

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 18, 2002

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, December 18, 2002, at 6:30 p.m., in the small meeting room of the Courthouse, Tipton, Iowa. Members present were Moylan, Pruess, Brown, Schuett, Penningroth and Zoning Administrator La Rue. Members absent were Lamp and Voparil. Minutes from the previous meeting held on November 20, 2002, were previously sent to the members. Brown moved and Moylan seconded to approve the minutes as written.

The Commission members then considered the following petition:

1. Charles and Bonnie Moffit, Stanwood (Owners) and George and Debra Moffit, Stanwood (Contract Buyers) – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE ¼ of the SE ¼, Section 12, T-81N, R-3W, in Red Oak Township, consisting of 5.00 acres more or less.

Debra Moffit spoke for the petitioners and described the site of 5 acres as having plenty of room for a septic system and the lay of the land allowed the building of a home with a walk-out basement. Zoning Administrator La Rue reported that there were no written or verbal objections on file and advised the members to base their decision according to Chapter 18.2(3) of the Cedar County Zoning Ordinance. There are no large livestock facilities near the proposed site. The letter from the Stanwood Fire Department indicated no problems in providing service to this site. The letter from County Engineer, Don Torney, stated that an entrance permit has been approved and he has no objections. The soil evaluation was reviewed. Limitations for building are moderate. Limitations for septic are slight to moderate and the C.S.R. was noted to be above 75 points.

With no additional discussion, Moylan made a motion to recommend a change in zoning from A-1 to R-1 to the Board of Supervisors. Schuett seconded the motion. Ayes all.

The second item of business was a discussion on the Urban Renewal Plan for CDC Limited. Dennis Weih, Chairperson of the Board of Supervisors, explained the request and the reasons for the request for a new TIF District. Section VIII of the Cedar County Comprehensive Plan was reviewed. The Commission noted that the roads and location of this business is compatible with the County Plan.

Schuett made a motion that the Commission authorize Zoning Administrator La Rue to draft a letter stating the Commission's backing of this proposed district. Moylan seconded the motion. Ayes all. The Commission seemed to feel that because the

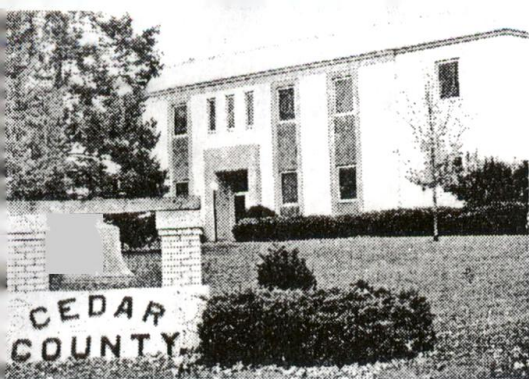
company was already in existence and it had made the pledge to bring more economic development to Cedar County in the past, this would be a win-win situation for Cedar County.

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



Chairperson

Secretary



Tel: 563-886-2248

FILED

2002 DEC 20 PM 12:14

BETTY J. ELLERHOFF
CEDAR COUNTY AUDITOR

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

December 20, 2002

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

RE: Rochester Township Urban Renewal Plan

Dear Honorable Board Members:

This letter is to state that, in accordance with the Code of Iowa, Chapter 409.5, 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:

Auditor's Parcel D per Plat of Survey recorded in Plat Book E, Page 207, in the Cedar County Records' Office, located in the Southwest Quarter of Section 17 and the Northwest Quarter of Section 20, all in Township 79 North, Range 2 West of the 5th P.M. in Cedar County, Iowa, containing 21.29 acres, more or less.

In conducting this review, the Cedar County Comprehensive Plan 1980-2000 was utilized. A review of Section VIII, Transportation of the Comprehensive Plan indicates that the location of the CDC Limited project is served by, and at the junction of the Interstate 80 (freeway), Iowa Highway 38 (arterial system) and County Road X-54 (trunk collector system). All vehicle access to CDC Limited is from County Road X-54. A review of existing traffic counts on X-54 indicates that the expansion of this facility's work force by an estimated 100 employees will not result in the need for improvements on this farm to market road. No information has been provided at this time to the Commission regarding anticipated increased commercial vehicle traffic.

The Commission, therefore, recommends approval of the Rochester Township Urban Renewal Plan as written.

Sincerely,

Dennis Pruess, Chairperson
Cedar Co. Planning and
Zoning Commission

cc: Cedar County Planning & Zoning Commission
Don Torney, Cedar County Engineer



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse Tipton, Iowa 52772

December 9, 2002

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 18, 2002, 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. Charles and Bonnie Moffit, Stanwood (Owners) and George and Debra Moffit, Stanwood (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 12, T-81N, R-3W, in Red Oak Township, consisting of 5.00 acres more or less.

Also, at this time, the Commission will be considering an Urban Renewal Plan in accordance with Chapter 403 of the Code of Iowa, for CDC Limited, RFD, Moscow, Iowa, on property described as:

Auditor's Parcel D per Plat of Survey recorded in Plat Book E, Page 207, in the Cedar County Recorders' Office, located in the Southwest Quarter of Section 17, and the Northwest Quarter of Section 20, all in Township 79 North, Range 2 West of the 5th P.M., in Cedar County, Iowa, containing 21.29 acres, more or less, in Rochester Township.

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

Phil La Rue
Zoning Administrator



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

December 9, 2002

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 18, 2002, 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. Charles and Bonnie Moffit, Stanwood (Owners) and George and Debra Moffit, Stanwood (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 12, T-81N, R-3W, in Red Oak Township, consisting of 5.00 acres more or less.

Also, at this time, the Commission will be considering an Urban Renewal Plan in accordance with Chapter 403 of the Code of Iowa, for CDC Limited, RFD, Moscow, Iowa, on property described as:

Auditor's Parcel D per Plat of Survey recorded in Plat Book E, Page 207, in the Cedar County Recorders' Office, located in the Southwest Quarter of Section 17, and the Northwest Quarter of Section 20, all in Township 79 North, Range 2 West of the 5th P.M., in Cedar County, Iowa, containing 21.29 acres, more or less, in Rochester Township.

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

Phil La Rue
Zoning Administrator

Copies sent out on 12/11/02 to the following:

1. Charles & Bonnie Moffit - 672 Highway 38, Box 674, Stanwood, Iowa 52337 - Certified
2. George & Debra Moffit - 202 N. West Street, Stanwood, Iowa 52337
3. Marie Shaul1 - 502 W. 5th Street, Tipton, Iowa 52772
4. Brian K. Agne, Trustee - William & Bonita Trust, 1197 115th St., Stanwood, Iowa 52337

7 Zoning Commission members
Tipton Conservative
West Branch Times
Wilton-Durant Advocate Times
Sun News

File copies
Copies for bulletin boards

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on January 13 and 16, 2003, at 9:45 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. Charles and Bonnie Moffit, Stanwood (Owners) and George and Debra Moffit, Stanwood (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 12, T-81N, R-3W, in Red Oak 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. 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 12/30/02 to the following:

1. Charles & Bonnie Moffit - 672 Highway 38, Box 674, Stanwood, Iowa 52337 - Certified
2. George & Debra Moffit - 202 N. West Street, Stanwood, Iowa 52337
3. Marie Shaul1 - 502 W. 5th Street, Tipton, Iowa 52772
4. Brian K. Agne, Trustee - William & Bonita Trust, 1197 115th Street, Stanwood, IA 52337

Board of Supervisors

1 Copy to Tipton Conservative & Sun News on 12/27/02

File copies

Bulletin board copies



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

December 9, 2002

Dear Planning and Zoning Commission Members:

Besides the Legal Notice, agenda and November minutes, please find information on an Urban Renewal Plan for CDC Limited (HWH Corporation). Most members will recall that we worked on an Urban Renewal Plan for Cedar Valley Golf Course in September of 2001.

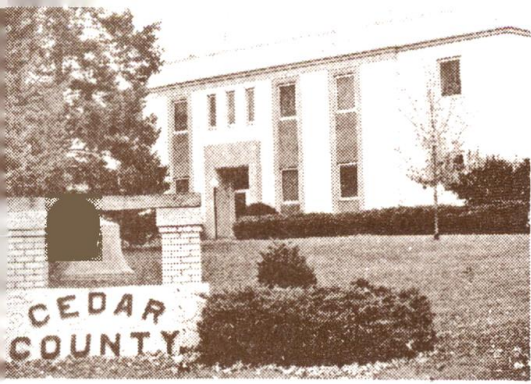
Please review this information so that we can provide comments and a recommendation to the Board of Supervisors.

If you have questions or concerns, please feel free to give me a call at your convenience.

Sincerely,

Phil La Rue
Zoning Administrator

PL:s1



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, December 18, 2002 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
 - A. Charles and Bonnie Moffit, RFD, Stanwood (Owners) and George and Debra Moffit, Stanwood (Contract Buyers) - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- III. Considering of Urban Renewal Plan for CDC Limited and recommendation to the Cedar County Board of Supervisors
- IV. Discussion
- V. Conclusion

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 20, 2002

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, November 20, 2002, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Moylan, Pruess, Voparil, Brown, Schuett, Penningroth and Zoning Administrator La Rue. Member not in attendance was Lamp. Minutes from the previous meeting held on October 16, 2002, were previously sent to the members. Voparil moved and Moylan seconded to approve the minutes as written.

The Commission members then considered the following petitions:

1. Ruby Streets and Larry Streets, Tipton (Owners) and Stacy and Tiffany Meinert, Durant (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the SW 1/4, Section 31, T-80N, R-2W, in Rochester Township. Said petition is to rezone 3.00 acres of a 19.92 acre tract.

Zoning Administrator La Rue informed the Commission that there were no written or verbal objections on file for this request and advised the members to make their recommendation to the Board of Supervisors in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance.

A letter from Sheila Lee, D.O.T., Davenport Field Office, and a letter from the Tipton Fire Department were read. No problems are anticipated. Mr. Meinert then explained their plans to build a home on the property and have a small farm operation. The soil evaluation was then reviewed. Limitations for building were slight to moderate. Limitations for septic systems were moderate to severe, with severe limitations being due not only to percent slope but also slow water permeability. La Rue explained that a soil percolation test and site evaluation would determine the type of on-site system is best suited for the location. The C.S.R. was noted to be 54 points. The Commission noted that the access to the property is at least 40 feet wide and that there are no large livestock operations within 1,320 feet of the property.

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

2. Lyle Seydel, Iowa City (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 SE 1/4, Section 8, T-80N, R-4W, in Gower Township, consisting of 3.03 acres more or less.

La Rue advised the Commission that there were no written or verbal objections on file for this request and advised them to make their recommendation to the Board of Supervisors in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance.

A letter from Dick Stoolman, West Branch Fire Department, was read and stated that they will provide service. The letter from County Engineer, Don Torney, stated that the access has been approved and he has no objections. Lyle Seydel Jr. gave the history of the property which is about 5 miles north of West Branch. There was a home on the property until it was burned in 1986. This property is across the road from where J. J. Smith is building his home (Brent Donahoe rezoning #0801). There are no large livestock operations within 1,320 feet, only a pasture with feeder cattle. The soil evaluation was then reviewed. Limitations for building are moderate. Limitations for septic systems are moderate to severe, with severe limitations being due to percent slope. La Rue advised that it should be possible to construct a conventional system at this site. The C.S.R. was noted to be below 50 points.

With no additional discussion, Moylan made a motion to recommend a change in zoning from A-1 to R-1 to the Board of Supervisors. Schuett seconded the motion. Ayes all.

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


Chairperson


Secretary

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on December 12 and 16, 2002, at 8:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. Ruby Streets and Larry Streets, Tipton (Owners) and Stacy and Tiffany Meinert, Durant (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the SW 1/4, Section 31, T-80N, R-2W, in Rochester Township. Said petition is to rezone 3.00 acres of a 19.92 acre tract.
2. Lyle Seydel, Iowa City (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 SE 1/4, Section 8, T-80N, R-4W, in Gower Township, consisting of 3.03 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 11/26/02 to the following:

1. Ruby Streets/Larry Streets - 2394 Baker Avenue, West Branch, Iowa 52358 - Certified
 2. Stacy A. & Tiffany D. Meinert - 107 5th Avenue, Durant, Iowa 52747 - Certified
 3. Robert Thumma - 1833 Highway 38, Tipton, Iowa 52772
 4. Naomi Wehde -- 1286 273rd Street, Tipton, Iowa 52772
 5. Larry Ballenger - 2098 220th Street, Bennett, Iowa 52721
 6. Lloyd Buhman - 1771 Highway 38, Tipton, Iowa 52772
 7. Keith & Marsha Schulty - 1804 Highway 38, Tipton, Iowa 52772
 8. Norman & Marilyn Kotz - 116 Elizabeth Drive, Tipton, Iowa 52772
-

1. Lyle G. & Carol A. Seydel - 445 Garden Street, Iowa City, Iowa 52245 - Certified
 2. Lyle G. Seydel Jr. - P.O. Box 211, West Branch, Iowa 52358
 3. Dean Oakes - P.O. Box 1456, Iowa City, Iowa 52240-7819
 4. James & Margaret Wheeler - 1213 Plato Road, West Branch, Iowa 52358
 5. Brent & Deborah Donahoe -- 1453 Plato Road, West Branch, Iowa 52358
 6. James & Julie Smith - 451 250th Street, West Branch, Iowa 52358
 7. Bruce Martin -- 135 240th Street, West Branch, Iowa 52358
-

1 Copy to Tipton Conservative on 11/25/02
1 Copy Faxed to West Branch Times on 11/25/02
Board of Supervisors
File Copies
Bulletin Board Copy



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, November 20, 2002 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
 - A. Ruby Streets and Larry Streets, Tipton (Owners) and Stacy and Tiffany Meinert, Durant (Contract Buyers) - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
 - B. Lyle Seydel, Iowa City (Owner) - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- III. Discussion
- IV. Conclusion



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

November 4, 2002

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, November 20, 2002, 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. Ruby Streets and Larry Streets, Tipton (Owners) and Stacy and Tiffany Meinert, Durant (Contract Buyers) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the SW 1/4, Section 31, T-80N, R-2W, in Rochester Township. Said petition is to rezone 3.00 acres of a 19.92 acre tract.
2. Lyle Seydel, Iowa City (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 SE 1/4, Section 8, T-80N, R-4W, in Gower Township, consisting of 3.03 acres more or less.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 11/6/02 to the following:

1. Ruby Streets/Larry Streets - 2394 Baker Avenue, West Branch, Iowa 52358 - Certified
 2. Stacy A. & Tiffany D. Meinert - 107 5th Avenue, Durant, Iowa 52747 - Certified
 3. Robert Thumma - 1833 Highway 38, Tipton, Iowa 52772
 4. Naomi Wehde - 1286 273rd Street, Tipton, Iowa 52772
 5. Larry Ballenger - 2098 220th Street, Bennett, Iowa 52721
 6. Lloyd Buhman - 1771 Highway 38, Tipton, Iowa 52772
 7. Keith & Marsha Schulty - 1804 Highway 38, Tipton, Iowa 52772
 8. Norman & Marilyn Kotz - 116 Elizabeth Drive, Tipton, Iowa 52772
-

1. Lyle G. & Carol A. Seydel - 445 Garden Street, Iowa City, Iowa 52245 - Certified
 2. Lyle G. Seydel Jr. - P.O. Box 211, West Branch, Iowa 52358
 3. Dean Oakes - P.O. Box 1456, Iowa City, Iowa 52240-7819
 4. James & Margaret Wheeler - 1213 Plato Road, West Branch, Iowa 52358
 5. Brent & Deborah Donahoe - 1453 Plato Road, West Branch, Iowa 52358
 6. James & Julie Smith - 451 250th Street, West Branch, Iowa 52358
-

1 Copy to Tipton Conservative on 11/4/02
1 Copy Faxed to West Branch Times on 11/4/02
7 Zoning Commission Members
File Copies
Bulletin Board Copy

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 16, 2002

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, October 16, 2002, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Moylan, Pruess, Voparil, Penningroth and Zoning Administrator La Rue. Members not in attendance were Brown, Schuett and Lamp. Minutes from the previous meeting held on September 18, 2002, were previously sent to the members. Voparil made a motion and Moylan seconded to approve the minutes as written. Ayes all.

The Commission members then considered the following petition:

1. Max and Ruth Nebergall, Tipton (Owners) and Beau Holub and Allison Nebergall - 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 11, T-80N, R-3W, in Center West Township, consisting of 5.50 acres more or less.

Zoning Administrator La Rue informed the members that there were no written or verbal objections on file for this request and advised the members to make their recommendation to the Board of Supervisors in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance.

Max, Ben and Allison Nebergall were present at the meeting. Allison informed the members of her intention to build a ranch style home on the property with a 850 foot driveway. A letter from the Tipton Fire Department indicated no problem servicing this property, provided the access driveway was wide enough for emergency vehicles. The letter from County Engineer Torney indicated no objection and the access has been approved onto the Cedar Valley Road. The soil evaluation was reviewed. Limitations for septic were moderate to severe, with the severe limitations due to slope and poor filtering ability of the Lamont Fine Sandy Loam soil. Limitations for building were slight to moderate. The C.S.R. on the property is below 75 points. There is no livestock near the property. The Commission questioned the driveway width planned and suggested that it should be at least 40 feet wide. The petitioners had no problem changing their plans for this width.

With no additional discussion, Moylan made a motion to recommend a change in zoning from A-1 to R-1 to the Board of Supervisors. Voparil seconded the motion. Ayes all.

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



Chairperson



Secretary



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, October 16, 2002 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
 - A. Max & Ruth Nebergall - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- III. Discussion
- IV. Conclusion



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

October 7, 2002

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 16, 2002, 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. Max and Ruth Nebergall, Tipton (Owners) and Beau Holub and Allison Nebergall - 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 11, T-80N, R-3W, in Center West Township, consisting of 5.50 acres more or less.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 10/8/02 to the following:

1. Max & Ruth Nebergall - 1007 E. 7th Street, Tipton, Iowa 52772 - Certified
2. Beau Holub & Allison Nebergall - 605 W. 9th Street, Tipton, Iowa 52772
3. Wilma Belitz Pearson - 1413 Jeffrey Drive, Tipton, Iowa 52772
4. Douglas & Donna Moore - 573 SE 80th Avenue, Ellinwood, KS 67526-9225
5. John & Sherri Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772

1 Copy to Tipton Conservative on 10/7/02
7 Zoning Commission members
Bulletin Board Copy
2 File Copies

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on November 4 and 7, 2002, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. Max and Ruth Nebergall, Tipton (Owners) and Beau Holub and Allison Nebergall - 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 11, T-80N, R-3W, in Center West Township, consisting of 5.50 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard. However, the Board does request, 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 10/23/02 to the following:

1. Max & Ruth Nebergall - 1007 E. 7th Street, Tipton, Iowa 52772 - Certified
2. Beau Holub & Allison Nebergall - 605 W. 9th Street, Tipton, Iowa 52772
3. Wilma Belitz Pearson - 1413 Jeffrey Drive, Tipton, Iowa 52772
4. Douglas & Donna Moore - 573 SE 80th Avenue, Ellinwood, KS 67526-9225
5. John & Sherri Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772

1 Copy to Tipton Conservative on 10/18/02
Board of Supervisors
Bulletin Board Copy
2 File Copies

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on September 9 and 16, 2002, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. Rob and Andrea Schmidt, RFD, Tipton (Contract Buyers) and Murray and Renee Mente, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located at 1944 Spicer Avenue, Wilton, Iowa, in the SW 1/4 of the NW 1/4, Section 7, T-79N, R-1W, in Farmington Township, consisting of 1.57 acres more or less.
2. Richard Zobel, RFD, Tipton (Owner) and Jon L. Zobel, RFD, Tipton (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NE 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of 1.50 acres more or less.

At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard. However, the Board does request, 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 8/26/02 to the following:

1. Rob & Andrea Schmidt - 1766 Old Muscatine Road, Tipton, Iowa 52772 - Certified
2. Murray & Renee Mente - 1666 260th Street, Tipton, Iowa 52772
3. Thelma Wright - 472 N. 10th Avenue, Brighton, Colorado 80601
4. Leland Smith - 1964 Vermont Avenue, Wilton, Iowa 52778

-
1. Richard Zobel - 1647 Monroe Avenue, Tipton, Iowa 52772 - Certified
 2. Jon L. Zobel - 1135 Logan Avenue, Tipton, Iowa 52772
 3. Jerry & Patricia Hasenbank - 310 4th Avenue, P.O. Box 476, Clarence, Iowa 52216
 4. Steve & Kay Maurer - 409 7th Avenue, P.O. Box 460, Clarence, Iowa 52216
 5. Wayne & Kristie Burris - 416 E. 7th Street, Tipton, Iowa 52772
-

Copy to Tipton Conservative on 8/23/02
Copy faxed to Wilton-Durant Advocate News on 8/23/02
2 file copies
Board of Supervisors
Bulletin Board

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

September 18, 2002

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, September 18, 2002, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Brown, Moylan, Pruess, Voparil, Penningroth, Lamp, Schuett and Zoning Administrator La Rue. Minutes from the previous meeting held on August 21, 2002, were previously sent to the members. Moylan made a motion and Brown seconded to approve the minutes as written. Ayes all.

The Commission members then considered the following petitions:

1. Arlin and Vaneta Esbaum, Davenport (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed three (3) lot subdivision located in the SE 1/4 of the SW 1/4, Section 13, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.5 acres on each of the three lots, on a property consisting of 44.66 acres more or less.

Zoning Administrator La Rue reported there were no written or verbal objections to this rezoning and advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance.

Arlin and Vaneta Esbaum were present and explained their reasons for this request. Mr. Esbaum continued that in the past he has planted a large number of trees and has sold Christmas trees from the property. He also stated that the property is presently in CRP. Driveway access has been approved. The Commission then further discussed the access onto Logan Avenue for Lot 3 and King Avenue for Lot 2. County Engineer, Don Torney, explained the access for Lot 3 is in the southeast corner of the lot. Lot 2 will cross a corner of Rick Rochau's property before entering King Avenue on a 40 foot strip of property owned by the Esbaum's. Mr. Rochau also uses this access onto King Avenue. The Tipton Fire Department has indicated no problem with providing emergency service.

La Rue explained that there are quite a few residential properties in this area and this property would follow the clustering pattern encouraged by the Comprehensive Plan. He then presented a letter from John Tuthill, Wendling Quarries. The letter was not an objection to the Esbaum's request, but only to go on record of the activity of their quarry site to the west. The Commission expressed some concern about the truck traffic on Stonemill Road and the increasing number of residential properties.

The soil evaluation was then reviewed. Limitations for building are slight to severe, with the severe limitations on the proposed building site for Lot 1 due to flooding and high water table. Limitations for septic systems are slight to severe with limitations on Lots 2 and 3 due to slope, while on Lot 1, the limitations are due not only to slope but also a high water table, flooding and poor soil permeability. The C.S.R. on the property averages less than 75 points.

La Rue expressed concern about the proposed building site for Lot 1 and explained to the Commission that there are two other more suitable building sites in the east half of this lot. He continued that, with this informal plat, the lot dimensions are not static and the presently proposed building site could be moved further south and up the slope. Although the soils in this area are still only marginally permeable, an alternate septic system could then be constructed out of the area subject to flooding.

Catherine Johnson, adjoining property owner, questioned Lot 2's access onto King Avenue and Lot 3's access onto Logan Avenue. Access across Mr. Rochau's property before accessing the Esbaum's 40 foot wide property unto King Avenue was explained west of Mrs. Johnson's property as was Lot 3's access onto Logan Avenue north of Mrs. Johnson's property. She then talked about Mrs. Eiler withdrawing her petition to rezone property along King Avenue and then selling the property to Wendling Quarries. She questioned development patterns in the area and what effect this development would have on their property.

With no further discussion, Lamp made a motion and Schuett seconded to recommend a change in zoning from A-1 to R-1 to the Board of Supervisors. Voting aye were Lamp, Moylan, Penningroth and Schuett. Voting nay were Brown and Voparil.

2. Murray and LuAnne Sorgenfrey, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the SE 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of 2.00 acres more or less.
3. Murray and LuAnne Sorgenfrey, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural

to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 31, T-80N, R-2W, in Rochester Township, consisting of 2.65 acres more or less.

Because of the similarity of these two petitions and location, the Commission considered these two petitions together.

Administrator La Rue reported there were no written or verbal objections to these two petitions and advised the Commission to consider the petitions in accordance with Chapter 18.2(3) of the Zoning Ordinance.

The two properties are 1/2 mile of each other. The letters from the Tipton Fire Department stated that they can provide adequate service. Driveways have been approved. A letter from Joyce Wilke, nearby land owner, voiced no objection to Petition #3. Murray Sorgenfrey was present and explained the land had been in permanent pasture for about 15 years on Petition #2. Land in Petition #3 has been cropped but is currently in C.R.P. He stated that there are 8 years left on the C.R.P. There are no livestock in the area.

The soil evaluation for Petition #2 was reviewed. Limitations for building are moderate. Limitations for the septic system are slight to moderate and the C.S.R. average is 76 points. The Commission noted that the site lies between two properties used as residential.

The soil evaluation for Petition #3 was then reviewed. Limitations for building are moderate. Limitations for the septic system is moderate to severe with the severe limitations due to slope. The C.S.R. average is 61 points.

With no additional discussion, Lamp moved and Moylan seconded a motion to recommend a change in zoning for Petition #2 from A-1 to R-1. Ayes all. Voparil then moved and Moylan seconded a motion to recommend a change in zoning from A-1 to R-1 for Petition #3. Ayes all.

4. Bruce Lovell, RFD, Tipton (Owner) - Requesting approval of a Preliminary and Final Plat of Survey for Cemetery Road Estates, a four (4) lot subdivision located in the SE 1/4 of the NE 1/4, Section 12, T-79N, R-3W and the SW 1/4

of the NW 1/4, Section 7, T-79N, R-2W, in Rochester Township, consisting of 22.23 acres more or less. Said property is presently zoned R-1 Suburban Residential.

Zoning Administrator La Rue reported there were no written or verbal objections on file and asked the Commission to make their decision based on Chapters 3, 4, 6 and 7 of the Cedar County Subdivision Ordinance.

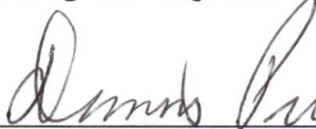
Mr. Lovell and his attorney, Francesca Passeri, were present and reported that this property had been rezoned in 1978, part of the Spring Valley Estates. Mr. Lovell explained that, although the request is for four lots, there may only be three homes constructed as the owner of Lot 1 may also purchase Lot 2. He plans to build his new home on Lot 3. He continued that the subdivision will be served by a community well located in the northwest corner of Lot 3. Each lot will be responsible for their access onto Cemetery Road (Lots 2 and 3) or Highway 38 (Lot 4). Attorney Passeri stated that they are in the process of drawing up restrictive covenants. Chairperson Pruess asked if lot size is adequate for two septic systems. La Rue stated it appears that there is.

Tom Hearst, neighboring subdivision developer, spoke of his concern about the type and quality of homes to be built, and that low cost homes would lower the property values of the present home owners in the area. Jim Schneider, neighboring home owner, spoke of his concern about water in the area and the culvert that takes water out of Schneider's and Proctor's property and it floods. He also stated, because of the safety factor, he would like to have only one driveway to the subdivision. Simone Hansen, another neighbor, had concern about standing water on the proposed property. She also had a question about the proposed community well and whether it will be regulated by a subdivision covenant. La Rue explained that a community well must have restrictive covenants pertaining to water supply standards of the state and be tested at least annually. Philip Weise, a neighbor, spoke in support of a subdivision in this area. John Zaruba, another neighbor, voiced concern about his hog operation and about possible future actions because of livestock. Jim Schneider

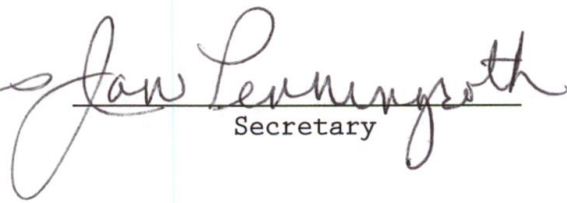
questioned Mr. Lovell if he was planning to have a covenant. Mr. Lovell said he was and his attorney explained Mr. Lovell's feeling about being a good neighbor. The Commission held a lengthy discussion on restrictive covenants and to what extent the County can regulate the type of housing to be constructed within the subdivision (Chapter 7,m). County Engineer Torney suggested Hearst might share with Lovell a copy of his covenants and all seemed to be agreeable.

With no additional discussion, Moylan made a motion that the Commission recommend approval to the Board of Supervisors of this Preliminary and Final Plat. Voparil seconded the motion. Ayes all.

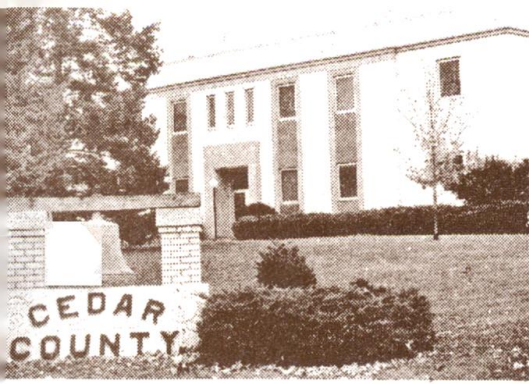
With no additional business to be discussed at this time, the meeting was adjourned.



Chairperson



Secretary



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, September 18, 2002 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
 - A. Arlin and Vaneta Esbaum - A change in zoning from A-1 to R-1 to allow construction of three single family dwellings
 - B. Murray and Lu Anne Sorgenfrey - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
 - C. Murray and Lu Anne Sorgenfrey - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
 - D. Bruce Lovell - Request for approval of a Preliminary and Final Plat for a four lot subdivision on property zoned R-1
- III. Discussion
- IV. Conclusion

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on October 17 and 21, 2002, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. Arlin and Vaneta Esbaum, Davenport (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed three (3) lot subdivision located in the SE 1/4 of the SW 1/4, Section 13, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.5 acres on each of the three lots, on a property consisting of 44.66 acres more or less.
2. Murray and LuAnne Sorgenfrey, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the SE 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of 2.00 acres more or less.
3. Murray and LuAnne Sorgenfrey, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 31, T-80N, R-2W, in Rochester Township, consisting of 2.65 acres more or less.
4. Bruce Lovell, RFD, Tipton (Owner) - Requesting approval of a Preliminary and Final Plat of Survey for Cemetary Road Estates, a four (4) lot subdivision located in the SE 1/4 of the NE 1/4, Section 12, T-79N, R-3W and the SW 1/4 of the NW 1/4, Section 7, T-79N, R-2W, in Rochester Township, consisting of 22.23 acres more or less. Said property is presently zoned R-1 Suburban Residential.

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 allowing 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 10/2/02 to the following:

1. Arlin & Vaneta Esbaum - 6122 Northwest Blvd., Davenport, Iowa 52806 - Picked up on 9/30/02
 2. Troy & Denise Mente - 504 W. 2nd Street, Tipton, Iowa 52772
 3. Craig & Michelle Rosenow - 335 Barrington Drive, Bourbonnais, IL 60914
 4. Rick & Kim Rochau - 1509 King Avenue, Tipton, Iowa 52772
 5. Jack & Denise Cartwright - 1118 Stonemill Road, Tipton, Iowa 52772
 6. Jurgen & Mari Anne Ehler - 1137 Stonemill Road, Tipton, Iowa 52772
 7. Willer & Michels, LLC - Attn: Catherin Johnson, Mgr., 242 Ferson Ave., Iowa City 52240
 8. Farmers National Co. - Suite 100, 11516 Nicholas Street, Omaha, NE 68154
 9. Wendling Quarries - P.O. Box 230, DeWitt, Iowa 52742
 10. Michael & Denise Goetz - 1113 Stonemill Road, Tipton, Iowa 52772
-

1. Murray & LuAnne Sorgenfrey - 1697 Monroe Avenue, Tipton, Iowa 52272-9360 - Certified
 2. Steve & Kay Maurer - 409 7th Avenue, Clarence, Iowa 52216
 3. Leo & Sharon Ford - 1257 270th Street, Tipton, Iowa 52772
 4. David Conner - 1277 270th Street, Tipton, Iowa 52772
 5. Harold & Naomi Wehde - 1286 273rd Street, Tipton, Iowa 52772
 6. Joyce M. Wilke Lf Est. & Merrick Ann - 1006 North Avenue, Tipton, Iowa 52772
-

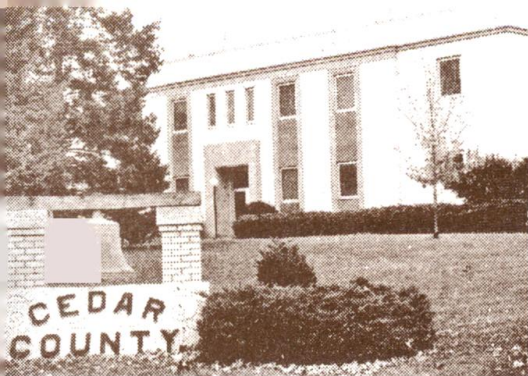
1. Bruce Lovell - 1185 Cemetery Road, Tipton, Iowa 52772 - Certified
 2. Frances & Dale Thumma - 1149 290th Street, Tipton, Iowa 52772
 3. Lester & Ellen Proctor - 1190 Cemetery Road, Tipton, Iowa 52772
 4. James & Anne Schneider - 1200 Cemetery Road, Lot 2, Tipton, Iowa 52772
 5. Bruce & Lora Zaruba - 1926 Highway 38, Tipton, Iowa 52772
 6. Jenette Wigim - 1161 Cemetery Road, Tipton, Iowa 52772
 7. Robert & Gail Meli - 978 Pacific Street, New Milford, NJ 07646
 8. John & Joyce Zaruba - 1924 Highway 38, Tipton, Iowa 52772
 9. Jeff Odeen - DBA Hawkeye Grain System, 171 West Rochester Avenue, Atalissa, Iowa 52720
 10. Jerry & Rita Sloan - 6 Hearst Drive, Tipton, Iowa 52772
 11. Wilton Motors, Inc. - % Tom & Juanita Hearst, 1200 Cemetery Road, Tipton, Iowa 52772
 12. Charles & Caroline Frymore - 1232 300th Street, Tipton, Iowa 52772
 13. Robert & Yvonne Gregory - 1239 300th Street, Tipton, Iowa 52772
 14. Lynn Treimer - 964 270th Street, Tipton, Iowa 52772
 15. Robert Thumma - 1833 Highway 38, Tipton, Iowa 52772
 16. Hilbert Marolf - 1291 330th Street, Moscow, Iowa 52760
 17. Francesca Passeri - Attorney at Law, 501 Cedar Street, Tipton, Iowa 52772
 18. Susan Benz - MMS Consultants, 1917 S. Gilbert Street, Iowa City, Iowa 52240
-

Board of Supervisors

1 copy to Tipton Conservative on 9/30/02

2 file copies

Bulletin Board Copy



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse Tipton, Iowa 52772

September 9, 2002

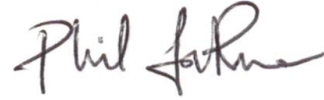
LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, September 18, 2002, 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. Arlin and Vaneta Esbaum, Davenport (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed three (3) lot subdivision located in the SE 1/4 of the SW 1/4, Section 13, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.5 acres on each of the three lots, on a property consisting of 44.66 acres more or less.
2. Murray and LuAnne Sorgenfrey, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the SE 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of 2.00 acres more or less.
3. Murray and LuAnne Sorgenfrey, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 31, T-80N, R-2W, in Rochester Township, consisting of 2.65 acres more or less.
4. Bruce Lovell, RFD, Tipton (Owner) - Requesting approval of a Preliminary and Final Plat of Survey for Cemetary Road Estates, a four (4) lot subdivision located in the SE 1/4 of the NE 1/4, Section 12, T-79N, R-3W and the SW 1/4 of the NW 1/4, Section 7, T-79N, R-2W, in Rochester Township, consisting of 22.23 acres more or less. Said property is presently zoned R-1 Suburban Residential.

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.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 9/11/02 to the following:

1. Arlin and Vaneta Esbaum - 6122 Northwest Blvd., Davenport, Iowa 52806 - Certified
 2. Troy & Denise Mente - 504 W. 2nd Street, Tipton, Iowa 52772
 3. Craig and Michelle Rosenow - 335 Barrington Drive, Bourbonnais, IL 60914
 4. Rick and Kim Rochau - 1509 King Avenue, Tipton, Iowa 52772
 5. Jack and Denise Cartwright - 1118 Stonemill Road, Tipton, Iowa 52772
 6. Jurgen and Mari Anne Ehler - 1137 Stonemill Road, Tipton, Iowa 52772
 7. Willer & Michels, LLC - Attn: Catherine Johnson, Mgr., 242 Ferson Ave., Iowa City 52240
 8. Farmers National Co. - Suite 100, 11516 Nicholas Street, Omaha, NE 68154
 9. Wendling Quarries - P.O. Box 230, DeWitt, Iowa 52742
 10. Michael & Denise Goetz - 1113 Stonemill Road, Tipton, Iowa 52772
-

1. Murray & LuAnne Sorgenfrey - 1697 Monroe Avenue, Tipton, Iowa 52772-9360 - Certified
 2. Steve and Kay Maurer - 409 7th Avenue, Clarence, Iowa 52216
 3. Leo and Sharon Ford - 1257 270th Street, Tipton, Iowa 52772
 4. David Conner - 1277 270th Street, Tipton, Iowa 52772
 5. Harold and Naomi Wehde - 1286 273rd Street, Tipton, Iowa 52772
 6. Joyce M. Wilke Lf Est & Merrick Ann - 1006 North Avenue, Tipton, Iowa 52772
-

1. Bruce Lovell - 1185 Cemetery Road, Tipton, Iowa 52772 - Certified
 2. Frances & Dale Thumma - 1149 290th Street, Tipton, Iowa 52772
 3. Lester and Ellen Proctor - 1190 Cemetery Road, Tipton, Iowa 52772
 4. James and Anne Schneider - 1200 Cemetery Road, Lot 2, Tipton, Iowa 52772
 5. Bruce and Lora Zaruba - 1926 Highway 38, Tipton, Iowa 52772
 6. Jenette Wigim - 1161 Cemetery Road, Tipton, Iowa 52772
 7. Robert and Gail Meli - 978 Pacific Street, New Milford, NJ 07646
 8. John and Joyce Zaruba - 1924 Highway 38, Tipton, Iowa 52772
 9. Jeff Odeen - DBA Hawkeye Grain System, 171 West Rochester Avenue, Atalissa, Iowa 52720
 10. Jerry and Rita Sloan - 6 Hearst Drive, Tipton, Iowa 52772
 11. Wilton Motors, Inc. - % Tom & Juanita Hearst, 1200 Cemetery Road, Tipton, Iowa 52772
 12. Charles & Caroline Frymore - 1232 300th Street, Tipton, Iowa 52772
 13. Robert and Yvonne Gregory - 1239 300th Street, Tipton, Iowa 52772
 14. Lynn Treimer - 964 270th Street, Tipton, Iowa 52772
 15. Robert Thumma - 1833 Highway 38, Tipton, Iowa 52772
 16. Hilbert Marolf - 1291 330th Street, Moscow, Iowa 52760
 17. Francesca Passeri - Attorney at Law, 501 Cedar Street, Tipton, Iowa 52772
 18. Susan Benz - MMS Consultants, 1917 S. Gilbert Street, Iowa City, Iowa 52240
-

- 7 Zoning Commission members
1 copy to Tipton Conservative on 9/9/02
2 file copies
2 bulletin board copies

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 21, 2002

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 21, 2002, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Brown, Moylan, Pruess, Voparil, Penningroth, Lamp, Schuett and Zoning Administrator La Rue. Minutes from the previous meeting held on July 17, 2002, were previously sent to the members. Moylan made a motion and Brown seconded to approve the minutes as written. Ayes all.

The Commission members then considered the following petitions:

1. Rob and Andrea Schmidt, RFD, Tipton (Contract Buyers) and Murray and Renee Mente, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located at 1944 Spicer Avenue, Wilton, Iowa, in the SW 1/4 of the NW 1/4, Section 7, T-79N, R-1W, in Farmington Township, consisting of 1.57 acres more or less.

Zoning Administrator La Rue reported there were no written or verbal objections to this rezoning and he advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance.

Rob and Andrea Schmidt and Murray Mente were present and explained that this was an old building site with an existing well. The soil evaluation report was reviewed. Limitations for building were moderate to severe. Severe limitations were due to a high water table and flooding potential in the Colo-Ely soil complex located on the east edge of the property. The home would be located away from this soil complex. Limitations on septic systems were moderate to severe. Severe limitations were due to the Colo-Ely soil complex. The septic system will not be sited in this area. The Commission noted that the C.S.R. rating was below 75. A letter from the Wilton Fire Department indicated no problem with service, and the County Engineer's report indicated the entrance permit has been approved for the north entrance. The south entrance was not approved because of safety concerns. There are no livestock confinements in this area.

With no additional discussion, Lamp made a motion, Moylan seconded, to recommend to the Board of Supervisors that this property zoning be changed from A-1 to R-1. Ayes all.

2. Richard Zobel, RFD, Tipton (Owner) and Jon L. Zobel, RFD, Tipton (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NE 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of 1.50 acres more or less.

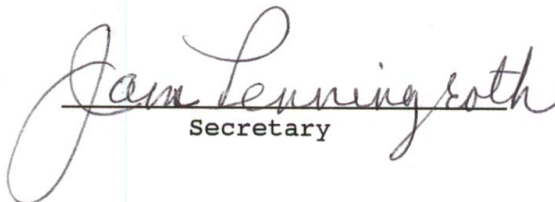
Zoning Administrator La Rue advised the Commission that there were no written or verbal objections on file and to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance.

Richard Zobel (Owner) and son Jon were in attendance and explained their plans for Jon and his family to construct a home on the property. The Commission noted that the Zobel property is immediately east of property owned by Wayne Burris for which a rezoning petition was approved by the Board of Supervisors in July, 2002. The soil evaluation report was reviewed. Limitations for building were moderate. Limitations for septic are severe due to slope but no problems were anticipated. The C.S.R. is 55 points and the property is not in crop production. A letter from the Tipton Fire Department indicated they will be able to provide service with an adequate driveway. The County Engineer's report indicated that an entrance permit has been approved. There was a question on the flood plain but, due to the plans for the home to be constructed on high ground, this was not found to be a problem.

With no further discussion, Voparil moved, Lamp seconded, that the Commission recommend to the Board of Supervisors that the zoning be changed from A-1 to R-1. Ayes all.

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


Chairperson


Secretary



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

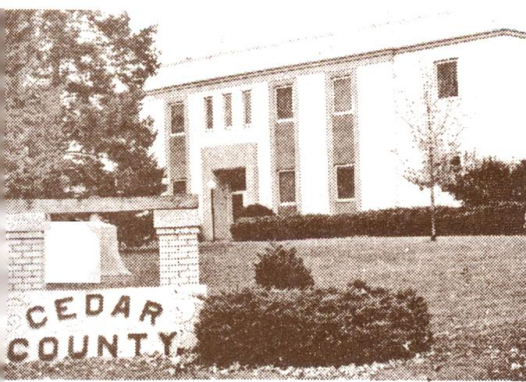
AGENDA

Cedar County Planning & Zoning Commission

Wednesday, August 21, 2002 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
 - A. Rob and Andrea Schmidt - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
 - B. Jon L. Zobel - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- III. Discussion
- IV. Conclusion



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse Tipton, Iowa 52772

August 5, 2002

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 21, 2002, 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. Rob and Andrea Schmidt, RFD, Tipton (Contract Buyers) and Murray and Renee Mente, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located at 1944 Spicer Avenue, Wilton, Iowa, in the SW 1/4 of the NW 1/4, Section 7, T-79N, R-1W, in Farmington Township, consisting of 1.57 acres more or less.
2. Richard Zobel, RFD, Tipton (Owner) and Jon L. Zobel, RFD, Tipton (Contract Buyer) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NE 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of 1.50 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

Copies sent out on 8/6/02 to the following:

1. Rob & Andrea Schmidt - 1766 Old Muscatine Road, Tipton, Iowa 52772 - Certified
 2. Murray & Renee Mente - 1666 260th Street, Tipton, Iowa 52772
 3. Thelma Wright - 472 N. 10th Avenue, Brighton, Colorado 80601
 4. Leland Smith - 1964 Vermont Avenue, Wilton, Iowa 52778
-

1. Richard Zobel - 1647 Monroe Avenue, Tipton, Iowa 52772 - Certified
 2. Jon L. Zobel - 1135 Logan Avenue, Tipton, Iowa 52772
 3. Jerry & Patricia Hasenbank - 310 4th Avenue, P.O. Box 476, Clarence, Iowa 52216
 4. Steve & Kay Maurer - 409 7th Avenue, P.O. Box 460, Clarence, Iowa 52216
 5. Wayne & Kristie Burris - 416 E. 7th Street, Tipton, Iowa 52772
-

- 1 Copy to Tipton Conservative on 8/5/02
- 1 Copy faxed to Wilton-Durant Advocate News on 8/5/02
- 7 Zoning Commission Members
- 2 File Copies
- Bulletin Boards

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 17, 2002

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 17, 2002, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Brown, Moylan, Pruess, Voparil, Penningroth and Zoning Administrator La Rue. Members absent were Lamp and Schuett. Minutes from the previous meeting held on June 19, 2002, were previously sent to the members. Voparil made a motion and Moylan seconded to approve the minutes as written. Ayes all.

The Commission members then considered the following petition:

1. Richard and Barbara Budelier, RFD, New Liberty (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 three (3) lot subdivision on property located at 2230 290th Street, Wilton, Iowa, in the NW 1/4 of the NW 1/4 and the NE 1/4 of the NW 1/4, Section 11, T-79N, R-1W, in Farmington Township. Said property to be rezoned consists of 6.04 acres more or less.


Zoning Administrator La Rue reported there were no written or verbal objections to this rezoning and he advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. A letter from the Durant Fire Department indicated they had no objections and can provide service. The soil evaluation report was reviewed. Limitations on building are moderate to severe. The severe limitation is due to flooding and high water table in the Colo-Ely soil complex. Limitations on septic systems are slight to severe. Severe limitations are due to high water table and flooding in the Colo-Ely soil complex. The C.S.R. was reported to be 40 on the Colo-Ely soil complex and 95 points on the Tama Silt Loam. The Commission noted, however, that the property is not in crop production. The Comprehensive Plan is in agreement with a subdivision at this location. The property is just west of the unincorporated town of Sunbury. The letter from County Engineer, Don Torney, was reviewed. There is adequate site distance. Work will be needed on the foreslopes and an easement to access 290th Street. Discussion followed pertaining to the access of these lots onto the county road. Because the access will be shared, a maintenance agreement should be written and approved as part of the subdivision process.

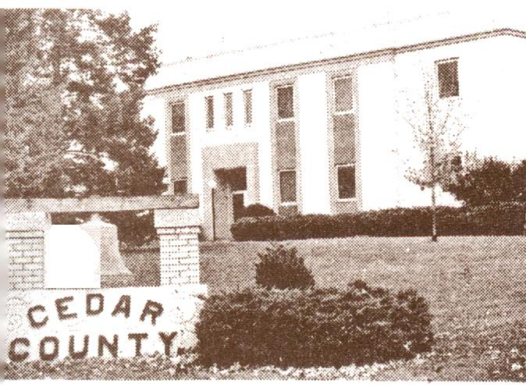
Steve Ralfs, owner of property around the proposed site, explained that there is tile on this property and questioned whether there would be problems (tile repair and who pays) in the future. Don Torney, County Engineer, suggested that an easement should be placed over the tile line. The tile easement must be shown on the subdivision plat, and the maintenance of the tile part of that same subdivision process.

After further discussion of how problems in the future could be avoided, Brown made a motion, Moylan seconded, to recommend to the Board of Supervisors that the zoning on this property be changed from A-1 to R-1, on the condition that only 3 homes be allowed on the entire site because of soil limitation, the tile easement need and property access for the driveway. Ayes all.

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


Chairperson


Secretary



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, July 17, 2002 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
 - A. Richard & Barbara Budelier - A change in zoning from A-1 to R-1 to allow construction of two single family dwellings on a proposed 3 lot subdivision
- III. Discussion
- IV. Conclusion

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on August 1 and 5, 2002, at 10:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. Richard and Barbara Budelier, RFD, New Liberty (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 three (3) lot subdivision on property located at 2230 290th Street, Wilton, Iowa, in the NW 1/4 of the NW 1/4 and the NE 1/4 of the NW 1/4, Section 11, T-79N, R-1W, in Farmington Township. Said property to be rezoned consists of 6.04 acres more or less.

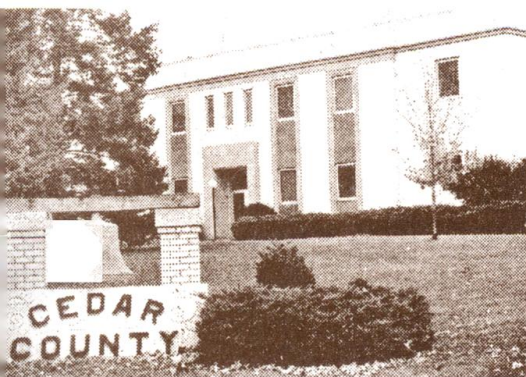
At said Public Hearing, any person present and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare 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 7/22/02 to the following:

1. Richard & Barbara Budelier - 1881 Yankee Avenue, New Liberty, Iowa 52765 - Certified
2. Leon R. Bohn - 203 Miller Street, Wilton, Iowa 52778
3. Susan Milligan - 101 South Street, Wilton, Iowa 52778-9802
4. Roger D. Meier - Box 937, Durant, Iowa 52747
5. Steven P. Hammel - 103 South Street, Wilton, Iowa 52778
6. Donald L. Mockmore - 200 Miller Street, Wilton, Iowa 52778
7. Eric & Melinda Lisk - 2242 290th Street, Wilton, Iowa 52778
8. Jane M. & Daryl D. Clark - 111 South Street, Wilton, Iowa 52778
9. S & A Real Estate LP - 1851 270th Street, Bennett, Iowa 52721
10. Wilbert E. & Shirley J. Spengler - 2231 290th Street, Wilton, Iowa 52778
11. Keith V. & Deanna M. Petersen - 108 Herman, Wilton, Iowa 52778
12. Denise K. & James D. Rutherford - 2212 290th Street, Wilton, Iowa 52778
13. Farmers Grain & Lumber Co. - P.O. Box 609, Walcott, Iowa 52773
14. Norma K. Petersen - 806 7th Street, Durant, Iowa 52747
15. Kenneth McCallister - 180 Miller, Wilton, Iowa 52778
16. Robert Z. & Kenneth L. McCallister - 212 Herman, Wilton, Iowa 52778
17. Kevin Rochholz - 2241 290th Street, Wilton, Iowa 52778
18. River Valley Cooperative - 1113 N. Main Street, P.O. Box 609, Walcott, Iowa 52773
19. Richard P. & Shirley A. Toyne - 2213 290th Street, Wilton, Iowa 52778
20. Rebitzer Properties LLC - 1041 Carriage Place Drive, Bettendorf, Iowa 52722
21. John & Rozella Simons - 1702 Washington Street, Tipton, Iowa 52772

1 Copy to Tipton Conservative on 7/22/02
1 Copy Faxed to Wilton-Durant Advocate News on 7/22/02
2 File Copies
Board of Supervisors
2 Bulletin Board Copies



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

July 8, 2002

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 17, 2002, 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. Richard and Barbara Budelier, RFD, New Liberty (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 three (3) lot subdivision on property located at 2230 290th Street, Wilton, Iowa, in the NW 1/4 of the NW 1/4 and the NE 1/4 of the NW 1/4, Section 11, T-79N, R-1W, in Farmington Township. Said property to be rezoned consists of 6.04 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 7/9/02 to the following:

1. Richard & Barbara Budelier - 1881 Yankee Avenue, New Liberty, Iowa 52765 - Certified
2. Leon R. Bohn - 203 Miller Street, Wilton, Iowa 52778
3. Susan Milligan - 101 South Street, Wilton, Iowa 52778-9802
4. Roger D. Meier - Box 937, Durant, Iowa 52747
5. Steven P. Hammel - 103 South Street, Wilton, Iowa 52778
6. Donald L. Mockmore - 200 Miller Street, Wilton, Iowa 52778
7. Eric & Melinda Lisk - 2242 290th Street, Wilton, Iowa 52778
8. Jane M. & Daryl D. Clark - 111 South Street, Wilton, Iowa 52778
9. S & A Real Estate LP - 1851 270th Street, Bennett, Iowa 52721
10. Denise K. & James D. Rutherford - 2212 290th Street, Wilton, Iowa 52778
11. Farmers Grain & Lumber Co. - P.O. Box 609, Walcott, Iowa 52773
12. Keith V. & Deanna M. Petersen - 108 Herman, Wilton, Iowa 52778
13. Wilbert E. & Shirley J. Spengler - 2231 290th Street, Wilton, Iowa 52778
14. Norma K. Petersen - 806 7th Street, Durant, Iowa 52747
15. Kenneth McCallister - 180 Miller, Wilton, Iowa 52778
16. Robert Z. & Kenneth L. McCallister - 212 Herman, Wilton, Iowa 52778
17. Kevin Rochholz - 2241 290th Street, Wilton, Iowa 52778
18. River Valley Cooperative - 1113 N. Main Street, P.O. Box 609, Walcott, Iowa 52773
19. Richard P. & Shirley A. Toyne - 2213 290th Street, Wilton, Iowa 52778
20. Rebitzer Properties LLC - 1041 Carriage Place Drive, Bettendorf, Iowa 52722
21. John & Rozella Simons - 1702 Washington Street, Tipton, Iowa 52772

Copy to Tipton Conservative on 7/8/02
Copy faxed to Wilton Advocate on 7/8/02
2 file copies
2 copies for bulletin boards
7 Zoning Commission members

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

JUNE 19, 2002

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, June 19, 2002, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. All members were present - Brown, Moylan, Pruess, Schuett, Voparil, Penningroth, Lamp and Zoning Administrator La Rue. Minutes from the previous meeting held on May 15, 2002, were previously sent to the members. Brown made a motion and Moylan seconded to approve the minutes as written. Ayes all.

The Commission members then considered the following petitions:

1. Wayne and Kristie Burris, Tipton (Contract Buyers) and Jerry and Patricia Hasenbank (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NE 1/4, Section 30, T-80N, R-2W, in Rochester 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 consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Wayne Burris was present and explained their plans to build a single family dwelling and storage building. He noted that construction would probably not start for four years. The soils were reviewed. Limitations were moderate for building. Septic limitations were moderate to severe due to slope. The C.S.R. is below 68. A letter from the Tipton Fire Department indicated no problem giving service, providing an adequate driveway is built. A letter from the Cedar County Engineer indicated no objections to the rezoning. There are no livestock confinements within 1,320 feet. With no additional discussion, Lamp made a motion to recommend approval of this site rezoning to the Board of Supervisors. Schuett seconded the motion. Ayes all.

2. Troy and Sue Stutzel, RFD, Tipton (Contract Buyers) and Jeff and Joanna Reichert, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 20, T-80N, R-3W, in Center West Township, consisting of 2.64 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. Ron Stutzel, father of Troy, was present and answered all questions regarding this request of the Stutzel's plan to build a single family dwelling. The letter from the Tipton Fire Department indicated no problem giving adequate service, provided there is good access to the property. County Engineer, Don Torney, indicated no objection to the rezoning and an entrance permit has been approved. There was discussion on the access and road. The soil evaluation was reviewed. Limitations for building are moderate to severe. The severe limitations are due to rock. Limitations for septic are moderate and severe due to slope and rock near or on the ground surface. The C.S.R was noted to be 68 and below. There are no livestock confinements within 1,320 feet. Schuett then moved. and Moylan seconded, to recommend to the Board of Supervisors that this request be approved. Ayes all.

3. Randy Meade, RFD, West Liberty (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SE 1/4, Section 36, T-79N, R-4W, in Springdale Township, consisting of 4.83 acres more or less.

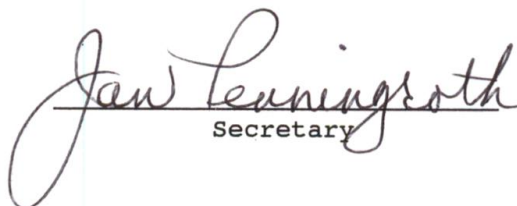
La Rue advised there were no written or verbal objections on file and that the Commission should base their decision in accordance with Chapter 18.2(3) of the Zoning Ordinance. Randy Meade was present and explained his plan to split his property so that his son may build a home on the north half. The letter on file from the West Liberty Fire Department indicated there was no problem providing service. An entrance permit has been issued and the County Engineer had no objections to this change in zoning. The proposed lot will use the existing access of Mr. Meade and is onto a hard surface road (Garfield Avenue). The Commission noted that this rezoning tract is contiguous to a R-1 zoned parcel to the north owned by Mark and Terri Merriman. The soil evaluation was reviewed. Limitations for building are moderate to severe. Severe limitations are due to flooding and high water table in the Colo-Ely soil complex. The C.S.R. was noted to be 45-95 points. Limitations for septic are slight in the Tama Silt Loam and moderate to severe in the Colo-Ely soil complex due to high water table and flooding. The Commission noted that the home and septic system will be constructed in the southwest corner of the proposed tract, away from the Colo-Ely soil complex. Discussion was held on the flood plain questions to be sure that this would not be a future problem. Lamp then made a motion that the Commission recommend approval of this request to the Board of Supervisors. Moylan seconded the motion. Ayes all.

4. Mindy Nash, RFD, West Branch (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on a proposed two (2) lot subdivision on property located in the NW 1/4 of the SW 1/4, Section 32, T-80N, R-4W, in Gower Township, consisting of 2.87 acres more or less.

There were no written or verbal objection to this request. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. If the petition is approved, the property will need to be divided in accordance to the Cedar County Subdivision Ordinance before a dwelling can be constructed. Mindy Nash, Stuart Werling and adjoining land developer and owners, John & Marcia Wombacher, were present. A letter from the West Branch Fire Department indicated no foreseeable problems servicing this site. Site is within 2 miles from West Branch. County Engineer Torney has no objections other than needing to know how many total lots are to be made and a concern about fence maintenance agreements. An entrance permit has been issued. The soil evaluation was reviewed. Limitations for building are moderate. Limitations for septic are moderate to severe. Severe limitations are due to slope. The C.S.R. average is below 75 points. There was then considerable discussion about the subdivision of this and adjoining properties (Gower Subdivision and Wombacher's 1st and 2nd additions). Discussion centered on the access road easements and width. With no additional discussion, Voparil moved, Lamp seconded, that the Commission recommend approval of this petition with the stipulation that adequate easements be addressed by the Board of Supervisors. Ayes all.

Meeting adjourned following Commission discussion on the new I.D.N.R. hog confinement rules, or lack thereof.


Chairperson


Secretary



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

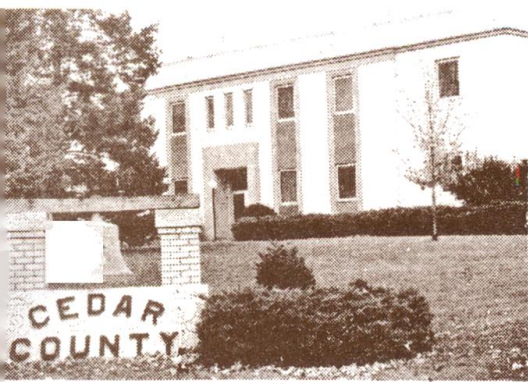
AGENDA

Cedar County Planning & Zoning Commission

Wednesday, June 19, 2002 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
 - A. Wayne & Kristie Burris - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
 - B. Troy & Sue Stutzel - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
 - C. Randy Meade - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
 - D. Mindy Nash - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling on a proposed two lot subdivision
- III. Discussion
- IV. Conclusion



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse Tipton, Iowa 52772

June 10, 2002

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 19, 2002, 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. Wayne and Kristie Burris, Tipton (Contract Buyers) and Jerry and Patricia Hasenbank (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW 1/4 of the NE 1/4, Section 30, T-80N, R-2W, in Rochester Township, consisting of 1.84 acres more or less.
2. Troy and Sue Stutzel, RFD, Tipton (Contract Buyers) and Jeff and Joanna Reichert, RFD, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 20, T-80N, R-3W, in Center West Township, consisting of 2.64 acres more or less.
3. Randy Meade, RFD, West Liberty (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SE 1/4, Section 36, T-79N, R-4W, in Springdale Township, consisting of 4.83 acres more or less.
4. Mindy Nash, RFD, West Branch (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on a proposed two (2) lot subdivision on property located in the NW 1/4 of the SW 1/4, Section 32, T-80N, R-4W, in Gower Township, consisting of 2.87 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.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 6/11/02 to the following:

1. Wayne & Kristie Burris - 416 E. 7th Street, Tipton, Iowa 52772 - Certified
 2. Jerry & Patricia Hasenbank - 310 4th Avenue, P.O. box 476, Clarence, Iowa 52216
 3. Richard & Karen Zobel - 1647 Monroe Avenue, Tipton, Iowa 52772
 4. Charles & Caroline Frymoyer - 1232 300th Street, Tipton, Iowa 52772
 5. Murray & LuAnne Sorgenfrey - 1697 Monroe Avenue, Tipton, Iowa 52772
 6. Steve & Kay Maurer - 409 7th Avenue, P.O. Box 460, Clarence, Iowa 52216
-

1. Troy & Sue Stutzel - 857B 210th Street, Tipton, Iowa 52772 - Certified
 2. Jeff & Joanna Reichert - 876 247th Street, Tipton, Iowa 52772
 3. Bessie, Robert & Richard Brennan - 1128 220th Street, Tipton, Iowa 52772
 4. Kevin & Christine Wood - 1525 Indian Avenue, Tipton, Iowa 52772
-

1. Randy Meade - 2387 Garfield Avenue, West Liberty, Iowa 52776 - Certified
 2. Mark & Terri Merriman - 2373 Garfield Avenue, West Liberty, Iowa 52776
 3. Robert Risdale - 7573 32nd Avenue, Norway, Iowa 52318
 4. Gerald & Mary Meade - 2369 Garfield Avenue, West Liberty, Iowa 52776
 5. Robert & Elaine Rehmke - 2362 Garfield Avenue, West Liberty, Iowa 52776
 6. Dennis & Lynne Treimer - 964 270th Street, Tipton, Iowa 52772
-

1. Mindy Nash - 1758 Baker Avenue, West Branch, Iowa 52358 - Certified
 2. Stuart Werling - Werling Law Office, 319 Cedar Street, Tipton, Iowa 52772
 3. Jeffrey & Dawn Lafrenz - 1764 Baker Avenue, West Branch, Iowa 52358
 4. James & Jean Armbruster - 1786 Baker Avenue, West Branch, Iowa 52358
 5. Gary & Caroline Zeman - 1754 Baker Avenue, West Branch, Iowa 52358
 6. John & Mary Beth Maher - 1766 Baker Avenue, West Branch, Iowa 52358
 7. Daryle & Sandra Langenberg - 1782 Baker Avenue, West Branch, Iowa 52358
 8. Randall & Emelita Scheer - 1784 Baker Avenue, West Branch, Iowa 52358
 9. Michael & Carol Johnston - 1788 Baker Avenue, West Branch, Iowa 52358
 10. John & Marcia Wombacher - 1762 Baker Avenue, West Branch, Iowa 52358
 11. David Albaugh & Anita Starr - 125 280th Street, West Branch, Iowa 52358
 12. Earl & Marilyn Wichmann - 1884 V Avenue, Homestead, Iowa 52236
 13. Eric & Sarah Bailey - 5665 Lower West Branch Road, West Branch, Iowa 52358
 14. Catherine Chase Trust - % Hills Bank & Trust, 1401 S. Gilbert, Iowa City, Iowa 52240
 15. BinBuster, Inc. - 121 Bickford Drive, West Branch, Iowa 52358
-

- 1 Copy to Tipton Conservative on 6/10/02
- 1 Copy Faxed to West Branch Times on 6/10/02
- 7 Zoning Commission Members
- 2 Copies for Bulletin Boards
- File Copies

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on June 3 and 6, 2002, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. Keith Lehrman, RFD, Mechanicsville (Contract Buyer) and Melvin Lehrman, RFD, Mechanicsville (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 16, T-82N, R-3W, in Fremont Township, consisting of 1.00 acres more or less.
2. Raymond and Kim Dix, Stanwood (Contract Buyers) and Constance Kelly, RFD, Clarence (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SE 1/4, Section 1, T-82N, R-2W, in Dayton Township, consisting of 2.73 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 5/20/02 to the following:

1. Keith Lehrman - 277 Indian Avenue, Mechanicsville, Iowa 52306 - Certified
 2. Melvin Lehrman - 970 120th Street, Mechanicsville, Iowa 52306
 3. Brooks & Nancy Haesemeyer - 830 125th Street, Mechanicsville, Iowa 52306
 4. Kevin & Brenda Turley - 787 125th Street, Mechanicsville, Iowa 52306
 5. Delbert & Mary Weber - 719 110th Street, Mechanicsville, Iowa 52306
-

1. Raymond & Kim Dix - 304 E. Preston, Stanwood, Iowa 52337 - Certified
 2. Constance D. Kelly - 37 Oxford Junction Road, Clarence, Iowa 52216
 3. Harry Pegorick - 2248 45th Street, Oxford Junction, Iowa 52323
 4. Karl & Peggy Kost - 1783 110th Street, Clarence, Iowa 52216
-

Copy to Tipton Conservative and Sun News on 5/20/02

2 Bulletin Board Copies

2 File Copies

1 Copy to Board of Supervisors

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 15, 2002

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, May 15, 2002, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Brown, Moylan, Pruess, Schuett, Voparil and Zoning Administrator La Rue. Members absent were Penningroth and Lamp. Minutes from the previous meeting held on April 17, 2002, were previously sent to the members. Brown made a motion and Voparil seconded to approve the minutes as written. Ayes all.

The Commission members then considered the following petitions:

1. Keith Lehrman, RFD, Mechanicsville (Contract Buyer) and Melvin Lehrman, RFD, Mechanicsville (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 16, T-82N, R-3W, in Fremont Township, consisting of 1.00 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. A letter supporting the rezoning request received from Brooks and Nancy Haesemeyer, adjoining property owners, was read. Melvin Lehrman and Keith Lehrman were present. Melvin Lehrman stated that his grandson would like to build a home on the property and also stated that his grandson works with him on the farm. Keith Lehrman informed the members that he currently lives in North Liberty and wishes to live closer to the farm. Commission member Joel Brown stated that he has looked at the site and felt that the impact to the farm and area would be minimal. The soil evaluation was then reviewed. Limitations for building were moderate. Limitations for septic systems were slight and the C.S.R. was noted to be 95 points. The letter from the Mechanicsville Fire Department was reviewed. It stated that they will be able to provide service to the property but need an adequate access for their equipment. The letter from County Engineer, Don Torney, was reviewed. It stated that an entrance permit has been issued and he has no objections. Engineer Torney, who was present at the meeting, explained to the Lehrman's the required building setbacks of 150 feet pertaining to visual clearance at intersections. The Comprehensive Plan discourages scattered residential development when the development will not support a full range of services.

With no further discussion, Voparil 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. Schuett seconded the motion. Ayes all.

2. Raymond and Kim Dix, Stanwood (Contract Buyers) and Constance Kelly, RFD, Clarence (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SE 1/4, Section 1, T-82N, R-2W, in Dayton Township, consisting of 2.73 acres more or less.

There was one written objection on file received from Brad Norton, Attorney representing Karl Kost, RR, Clarence. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. The letter from Mr. Norton was then read into the minutes. Attorney Norton was present at the meeting with his client, Karl Kost. King Kelly, husband of the property owner, was present and explained the history of the property and the gradual removal of most of the existing buildings, including the old house, over the past thirty years. A portion of the farmstead has been placed back into crop production. Chairperson Pruess requested that La Rue provide an interpretation of the Zoning Ordinance pertaining to dwelling replacement. La Rue stated that if a dwelling was removed prior to the effective date of the current ordinance (April 1996) and is no longer listed in the records of the County Assessor, then a change in zoning is required in order to replace the structure. A structure, in existence, and which was listed on the Assessor's records after the effect date of the current zoning ordinance, can be replaced without a change in zoning, provided the structure is constructed in compliance with the zoning and public health ordinances. Mr. Kost then explained why he was objecting to the rezoning request. He stated that he presently rents a portion of his property to a neighbor who pastures 20 to 30 cattle. In past years he has raised as many as 300 head of hogs and may wish to expand his operation in the future. The presence of a residential district may prevent the full use of his property for agriculture. The Commission noted that Mr. and Mrs. Dix were not present at this meeting and may not be aware of the livestock issue. Discussion continued at length regarding the livestock issue, including the presence of a large hog operation to the west owned by Oak Research Farms, Inc., and the fact that there was previously a dwelling on the Kelly property. The soil evaluation was then reviewed. Limitations for building are moderate. Limitations for septic systems are moderate.

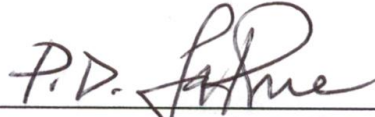
La Rue advised that the soil inventory shows a seasonal high water table which may be perched due to slowly permeable subsoils. The C.S.R. was noted to be 93 points, but the area where the residential use is proposed is not farmable because of the old building foundations. There was then brief discussion about flood plain. No information is available as the area has not been mapped by F.E.M.A. The letter from County Engineer, Don Torney, was then reviewed. An entrance permit has been issued for this site. Mr. Torney had no objections. The Comprehensive Plan was again reviewed which discourages scattered residential development when the development will not support a full range of services.

With no additional discussion, Moylan made a motion to recommend denial of the change in zoning from A-1 to R-1 because of incompatible land uses. Voparil seconded the motion. Ayes all.

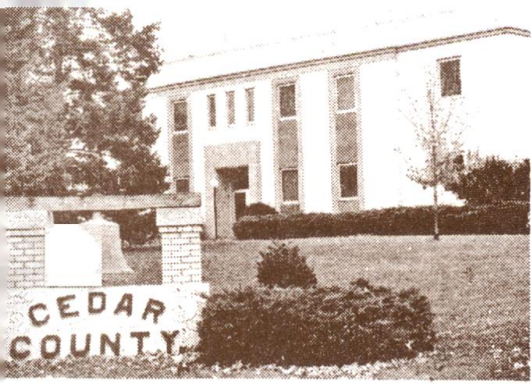
With no additional business to be discussed at this time, the meeting was adjourned.



Chairperson



Secretary Pro-tem



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, May 15, 2002 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
 - A. Keith Lehrman - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
 - B. Raymond and Kim Dix - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- III. Discussion
- IV. Conclusion



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

May 6, 2002

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 15, 2002, 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. Keith Lehrman, RFD, Mechanicsville (Contract Buyer) and Melvin Lehrman, RFD, Mechanicsville (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 16, T-82N, R-3W, in Fremont Township, consisting of 1.00 acres more or less.
2. Raymond and Kim Dix, Stanwood (Contract Buyers) and Constance Kelly, RFD, Clarence (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the SE 1/4, Section 1, T-82N, R-2W, in Dayton Township, consisting of 2.73 acres more or less.

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

Phil La Rue
Zoning Administrator

Copies sent out on 5/7/02 to the following:

1. Keith Lehrman - 277 Indian Avenue, Mechanicsville, Iowa 52306 - Certified
 2. Melvin Lehrman - 970 120th Street, Mechanicsville, Iowa 52306
 3. Brooks & Nancy Haesemeyer - 830 125th Street, Mechanicsville, Iowa 52306
 4. Kevin & Brenda Turley - 787 125th Street, Mechanicsville, Iowa 52306
 5. Delbert & Mary Weber - 719 110th Street, Mechanicsville, Iowa 52306
-

1. Raymond & Kim Dix - 304 E. Preston, Stanwood, Iowa 52337 - Certified
 2. Constance D. Kelly - 37 Oxford Junction Road, Clarence, Iowa 52216
 3. Harry Pegorick - 2248 45th Street, Oxford Junction, Iowa 52323
 4. Karl & Peggy Kost - 1783 110th Street, Clarence, Iowa 52216
-

Copy to Tipton Conservative & Sun News on 5/6/02

7 Zoning Commission Members

2 File Copies

Bulletin Board Copies

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 17, 2002

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, April 17, 2002, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Voparil, Penningroth and Zoning Administrator La Rue. Members absent were Moylan, Lamp and Schuett. Minutes from the previous meeting held on March 20, 2002, were read. Brown made a motion and Voparil seconded to accept the minutes as written. Ayes all.

The Commission members then considered the following petitions:

1. Tom and Adrienne Driscoll, RFD, Stanwood (Contract Buyers) and Gary Bartlett, Cedar Rapids (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 4, T-81N, R-3W, in Red Oak Township, consisting of 1.50 acres more or less.

There were no written or verbal objections on file. This petition request was a continuance from the March 20th meeting and a new site for the rezoning request selected. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Mr. and Mrs. Driscoll were present and explained their plans to build a home at a site where there once was a dwelling. Only outbuildings remain at the site. There are no livestock operations within 1,320 feet of the site. A letter from the Mechanicsville Fire Department stated that they will provide service to the site but require an adequate access. The letter from County Engineer Don Torney was reviewed and the access approved. The soil evaluation was reviewed. Limitations for buildings are moderate. Septic system limitations are moderate due to slope. The C.S.R. on the property is 73 points. The Comprehensive Plan was reviewed which discourages scattered residential homes in favor of orderly compact development.

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

2. Jeff and Joanna Reichert, RFD, Tipton (Owners) - Requesting a change in zoning from M-2 Heavy Industrial to A-1 Agricultural for the purpose of eliminating an unutilized zoning tract on property located in the SE 1/4 of the NW 1/4, Section 25, T-80N, R-3W, in Rochester Township, consisting of 39.40 acres more or less.

There were no written or verbal objections on file. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He then provided information that this property had been rezoned in October 1960, for the purpose of operating a quarry which was never developed. Dwellings are not allowed as a principal use in the M-2 District. Mrs. Reichert was present and explained their plans to sell the property once the property has been rezoned to A-1. It is believed that the property will then be used as a farm. The letter from County Engineer Don Torney was reviewed. The access road needs to be changed from a Level "B" road to a Level "A" road. He stated no objections.

With no further discussion, Penningroth moved and Brown seconded a motion to recommend approval of the zoning change from M-2 to A-1 to the Board of Supervisors. Ayes all.

3. Tracy and Kay Hansen, West Branch (Contract Buyers) and Dennis Phelps, Frankfort, Kentucky (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 NE 1/4, Section 33, T-80N, R-3W, in Iowa Township, consisting of 3.16 acres more or less.

There were no written or verbal objections on file. A note from a neighbor, Tom Reid, was read which stated that he had talked to the petitioners and advised them that he does apply manure near the site as part of his farming activity. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Mr. and Mrs. Hansen were present and explained their plans to build a home on about three acres of this ten acre tract. The letter from the West Branch Fire Department was reviewed. They will have no problem providing service. The Commission noted that this site is eight miles from West Branch. The letter from the County Engineer was reviewed. An entrance permit has been issued and he has no objections. The soil evaluation was reviewed. Limitations for building are moderate. Limitations for septic systems are slight and severe. The severe limitations are due to slope. The C.S.R. was noted to be 73 points. In addition, the site is timbered and not tillable. The Comprehensive Plan was reviewed which discourages scattered residential homes.

After discussion, Voparil moved and Penningroth seconded a motion to recommend approval of the zoning change from A-1 to R-1. Voting aye were Penningroth, Pruess and Voparil. Voting nay was Brown.

4. Bruce Jipp, RFD, Wilton (Contract Buyer) and Ruth Jipp, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on two lots of a proposed three lot subdivision located in the SE 1/4 of the NW 1/4, Section 30, T-79N, R-1W, in Farmington Township, consisting of 3.50 acres more or less.

There were no written or verbal objections on file. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Because this property is within two miles of Wilton, the city will also review the subdivision. Mr. Jipp was present and explained that the farmland has been sold and only the farmstead and dwelling remains. He proposes, if the property is rezoned, to divide the property into three lots and to move an existing home onto the proposed lot east of the existing dwelling. The lot west of the existing dwelling would be sold for residential development. The soil evaluation was reviewed. Limitations for building are moderate. Limitations for septic are slight to severe. The severe limitations are due to slope. The C.S.R. average is 75 points, but the tillable acres have been sold. The letter from the the Wilton Fire Department states that they will provide service to the property. The letter from the County Engineer states that the sight distance is adequate for the existing dwelling, but the proposed east and west lots have sight distance problems. Discussion followed between the Commission, Mr. Jipp and Engineer Torney regarding a solution to this problem which included reshaping the road profile and the north ditch bank of the proposed west lot to eliminate a snow trap. Also discussed was the use of a common access. La Rue expressed some concern of a driveway for the west lot crossing the front yard of the existing dwelling. He explained that the septic system for this home presently discharges into the north ditch and will need to be brought up to County code. This front yard will, therefore, be needed for an absorption field. Regarding the existing water well, it will also provide water for the east lot. The west lot would be served by its own well. The Comprehensive Plan was again reviewed.

With no additional discussion, Voparil moved and Penningroth seconded a motion to recommend approval of the zoning change from A-1 to R-1 and that each lot be served by a separate access. Voting aye were Penningroth, Pruess and Voparil. Voting nay was Brown.

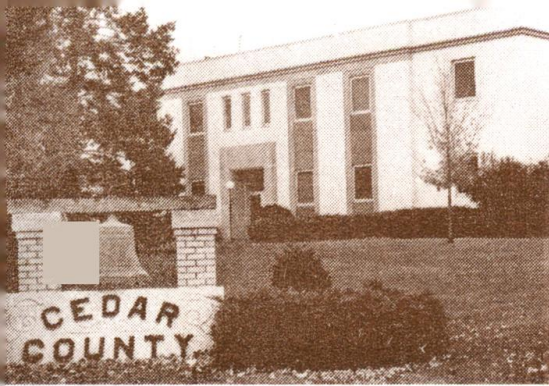
5. Thomas Sedenka, Lisbon (Contract Buyer) and Scott and Carolyn Oakes, Wauke, Iowa (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the NW 1/4, Section 4, T-82N, R-4W, in Pioneer Township, consisting of 1.56 acres more or less.
- There were no written or verbal objections on file. There was a letter received from Edward & Marcella Koutny stating that they had no objection. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Mr. & Mrs. Sedenka were present and explained their plans to build a single family home on the property. They are wanting to purchase a total of 15 acres more or less and plan to place the timbered portion of the property into forest reserve. The letter from the Mechanicsville Fire Department was reviewed. They will be able to provide service but want an access capable of handling their equipment. The letter from the County Engineer was reviewed. An entrance permit has been issued and he has no objections. The soil evaluation was then reviewed. Limitations for building are slight to moderate. Limitations for septic systems are slight to moderate. The C.S.R. was an average of 65 points. Scott Duecker, adjoining property owner, expressed concern of more housing in the area and that a snowy winter could produce problems on the planned driveway. Eric Springsteen, neighbor, expressed concern about all the expected future zoning requests in the area. Because Mr. Oakes was unable to get his property rezoned for a subdivision, he will get it done one parcel at a time. Wayne Youngblut, adjoining property owner, expressed positive thoughts about the Sedenka's moving into the area, especially if there is a conditional zoning agreement between the Sedenka's and the Board of Supervisors.

Following discussion, Penningroth made a motion to recommend a change in zoning from A-1 to R-1 with a conditional zoning agreement that there be only one home on the 15 acres property and that the driveway access width be 66 feet to provide an adequate driveway in order for two vehicles to pass. Voparil seconded the motion. Voting aye were Penningroth, Pruess and Voparil. Voting nay was Brown.

With no additional business to be discussed at the 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, April 17, 2002 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Tom & Adrienne Driscoll - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- B. Jeff & Joanna Reichert - A change in zoning from M-2 to A-1 to eliminate an unutilized zoning tract
- C. Tracy & Kay Hansen - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- D. Bruce Jipp - A change in zoning from A-1 to R-1 for a three lot subdivision
- E. Tom Sedenka - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Discussion

IV. Conclusion



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

April 8, 2002

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, April 17, 2002, 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. Tom and Adrienne Driscoll, RFD, Stanwood (Contract Buyers) and Gary Bartlett, Cedar Rapids (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE 1/4 of the NE 1/4, Section 4, T-81N, R-3W, in Red Oak Township, consisting of 1.50 acres more or less.
2. Jeff and Joanna Reichert, RFD, Tipton (Owners) - Requesting a change in zoning from M-2 Heavy Industrial to A-1 Agricultural for the purpose of eliminating an unutilized zoning tract on property located in the SE 1/4 of the NW 1/4, Section 25, T-80N, R-3W, in Center West Township, consisting of 39.40 acres more or less.
3. Tracy and Kay Hansen, West Branch (Contract Buyers) and Dennis Phelps, Frankfort, Kentucky (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 NE 1/4, Section 33, T-80N, R-3W, in Iowa Township, consisting of 3.16 acres more or less.
4. Bruce Jipp, RFD, Wilton (Contract Buyer) and Ruth Jipp, Wilton (Owner) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on two lots of a proposed three lot subdivision located in the SE 1/4 of the NW 1/4, Section 30, T-79N, R-1W, in Farmington Township, consisting of 3.50 acres more or less.

5. Thomas Sedenka, Lisbon (Contract Buyer) and Scott and Carolyn Oakes, Waukeee, Iowa (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 NW 1/4, Section 4, T-82N, R-4W, in Pioneer Township, consisting of 1.56 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

PL:sl

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 20, 2002

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, March 20, 2002, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Lamp, Voparil, Schuett, Moylan, Brown, Penningroth and Zoning Administrator La Rue. Minutes from the previous meeting held on January 16, 2002, were read. Brown made a motion and Moylan seconded to accept the minutes as written. Ayes all.

The Commission members then considered the following petitions:

1. Charles and Barbara Krall, RFD, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 7, T-80N, R-4W, in Gower Township, consisting of 1.43 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission members to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. Mr. and Mrs. Krall were present and explained their plan to sell this property if rezoned for a single family dwelling only. The site is 5 1/2 miles north of West Branch on Baker Avenue. The Comprehensive Plan does discourage scattered residential developments. The County Engineer has approved the access and has no objections. The letter from the West Branch Fire Department states that they can provide service to this site. The soil evaluation was reviewed. Limitations are severe, due to slope, for septic systems. La Rue advised that he feels that a conventional septic system can easily be sited in the area. Building limitations are moderate. The C.S.R. was noted to be less than 75 points. There are no livestock operations within 1/4 mile. With no further discussion, Lamp made a motion to recommend approval of the change in zoning to the Board of Supervisors. Moylan seconded the motion. Ayes all.

2. Thomas and Adrienne Driscoll, RFD, Stanwood (Contract Buyers) and Piney Knoll Corp., Burlington (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 33, T-82N, R-3W, in Fremont Township, consisting of 1.06 acres more or less.

La Rue advised the Commission members that the petitioners have requested a continuance until the April 2002 meeting.

3. Troy and Denise Mente, RFD, Tipton (Contract Buyers) and Craig and Michelle Rosenow, Bourbonnais, IL (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in Lot 2, Goetz Subdivision, in the NW 1/4 of the SW 1/4, Section 13, T-80N, R-3W, in Center West Township, consisting of 11.87 acres more or less.

There were no written or verbal objections on file for this petition. La Rue advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Mr. and Mrs. Mente were present, as was Realtor, Glen Peters. Mr. Mente explained their plan to purchase this property and construct a single family dwelling on the property. La Rue advised that there are a number of residential properties in this area and that this rezoning does appear to follow the Comprehensive Plan. Wendling Quarries property is over 1/4 mile away but adds considerable truck traffic to the area. The letter from the County Engineer states that the access must be located on the east side of the property and he has no objection. The letter from the Tipton Fire Department requests adequate access width and they will be able to provide service. The soil evaluation was reviewed. Limitations for septic systems are moderate to severe due to slope. Limitations for building are slight to moderate. The C.S.R. was noted to be less than 75 points. There are no livestock operations within 1/4 mile. With no further discussion, Moylan made a motion to recommend approval of the change in zoning to the Board of Supervisors. Lamp seconded the motion. Ayes all.

4. Kathryn Trump, RFD, Mechanicsville (Owner) - Requesting approval of a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5,C(2) of the Cedar County Zoning Ordinance. The building site is located in the SE 1/4 of the NE 1/4 of the SW 1/4, Section 26, T-82N, R-4W, in Pioneer Township. Said property consists of 59.15 acres and is 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 a recommendation to the Board of Adjustment. Ms. Trump was present and explained her plans to place a manufactured home on the farm, as well as a third dwelling, a ranch style home. It is for the third dwelling that a Special Use Permit is required. The dwelling(s) will be located in compliance with the Agricultural District requirements. The letter from the County Engineer expressed no concerns and a letter from the Mechanicsville Fire Department stated that they can provide services. The soil evaluation was reviewed.

Limitations are slight to moderate for septic systems due to a high water table. The soil evaluations and percolation tests have been completed and did indicate a high water table to the southwest of the site selected for the manufactured home. This septic system has been installed as per county code. There will be three septic systems on this property. Limitations for building are moderate and, although the C.S.R. rating is above 75 points, the dwellings are to be located at the farmstead site and no land will be taken from production. Lamp then made a motion to recommend approval of the S.U.P. for a third dwelling to the Board of Adjustment. Moylan seconded the motion. Ayes all.


5. Pond View Acres, LLC, Tipton (Owner) - Requesting approval of a Preliminary Plat of Survey for Pond View Acres, First Addition, an eight (8) lot subdivision located in the SW 1/4 of the SE 1/4, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 24.36 acres more or less.

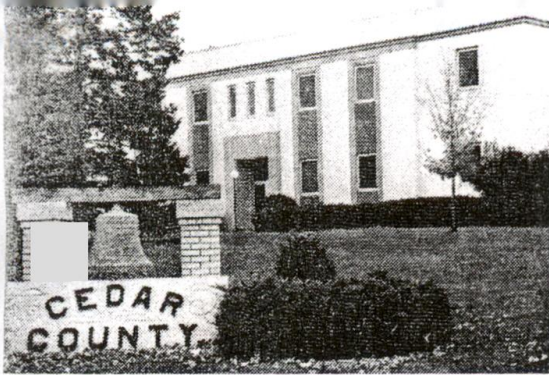
There were no written or verbal objections on file. La Rue advised the Commission to consider this petition in accordance with Chapter 3 of the Cedar County Subdivision Ordinance. Attorney Stuart Werling and Engineer Richard Kordick were present and explained the Preliminary Plat and development plans. There will be eight lots with one well to be located in the center of the cul-de-sac. Mr. Kordick explained that a provision has been made for extending the road north of the cul-de-sac if expansion of the subdivision becomes feasible in the future. He then explained, with Attorney Werling, the differences between the site plan reviewed by the Commission at the rezoning hearing and the Preliminary Plat, including the relocating of Lots 1 and 2, modification to the access road and the addition of a storm water detention basin. The letter from the County Engineer was reviewed. Mr. Kordick then explained changes to the private access road and the access onto County Road X-64, Rose Avenue. Discussion followed regarding the dead-end access road being longer than 500 feet (Chapter 7.1E(3)) and future lot additions to this subdivision and their need for a second access onto Rose Avenue. Road surfacing was briefly discussed. The County Engineer had no objection to the access onto Rose Avenue. The Wilton Fire Department has no objections. The Commission noted that approval of utilities and utility easements have been obtained. The soil evaluation for on-site septic systems was discussed. Engineer Kordick reported that Van Winkle-Jacob Engineering, Inc., Coralville, Iowa, found a "perched" water table because of the area drainage pattern. For that reason, the site will require alternate on-site wastewater treatment systems such as lined sand filters rather than conventional systems.

Following this discussion, Lamp made a motion to recommend approval of the Preliminary Plat of Survey to the Board of Supervisors. Schuett seconded the motion. Voting aye were Lamp, Moylan, Penningroth, Schuett and Voparil. Voting nay was Brown.

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

February 15, 2002

Kurtis Voparil
82 210th Street
Solon, Iowa 52333

Dear Kurtis:

I wish to thank you for your willingness to serve on the Cedar County Planning and Zoning Commission. Enclosed please find copies of the Zoning and Subdivision Ordinances, the Comprehensive Plan and some miscellaneous handouts that you may find helpful as a Zoning Commissioner.

The Planning and Zoning Commission conduct their Public Hearings on the third Wednesday of each month at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse. The Zoning staff will provide you a copy of the legal notice, agenda, minutes and documents pertaining to petitions (i.e. subdivision plats and attachments) for your review prior to the Public Hearing. We will also contact you by telephone the morning of the meeting as a reminder.

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

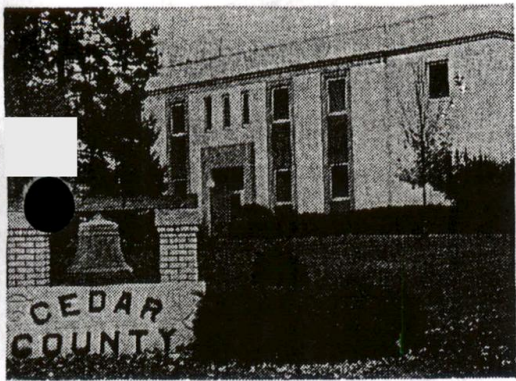
Again, I wish to thank you for your willingness to serve on the Planning and Zoning Commission.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl

Encs.



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

COPY

February 11, 2002

Kurtis Voparil
82 - 210th Street
Solon, Iowa 52333

Dear Kurtis:

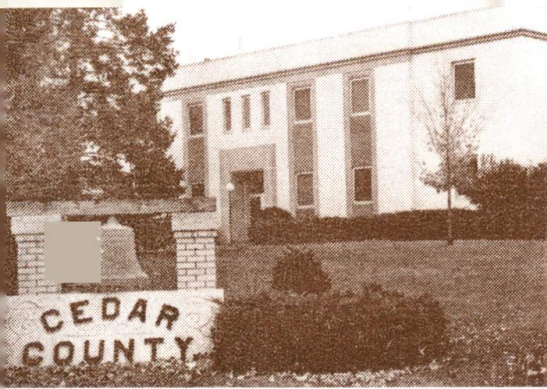
By motion of this Board on February 7, 2002, you have been appointed to a term on the Cedar County Planning & Zoning Commission. The term expires 12-31-2004.

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

Sincerely,

Dennis L. Weih, Chairperson

DLW:bjp



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, March 20, 2002 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Charles & Barbara Krall - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- B. Thomas & Adrienne Driscoll - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- C. Troy & Denise Mente - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- D. Kathryn Trump - A Special Use Permit authorizing the location of a third dwelling on a farm
- E. Pond View Acres LLC - Preliminary Plat of Survey for Pond View Acres, First Addition Subdivision

III. Discussion

IV. Conclusion

- 1/4, Section 7, T-80N, R-4W, in Gower Township, consisting of 1.43 acres more or less.
2. Troy and Denise Mente, RFD, Tipton (Contract Buyers) and Craig and Michelle Rosenow, Bourbonnais, IL (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in Lot 2, Goetz Subdivision, in the NW 1/4 of the SW 1/4, Section 13, T-80N, R-3W, in Center West Township, consisting of 11.87 acres more or less.
 3. Pond View Acres LLC, Tipton (Owner) - Requesting approval of a Preliminary Plat of Survey for Pond View Acres, First Addition, an eight (8) lot subdivision located in the SW 1/4 of the SE 1/4, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 24.36 acres more or less.

Chairperson Weih read the legal notice. Those in attendance were: Phil La Rue, Zoning Director; Charles Krall; Troy Mente; and Atty. Stuart Werling. Glen Peters and Richard Kordick of Kordick Surveying & Engineering entered the room while discussion was in progress. Mr. La Rue noted there are no written or verbal objections on file for any of the petitions.

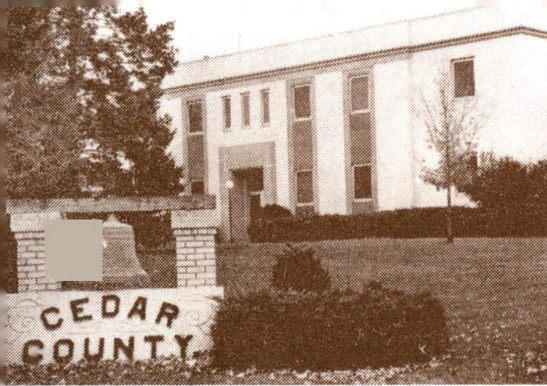
Petition #1 was addressed. Mr. La Rue said the Planning & Zoning Commission recommended approval. Sup. Boedeker wondered if the existing driveway is big enough. Mr. Krall indicated the County will probably put on an extension. La Rue said the County Engineer has no objections. Sup. Weih noted the West Branch Fire Department has no objection.

Moved by Sup. Bell seconded by Sup. Campion to approve the petition by Charles and Barbara Krall, RFD, West Branch (Owners), as defined above, and to waive the second hearing scheduled for 4-8-2002.

Ayes: Campion, Bell, Boedeker, Weih
Absent: Moeller

Petition #2 was addressed. Sup. Bell wondered why this request is for so many acres. Sup. Weih said it looks like pasture for horses. Mr. La Rue told the Board, because of the topography out there, this lot would be really restricted as to the number of homes that could be built out there, and rather than have Mr. Mente have to replat, he had no objection to rezoning the whole area. La Rue said that should a subdivision be required, meaning an additional home, they will need to come back for review by the Board and especially with regard to access. The CSR was reviewed. Glen Peters entered the room. Sup. Boedeker wondered how far this is from the quarry. La Rue said it is over a quarter of a mile, which he believes is outside the notification range Wendling Quarries uses. Mr. La Rue said the Commission noted the considerable traffic on that road because of the quarry, but due to the road surface, the County Engineer felt there would be no problem. Sup. Boedeker wondered if there was an existing driveway. Troy Mente said there would be a new driveway. Chairperson Weih noted the Tipton Fire Department has no objections. Further discussion was held.

Moved by Sup. Boedeker seconded by Sup. Bell to approve the petition by Troy and Denise Mente, RFD, Tipton (Contract Buyers) and Craig and Michelle Rosenow, Bourbonnais, IL (Owners), as defined above, and to waive the second hearing scheduled for 4-8-2002.



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

March 4, 2002

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 20, 2002, 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. Charles and Barbara Krall, RFD, West Branch (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE 1/4 of the SE 1/4, Section 7, T-80N, R-4W, in Gower Township, consisting of 1.43 acres more or less.
2. Thomas and Adrienne Driscoll, RFD, Stanwood (Contract Buyers) and Piney Knoll Corp., Burlington (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 33, T-82N, R-3W, in Fremont Township, consisting of 1.06 acres more or less.
3. Troy and Denise Mente, RFD, Tipton (Contract Buyers) and Craig and Michelle Rosenow, Bourbonnais, IL (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in Lot 2, Goetz Subdivision, in the NW 1/4 of the SW 1/4, Section 13, T-80N, R-3W, in Center West Township, consisting of 11.87 acres more or less.
4. Kathryn Trump, RFD, Mechanicsville (Owner) - Requesting approval of a Special Use Permit authorizing the location of a third dwelling on a farm in accordance with Chapter 5,C(2) of the Cedar County Zoning Ordinance. The building site is located in the SE 1/4 of the NE 1/4 of the SW 1/4, Section 26, T-82N, R-4W, in Pioneer Township. Said property consists of 59.15 acres and is zoned A-1 Agricultural.

5. Pond View Acres LLC, Tipton (Owner) - Requesting approval of a Preliminary Plat of Survey for Pond View Acres, First Addition, an eight (8) lot subdivision located in the SW 1/4 of the SE 1/4, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 24.36 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 3/5/02 to the following:

1. Charles & Barbara Krall - 163 250th Street, West Branch, Iowa 52358 - Certified
2. Pauline Hunter & Kenneth P. Moore Trust - 1345 Baker Avenue, West Branch, Iowa 52358
3. Jerry Wayne Roberts - 1348 Baker Avenue, P.O. Box 684, West Branch, Iowa 52358
4. Deanna Lear - 10 E. Zeller Street, North Liberty, Iowa 52317

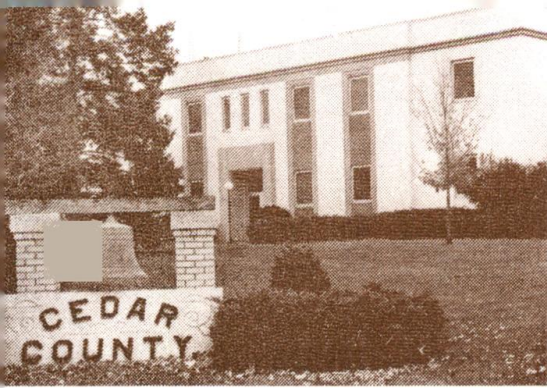
-
1. Tom & Adrienne Driscoll - 529 Jackson Avenue, Stanwood, Iowa 52337 - Certified
 2. Piney Knoll Corp. - Pam Calderwood, President, 14524 Highway 61, Burlington, Iowa 52601
 3. Piney Knoll Farm, Inc. - % Kim Cooper, 4882 N. Tioag Way, Las Vegas, Nevada 89129

-
1. Troy & Denise Mente - 1309 Highway 130, Tipton, Iowa 52772 - Certified
 2. Craig & Michelle Rosenow - 335 Barrington Drive, Bourbonnais, Illinois 60914
 3. Mike & Denise Goetz - 1113 Stonemill Road, Tipton, Iowa 52772
 4. Rick & Kim Rochau - 1509 King Avenue, Tipton, Iowa 52772
 5. Leon & Barbara Achey - 1430 Lemon Avenue, Tipton, Iowa 52772
 6. Jurgen & MariAnne Ehler - 1135 Stonemill Road, Tipton, Iowa 52772
 7. Jack & Denise Cartwright - 1118 Stonemill Road, Tipton, Iowa 52772
 8. Arlin & Vaneta Esbaum - 6122 NW Blvd., Davenport, Iowa 52806
 9. Ramona Johnson - 1091 Stonemill Road, Tipton, Iowa 52772

-
1. Kathryn J. Trump - 471 Echo Avenue, Mechanicsville, Iowa 52306 - Certified
 2. Kathryn J. Trump - 14293 County Shop Road, Darlington, Wisconsin 53530
 3. Herbert L. Townsend - 2372 Plum Avenue, Wilton, Iowa 52778
 4. Carolyn Trump - 232 E. Main, Box 97, Solon, Iowa 52333
 5. Adam & Susan Robinson - 454 145th Street, Mechanicsville, Iowa 52306
 6. Sharon Timm - 315 150th Street, Mechanicsville, Iowa 52306
 7. Hertz Farm Management - P.O. Box 500, Nevada, Iowa 50201-0500
 8. Francis Thomson - 382 140th Street, Mechanicsville, Iowa 52306
 9. Terry Jane Karsen Revocable Trust - Terry & Craig Karsen, Trustees, % Hertz Farm Management, P.O. Box 500, Nevada, Iowa 50201-0500

-
1. Pond View Acres, LLC - Stuart Werling, 319 Cedar Street, Tipton, Iowa 52772 - Certified
 2. Floyd & Judith Goddard - 1689 310th Street, Wilton, Iowa 52778
 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

-
- 1 Copy to Tipton Conservative, West Branch Times, Sun News & Advocate News on 3/4/02
 - 7 Zoning Commission members
 - 2 File Copies
 - Copies for Bulletin Boards



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

February 4, 2002

TO: Cedar County Planning & Zoning Commission Members

I am writing to inform you that there will not be a meeting of the Commission on February 20, 2002, as no petitions have been received.

The next regularly scheduled meeting is March 20, 2002.

Phil La Rue
Zoning Administrator

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 16, 2002

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, January 16, 2002, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Moylan, Schuett and Brown. Members absent were Penningroth and Lamp. Minutes from the previous meeting held on December 19, 2001, were previously sent to the members. Brown made a motion and Moylan seconded to accept the minutes as written.

The Commission members then considered the following petitions:

1. 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. This petition was tabled at the December 19, 2001, hearing for additional information to be presented.

There were no written or verbal objections on file for this petition. La Rue advised the Commission members to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance in making a recommendation to the Board of Supervisors. Mrs. and Mrs. Domer were present at the hearing. Brown made a motion and Schuett seconded the motion to continue the hearing from December 19, 2001.

Chairperson Pruess once again requested information on the water well to serve this property. Mr. Domer explained that they will be granted an easement from Mr. Nebergall for them to use his existing water well which is estimated to be 1,100 feet from the edge of the City of Tipton's property. This easement will be written into the deed for the property. La Rue again advised the Commission of the required separation distance for a well from a sanitary landfill (1,000 feet). Mr. Domer then stated that they tested the well in December and it was safe. Moylan asked about the access to the property. The Domer's will be constructing an access for a single dwelling only. County Engineer, Don Torney, stated that there is adequate sight distance for one home only. The Commission then reviewed the Acknowledgement Waiver and Consent between the City of Tipton, the Domer's and Max Nebergall. This has been signed by the City of Tipton and Mr. and Mrs. Domer, but not yet by Mr. Nebergall. This document is to be recorded with the deed.

Following a brief discussion, Moylan made a motion to recommend approval of the change in zoning from A-1 to R-1 with the condition that the property owner, Max Nebergall, sign the Acknowledgement Waiver and Consent Document, as well as the easement for the Domer's to use the existing well on Mr. Nebergall's property. Schuett seconded the motion. Chairperson Pruess then asked if the existing well should fail, would the Domer's be able to drill a new water well within the well easement area. La Rue advised that a new well would need to be located within the easement and the easement agreement must allow this. Ayes all.

2. Michelle Kennedy, RFD, West Liberty (Owner) - Requesting approval of a Special Use Permit for the purpose of operating a dog boarding kennel on property located in the SW 1/4 of the SE 1/4, Section 35, T-79N, R-4W, in Springdale Township, consisting of 5.25 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 consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance in making a recommendation to the Board of Adjustment.

Michelle Kennedy and Mike Jones were present and explained their proposal to allow a dog boarding kennel for twenty animals. They plan to renovate an existing building for this purpose. County Engineer, Don Torney, asked about a sign for the business. They would like to have a 2' x 4' sign. The facility is designed to serve generally short term boarding. Besides the facilities for 20 animals, Ms. Kennedy has 9 dogs as pets and does some breeding. Discussion followed regarding limiting the total number of animals on the property. Ms. Kennedy stated that the Department of Agriculture will not consider her "pets" under the license for the boarding facility. Ms. Kennedy was advised that the Board of Adjustment may consider the number of dogs being bred as part of the Special Use Permit. Ms. Kennedy stated that under her license in Iowa City, that limitation has not been made. The animal waste will be disposed of by Hawkeye Waste. The facility will be licensed and inspected by the Iowa Department of Agriculture. Regarding dwellings in the area, there are no dwellings within 900 feet (estimate). Chapter 5, D11 of the A-1 Agricultural District requires at least 750 feet of separation between the kennel and neighboring dwellings. A brief discussion was held concerning the annual review by the Board of Adjustment.

With no additional discussion, Brown made a motion to recommend approval to the Board of Adjustment. Moylan seconded the motion. Ayes all.

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

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

Chairperson

A handwritten signature in cursive script, appearing to read "P.D. LaRue".

Secretary Pro-tem



Tel. 319-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, January 16, 2002 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
 - A. Dennis Domer - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
 - B. Michelle Kennedy - A request for a Special Use Permit to operate a dog boarding kennel
- III. Discussion
- IV. Conclusion

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on January 31 and February 4, 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 petition:

1. 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.

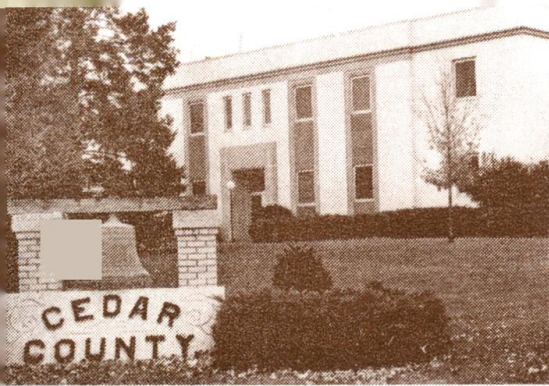
At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to 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 1/22/02 to the following:

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 Copy to Tipton Conservative on 1/21/02
- 2 File Copies
- 1 Copy to Board of Supervisors
- 1 Copy for Bulletin Board



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse

Tipton, Iowa 52772

January 7, 2002

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, January 16, 2002, 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. 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. This petition was tabled at the December 19, 2001, hearing for additional information to be presented.
2. Michelle Kennedy, RFD, West Liberty (Owner) - Requesting approval of a Special Use Permit for the purpose of operating a dog boarding kennel on property located in the SW 1/4 of the SE 1/4, Section 35, T-79N, R-4W, in Springdale Township, consisting of 5.25 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 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 1/8/02 to the following:

1. Dennis Domer - 14501 Highway 92, Letts, Iowa 52754 - Picked up in person
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

-
1. Michelle Kennedy - 467 Buekeye Road, West Liberty, Iowa 52776 - Certified
 2. Wear Family Trust - 498 Buckeye Road, West Liberty, Iowa 52776
 3. Occupant - 1454 100th Street, West Liberty, Iowa 52776

-
- 7 Zoning Commission members
1 copy to Tipton Conservative on 1/7/02
2 file copies
2 copies for bulletin boards