban Residential for the purpose of constructing a single family dwelling and to bring several lots into compliance with the Zoning Ordinance. The dwelling will be located on the N 1/2 of Lots 7 and 8, Block 1. The additional lots are located as Lots 1, 2, 7 and 8, Block 1, and Lots 1 and 2, Block 4, in the unincorporated town of Lime City, in the NE 1/4 of SE 1/4, Section 16, T-79N, R-2W, in Sugar Creek Township.

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 4/11/01 to the following:

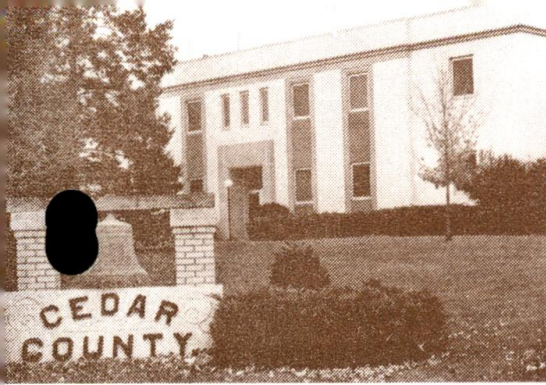
1. Arnold Paulsen - 2737 Teresa Drive S.W., Cedar Rapids, Iowa 52404 - Certified
  2. Steve & Theresa Lyons - 1673 Garfield Avenue, West Branch, Iowa 52358
  3. Terrance & Glenda O'Neil - 1681 Garfield Avenue, West Branch, Iowa 52358
  4. David & Shelley Warden - 1667 Garfield Avenue, West Branch, Iowa 52358
  5. Donna Thede - 1205 Trail Avenue, Wilton, Iowa 52778
- 

1. DeWayne Arends - 305 3rd Avenue, Clarence, Iowa 52216 - Certified
  2. Norman & June Bergmann - 512 7th Avenue, Clarence, Iowa 52216
  3. K. W. & Katherine Roelf - 306 2nd Avenue, Clarence, Iowa 52216
  4. William & Karen Bachman - 371 Oxford Junction Road, Clarence, Iowa 52216
- 

1. Ryan & Elizabeth Albaugh - 209 Lemon Street, Tipton, Iowa 52772 - Certified
  2. Herb & Betty Tholen - 121 E. 6th Street, Tipton, Iowa 52772
  3. Donald & Miriam Williams - P.O. Box 149, Tipton, Iowa 52772
  4. Hertz Farm Management - P.O. Box 500, Nevada, Iowa 50201-0500
  5. Fobian Farms, Inc. - 3639 Oasis Road N.E., West Branch, Iowa 52358
- 

1. Clifford & Doris Smith - 113 East Street, Wilton, Iowa 52778 - Certified
  2. Elnora Showalter - 415 W. 8th Street, Tipton, Iowa 52772
  3. Ricky Allen Smith & LeAnn Johnson - 103 East Street, Wilton, Iowa 52778
  4. Wendling Quarries - P.O. Box 120, DeWitt, Iowa 52742
- 

- 1 Copy to Tipton Conservative on 4/9/01
- 1 Copy Faxed to West Branch Times on 4/9/01
- 1 Copy Faxed to Wilton-Durant Advocate News on 4/9/01
- 2 File Copies
- 2 Copies for Bulletin Boards
- 7 Zoning Commission Members



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

April 18, 2001 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
  - A. Arnold Paulsen
  - B. DeWayne Arends
  - C. Ryan & Elizabeth Albaugh
  - D. Clifford Smith
- III. Discussion
- IV. Conclusion

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on May 10 and 14, 2001, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time the Board will review the following petition:

1. Thomas and Juanita Hearst, RFD, Tipton (Owners) - Requesting approval of a Preliminary Plat of Survey and a Final 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 41.71 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, but does not require, 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 4/24/01 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 - % 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. - % 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 Mildord, 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
13. Jerry Denning - Attorney at Law, P.O. Box 220, Wilton, Iowa 52778

1 Copy to Tipton Conservative on 4/16/01 & 4/23/01

2 File Copies

2 Copies for Bulletin Boards

Board of Supervisors

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 21, 2001

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, March 21, 2001, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Krall, Schuett, Moylan, Penningroth and Administrator La Rue. Member absent was Lamp. Minutes from the previous meeting held on February 21, 2001, were previously sent to the members. Moylan made a motion to accept the minutes as written. Schuett seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. Thomas and Molly Zebrowski, Tipton (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the NE 1/4, Section 16, T-80N, R-3W, in Center West Township, consisting of 10.00 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 Cedar County Zoning Ordinance.

Tom Zebrowski was present and explained his plan to build a single family dwelling on the property. The home was to be one-half mile from the nearest neighbor and no livestock within one-quarter mile. Actual distance to the nearest neighbor is 800 feet. The property is currently in the CRP Government Program. Location of the home and the need to rezone all ten acres was discussed. La Rue stated that there should not be any problem putting in a septic system in spite of the severe limitations due to the degree of slope. Limitations on building are moderate to severe due to degree of slope. The CSR was noted to be 56 points. The letter from County Engineer, Don Torney, was reviewed. An entrance permit has been issued and Mr. Torney has no objections. The letter from the Tipton Fire Department stated that they will be able to provide adequate fire and rescue services. The Commission then discussed with Mr. Zebrowski their concerns regarding the rezoning of 10.00 acres for a single family dwelling. They explained that they have concerns that the property would be divided at a later date and a second dwelling constructed. They are regulating the density of dwellings in rural Cedar County as per the Comprehensive Plan. They recommended rezoning only a portion of the property to R-1, with the survey clearly showing this rezoned area. Mr. Zebrowski explained that they were not sure exactly where the dwelling would be placed and there is adequate sight distance for only one access. He did, however, understand the Commission's concerns and said that the home would probably be set back at least 75 feet from the road right-of-way and on the east side of the property. Discussion continued regarding the number of

acres that he would need for his proposed home. The Commission recommended 3.00 acres because he was unsure of the exact site for the home. He could work with 3.00 acres of land on the east side of the property.

Schuett then made a motion to recommend approval of the change in zoning for not more than three acres. Krall seconded the motion. Ayes all.

2. Wendy Dlhy, West Liberty (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NW 1/4, Section 5, T-80N, R-4W, in Gower 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.

Wendy Dlhy was present and explained that this property is part of her family farm and she would like to build a home. This property also has a pond. A letter from County Engineer, Don Torney, stated the recommendation that the access to the driveway is located on a Grade B road. She has been advised by the County Engineer on what she will need to have the road upgraded to a Grade A road and is the responsibility of the land owner. He has no objections. The Commission questioned the length of the access and stressed the importance of wide access to the property for emergency vehicles. Access may be difficult due to snow. The letter from the West Branch Fire Department was reviewed which stated that they will be able to provide adequate fire and rescue services. The soil evaluation was then reviewed. The CSR is noted to be below 75 points. Limitations for building are moderate for the area where the home will be built. Limitations for septic systems are severe due to slope on the Fayette Silt soils and due to flooding and high water table on the Nodaway-Arenzville soil complex. The septic system should be located in the Fayette soil.

Krall then made a motion to recommend approval of the change in zoning as long as a written easement agreement, with a minimum width of 20 feet, was attached to the property deed. Also, the property is restricted to one home and owner maintains access road with adequate turn around space. Moylan seconded the motion. Ayes all.

3. Dwayne Stepanek, RFD, West Branch (Owner) - A change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing the replacement of an existing mobile home with a new manufactured home on property located in the NW 1/4 of the NW 1/4, Section 13, T-80N, R-4W, in Gower 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. La Rue explained the history of the property and the requirement to divide and rezone in order to replace the mobile home.

Dwayne Stepanek was present and stated that he was removing two old trailers and putting in a new one. The property will change from three trailers to two trailers to bring the property into full compliance with the Zoning Ordinance. County Engineer, Don Torney, had no objections as the dwelling(s) will use the existing access. A letter from the West Branch Fire Department stated that they will be able to provide adequate fire and rescue services. The soil evaluation was reviewed. The CSR was noted to be 46 points and the property is mostly timber. Moderate limitations were noted for manufactured homes. Limitations for septic are moderate to severe due to slope. La Rue explained, that at this time, he is considering allowing Mr. Stepanek to use the existing "shared" septic system until there is a problem with its operation.

After further discussion, Krall made a motion to recommend approval of the change in zoning, thus bringing the property into compliance. Schuett seconded the motion. Ayes all.

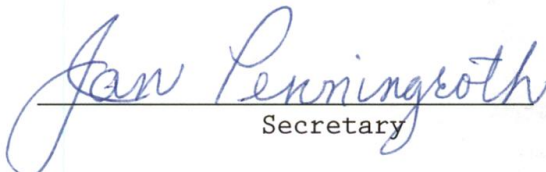
4. Bud Paulsen, Cedar Rapids, (Owner) - A change in zoning in accordance with Chapter 18.2 of the Cedar County Zoning Ordinance from A-1 Agricultural to R-1 Suburban Residential for the purpose of eliminating a non-conforming use on property located in the NE 1/4 of the SE 1/4, Section 25, T-80N, R-4W, in Gower Township, consisting of 1.00 acres more or less.

La Rue advised the Commission members that this petition had been withdrawn. Mr. Paulsen will seek approval of a Special Use Permit for a storage facility.

Zoning Administrator La Rue then made a presentation on a new proposed county guide titled "A Guide to Country Living" and asked for the Commission's input. The feeling of the Commission was very positive as the booklet seemed to be user friendly and would help Cedar County residents who were anticipating to live in rural Cedar County.

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

  
Chairperson

  
Secretary

The Cedar County Board of Supervisors met in regular session at 8:30 A.M., April 9, 2001 with the following members present: Moeller, Campion, Bell, Boedeker and Chairperson Weih.

The Board viewed a Separation Notice for Project #182, submitted by Lisa Van Klavern, Administrator, New Horizon Residential.

The Board viewed a "County Auditor's Report of Fees Collected" for the quarter ending 3-31-2001, submitted by Deputy Auditor Carpenter.

The Board viewed a Project Cost Recap and invoices for work completed concerning the Law Enforcement Center, submitted by PCS & Associates.

The Board acknowledged receipt of a quote from Jim Staats to paint the Courthouse flag pole.

The Board acknowledged receipt of a copy of correspondence and Loss Control Survey, to Bonnie Sawyer, Insurance Coordinator, from Dave Murphy, Heartland Insurance Risk Pool.

The Board acknowledged receipt of correspondence and amended Temporary Assistance for Needy Families State Plan and Attachments, from Deb Bingaman, Administrator, Department of Human Services.

The Board acknowledged receipt of correspondence from Sheriff Hannes regarding a payroll change for Deputy Sheriff Jason Johnson.

The Board acknowledged receipt of correspondence from Dick Schoenig, Senior Vice President, Liberty Trust & Savings Bank, which included correspondence from Christie J. Scase, Assistant Attorney General to John R. Benson, Iowa E-911 Program Manager, regarding authority of a local E911 service board to incur indebtedness.

Sup. Moeller completed a quarterly performance report per Grant Agreement 99-#500-07 for the quarter ending 3-31-2001 to be sent to the Iowa Department of Economic Development.

Moved by Sup. Bell seconded by Sup. Campion to approve the Board Minutes of April 5, 2001.

Ayes: Moeller, Campion, Bell, Boedeker, Weih

Sheriff Hannes met with the Board regarding the transfer of an old patrol car. The Administrator at New Horizon Residential would like to use the car at that facility and then sell the car they are currently using. The Board agreed to allow the 1996 Ford patrol car to be transferred to New Horizon residential and the 1989 Chevrolet Caprice from New Horizon Residential is to be sold.

Engineer Torney met with the Board to discuss a Utility Permit Application for the Mechanicsville Telephone Company. The work is being done in conjunction with a bridge replacement project on 160th Street.

Moved by Sup. Moeller seconded by Sup. Campion to authorize Chairperson Weih to sign a Utility Permit Application for the Mechanicsville Telephone Company for work in conjunction with the bridge replacement project in T82N R3W Sec. 32 on 160th Street, and to waive the fee per the Engineer's recommendation.

Ayes: Moeller, Campion, Bell, Boedeker, Weih

In other business, Sup. Boedeker told the Engineer he would appreciate it if the Road Superintendent would not call his father about whether a road to a cemetery, is a road. The cemetery referred to is in Springfield Township. Engineer Torney said he would talk to the Road Superintendent about the matter. Further discussion was held. Mr. Torney would like the Board to set up a policy on how to handle these cemetery road issues with the Township Trustees. The matter was placed on the Board's next agenda.

This being the time set for a public hearing to review the following petitions:

1. Thomas and Molly Zebrowski, Tipton (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the NE 1/4, Section 16, T-80N, R-3W, in Center West Township, consisting of 10.00 acres more or less.
2. Wendy Dlhy, West Liberty (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NW 1/4, Section 5, T-80N, R-4W, in Gower Township, consisting of 5.00 acres more or less.
3. Dwayne Stepanek, RFD, West Branch (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing the replacement of an existing mobile home with a new manufactured home on property located in the NW 1/4 of the NW 1/4, Section 13, T-80N, R-4W, in Gower Township, consisting of 1.00 acre more or less.

Chairperson Weih read the legal notice. Phil La Rue, Zoning Director, was in attendance. Others in attendance were: Wendy Dlhy, Beverly Spencer and Dwayne Stepanek.

Petition #1 was addressed. Mr. La Rue noted there are no written or verbal objections on file. There was no one present to represent this petition. Sup. Campion noted that Hank Rekemeyer is in the hospital. Mr. Campion received a call from Mr. Rekemeyer's wife and she indicated to him that Mr. Rekemeyer wants the zoning to go through. Mr. Rekemeyer is the owner of the property. Mr. La Rue is under the understanding, from talking to the realtor for this, that Mr. & Mrs. Zebrowski (contract buyers and petitioners) have withdrawn their option to purchase this property. The Planning & Zoning Commission recommended that three acres be rezoned, with flexibility left to Mr. Zebrowski as to where a home would be placed. Since the Zebrowskis have withdrawn, La Rue told the Board he would leave the option up to them. It was noted that the petition to rezone was also signed by the Rekemeyers. Sup. Campion feels the Board should go ahead with this matter, noting the intent is to sell to a buyer, and it will then be ready. La Rue agreed and noted a survey could be done at the time of a sale. Engineer Torney added that there is only about one location for an entrance permit, due to sight distance. Whoever wants an entrance there, will have to get an entrance permit. Further discussion was held. Mr. La Rue recommended leaving the owner the flexibility to work with the Zoning Office and that not more than three acres to be rezoned.

Moved by Sup. Campion seconded by Sup. Bell to approve the rezoning of property in the petition, with the position of the house to be determined and no more than three acres to be rezoned, and waive the second hearing scheduled for April 12, 2001.

Ayes: Moeller, Campion, Bell, Boedeker, Weih

Petition #2 was addressed. Mr. La Rue noted there are no written or verbal objections on file. A map of the area was reviewed. The petitioner intends to obtain an easement for access. There is documentation that the West Branch Fire Department does not have a problem with this zoning. Further discussion was held. The Zoning Commission recommended a minimum of a 20-foot driveway. Ms. Dlhy indicated the total easement width would be 25 feet.

Moved by Sup. Bell seconded by Sup. Boedeker to approve the petition by Wendy Dlhy, West Liberty (Contract Buyer), as defined above, and to waive the second hearing scheduled for April 12, 2001.

Discussion was held. Sup. Moeller noted concern about right-of-way and two emergency vehicles meeting on the access. Sup. Campion wondered how many farmsteads already out there have a long driveway that do not have the width of this proposed easement. Mr. La Rue noted they have to interject planning for safety, health and welfare.

Ayes: Moeller, Campion, Bell, Boedeker, Weih

Petition #3 was addressed. Mr. La Rue noted there are no written or verbal objections on file. He stated that Mr. Cooper wants to make

sure the other trailers are going to be leaving. Mr. Stepanek indicated they are in the process of doing that. It was indicated the inoperable vehicles will be under cover. La Rue noted Mr. Stepanek has a trailer there where he presently resides and there is another trailer there for which the previous Zoning Administrator gave them a building permit for back in the '80's. Per La Rue, he wishes to replace that trailer with a new structure and La Rue has been unable to determine how we were able to have two dwellings on one lot zoned agricultural with only two acres of land. After talking to the County Attorney's Office, it was agreed they needed to divide the property, ownership does not need to change, and that they remove the two unused trailers, in order to replace that with a new structure. Mr. La Rue noted there would be a written agreement. They would utilize the existing driveway and allow use of the current septic system. If there is a problem with the septic system, La Rue said they would have to build two septic systems, one for each. Mr. Stepanek indicated he did not have a problem with that.

Moved by Sup. Moeller seconded by Sup. Campion to approve the petition by Dwayne Stepanek, RFD, West Branch (Owner), as defined above, and waive the second hearing scheduled for April 12, 2001.

Ayes: Moeller, Campion, Bell, Boedeker, Weih

Merlin Hulse met with the Board to discuss an inquiry he received from the Auditor's Office about obtaining a picture of the President. Per Hulse, a request would need to be sent to Senator Grassley. General discussion was held.

Sheryl Phelps of Westgroup, met with the Board to follow up previous discussion concerning an on-line law library system. Chairperson Weih relayed that the Board has talked to attorneys and another provider, but no decision has yet been made. Sup. Boedeker noted a concern expressed by one attorney about difficulty finding things. Ms. Phelps noted one key word may not always find what you need and sometimes they need to look for more specific topics. Further discussion was held. Phelps noted it is a flat rate for the use of her company's system. Sup. Campion noted another concern expressed by an attorney, that being only one computer would be accessible to several attorneys. Chairperson Weih wondered if the County purchased the system, then decided not to have it, would they be behind on updates. Ms. Phelps said they would have to pay for the most current updates. Sup. Weih felt it would be advantageous for Phelps to give a demonstration. Phelps will contact County Attorney Beine to set up a demonstration.

Moved by Sup. Campion seconded by Sup. Boedeker to approve the renewal of a Class A beer permit with Sunday sales and outdoor service area for the Wahkonsa Country Club.

Ayes: Moeller, Campion, Bell, Boedeker, Weih

Chairperson Weih reported that T.M.I. would like the pad poured this month for the chiller. Discussion was held. Estimates will be obtained.

Yvonne Gregory, representing the Farmers' Market, telephoned the Board to ask if they could use the south Courthouse lawn and the Courthouse restrooms, the same as they did last year. The Board agreed to the request. The Farmers' Market would open mid-May and end the second or third week in October. Discussion was held regarding access to the restrooms and meeting rooms. Gregory was advised there will be a different procedure concerning picking up and leaving keys.

Connie Fett, CPC Administrator, met with the Board to discuss a proposed agreement for Project #192 regarding reimbursement for services. Fett reported she has spoken to the Conservator for the consumer, regarding this matter. The consumer's bill at New Horizon Residential is \$42,925.66. Currently the consumer resides in a different facility. Discussion was held concerning a proposed agreement. Connie Fett is to discuss the current placement with Assistant County Attorney Benz. This matter was placed on the Board's next agenda.

Engineer Torney met with the Board to report that he talked to Assistant County Attorney Benz regarding a subdivision matter, and he asked him to check on the matter of maintenance of cemetery accesses.

On motion, the Board adjourned at 11:15 a.m., to April 12, 2001.

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Betty J. Ellerhoff, Auditor

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Dennis L. Weih, Chairperson

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on April 9 and 12, 2001, 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 Molly Zebrowski, Tipton (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the NE 1/4, Section 16, T-80N, R-3W, in Center West Township, consisting of 10.00 acres more or less.
2. Wendy Dlhy, West Liberty (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NW 1/4, Section 5, T-80N, R-4W, in Gower Township, consisting of 5.00 acres more or less.
3. Dwayne Stepanek, RFD, West Branch (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing the replacement of an existing mobile home with a new manufactured home on property located in the NW 1/4 of the NW 1/4, Section 13, T-80N, R-4W, in Gower 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. However, the Board does request, but does not require, 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 3/29/01 to the following:

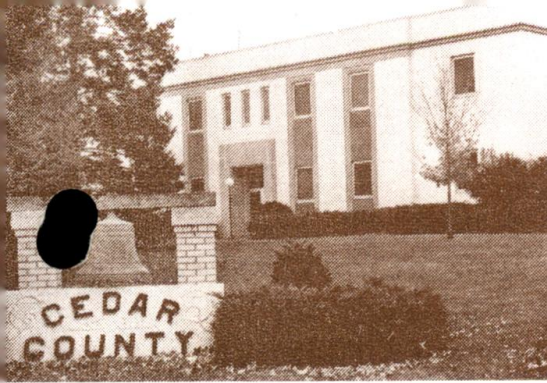
1. Thomas & Molly Zebrowski - 212 E. 8th Street, Tipton, Iowa 52772 - Certified
  2. Harlan & Ellouise Rekemeyer - 891 Cedar Valley Road, Tipton, Iowa 52772 - Certified
  3. Reggie Farms, Inc. - 938 305th Street, Atalissa, Iowa 52720
  4. Frederick & Arlene Kaefting - 410 E. 10th Street, Tipton, Iowa 52772
- 

1. Wendolyn S. Dlhhy - 1121 Highway 6, West Liberty, Iowa 52776 - Certified
  2. Beverly J. Spencer - 2353 Baker Avenue, West Branch, Iowa 52358
  3. Mark Gifford - 110 223rd Street, West Branch, Iowa 52358
  4. Douglas & Pamela Schnetzler - 522 Linder Road, Iowa City, Iowa 52245
  5. Farmers National Co. - Suite 100, 11516 Nicholas Street, Omaha, Nebraska 68154
  6. Terry & Charlene Hamer - 1248 Baker Avenue, West Branch, Iowa 52358
- 

1. Dwayne Stepanek - 1424 Franklin Avenue, West Branch, Iowa 52358 - Certified
  2. Steven Abbott - 1400 Franklin Avenue, West Branch, Iowa 52358
  3. Michael & Debra Cooper - 1415 Franklin Avenue, West Branch, Iowa 52358
  4. Michael J. & Adelaide Lynch Life Use - 408 East 4th Street, Tipton, Iowa 52772
  5. Suzan Erem Trust - 815 S. Summit, Iowa City, Iowa 52240
  6. Anliker Revocable Trust - 80 Mountain View, Belchertown, MA 01007
- 

Board of Supervisors

- 1 Copy to Tipton Conservative on 3/26/01
- 1 Copy Faxed to West Branch Times on 3/26/01
- 2 File Copies
- 2 Copies for Bulletin Boards



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

March 5, 2001

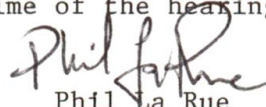
LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 21, 2001, 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. Thomas and Molly Zebrowski, Tipton (Contract buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW 1/4 of the NE 1/4, Section 16, T-80N, R-3W, in Center West Township, consisting of 10.00 acres more or less.
2. Wendy Dlhy, West Liberty (Contract buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NW 1/4, Section 5, T-80N, R-4W, in Gower Township, consisting of 5.00 acres more or less.
3. Dwayne Stepanek, RFD, West Branch (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing the replacement of an existing mobile home with a new manufactured home on property located in the NW 1/4 of the NW 1/4, Section 13, T-80N, R-4W, in Gower Township, consisting of 1.00 acres more or less.
4. Bud Paulsen, Cedar Rapids, (Owner) - A change in zoning in accordance with Chapter 18.2 of the Cedar County Zoning Ordinance from A-1 Agricultural to R-1 Suburban Residential for the purpose of eliminating a non-conforming use on property located in the NE 1/4 of the SE 1/4, Section 25, T-80N, R-4W in Gower 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

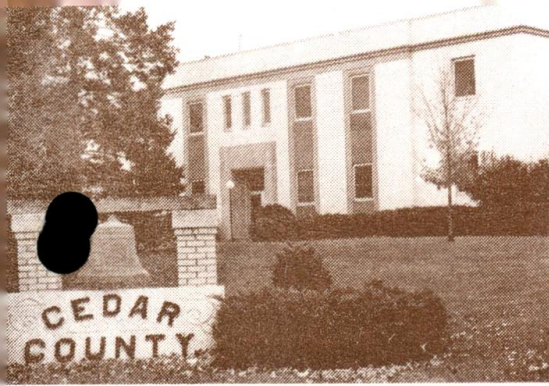
Copies sent out on 3/8/01 to the following:

1. Thomas & Molly Zebrowski - 212 E. 8th Street, Tipton, Iowa 52772 - Certified
  2. Harlan & Ellouise Rekemeyer - 891 Cedar Valley Road, Tipton, Iowa 52772
  3. Reggie Farms, Inc. - 938 305th Street, Atalissa, Iowa 52720
  4. Frederick & Arlene Kaefting - 410 E. 10th Street, Tipton, Iowa 52772
  5. 7 Zoning Commission members
  6. 1 copy to Tipton Conservative on 3/5/01
  7. 1 copy faxed to West Branch Times on 3/5/01
  8. 2 copies for bulletin boards
  9. 2 file copies
- 

1. Wendolyn S. Dlhly - 1121 Highway 6, West Liberty, Iowa 52776 - Certified
  2. Beverly J. Spencer - 2353 Baker Avenue, West Branch, Iowa 52358
  3. Mark Gifford - 110 223rd Street, West Branch, Iowa 52358
  4. Douglas & Pamela Schnetzler - 522 Linder Road, Iowa City, Iowa 52245
  5. Farmers National Co. - Suite 100, 11516 Nicholas Street, Omaha, Nebraska 68154
  6. Terry & Charlene Hamer - 1248 Baker Avenue, West Branch, Iowa 52358
- 

1. Dwayne Stepanek - 1424 Franklin Avenue, West Branch, Iowa 52358 - Certified
  2. Steven Abbott - 1400 Franklin Avenue, West Branch, Iowa 52358
  3. Michael & Debra Cooper - 1415 Franklin Avenue, West Branch, Iowa 52358
  4. Michael J. & Adelaide Lynch Life Use - 408 East 4th Street, Tipton, Iowa 52772
  5. Suzan Erem Trust - 815 S. Summit, Iowa City, Iowa 52240
  6. Anliker Revocable Trust - 80 Mountain View, Belchertown, MA 01007
- 

1. Bud Paulsen - 2737 Teresa Drive S.W., Cedar Rapids, Iowa 52404 - Certified
  2. Steven & Theresa Lyons - 1673 Garfield Avenue, West Branch, Iowa 52358
  3. David & Shelley Warden - 115 N. 4th Street, West Branch, Iowa 52358
  4. Terrance & Glenda O'Neil - 1681 Garfield Avenue, West Branch, Iowa 52358
  5. John Joseph Jr. & Norma Beecher - 123 Olipant Street, West Branch, Iowa 52358
  6. Donna Thede - 1205 Trail Avenue, Wilton, Iowa 52778
-



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

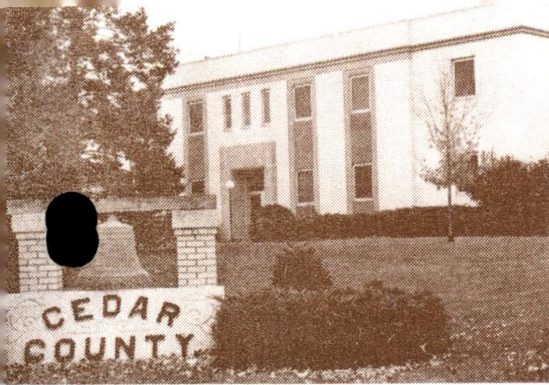
AGENDA

Cedar County Planning & Zoning Commission

March 21, 2001 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
  - A. Thomas & Molly Zebrowski
  - B. Wendy Dlhy
  - C. Dwayne Stepanek
  - D. Bud Paulsen
- III. Discussion
- IV. Conclusion



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

February 21, 2001 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from Thomas & Juanita Hearst and Norman and Patricia Bickford
- III. Discussion
- IV. Conclusion

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 21, 2001

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, February 21, 2001, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Brown, Schuett, Lamp, Moylan and Zoning Administrator La Rue. Members absent were Pruess, Penningroth and Krall. Minutes from the previous meeting held on January 17, 2001, were previously sent to the members. Schuett made a motion to accept the minutes as written. Lamp seconded the motion. Ayes all.

The Commission members 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 41.62 acres more or less. Said petition includes a request for a variance of the road right-of-way requirements for the cul-de-sacs at the end of Hidden River Court and Hearst Drive respectively, in accordance with Chapter 8.5B(30) and Chapter 9.1 of the Subdivision Ordinance.

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 to Chapter 3, 6, 7, 8 and 9 of the Cedar County Subdivision Ordinance. La Rue reminded the Commission that a Preliminary Plat of this subdivision was tabled by them at their April 19, 2000, meeting. Approval was recommended by the Commission at the May 17, 2000, meeting for a "connected loop" road system with a variance on percent of slope of the road grade to 12% +/- 2%. After filing of the final plat with this proposal, the petitioner withdrew this plat because of the degree of difficulty on December 21, 2001. A revised preliminary plat was then filed in January, 2001.

Mr. and Mrs. Hearst were present as were Glen Meisner and Susan Benz, MMS Consultants, Don Torney, Cedar County Engineer and Sterling Benz, Assistant County Attorney. Mr. Meisner then explained the meeting with the Board of Supervisors in December 2000, because of the degree of slope and the depth of the gas pipeline. The Board stated they would consider the request for the cul-de-sacs (See Board of Supervisors minutes from December 21, 2000). He explained the reason to grant

a variance to allow a 75 foot radius on the cul-de-sac right-of-way radius. The paved portion of cul-de-sacs would comply with the Ordinance required radius. This would allow the cul-de-sacs not to be on the pipeline. The area is reasonably level and would not need to worry about grade.

Don Torney then presented his letter concerning the subdivision (See letters dated 2/16/01 and 2/20/01 attached to minutes as Exhibit "A"). This will be a private road, never to be accepted by Cedar County. Mr. Torney feels there is no hardship and justification for a variance. Complying with the Ordinance on the right-of-way would not affect the development of the subdivision. Mr. Meisner then explained his opinions about the cul-de-sac at the end of the road, Hidden River Court. He felt that moving the site east will not support the cul-de-sac roadway because of a draw, and as long as the road portion is not on top of the pipeline, Williams Energy Service has no objection. He stated that not granting the variance would create awkward driveways and put homes too far out on the slope of the hill and could cause problems with septic system siting. The roadway and cul-de-sac(s) will comply with the ordinance requirements. Mr. Torney repeated that he needs accurate cross sections and profiles.

Commissioner Moylan asked what was gained now by what is being presented versus what was approved previously. Mr. Meisner explained that the degree of slope will not be too steep (15%), the road will not be crossing the pipeline and the use of cul-de-sacs will prevent the loss of a number of trees. He added that the pipeline company will be overseeing all work within the easement. Discussion followed between Mr. Torney, Mr. Meisner and Mr. Hearst concerning the cul-de-sac on Hidden River Court. Setback variances have been approved by the Board of Adjustment on some lots. Any additional variances will be considered by the Board, only after final approval by the Board of Supervisors of this plat. Discussion on the cul-de-sac on Hearst Drive followed. The variance is requested because of possible erosion problems on Lot 12 if not allowed. Mr. Torney repeated that the paved portion will be the same, but there is no need for a right-of-way variance. Mr. Benz then explained the role of the Board of Adjustment and Board of Supervisors pertaining to their regulatory powers. The Commission and Board of Supervisors can only act upon the subdivision and the Board of Adjustment only can act upon building setbacks. Mr. Benz provided advice

on the consideration of variances. Commissioner Schuett asked Mr. Torney if he can accept the proposed variance. Mr. Torney stated that he will consider it if he is provided cross sections of the cul-de-sacs so that he can evaluate the request

Mr. Meisner then asked that the petition, with the proposed variances be recommended to the Board of Supervisors. He will provide the requested cross sections to Mr. Torney for his comment prior to review by the Board of Supervisors. La Rue then asked about the relocation of the water well from its previously proposed site east of Lot 23 to its present location east of Lot 25. Mr. Meisner explained that Zoning Administrator La Rue repeatedly reminded him to comply with public water system setback requirements even though the well(s) are private. In case Mr. Hearst would subdivide again, the new site would be better suited. La Rue explained that he preferred the site opposite of Lot 23, and the area around the well could be used as open space. Joe Smith, well driller, was asked about the proposed well site east of Lot 25. He stated that the proposed site is workable.

Assistant Attorney, Sterling Benz, then advised the Commission about variances in accordance with Chapter 9 of the Subdivision Ordinance and the reasoning justifying the variance. MMS Consultants has shown that moving the cul-de-sac east on Hidden River Court does not give the road good support. The presence of the pipeline and lot accesses would also be difficult as would septic system siting (Lots 16 & 21). On Hearst Drive, septic system siting, erosion and access would be difficult (Lot 12).

Following discussion, Lamp recommended approval of the preliminary plat and to grant the variance based upon the pipeline, erosion, driveway siting, cul-de-sac support on Hidden River Court subject to the County Engineer being provided with the required cul-de-sac roadway cross sections so that he can evaluate the hardship and justification of the variance. This information must be provided and the Engineer's evaluation completed prior to this petition being forwarded with the recommendation to the Board of Supervisors. Schuett seconded the motion. Ayes 3 and 1 nay.

2. Norman and Patricia Bickford, RFD, West Branch (Owners) - Requesting approval of a Preliminary Plat of Survey for South View Subdivision, a six (6) lot subdivision located in the SE 1/4 of the SE 1/4, Section 30, T-79N, R-4W, in Springdale Township, consisting of 7.83 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 Chapters 3, 6, 7 & 8 of the Cedar County Subdivision Ordinance. La Rue explained that the Commission will need to review the fencing agreements received on 2/20/01 prior to the conclusion of this hearing.

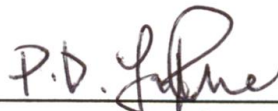
Mr. and Mrs. Bickford were present as were their engineer, Richard Kordick. Mr. Bickford stated that the Secrest's have agreed to the fencing document. Mrs. Elliott has yet to sign. Mr. Kordick explained the preliminary plat. The subdivision has a storm water basin on the west side to control runoff. This will control the location and volume of drainage flow. The community well is proposed to be located in the NE corner of Lot 5 to provide easier access to service the site. This will also place the well on the highest spot in the subdivision. The lots appear to have adequate room for two onsite wastewater treatment and disposal systems. Lots 1-5 will have individual access onto Cedar Street. Lot 6 will access onto Baker Avenue. The lots will be served by individual septic systems. There will be a Homeowners Association. They will have the responsibility to maintain the fence and the drainage basin. Don Torney, County Engineer, stated that the plat has been revised as per his recommendations. He has no objections regarding this petition. The Commission then discussed restrictive covenants.

Following discussion, Lamp made a motion to recommend approval of the Preliminary Plat to the Board of Supervisors with the community well located on Lot 5. Moylan seconded the motion. Ayes all.

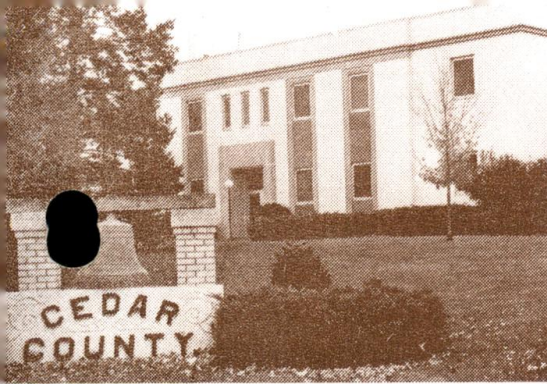
With no further business to be discussed at this time, the meeting was adjourned.



Chairperson



Secretary Pro-tem



**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

February 5, 2001

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, February 21, 2001, 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. 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 41.62 acres more or less. Said petition includes a request for a variance of the road right-of-way requirements for the cul-de-sacs at the end of Hidden River Court and Hearst Drive respectively, in accordance with Chapter 8.5B(30) and Chapter 9.1 of the Subdivision Ordinance.
2. Norman and Patricia Bickford, RFD, West Branch (Owners) - Requesting approval of a Preliminary Plat of Survey for South View Subdivision, a six (6) lot subdivision located in the SE 1/4 of the SE 1/4, Section 30, T-79N, R-4W, in Springdale Township, consisting of 7.83 acres more or less.

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

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 2/6/01 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 - % 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. - % 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. 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. Johanna 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. Brenda 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 St., Iowa City, Iowa 52240-4673
  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

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7 Planning & Zoning Commission Members

- 1 copy to Tipton Conservative on 2/5/01
  - 2 copy faxed to West Branch Times on 2/6/01
  - 2 file copies
  - 2 copies for bulletin boards
- Jim Gonyier, E.C.I.A.

PROOF OF PUBLICATION

NOTICE

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, February 21, 2001, 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. Thomas and Juanita Hearst, RFD, Tipton (Owners) - Requesting approval of a Preliminary Plat 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 41.62 acres more or less. Said petition includes a request for a variance of the road right-of-way requirements for the cul-de-sac at the end of Hidden River Court and Hearst Drive respectively, in accordance with Chapter 8.5B(30) and Chapter 9.1 of the Subdivision Ordinance.

2. Norman and Patricia Bickford, RFD, West Branch (Owners) - Requesting approval of a Preliminary Plat of Survey for South View Subdivision, a six (6) lot subdivision located in the SE 1/4 of the SE 1/4, Section 30, T-79N, R-4W, in Springdale Township, consisting of 7.83 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.

37

Phil LaRue  
Cedar County Zoning Administrator

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:

February 8, 2001

Debbie Owen

Fee: \$

15.39

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.

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 17, 2001

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, January 17, 2001, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Krall, Schuett, Moylan, Zoning Administrator La Rue and Jim Gonyier, E.C.I.A. Members absent were Penningroth and Lamp. Minutes from the previous meeting held on December 20, 2000, were previously sent to the members. Schuett made a motion to accept the minutes as written. Moylan seconded the motion. Ayes all.

The Commission members then considered the following petition:

1. Donovan and LeAnn Trana, RFD, Wilton (Owners) - Requesting approval of a Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the SW 1/4 of the SW 1/4, Section 21, T-79N, R-1W, in Farmington Township, consisting of 3.20 acres more or less. Said property is presently 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 Cedar County Zoning Ordinance.

Mr. and Mrs. Trana were present and explained their request for a Special Use Permit to allow a Bed and Breakfast Home in their residence. They explained that they would like to use two rooms of their home for overnight guests. Breakfast will be provided. They have adequate off-street parking for this business. Moylan asked about the need for a Bed and Breakfast Home. Mr. Trana stated that there are none presently in Cedar County and they have received input from B & B's in Muscatine which would like to refer guest overflow to them. If they are home, the B & B will provide the service seven days per week. La Rue presented the state regulations pertaining to Bed & Breakfast Homes, and the difference between B & B Homes and B & B Inns. The Trana's will be expected to comply with these regulations, including that the water system must be tested annually. Mr. Trana was asked about access for fire and rescue services. They are located about four miles from Durant. The letter received from County Engineer Don Torney was reviewed. His letter describes the road, the flooding episodes on the road and the fact that the bridge is scheduled for reconstruction. County Engineer Torney was present and stated that a temporary crossing would be constructed. He requested that the access be reviewed. He also stated that the road impact will be minimal and he has no objection. Jerry Mays then spoke concerning

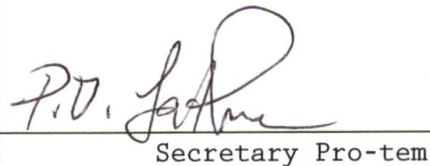
this request. He encouraged the approval of this request as there is a need for this service. He felt that this is a good way to promote Cedar County and tourism. Wayne Holst, adjoining property owner, expressed concern because of his dog "Boomer". Mr. Trana explained that he will advise the guests, if walking, not to go north past Mr. Holst's farm buildings. An advertising sign was then discussed. The Trana's would like to have a sign. La Rue recommended that signage, appropriate to Chapter 15, Home Occupations (8 square feet) be allowed. Brown then made a motion to recommend approval of a Special Use Permit and suitable signage to the Board of Adjustment, subject to annual review. Krall seconded the motion. Ayes all.

Jerry Mays then asked for some time to explain a Cedar County tourism promotion project.

Jim Gonyier, E.C.I.A., then presented maps to the members to show development patterns in Cedar County and future land use.

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

  
Chairperson

  
Secretary Pro-tem

# PROOF OF PUBLICATION

STATE OF IOWA,

Muscatine County } ss.

I Dawn Luethye being first  
duly sworn on oath depose and say; that I am the Publisher of The  
Advocate News, a newspaper published weekly in the City of  
Wilton, Muscatine County, State of Iowa, and that                       
Notice of public hearing on 1-17-01  
by the Cedar County Planning & Zoning  
Commission

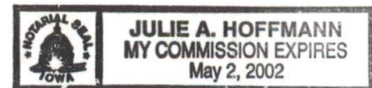
hereto attached and made a part hereof, was published once each  
week for 1 weeks in succession, in said newspaper, and  
that the dates of publication were                       
January 11, 2001

and that the copy of said printed notice, hereto attached, was cut  
from one of said publications.

*Dawn Luethye*

Subscribed and sworn to before me this 11th  
day of January 2001

*Julie A. Hoffmann*  
Notary Public



## PUBLIC NOTICES

### LEGAL NOTICE

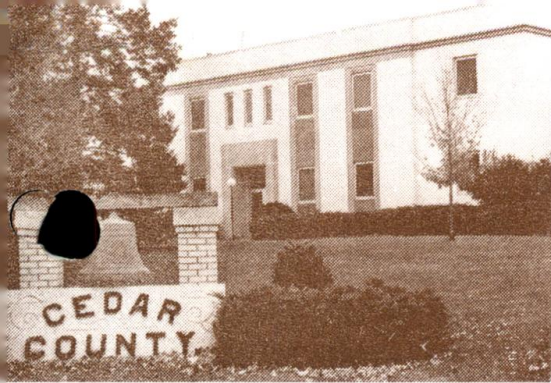
The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, Jan. 17, 2001, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

At this time the Commission will review the following petition:

1. Donovan and LeAnn Trana, RFD, Wilton (Owners) - Requesting approval of a Special Use Permit authorizing the location of a Bed and Breakfast Home on property located in the SW 1/4 of the SW 1/4, Section 21, T-79N, R-1W, in Farmington Township, consisting of 3.20 acres more or less. Said property is presently zoned A-1 Agricultural.

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

Phil La Rue  
Zoning Administrator



Tel. 319-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**

Cedar County Courthouse

Tipton, Iowa 52772

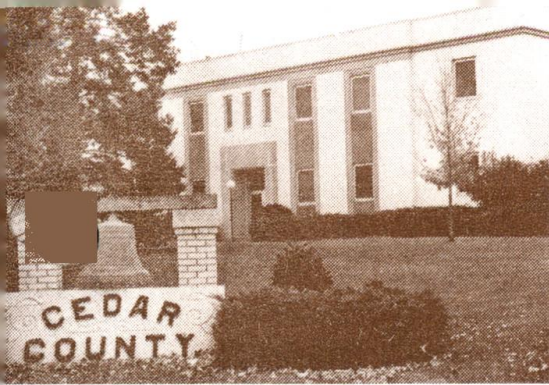
AGENDA

Cedar County Planning & Zoning Commission

January 17, 2001 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from Donovan and  
LeAnn Trana
- 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

January 8, 2001

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, January 17, 2001, 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:

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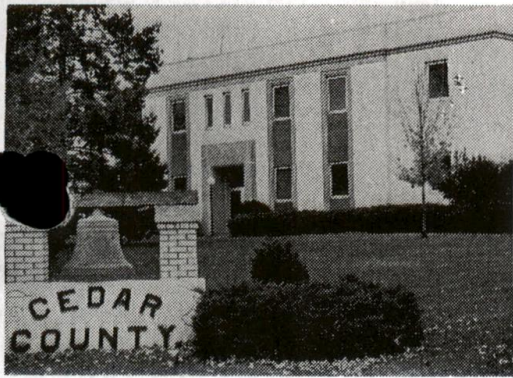
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Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 1/8/01 to the following:

1. Donovan & LeAnn Trana - 2196 Union Avenue, Wilton, Iowa 52778 - Certified
2. Dorothy Stueben - 3711 Wilkes Avenue, Davenport, Iowa 52806
3. Donald & Janet Guttenfelder Trust - 108 7th Street, Durant, Iowa 52747
4. Jerry & Darlene Mays - 2043 325th Street, Durant, Iowa 52747
5. Wayne & Kayla Holst - 2187 Union Avenue, Wilton, Iowa 52778
6. 7 Zoning Commission Members
7. 1 Copy to Tipton Conservative on 1/8/01
8. 1 Copy faxed to Wilton-Durant Advocate News on 1/8/01
9. 2 file copies
10. 2 copies for bulletin boards



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

**COPY**

January 4, 2001

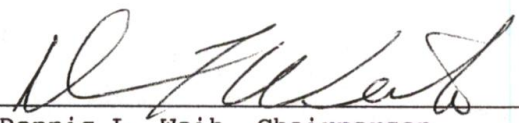
Don Lamp  
1004 Mulberry  
Tipton, IA 52772

Dear Don:

Please be advised that by motion of this Board on January 4, 2001, you have been appointed to a three-year term on the Cedar County Planning & Zoning Commission.

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

Sincerely,

  
Dennis L. Weih, Chairperson

DLW:bjp