



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

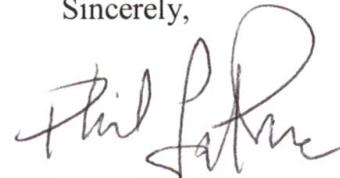
December 10, 2003

TO: CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS

I am writing to inform you that there will not be a meeting of the Planning and Zoning Commission during the month of December because no petitions have been received.

Happy Holidays!

Sincerely,

A handwritten signature in black ink that reads "Phil La Rue".

Phil La Rue
Zoning Administrator

PL:sl

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 19, 2003

The Cedar County Planning & Zoning Commission conducted a Public Hearing on November 19, 2003, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Schuett, Penningroth, Brown, Moylan, Voparil, Lamp and Zoning Administrator La Rue. Member absent was Pruess. Minutes from the previous meeting held on November 5, 2003, were previously sent to the members. Moylan made a motion and Voparil seconded to approve the minutes as presented. Ayes all.

The Commission members then considered the following petitions:

1. **David Swan, RFD, Tipton (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 at the site of a previous dwelling on property located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 36, T-81N, R-4W, in Cass Township, consisting of 2.69 acres more or less.

Zoning Administrator La Rue stated that there were no written or verbal objections on file and recommended the Commission to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance in making a recommendation to the Board of Supervisors.

David Swan was present and spoke on behalf of the request. He stated that this location was an old home site, with the home having been gone for 30 years. The outbuildings are still there and the site has a 911 address. He informed the members that he has a person interested in purchasing the property. A letter from the Tipton Fire Department stated they had no objections and a letter from the County Engineer stated that there was an entrance permit. The soil evaluation was reviewed. La Rue reported that there was a slight limitation for septic systems. Limitations on building were moderate. The C.S.R. is above 75 points, but the property is a farmstead site.

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

2. 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 a single family dwelling on property located in the NW ¼ of the NW ¼, Section 11, T-79N, R-1W, in Farmington Township, consisting of 4.00 acres more or less.

La Rue reported 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.

Mr. and Mrs. Budelier were present and explained their plan to separate the existing home on the property so that a second dwelling can be constructed in Sunbury. La Rue explained that this property is across from the Cooperative and is further from the bulk tanks than the home west of the Cooperative. Also, this property is immediately north of the Budelier's Bridgeview Addition. The soil evaluation was reviewed. Limitations on building are moderate. Limitations on septic systems are slight. The C.S.R. is above 75 points. However, the property's location in Sunbury makes this area inappropriate for farming. The letter from the County Engineer stated no objections and the letter from the Wilton Fire Department stated that they would provide service.

With no further discussion, Voparil made a motion to recommend a change in zoning from A-1 to R-1. Lamp seconded the motion. Ayes all.

3. Dean Wood, Anamosa (Owner) – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed subdivision located in the SW ¼ of the SW ¼, NW ¼ of the SW ¼, NE ¼ of the SW ¼, S ½ of the NW ¼ of the NW ¼ and the SW ¼ of the NW ¼, all in Section 11, T-80N, R-3W, in Center West Township, consisting of 106.2 acres more or less.

La Rue reported 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. He did have one letter received from adjoining land owners, Lloyd & Arlene Hein, in which they expressed concern regarding a fence agreement. La Rue explained to the Hein's that this will be clarified in the subdivision phase(s) of this proposed development.

Dean Wood was present and spoke about his plans for the subdivision. He stated that the plans call for paved roads and the number of lots is still undetermined. La Rue stated that this site is within 2 miles of the City of Tipton so the City would also have authority over the subdivision. There is some concern for septic systems in this area because of the earth moving work. The soil evaluation was reviewed. Limitations for building are moderate to severe with severe limitations due to the flood plain along Rock Creek. Limitations for septic systems are moderate to severe, with severe limitations due to flood plain (Zone A of the F.I.R.M.) and slope. In areas of earth moving work, limitations are unknown. A professional soil evaluation will be required for this development. The C.S.R. is below 75 points. The letter from the County Engineer stated no objections to this change in zoning and an entrance permit has been issued. The Tipton Fire Department has no objection to this location if planned streets are wide enough for emergency vehicles. The Comprehensive Plan was reviewed. Generally, this project appears to be in compliance.

Following discussion, Lamp made a motion that the Commission recommend a change in zoning from A-1 to R-1, remembering the Hein's concern regarding fencing. Schuett seconded the motion. Ayes all.

4. **Steve Maurer, Clarence (Owner) and the City of Tipton –**
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 property located in the SE ¼ of the SW ¼ of the SW ¼, Section 32, T-81N, R-2W, in Fairfield Township, consisting of 1.21 acres more or less.

La Rue reported 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. A letter received from Marge Wethington, adjoining land owner, was read in which she voiced concern about how this rezoning would affect her family farm.

Doug Boldt, City of Tipton, was present and explained Mr. Maurer's proposal to sell the property, with the proceeds to be used toward the new Aquatic Center. La Rue advised the Commission that there are residential land uses on both sides of this site. The soil evaluation was reviewed.

Limitations for building are moderate. Limitations for septic systems are slight. The C.S.R. is 95 points, but the narrow nature of the property makes farming difficult. Discussion continued on the farm use/residential land use conflict and the need to subdivide this property.

After input from Doug Boldt, City of Tipton, and pros and cons on this rezoning, Moylan made a motion to recommend a change in zoning from A-1 to R-1, with a stipulation that a conditional zoning agreement be included in the agreement. Lamp seconded the motion. Voting aye were Moylan, Schuett, Voparil and Lamp. Voting nay was Penningroth.

5. **Todd Pruess, Lowden (Contract Buyer) and Dana and Jillian Bourquin, Blue Grass, and Steve and Phyllis Hughes, Bennett (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision on property located in the N ½ of the SE ¼, Section 10, T-81N, R-1W, in Springfield Township. Said petition is to rezone a total of 7.35 acres more or less of the 36.00 acre tract.

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

Todd Pruess was present and spoke on behalf of the petition and reported there would be three single family dwellings. A letter from the County Engineer indicated that three entrance permits had been issued for specific locations only. The letter from the Lowden Fire Department stated that they would provide service. The soil evaluation was reviewed. Limitations on building are moderate. Limitations for septic systems were moderate to severe, due to slope, and sand filter systems might have to be used. The C.S.R. was below 75 points.

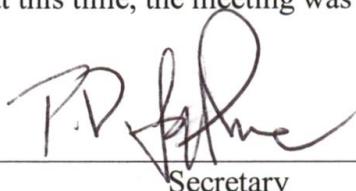
Following discussion, Lamp made a motion to recommend a change in zoning from A-1 to R-1 to the Board of Supervisors. Moylan seconded the motion. Ayes all.

With no additional petitions, the Commission reviewed various policy formats and possible additions to the Subdivision Ordinance to implement a revised Comprehensive Plan with Jim Gonyier, E.C.I.A. The next scheduled meeting with Mr. Gonyier is January 2004.

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



Chairperson Pro-tem



Secretary

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a public hearing on November 20 & 24, 2003 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. **David and Faye Young, RFD, Atalissa (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-1 Suburban Residential for the purpose of correcting a non-conforming permitted land usage on property located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 11, T-79N, R-3W, in Iowa Township, consisting of 0.44 acres more or less.
2. **Pond View Acres, LLC, Tipton (Owners)** – Requesting approval of Pond View Acres Third Addition, a Final Plat of Survey, for a proposed eight (8) lot subdivision located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 20.48 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 11/10/03 to the following:

1. David & Faye Young - 110 West Rochester Avenue, Atalissa, Iowa 52720 - Regular mail
2. Carl & Carol Fobian - 3639 Oasis Road N.E., West Branch, Iowa 52358
3. Donald & Gloria O'Hara - 104 Cemetery Road, Lisbon, Iowa 52253
4. Catherine Isabel - 101 W. Rochester Avenue, Atalissa, Iowa 52720
5. Tina O'Quinn - 1031 290th Street, Atalissa, Iowa 52720
6. Edwin & Verna Cox - 105 W. Rochester Avenue, Atalissa, Iowa 52720
7. Helen Hohle - 2911 Stanford Avenue, Iowa City, Iowa 52245
8. Emilie McCrea - 1042 Charles, Mission, Texas 78572
9. Roger & Catherine Sloan - 108 W. Rochester Avenue, Atalissa, Iowa 52720
10. Robert & Patricia Nettleton - 106 W. Rochester Avenue, Atalissa, Iowa 52720
11. Harry Denny - 126 W. Rochester Avenue, Atalissa, Iowa 52720
12. Larry Hill - 127 W. Rochester, Atalissa, Iowa 52720

1. Pond View Acres, LLC - % Stuart Werling, 319 Cedar Street, Tipton, Iowa 52772 - Certified
2. Charles H. Frymoyer - Box 137, Tipton, Iowa 52772
3. Donald H. Holladay - 2043 Rose Avenue, Wilton, Iowa 52778
4. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
5. Dean Challis - 205 Linda Lane, Wilton, Iowa 52778
6. Roger & Carolyn Grunder - 2362 Spicer Avenue, Wilton, Iowa 52778
7. Jamie & Holly Hull - 508 E. 6th Street, Wilton, Iowa 52778
8. Matthew L. Driscoll - 1689 310th Street, Wilton, Iowa 52778
9. Daniel & Anne Parsons - 2093 Spicer Avenue, Wilton, Iowa 52778
10. John C. & Patricia L. Grosjean - 809 2nd Street, Muscatine, Iowa 52761
11. Timothy S. & Laurie A. Devore - 1680 310th Street, Wilton, Iowa 52778
12. Samuel J. & Anna K. Mullin - P.O. Box 793, Wilton, Iowa 52778
13. Phillip & Vicky Hambright - 2812 W. 34th Street, Davenport, Iowa 52806
14. Rodney K. & Barbara J. Schwitzer - 1837 Newton Avenue, Tipton, Iowa 52772

Board of Supervisors

Copy to Tipton Conservative on 11/10/03

Copy Faxed to Durant Wilton Advocate News on 11/10/03

2 File Copies



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

November 10, 2003

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, November 19, 2003, at 6:30 p.m.**, in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

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

1. **David Swan, RFD, Tipton (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 at the site of a previous dwelling on property located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 36, T-81N, R-4W, in Cass Township, consisting of 2.69 acres more or less.
2. **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 a single family dwelling on property located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 11, T-79N, R-1W, in Farmington Township, consisting of 4.00 acres more or less.
3. **Dean Wood, Anamosa (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed subdivision located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, all in Section 11, T-80N, R-3W, in Center West Township, consisting of 106.2 acres more or less.

Copies sent out on 11/10/03 to the following:

1. David Swan - 622 220th Street, Tipton, Iowa 52772 - Certified
2. Bill Penningroth - 540 Franklin Road, Tipton, Iowa 52772
3. Richard & Susan Fleming - 575 Franklin Road, Tipton, Iowa 52772

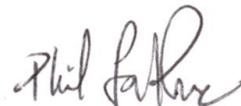
1. Richard & Barbara Budelier - 1881 Yankee Avenue, New Liberty, Iowa 52765 - Certified
2. Jon & Theresa Czarnetzki - 5550 N. Linwood, Davenport, Iowa 52806
3. Clay E. Hollenback - 1017 W. 16th Street, Davenport, Iowa 52804
4. Leon R. Bohn - 203 Miller Street, Wilton, Iowa 52778
5. Susan Milligan - 101 South Street, Wilton, Iowa 52778
6. Roger D. Meier - Box 937, Durant, Iowa 52747
7. Steven P. Hammel - 103 South Street, Wilton, Iowa 52778
8. S & A Real Estate LP - 1851 270th Street, Bennett, Iowa 52721
9. Farmers Grain & Lumber Co. - P.O. Box 609, Walcott, Iowa 52773
10. Keith & Deanna Petersen - 108 Herman, Wilton, Iowa 52778
11. Wilbert & Shirley Spengler - 2231 290th Street, Wilton, Iowa 52778
12. Norma K. Petersen - 806 7th Street, Durant, Iowa 52747
13. River Valley Cooperative - 1113 N. Main Street, P.O. Box 609, Walcott, Iowa 52773
14. Richard & Shirley Toyne - 2213 290th Street, Wilton, Iowa 52778
15. Donald L. Mockmore - 200 Miller Street, Wilton, Iowa 52778
16. Eric & Melinda Lisk - 2242 290th Street, Wilton, Iowa 52778
17. Jane M. & Daryl D. Clark - 111 South Street, Wilton, Iowa 52778
18. Denise K. & James D. Rutherford - 2212 290th Street, Wilton, Iowa 52778
19. Kenneth McCallister - 180 Miller, Wilton, Iowa 52778
20. Robert Z. & Denneth McCallister - 212 Herman, Wilton, Iowa 52778
21. Kevin Rochholz - 2241 290th Street, Wilton, Iowa 52778
22. Rebitzer Properties LLC - 1041 Carriage Place Drive, Bettendorf, Iowa 52722
23. John & Rozella Simons - 1702 Washington Street, Tipton, Iowa 52772

1. Dean Wood - 9941 Forest Chapel Road, Anamosa, Iowa 52205 - Certified
2. Ruth Nebergall - 5720 W. 120th Avenue, Broomfield, CO 80020
3. Douglas Moore - 573 SE 80th Avenue, Ellinwood, KS 67526
4. Gerald O'Rourke - 101 W. 3rd Street, Tipton, Iowa 52772
5. Don Lamp - P.O. Box 422, Tipton, Iowa 52772
6. Wilma Pearson - 1413 Jeffery Street, Tipton, Iowa 52772
7. Dennis & Janice Domer - 1077 Cedar Valley Road, Tipton, Iowa 52772
8. Beau & Allison Holub - 993 Cedar Valley Road, Tipton, Iowa 52772
9. Max Nebergall - 1007 E. 7th Street, Tipton, Iowa 52772
10. Lloyd & Arlene Hein - 1376 Jackson Avenue, Tipton, Iowa 52772

1. Steve Maurer - 409 7th Avenue, P.O. Box 460, Clarence, Iowa 52216 - Certified
2. City of Tipton - % Donald G. Young, 407 Lynn Street, Tipton, Iowa 52772
3. Thomas & Pamela Reed - 1309 Highway 130, Tipton, Iowa 52772
4. Mike Pacha - 1313 Highway 130, Tipton, Iowa 52772
5. Arthur Samuelson - 1319 Highway 130, Tipton, Iowa 52772
6. Marjorie Wethington - 1327 Highway 130, Tipton, Iowa 52772
7. Charles Jones - 1307 Redstar Road, Tipton, Iowa 52772

4. **Steve Maurer, Clarence (Owner) and the City of Tipton –**
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 property located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 32, T-81N, R-2W, in Fairfield Township, consisting of 1.21 acres more or less.
5. **Todd Pruess, Lowden (Contract Buyer) and Dana and Jillian Bourquin, Blue Grass, and Steve and Phyllis Hughes, Bennett (Owners) –** Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision on property located in the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 10, T-81N, R-1W, in Springfield Township. Said petition is to rezone a total of 7.35 acres more or less of the 36.00 acre tract.

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

1. Todd M. Pruess - 717 Union Avenue, Lowden, Iowa 52255 - Certified
2. Dana & Jillian Bourquin - 3716 165th Street, Blue Grass, Iowa 52726
3. Steve & Phyllis Hughes - 333 West 5th Street, Bennett, Iowa 52721
4. David Buchanan - Cedar Land Partnership, 212 Iowa Street, Wheatland, Iowa 52777
5. Alan & Vicki Mohr - 771 Washington Avenue, Lowden, Iowa 52255
6. Darrell Yutesler Jr. - 2217 Hoover Highway, Lowden, Iowa 52255
7. Rob Smith - 2151 Lange Avenue, Atalissa, Iowa 52720

7 Zoning Commission members

1 Copy to Tipton Conservative on 11/10/03

2 File Copies

1 Copy for Bulletin Board



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 19, 2003 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. David Swan, RFD, Tipton (Owner) –**
A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- B. Richard and Barbara Budelier, RFD, New Liberty (Owners) –** A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- C. Dean Wood, Anamosa (Owner) –** A change in zoning from A-1 to R-1 to allow construction of single family dwellings on a proposed subdivision
- D. Steve Maurer, Clarence (Owner) and the City of Tipton –** A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- E. Todd Pruess, Lowden (Contract Buyer) and Dana and Jillian Bourquin, Blue Grass, and Steve and Phyllis Hughes, Bennett (Owners) –** A change in zoning from A-1 to R-1 to allow construction of single family dwellings on a proposed three lot subdivision

III. Discussion

IV. Discuss Comprehensive Plan Updates with Jim Gonyier, E.C.I.A. The following points will be covered:

- A. Explanation of the two handouts enclosed
- B. P & Z Consensus of Land Development, Agriculture and Conservation Issues:
 - 1. Review of Cedar County's 1980 Comprehensive Plan Development Policies, Goals and Objectives
 - 2. Discuss General Development Issues brought up at the September 17th P & Z Meeting

V. Conclusion

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 5, 2003

The Cedar County Planning & Zoning Commission conducted a Public Hearing on November 5, 2003, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton Iowa. Members present were Schuett, Penningroth, Brown, Moylan, Voparil and Zoning Administrator La Rue. Members absent were Lamp and Pruess. Minutes from the previous meeting held on September 17, 2003, were previously sent to the members. Voparil made a motion and Penningroth seconded to approve the minutes as presented. Ayes all.

The Commission members then considered the following petitions:

1. **David and Faye Young, RFD, Atalissa (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-1 Suburban Residential for the purpose of correcting a non-conforming permitted land usage on property located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 11, T-79N, R-3W, in Iowa Township, consisting of 0.44 acres more or less.

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

Mrs. Young was present representing the petition. La Rue explained that the reason for the request was to eliminate a non-conforming permitted use, so that the petitioners could request consideration of a side yard variance (See Board of Adjustment Petition #6703). On September 25, 2003, the Young's request for this variance, before the Board of Adjustment, was tabled until their property was zoned R-1 Suburban Residential and property boundaries were determined. See also Chapter 16 of the Cedar County Zoning Ordinance. The property was originally zoned to Light Industrial to allow a sawmill, as were adjoining properties. All but three of these properties have been rezoned to Residential and homes constructed. How a home was built on this property without being properly zoned is unknown. La Rue explained that because the home is there, he did not require a letter from the Atalissa Fire Department. Edwin and Verna Cox, adjoining property owners, were in attendance. County Engineer Don Torney had no objections but did have a question about the location of the property. The soil evaluation was reviewed. The soil types are incorrect and the property is not located in a flood plain. The site has a septic system and the C.S.R. is not applicable.

After discussion, Brown made a motion to approve the rezoning request. Voparil seconded the motion. Ayes all.

2. **Tina Keil, RFD, Clarence (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog boarding kennel on property located in the S ½ of the NW ¼, Section 23, T-81N, R-2W, in Fairfield Township, consisting of 5.00 acres more or less. Said property is currently zoned A-1 Agricultural.

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 17.18(2) of the Cedar County Zoning Ordinance.

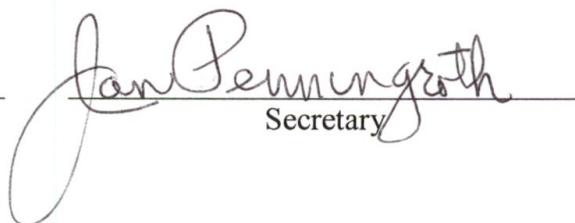
Mrs. Keil was present and explained her plan to board up to twelve dogs, as she may wish to breed a few hunting dogs. She then described her proposed operation, and it will be licensed with the Iowa Department of Agriculture.

With no further discussion, Brown made a motion to recommend approval of the request. Voparil seconded the motion. Ayes all.

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



Jeff Brown
Chairperson



Jan Penningroth
Secretary

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

October 17, 2003

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, November 5, 2003, 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. **David and Faye Young, RFD, Atalissa (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-1 Suburban Residential for the purpose of correcting a non-conforming permitted land usage on property located in the NW ¼ of the NE ¼ of the NW ¼, Section 11, T-79N, R-3W, in Iowa Township.
2. **Tina Keil, RFD, Clarence (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog boarding kennel on property located in the S ½ of the NW ¼, Section 23, T-81N, R-2W, in Fairfield Township, consisting of 5.00 acres more or less. Said property is currently zoned A-1 Agricultural.

This meeting was previously scheduled for October 15, 2003, but was postponed due to the lack of a quorum.

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



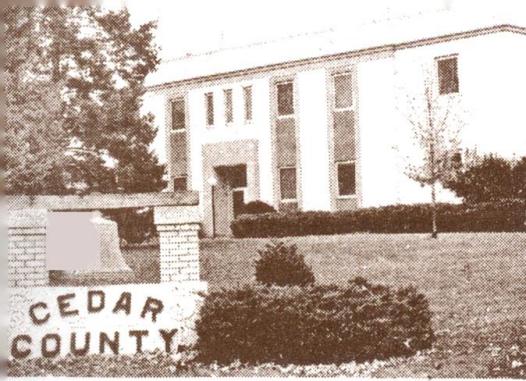
Phil La Rue
Zoning Administrator

Copies sent out on 10/17/03 to the following:

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9. Roger & Catherine Sloan - 108 W. Rochester Avenue, Atalissa, Iowa 52720
10. Robert & Patricia Nettleton - 106 W. Rochester Avenue, Atalissa, Iowa 52720
11. Harry Denny - 126 W. Rochester Avenue, Atalissa, Iowa 52720
12. Larry Hill - 127 W. Rochester, Atalissa, Iowa 52720

1. Tina Keil - 936 Quincy Avenue, Clarence, Iowa 52216 - Certified
2. Jerry & Jean Goldsmith - 1613 200th Street, Clarence, Iowa 52216
3. South Prairie Farm Ltd. - 1613 200th Street, Clarence, Iowa 52216
4. Steven & Mary Kline - 937 Quincy Road, Clarence, Iowa 52216
5. James K. Mente Corp. - 1589 200th Street, Tipton, Iowa 52772

7 Planning & Zoning Commission members
Copy to Tipton Conservative & Sun News on 10/17/03
2 File Copies
2 Copies for Bulletin Boards



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 15, 2003 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. David and Faye Young, RFD, Atalissa (Owners) –
A change in zoning from M-1 to R-1 to correct
a non-conforming permitted land usage
- B. Tina Keil, RFD, Clarence (Owner) – A Special
Use Permit authorizing the location of a dog
breeding kennel

III. Discussion

IV. Conclusion

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

October 6, 2003

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, October 15, 2003, 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. **David and Faye Young, RFD, Atalissa (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-1 Suburban Residential for the purpose of correcting a non-conforming permitted land usage on property located in the NW ¼ of the NE ¼ of the NW ¼, Section 11, T-79N, R-3W, in Iowa Township.
2. **Tina Keil, RFD, Clarence (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog breeding kennel on property located in the S ½ of the NW ¼, Section 23, T-81N, R-2W, in Fairfield Township, consisting of 5.00 acres more or less. Said property is currently zoned A-1 Agricultural.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said 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 10/9/03 to the following:

1. David & Faye Young - 110 West Rochester Avenue, Atalissa, Iowa 52720 - Certified
2. Carol & Carol Fobian - 3639 Oasis Road N.E., West Branch, Iowa 52358
3. Donald & Gloria O'Hara - 104 Cemetery Road, Lisbon, Iowa 52253
4. Catherine Isabel - 101 W. Rochester Avenue, Atalissa, Iowa 52720
5. Tina O'Quinn - 1031 290th Street, Atalissa, Iowa 52720
6. Edwin & Verna Cox - 105 W. Rochester Avenue, Atalissa, Iowa 52720
7. Helen Hohle - 2911 Stanford Avenue, Iowa City, Iowa 52245
8. Emilie McCrea - 1042 Charles, Mission, TX 78572
9. Roger & Catherine Sloan - 108 W. Rochester Avenue, Atalissa, Iowa 52720
10. Robert & Patricia Nettleton - 106 W. Rochester Avenue, Atalissa, Iowa 52720
11. Harry Denny - 126 W. Rochester Avenue, Atalissa, Iowa 52720
12. Larry Hill - 127 W. Rochester, Atalissa, Iowa 52720

1. Tina Keil - 936 Quincy Avenue, Clarence, Iowa 52216 - Certified
2. Jerry & Jean Goldsmith - 1613 200th Street, Clarence, Iowa 52216
3. South Prairie Farm Ltd. - 1613 200th Street, Clarence, Iowa 52216
4. Steven & Mary Kline - 937 Quincy Road, Clarence, Iowa 52216
5. James K. Mente Corp. - 1589 200th Street, Tipton, Iowa 52772

7 Zoning Commission members
Copy to Tipton Conservative and Sun News on 9/6/03
Bulletin Board copy
2 File Copies

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

September 17, 2003

The Cedar County Planning & Zoning Commission conducted a Public Hearing on September 17, 2003, at 6:00 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Voparil, Moylan, Penningroth, Pruess, Schuett, Brown, Lamp and Zoning Administrator La Rue. Minutes from the previous meeting held on August 20, 2003, were previously sent to the members. Voparil made a motion and Schuett seconded to approve the minutes as presented. Ayes all.

The Commission members then considered the following petitions:

1. **Chris and Danette Moore, Lisbon (Contract Buyers) and Darwin Koutney, Springville (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 ¼ of the NE ¼, Section 5, T-82N, R-4W, in Pioneer Township, consisting of 1.37 acres more or less.

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

Danette Moore spoke on behalf of the request. She explained that they were planning on building a ranch type home. There are no livestock operations within one-quarter mile. The soil evaluation report was then reviewed. Limitations on building are moderate. Sewer limitations are slight, but good planning and design of the septic system will be needed due to soil type. The C.S.R. is 58 points. Two letters were received from the Mechanicsville & Lisbon Fire Departments which indicated no problem in providing emergency service. A letter from the County Engineer indicated no objection to this change in zoning.

Following discussion, Voparil made a motion to recommend to the Board of Supervisors that this zoning be changed from A-1 to R-1 to allow construction of a single family dwelling and a recommendation for a 40 foot driveway and brush trimming. Lamp seconded the motion. Ayes all.

2. **Harry and Susan Denny, RFD, Atalissa (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property described as Parcels I and J located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 2, T-79N, R-3W, in Iowa Township, consisting of 3.46 acres more or less.

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

Harry Denny spoke on behalf of the petition and reported his plan to change the zoning and then sell property to a prospective owner to build a home on top of the property. La Rue explained the history of the zoning in this area and why this will be a much better use for the property. The soil evaluation was reviewed. Limitations for building are moderate to severe. La Rue advised that the site has considerable slope, but felt that the soil maps are incorrect that the area is in a flood plain. Severe limitations would then be based upon slope alone. Limitations for sewer are severe due to slope. The property is not in the flood plain. The C.S.R. on the property is about 38 points. A letter from the County Engineer indicated that an entrance permit has been approved for a single family dwelling. He has no objections. The Atalissa Fire Department will cover any calls to the property. Following discussion, Lamp made a motion and Schuett seconded the motion to recommend to the Board of Supervisors that this M-1 zoning be changed to R-1. Ayes all.

Marty Moylan then handed out copies of a letter he had presented to the Board of Supervisors acknowledging the great work that Zoning Administrator La Rue does. The feeling of the rest of the Commission was likewise.

The rest of the meeting was spent discussing Comprehensive Plan Updates with Jim Gonyier, E.C.I.A.

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on October 16 and 20, 2003, 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. **Pond View Acres LLC, Tipton (Owners)** – Requesting approval of Pond View Acres Second Addition, a Final Plat of Survey for a proposed eight (8) lot subdivision located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 16.39 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 10/7/03 to the following:

1. Pond View Acres, LLC - % Stuart Werling, 319 Cedar Street, Tipton, Iowa 52772 - Certified
2. Charles H. Frymoyer - Box 137, Tipton, Iowa 52772
3. Donald H. Holladay - 2043 Rose Avenue, Wilton, Iowa 52778
4. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
5. Dean Challis - 205 Linda Lane, Wilton, Iowa 52778
6. Roger & Carolyn Grunder - 2362 Spicer Avenue, Wilton, Iowa 52778
7. Jamie & Holly Hull - 508 E. 6th Street, Wilton, Iowa 52778

Copy to Tipton Conservative and Durant-Wilton Advocate on 10/6/03

Board of Supervisors

2 File Copies

Bulletin Boards

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on October 6 and 9, 2003, 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. **Chris and Danette Moore, Lisbon (Contract Buyers) and Darwin Koutney, Springville (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 ¼ of the NE ¼, Section 5, T-82N, R-4W, in Pioneer Township, consisting of 1.37 acres more or less.
2. **Harry and Susan Denny, RFD, Atalissa (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property described as Parcels I and J located in the SW ¼ of the SW ¼, Section 2, T-79N, R-3W, in Iowa Township, consisting of 3.46 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 10/1/03 to the following:

1. Chris & Danette Moore - 122 Cedar-Jones Road, Lisbon, Iowa 52253 (Also faxed a copy)
2. Darwin Koutney - 2333 Alderman Road, Springville, Iowa 52336
3. Jeff Schweibert - 23582 Cedar-Jones Road, Lisbon, Iowa 52253
4. Hertz Farm Management - Attn: Dennis Uthof, 102 Palisades Road, P.O. Box 50, Mt. Vernon, Iowa 52314
5. Louise Hotka - 2420 - 25th Avenue South, Minneapolis, MN 55406
6. Edward & Marcella Koutny - 2226 Alderman Road, Springville, Iowa 52336

1. Harry & Susan Denny - 126 W. Rochester Avenue, Atalissa, Iowa 52720-9639 - Certified
2. Margaret & George Domer - 141 W. Rochester Avenue, Atalissa, Iowa 52720
3. Larry & Charlotte Hill - 130 W. Rochester Avenue, Atalissa, Iowa 52720
4. Larry E. Hill - 127 W. Rochester Avenue, Atalissa, Iowa 52720
5. D. L. & Emilie McCrea - 1042 Charles, Mission, TX 78572
6. Daniel E. Tietz - 1013 290th Street, Atalissa, Iowa 52720
7. John Edward Paul - P.O. Box 604, West Branch, Iowa 52358
8. Helen Hoble - 2911 Stanford Avenue, Iowa City, Iowa 52240
9. Duane McCrea & Robert Helm - P.O. Box 61, Milan, IL 61264
10. Joseph Fahrenkrug - 2727 Glaspeil, Davenport, Iowa 52804
11. Dolores Timmerman - 2134 Highway 130, Bennett, Iowa 52721
12. Pamela & Jaime Lucassen - 136 W. Rochester Avenue, Atalissa, Iowa 52720
13. Larry Siders - 143 W. Rochester Avenue, Atalissa, Iowa 52720
14. Van A. Pierson - 118 W. Rochester Road, Atalissa, Iowa 52720
15. David M. & Faye E. Young - 110 W. Rochester Avenue, Atalissa, Iowa 52720
16. Tina O'Quinn - 1031 290th Street, Atalissa, Iowa 52720

Board of Supervisors

Copy to Tipton Conservative & Sun News

2 File Copies

Bulletin Board Copies

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

September 8, 2003

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, September 17, 2003, at 6:00 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. **Chris and Danette Moore, Lisbon (Contract Buyers) and Darwin Koutney, Springville (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 ¼ of the NE ¼, Section 5, T-82N, R-4W, in Pioneer Township, consisting of 1.37 acres more or less.
2. **Harry and Susan Denny, RFD, Atalissa (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property described as Parcels I and J located in the SW ¼ of the SW ¼, Section 2, T-79N, R-3W, in Iowa Township, consisting of 3.46 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 9/11/03 to the following:

1. Chris & Danette Moore - 122 Cedar-Jones Road, Lisbon, Iowa 52253 - Certified
2. Darwin Koutney - 2333 Alderman Road, Springville, Iowa 52336
3. Jeff Schweibert - 23582 Cedar-Jones Road, Lisbon, Iowa 52253
4. Hertz Farm Management - Attn: Dennis Uthof, 102 Palisades Road, P.O. Box 50, Mt. Vernon, Iowa 52314
5. Louise Hotka - 2420 - 25th Avenue South, Minneapolis, MN 55406
6. Edward & Marcella Koutny - 2226 Alderman Road, Springville, Iowa 52336

1. Harry & Susan Denny - 126 W. Rochester Avenue, Atalissa, Iowa 52720-9639 -- Certified
2. Margaret & George Domer - 141 W. Rochester Avenue, Atalissa, Iowa 52720
3. Larry & Charlotte Hill - 130 W. Rochester Avenue, Atalissa, Iowa 52720
4. Larry E. Hill - 127 W. Rochester Avenue, Atalissa, Iowa 52720
5. D. L. & Emilie McCrea - 1042 Charles, Mission, TX 78572
6. Daniel E. Tietz - 1013 290th Street, Atalissa, Iowa 52720
7. John Edward Paul - P.O. Box 604, West Branch, Iowa 52358
8. Helen Hohle - 2911 Stanford Avenue, Iowa City, Iowa 52240
9. Duane McCrea & Robert Helm - P.O. Box 61, Milan, IL 61264
10. Dwain McKinney - 1888 Fox Avenue, West Branch, Iowa 52358
11. Joseph Fahrenkrug - 2727 Glaspeil, Davenport, Iowa 52804
12. Dolores Timmerman - 2134 Highway 130, Bennett, Iowa 52721
13. Pamela & Jaime Lucassen - 136 W. Rochester Avenue, Atalissa, Iowa 52720
14. Larry Siders - 143 W. Rochester Avenue, Atalissa, Iowa 52720
15. Van A. Pierson - 118 W. Rochester Road, Atalissa, Iowa 52720
16. David M. & Faye E. Young - 110 W. Rochester Avenue, Atalissa, Iowa 52720
17. Tina O'Quinn - 1031 290th Street, Atalissa, Iowa 52720

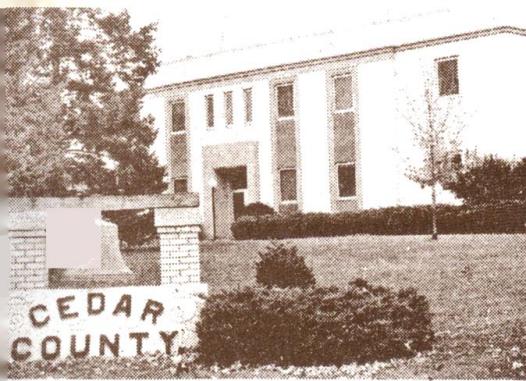
Copy to Tipton Conservative & Sun News on 9/5/03

Zoning Commission members

Copy e-mailed to Don Torney

2 File copies

Bulletin Board



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 17, 2003 – **6:00 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Chris and Danette Moore, Lisbon (Contract Buyers) and Darwin Koutney, Springville (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling**

- B. Harry and Susan Denny, RFD, Atalissa (Owners) – A change in zoning from M-1 to R-1 to allow construction of a single family dwelling**

III. Discussion

IV. Discuss Comprehensive Plan Updates with Jim Gonyier, E.C.I.A. The following points will be covered:

- A. Review Data Collected and Maps Prepared.**
ECIA staff will present an inventory and assessment of data collected thus far and maps prepared in support of the Cedar County Land Use Plan Update project. (Discussion Item)

- B. Review Existing Cedar County Land Use Goals, Objectives and Policies. ECIA staff will present the 1980 Land Use Plan Goals, Objectives and Policies for the purposes of review and comparison to current issues and trends. ECIA staff will seek action from Cedar County Planning and Zoning Committee Members on existing goals, objectives and policies to determine if refinement of these statements is needed. (Action Item)
- C. Discuss Remaining Tasks of Cedar County Land Use Plan Update Project. ECIA staff will present remaining tasks needing completion. Key tasks remaining include collecting City input on current and future land use plans, holding a public information meeting, development of a future land use map and writing the final report. (Discussion Item)
- D. Future Meeting Dates. ECIA staff will discuss the remaining schedule for the Cedar County Land Use Plan Update Project. The completion date for this project is expected to early 2004. (Discussion Item)

V. Conclusion

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on September 8 and 11, 2003, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Robert and Sue White, Iowa City (Contract Buyers) and Clarence Lodge, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 34, T-80N, R-4W, in Gower Township. Said petition is to rezone 3.55 acres of a 5.00 acre lot.

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 8/25/03 to the following:

1. Robert & Sue White - 1109 4th Avenue, Iowa City, Iowa 52240 - Certified
2. Clarence & Betty Lodge - 61 315th Street, West Branch, Iowa 52358
3. Lawrence, Todd & Kelly Avant - 1351 Charles Avenue, West Branch, Iowa 52358
4. Ronald & Cynthia Madsen - 357 280th Street, West Branch, Iowa 52358
5. John & Lorena Gingerich - 342 280th Street, West Branch, Iowa 52358
6. Gwendolyn Kessler, Constance Meyer & David Barnhart - 501 E. 3rd St., West Liberty 52776

Copy to Tipton Conservative and West Branch Times on 8/22/03

Board of Supervisors

File Copies

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CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 20, 2003

The Cedar County Planning & Zoning Commission conducted a Public Hearing on August 20, 2003, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Voparil, Moylan, Penningroth, Pruess, Schuett and Zoning Administrator La Rue. Members absent were Brown and Lamp. Minutes from the previous meeting held on July 16, 2003, were previously sent to the members. Voparil made a motion to approve the minutes. Moylan seconded the motion. Ayes all.

The Commission members then considered the following petition:

1. **Robert and Sue White, Iowa City (Contract Buyers) and Clarence Lodge, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 34, T-80N, R-4W, in Gower Township. Said petition is to rezone 3.55 acres of a 5.00 acre lot.

Zoning Administrator La Rue announced that there were no written or verbal objections on file and recommended that the Commission members consider the petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance.

Sue White explained their reason for the request of the zoning change. She stated that they are planning to build a one level home, taking advantage of the view from the proposed home site. The soil evaluation report was reviewed. La Rue reported that there was moderate limitation to building on this site. Septic limitations are moderate to severe, with severe limitations due to slope alone. The C.S.R. is less than 75 points. A letter from the West Branch Fire Department indicated no problem providing service to this location. A letter from Don Torney, County Engineer, noted the entrance has been approved 450 feet west of the farm field access. Discussion on the access followed concerning its width and orientation parallel with 280th Street. The Commission questioned the reason for rezoning the entire 3.55 acres instead of the one (plus) acre actual home site. La Rue explained that because of the lot location and the fact that an access restricts the site to a single dwelling only, that the acreage was reasonable. Sue White also indicated that the extra land was being put back into C.R.P.

After a brief discussion, Moylan made a motion to recommend to the Cedar County Board of Supervisors that this petition be approved with a recommendation for a 40 foot wide driveway. Schuett seconded the motion. Ayes all.

In other business, the Commission agreed to conduct the September meeting at 6:00 p.m., rather than 6:30 p.m., because of the Commission's meeting with Jim Gonyier, East Central Intergovernmental Association.

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

Dennis Powers Jan Lenningsroth
Chairperson Secretary



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

August 4, 2003

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, August 20, 2003, at 6:30 p.m.**, in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

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

1. **Robert and Sue White, Iowa City (Contract Buyers) and Clarence Lodge, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 34, T-80N, R-4W, in Gower Township. Said petition is to rezone 3.55 acres of a 5.00 acre lot.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 8/7/03 to the following:

1. Robert & Sue White - 1109 4th Avenue, Iowa City, Iowa 52240 - Certified
2. Clarence & Betty Lodge - 61 315th Street, West Branch, Iowa 52358
3. Lawrence, Todd & Kelly Avant - 1351 Charles Avenue, West Branch, Iowa 52358
4. Ronald & Cynthia Madsen - 357 280th Street, West Branch, Iowa 52358
5. John & Lorena Gingerich - 342 280th Street, West Branch, Iowa 52358
6. Gwendolyn Kessler, Constance Meyer & David Barnhart - 501 E. 3rd St., West Liberty 52776

7 Zoning Commission members

Copy to Tipton Conservative & West Branch Times on 8/5/03

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, August 20, 2003 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

A. Robert and Sue White, Iowa City (Contract Buyer) and Clarence Lodge (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Discussion

IV. Conclusion

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on August 7 and 11, 2003, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Thomas and Juanita Hearst, RFD, Tipton (Owners)** – Requesting approval of a Final Plat of Survey for Hidden River Heights, Part Four, a six (6) lot subdivision located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 12, T-79N, R-3W, in Rochester Township, consisting of 9.96 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 7/28/03 to the following:

1. Thomas & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772 - Certified
2. Charles & Caroline Frymoyer - 1232 300th Street, Tipton, Iowa 52772
3. Marvin & Carol Irwin - P.O. Box 94, Atalissa, Iowa 52720
4. Kent & Judy Kaeser - 48 Hidden River Drive, Tipton, Iowa 52772
5. Marvin & Jane Jones - 123 W. 9th Street, Tipton, Iowa 52772
6. Thelma J. Nopoulos Rev. Trust - P.O. Box 95, Wilton, Iowa 52778
7. Robert Van Houten - P.O. Box 131, Moscow, Iowa 52760
8. Christopher & Darryl Perkins - 211 W. 8th Street, Tipton, Iowa 52772
9. Kohl & Kohl Inc. - 605 Inland Road, Tipton, Iowa 52772
10. Alan & Simone Hansen - 62 Hidden River Court, Tipton, Iowa 52772
11. William & Judith Jensen - 52 Hidden River Drive, Tipton, Iowa 52772
12. Robert & Gail Meli - 978 Pacific Street, New Milford, NJ 07646
13. Wayne Yarolem Jr. - P.O. Box 536, Wilton, Iowa 52778
14. Susan Benz - MMS Consultants, 1917 Gilbert Street, Iowa City, Iowa 52240

1 Copy to Tipton Conservative on 7/28/03

Board of Supervisors

2 Copies for Files

Bulletin Board

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on July 31 and August 4, 2003, at 9:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **LuJen Farms, Inc., RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1 of a proposed three (3) lot subdivision located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres of Lot 1, consisting of 13.87 acres more or less.
2. **Mark and Audrey Graver, Mt. Vernon (Owners)** – Requesting approval of a Preliminary Plat of Survey for Buffalo Ridge First Addition, a proposed eleven (11) lot subdivision located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 25.32 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 7/21/03 to the following:

1. Lu Jen Farms, Inc. - 756 Garfield Road, West Branch, Iowa 52358 - Certified
2. Joe McMath - 48 Greenview Drive, West Branch, Iowa 52358
3. Fred & Joan Crew - 195 290th Street, West Branch, Iowa 52358
4. Tim Robertson - 673 Garfield Road, West Branch, Iowa 52358
5. Edward & Karen Arensdorf - 640 Garfield Road, West Branch, Iowa 52358
6. Mark Burnett - 532 West Side Drive, Iowa City, Iowa 52246

1. Mark & Audrey Graver - 1618 Highview Drive, Mt. Vernon, Iowa 52314 - Certified
2. Brian & Amy Hall - 295 Adams Avenue, Lisbon, Iowa 52253
3. Virgil & Wanda Clark - 115 S. Jackson, Lisbon, Iowa 52253
4. Malcom & Peggy Kimble - P.O. Box 1001, Lisbon, Iowa 52253
5. Alan & Allison Kamerling - 271 Adams Avenue, Lisbon, Iowa 52253
6. Donald H. & Mary E. Sievers - 293 Adams Avenue, Lisbon, Iowa 52253
7. Ruth T. Young - 1115 Scramblers Knob, Franklin, TN 37069

Copy to Tipton Conservative, West Branch Times & Sun News on 7/18/03

Board of Supervisors

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Bulletin Board

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 16, 2003

The Cedar County Planning & Zoning Commission conducted a Public Hearing on July 16, 2003, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Brown, Voparil, Lamp, Moylan, Penningroth and Zoning Administrator La Rue. Members absent were Pruess and Schuett. Minutes from the previous meeting held on June 18, 2003, were previously sent to the members. Brown requested that the reasons for his nay votes on two petitions be added to the minutes, namely: Petition #3 – Mark and Audrey Graver (voting nay because of concern of the high water table and flooding potential and Petition #6 – Pond View Acres, LLC (voting nay because of concern of the perched water table). Voparil then made a motion to approve the amended minutes. Moylan seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. **LuJen Farms, Inc., RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1 of a proposed three (3) lot subdivision located in the NW ¼ of the NE ¼, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres of Lot 1, consisting of 13.87 acres more or less.

This petition had been tabled at the June meeting because of the petitioner not attending. Voparil moved and Lamp seconded to remove the tabled petition. Ayes all. La Rue stated that there were no written or verbal objections on file and recommended that the Commission consider the petition in accordance with Chapter 18.2(3) of the Zoning Ordinance.

George Bowie then spoke on behalf of the petition and apologized for his non-attendance at the last meeting. He explained his plan to sell this lot for a home to be built. The letter from the West Branch Fire Department stated that they will provide service to the property. The letter from County Engineer Don Torney stated that the access has been approved. The site evaluation was reviewed. Limitations for building are moderate. Limitations for septic are moderate to severe with severe limitations due to percent of slope. The C.S.R. was less than 75 points.

After a short discussion, Lamp made a motion to recommend to the Board of Supervisors that this site zoning be changed to R-1 Suburban Residential. Moylan seconded the motion. Ayes 4 and voting nay was Brown.

2. **Deanne Schroeder, RFD, Oxford Junction (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog grooming and boarding facility on property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 9, T-82N, R-1W, in Massillon Township, consisting of 2.76 acres more or less. Said property is currently zoned A-1 Agricultural.

Zoning Administrator La Rue announced that there were no written or verbal objections on file for this petition and advised the members to make their decision based on Chapter 17.18(2) of the Zoning Ordinance in making their recommendation to the Board of Adjustment.

Mr. and Mrs. Joe Schroeder were present and explained their dog grooming and boarding kennel operation. They explained that they have been in business at this location for a number of years and Mr. La Rue requested that they petition for this permit so that they are in conformity with the zoning regulations. They explained that they are licensed and inspected by the Iowa Department of Agriculture and thoroughly described the layout of their business. La Rue explained that there are no neighboring dwellings within 750 feet of the operation.

Moylan then moved and Voparil seconded to recommend to the Board of Adjustment that this Special Use Permit be approved. Ayes all.

3. **Mark and Audrey Graver, Mt. Vernon (Owners)** – Requesting approval of a Preliminary Plat of Survey for Buffalo Ridge First Addition, a proposed eleven (11) lot subdivision located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 25.32 acres more or less.

La Rue announced that there were no written or verbal objections on file for this petition and advised the Commission to base their decision according to Chapters 3, 6, 7 and 8 of the Cedar County Subdivision Ordinance. He also advised the members that this request has been corrected due to lot limitations to a ten (10) lot subdivision and the on-site soil evaluation indicates that alternate types of septic systems on the ten lots will be necessary due to a high water table and surface water. Commission member Brown voiced his concern regarding wet basements and high water table on this location.

Mr. and Mrs. Graver were present and explained the proposed subdivision in detail. The Commission noted that Everett Court will be a private road and it was announced that Lot 1 can not be split due to the drainage way across the lot. Covenants will also prohibit further subdivision of the platted lots. The Commission requested that they be allowed to review and comment to the Board of Supervisors any covenants for the property. The letter from County Engineer Don Torney was reviewed. Lot access will only be onto Everett Court, and the plat complies with county subdivision regulations.

Following discussion, Lamp made a motion to approve the Preliminary Plat of Survey for Buffalo Ridge First Addition to the Board of Supervisors. Moylan seconded the motion. Ayes 4 and voting nay was Brown.

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

Dennis Lamp
Chairperson

Jan Lemingsoth
Secretary



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

July 7, 2003

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, July 16, 2003, 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. **LuJen Farms, Inc., RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1 of a proposed three (3) lot subdivision located in the NW ¼ of the NE ¼, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres of Lot 1, consisting of 13.87 acres more or less.
2. **Deanne Schroeder, RFD, Oxford Junction (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog grooming and boarding facility on property located in the SE ¼ of the NE ¼, Section 9, T-82N, R-1W, in Massillon Township, consisting of 2.76 acres more or less. Said property is currently zoned A-1 Agricultural.
3. **Mark and Audrey Graver, Mt. Vernon (Owners)** – Requesting approval of a Preliminary Plat of Survey for Buffalo Ridge First Addition, a proposed eleven (11) lot subdivision located in the NW ¼ of the NW ¼, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 25.32 acres more or less.

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

Phil La Rue
Zoning Administrator

Copies sent out on 7/9/03 to the following:

1. Lu Jen Farms, Inc. - 756 Garfield Road, West Branch, Iowa 52358 - Certified
2. Joe McMath - 48 Greenview Drive, West Branch, Iowa 52358
3. Fred & Joan Crew - 195 290th Street, West Branch, Iowa 52358
4. Tim Robertson - 673 Garfield Road, West Branch, Iowa 52358
5. Edward & Karen Arensdorf - 640 Garfield Road, West Branch, Iowa 52358
6. Mark Burnett - 532 West Side Drive, Iowa City, Iowa 52246

1. Deanna Schroeder - 131 Vermont Avenue, Oxford Junction, Iowa 52323 - Certified
2. Kenneth Lund - 2103 120th Street, Clarence, Iowa 52216
3. Vince Moore - 2143 Taylor Road, Oxford Junction, Iowa 52323
4. Robert & Marlene Wiedenhoff - 204 Eighth Street, Lowden, Iowa 52255
5. Allan Hasselbusch - 251 Oxford Junction Road, Clarence, Iowa 52216
6. Richard & Patricia Rausenberger - 625 Breezy Point Drive, Clinton, Iowa 52732

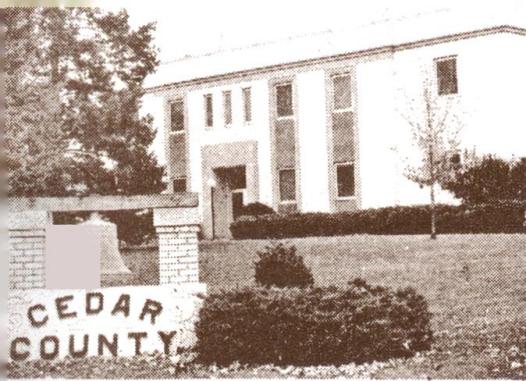
1. Mark & Audrey Graver - 1618 Highview Drive, Mt. Vernon, Iowa 52314 - Certified
2. Brian & Amy Hall - 295 Adams Avenue, Lisbon, Iowa 52253
3. Virgil & Wanda Clark - 115 S. Jackson, Lisbon, Iowa 52253
4. Malcom & Peggy Kimble - P.O. Box 1001, Lisbon, Iowa 52253
5. Alan & Allison Kamerling - 271 Adams Avenue, Lisbon, Iowa 52253
6. Donald H. & Mary E. Sievers - 293 Adams Avenue, Lisbon, Iowa 52253
7. Ruth T. Young - 1115 Scramblers Knob, Franklin, TN 37069

7 Zoning Commission Members

Copy to West Branch Times, Tipton Conservative & Sun News on 7/7/03

2 Bulletin Board Copies

2 File Copies



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 16, 2003 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. LuJen Farms, Inc., RFD, West Branch (Owner) –**
A change in zoning from A-1 to R-1 to allow construction of a single family dwelling on Lot 1 of a proposed three (3) lot subdivision
- B. Deanne Schroeder, RFD, Oxford Junction (Owner) –**
Approval of a Special Use Permit authorizing the location of a dog grooming and boarding facility
- C. Mark and Audrey Graver, Mt. Vernon (Owners) –**
Approval of a Preliminary Plat of Survey for Buffalo Ridge First Addition (A proposed eleven (11) lot subdivision)

III. Discussion

IV. Conclusion

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 18, 2003

The Cedar County Planning & Zoning Commission conducted a Public Hearing on June 18, 2003, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Moylan, Voparil, Penningroth and Zoning Administrator La Rue. Members absent were Lamp and Schuett. Minutes from the previous meeting held on May 21, 2003, were previously sent to the members. They were approved as written.

The Commission members then considered the following petitions:

1. **Steve Edinger, RFD, Lisbon (Owner)** – Requesting a change in zoning from M-1 Light Industrial to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property described as Lot 9, in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 18, T-82N, R-4W, in Pioneer Township, consisting of 1.56 acres more or less.

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

Steve Edinger was present and spoke for the request. He explained his plans to build a new home on the east end of this lot for him and his family to live. The home where he presently lives will be rented out. He explained that he runs his business out of the building west of the existing house. The letter from County Engineer Don Torney states that the new access onto Adams Avenue has been approved for a single home only. The letter from the Lisbon Fire Department states the access is acceptable and they will provide service. The Commission noted that this property is south of the proposed route of the new Highway 30 project. They also noted the number of residential homes in the area. The soil evaluation was reviewed. Limitations on building are moderate to severe, with severe limitations due to flooding in the Colo-Ely soil complex. Limitations for septic are moderate to severe, with severe limitations due to percent slope on the Fayette Silt Loam soils and high water table and flooding on the Colo-Ely soils. The C.S.R. is less than 75 points.

Moylan then moved and Voparil seconded the motion to recommend a change in zoning from M-1 Light Industrial to R-1 Suburban Residential for the purpose of constructing a single family dwelling. Ayes all.

2. **James Sissel, RFD, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the E ½ Auditor's Parcel "D" in the SE ¼ of the SW ¼, Section 10, T-80N, R-3W, in Center West Township, consisting of 2.00 acres more or less.

There were no written or verbal objections to this request and Zoning Administrator La Rue reminded the Commission members to base their decision in accordance with Chapter 18.2(3) of the Zoning Ordinance.

James Sissel was present and explained his plan to build a home north of his brother's home, Bob Sissel. La Rue explained that Mr. Sissel's mobile home site and Bob Sissel's property are both zoned R-1. The letter from County Engineer Don Torney stated that the access has been approved and he stated it will be widened with the Cedar Valley Road Project. He has no objections. There are no livestock operations in the area. The soil evaluation was reviewed. Limitations for building are moderate. Limitations for septic systems are slight to moderate. The C.S.R. of the property is above 75 points, but the Commission noted that the property is wooded.

After a brief discussion, Penningroth made a motion and Moylan seconded to recommend that this zoning be changed to R-1 Suburban Residential. Ayes all.

3. **Mark and Audrey Graver, Mt. Vernon (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 eleven (11) lot subdivision located in the NW ¼ of the NW ¼, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 25.32 acres more or less.

La Rue announced that there were no written or verbal objections on file for this request and advised the Commission to base their decision on Chapter 18.2(3) of the Zoning Ordinance.

Mark and Audrey Graver, owners, and Dan Boggs from Hall & Hall Engineering, were present and described the project for residential homes. The number of lots had been changed since the original request from 11 to 10 because of access onto Adams Avenue and drainage across the east part of the project. There are to be individual septic systems and two wells for the 10 lots. A restricted covenant is being drawn up and will be presented to the Board of Supervisors. Access to the subdivision will only be allowed via the subdivision road, not directly onto Adams Avenue. The proposed access is 300 feet south of the paved portion of Adams Avenue. The road may be dedicated to Cedar County. The Commission voiced a

concern about the additional traffic on Adams Avenue and when a hard surface road would be requested. Engineer Torney explained the traffic count on Adams Avenue and the amount of traffic it can handle. The Comprehensive Plan was reviewed, as was the number of residential homes in the area. The letter from the Lisbon Fire Department was reviewed. It stated the access would be acceptable and they will provide service. County Engineer Don Torney stated that the final access location has yet to be determined. Discussion about the subdivision road and Adams Avenue continued. There are no livestock operations in the area. The soil evaluation was reviewed. Limitations on building are moderate to severe, with severe limitations on proposed Lots 1 and 10 due to flooding and bearing capacity (Nodaway Silt Loam). Limitations for septic systems are slight to severe, with severe limitations due to slope on the Fayette Silt Loam. Limitations on the Nodaway soils are due to high water table and flooding (drainage from the east). The dimensions of Lots 1 and 10 will change when the access road location and environmental soil evaluation is completed. The C.S.R. varies greatly on this property with a good portion of the southern 2/3 of the project having a C.S.R. over 75 points.

Policies of the Commission and the Comprehensive Plan were discussed. Neighbors, Don and Mary Sievers, informed the Commission that a creek on their property, if high, does go through Lot 1 and floods. The Commission agreed with Mr. Graver that the property north of the project is not suitable for residential development.

After further discussion, Moylan moved, Penningroth seconded to recommend to the Board of Supervisors that this property be changed from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed ten lot subdivision. Ayes four. Voting nay was Brown.

4. **LuJen Farms, Inc., RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1 of a proposed three (3) lot subdivision located in the NW 1/4 of the NE 1/4, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres of Lot 1, consisting of 13.87 acres more or less.

In as much as no one was present to represent this petition, Brown moved and Voparil seconded the motion to table discussion on this petition until the July 16, 2003, meeting. Ayes all.

5. **Leslie and Elizabeth Pedersen, RFD, West Branch (Owners) –**
Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW ¼ of the NW ¼ of the SW ¼, Section 21, T-80N, R-4W, in Gower Township, consisting of 2.07 acres more or less.

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

Leslie Pedersen, owner, and John Fiderlein, son-in-law, spoke on behalf of the petition. Mr. Fiderlein explained their plan to have his son, Chad and his wife, build a home on the property. The site is old timber, has never been farmed and is northwest of Mr. Pedersen's home. There are no livestock operations in the area. The letter from the West Branch Fire Department indicates that they will provide service. The letter from County Engineer, Don Torney, stated that a new access has been approved and he has no objections. The soil evaluation was reviewed. Limitations on building are moderate. Limitations for septic systems are slight to moderate. The C.S.R. average is above 75 points, but this home is near Mr. Pedersen's home and is timbered.

With no additional discussion, Voparil moved and Moylan seconded to recommend to the Board of Supervisors that this zoning be changed from A-1 to R-1 for the purpose of constructing a single family dwelling. Ayes all.

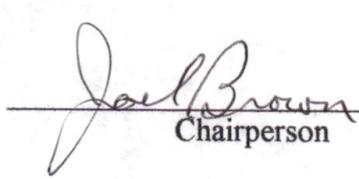
6. **Pond View Acres, LLC, Tipton (Owners) –** Requesting approval of Pond View Acres Third Addition, a Preliminary Plat of Survey, for a proposed eight (8) lot subdivision located in the NE ¼ of the SW ¼ and the SE ¼ of the SW ¼, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 20.59 acres more or less.

Richard Kordick was present and explained the plans of the Preliminary Plat for the 3rd Addition. The road will continue northwest, then west of the 2nd Addition and end in a temporary cul-de-sac. This cul-de-sac does not meet county requirements as it is temporary. This road, as in previous plats, meets county road width, but will not be paved. It will be private and maintained by the homeowner association. The road project plans for the future extension of Pond View Drive at the northeast corner of proposed Lot 19. Discussion followed concerning this road and its length and need for an additional turn-around point by Lot 19. Brief comparison of Cedar County Subdivision roads with

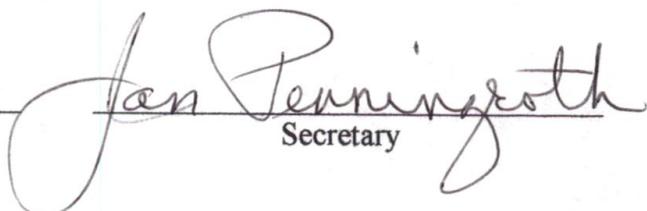
those in Scott County were made and the number of accesses onto county roads. The lots within the project were reviewed. Zoning Administrator La Rue expressed some concern about the narrowness of Lot 18. He had no objection about the septic absorption field. There was then discussion about requirements for open space. This portion of the subdivision will be served by a community water well in the northeast corner of Lot 19. This site is more than 1,000 feet from the lagoons at the I.D.O.T. rest station. The soil evaluation from Van-Winkle Engineering was reviewed. These lots, as in Pond View Acres Part I and II, are subject to the same soil limitations including slope, perched water table and impervious layer. Alternate on-site septic systems, such as sand filters, mound systems, etc., will be the norm.

After much discussion, Moylan moved and Voparil seconded the motion to recommend approval of this Preliminary Plat with the Commission's recommendation that there be a horseshoe turn-around on the north side of Lot 19 and a 500 foot variance needed to allow road to continue. Ayes 4 with Brown voting nay.

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



Joel Brown
Chairperson



Jan Penningroth
Secretary

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

June 9, 2003

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, June 18, 2003, 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. **Steve Edinger, RFD, Lisbon (Owner)** – Requesting a change in zoning from M-1 Light Industrial to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property described as Lot 9, in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 18, T-82N, R-4W, in Pioneer Township, consisting of 1.56 acres more or less.
2. **James Sissel, RFD, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the E $\frac{1}{2}$ Auditor's Parcel "D" in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 10, T-80N, R-3W, in Center West Township, consisting of 2.00 acres more or less.
3. **Mark and Audrey Graver, Mt. Vernon (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 eleven (11) lot subdivision located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 25.32 acres more or less.
4. **LuJen Farms, Inc., RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1 of a proposed three (3) lot subdivision located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres of Lot 1, consisting of 13.87 acres more or less.

5. **Leslie and Elizabeth Pedersen, RFD, West Branch (Owners) –**
Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW ¼ of the NW ¼ of the SW ¼, Section 21, T-80N, R-4W, in Gower Township, consisting of 2.07 acres more or less.
6. **Pond View Acres, LLC, Tipton (Owners) –** Requesting approval of Pond View Acres Third Addition, a Preliminary Plat of Survey, for a proposed eight (8) lot subdivision located in the NE ¼ of the SW ¼ and the SE ¼ of the SW ¼, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 20.59 acres more or less.

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



Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 6/11/03 to the following:

1. Steve Edinger - 234 Adams Avenue, Lisbon, Iowa 52253 - Certified
2. Peter & Margo Greiner & Rita Wendler - 48 Highway 30, Lisbon, Iowa 52253
3. Barry Alger - 240 Adams Avenue, Lisbon, Iowa 52253
4. Timothy & Teresa Jamison - 250 Adams Avenue, Lisbon, Iowa 52253
5. Wade & Julie Schultz - 252 Adams Avenue, Lisbon, Iowa 52253
6. Jack & Dianne O'Connell - 230 Adams Avenue, Lisbon, Iowa 52253
7. Robert Wolfe - 107 North 2nd Street NE, Mt. Vernon, Iowa 52314

1. James Sissel - 949 Cedar Valley Road, Tipton, Iowa 52772 - Certified
2. Robert & Rita Sissel - 943 Cedar Valley Road, Tipton, Iowa 52772
3. Dave & Sally Kruse - 501 Horizon Drive, Tipton, Iowa 52772
4. Ronald Anderson - 956 Cedar Valley Road, Tipton, Iowa 52772
5. Stephen & Cheryl Person - 1402 Jackson Avenue, Tipton, Iowa 52772
6. Richard Mitzner - 991 210th Street, Tipton, Iowa 52772

1. Mark & Audrey Graver - 1618 Highview Drive, Mt. Vernon, Iowa 52314 - Certified
2. Brian & Amy Hall - 295 Adams Avenue, Lisbon, Iowa 52253
3. Virgil & Wanda Clark - 115 So. Jackson, Lisbon, Iowa 52253
4. Malcom & Peggy Kimble - P.O. Box 1001, Lisbon, Iowa 52253
5. Alan & Allison Kamerling - 271 Adams Avenue, Lisbon, Iowa 52253
6. Donald H. & Mary E. Sievers - 293 Adams Avenue, Lisbon, Iowa 52253
7. Ruth T. Young - 1115 Scramblers Knob, Franklin, TN 37069

1. Lu Jen Farms, Inc. - 756 Garfield Road, West Branch, Iowa 52358 - Certified
2. Joe McMath - 48 Greenview Drive, West Branch, Iowa 52358
3. Fred & Joan Crew - 195 290th Street, West Branch, Iowa 52358
4. Tim Robertson - 673 Garfield Road, West Branch, Iowa 52358
5. Edward & Karen Arensdorf - 640 Garfield Road, West Branch, Iowa 52358
6. Mark Burnett - 532 West Side Drive, Iowa City, Iowa 52246

1. Leslie & Elizabeth Pedersen - 1578 Charles Avenue, West Branch, Iowa 52358 - Certified
2. Harvey & Sara Jensen - 159 260th Street, West Branch, Iowa 52358
3. Troy & Michelle Thompson - 1537 Charles Avenue, West Branch, Iowa 52358
4. Iowa Valley Habitat for Humanity - P.O. Box 1241, Iowa City, Iowa 52244

1. Pond View Acres, LLC - % Stuart Werling, 319 Cedar Street, Tipton, Iowa 52772 - Certified
2. Charles H. Frymoyer - Box 137, Tipton, Iowa 52772
3. Donald H. Holladay - 2043 Rose Avenue, Wilton, Iowa 52778
4. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
5. Dean Challis - 1829 195th Street, Clarence, Iowa 52216
6. Roger & Carolyn Grunder - 2362 Spicer Avenue, Wilton, Iowa 52778
7. Jamie & Holly Hull - 508 E. 6th Street, Wilton, Iowa 52778

7 Zoning Commission members

Copy to Tipton Conservative, West Branch Times & Sun News on 6/9/03

1 Copy faxed to Advocated News on 6/9/03

2 File copies

2 copies for bulletin boards

1 copy e-mailed to Don Torney



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 18, 2003 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Steve Edinger, RFD, Lisbon (Owner) – A change in zoning from M-1 to R-1 to allow construction of a single family dwelling
- B. James Sissel, RFD, Tipton (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- C. Mark and Audrey Graver, Mt. Vernon (Owners) – A change in zoning from A-1 to R-1 for the purpose of constructing single family dwellings on a proposed eleven (11) lot subdivision
- D. LuJen Farms, Inc., RFD, West Branch (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling on Lot 1 of a proposed three (3) lot subdivision
- E. Leslie and Elizabeth Pedersen, RFD, West Branch (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- F. Pond View Acres, LLC, Tipton (Owners) – Approval of A Preliminary Plat of Survey for Pond View Acres Third Addition (A proposed eight (8) lot subdivision)

III. Discussion

IV. Conclusion

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 21, 2003

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, May 21, 2003, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Moylan, Voparil, Lamp, Penningroth and Zoning Administrator La Rue. Member absent was Schuett. Minutes from the previous meeting held on April 16, 2003, were previously sent to the members. They were approved as written.

The Commission members then considered the following petitions:

1. **Dean Bickford, West Branch (Contract Buyer) and Gilbert Behrens, RFD, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single dwelling on property located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 6, T-80N, R-3W, in Cass Township, consisting of 2.30 acres more or less.

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

Dean Bickford spoke for the request. He explained his plans to construct a home on the property. The letter from the County Engineer Don Torney stated that the access has been approved and he has no objections. The letter from the Tipton Fire Department stated that they will provide service to the property. The site is seven miles from Tipton. There are no livestock operations in the area. The site is over one mile to the Buchanan Landfill site. The Comprehensive Plan was reviewed. It discourages scattered residential development. The soil evaluation was reviewed. Limitations on building were moderate to severe, with severe limitations due to flooding potential and high water table in the Colo-Ely soil complex. The home is not to be built in this area. Limitations for septic are moderate to severe, with severe limitations due to slope on the Fayette soils, flooding and high water table in the Colo-Ely soils. The C.S.R. is below 75 points. This site is presently in the C.R.P.

With no additional discussion, Lamp 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.

2. **Bill and Donna Banta, Walcott (Owners)** – Requesting a change in zoning from C-2 Highway Commercial to M-1 Light Industrial for the purpose of conducting a trailer sales, service and manufacturing business on property located in the W ½ of the SW ¼ of the NW ¼ and the NW ¼ of the SW ¼, Section 13, T-79N, R-3W, in Iowa Township, consisting of 11.50 acres more or less.

La Rue announced that there were no written or verbal objections on file for this request and to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. The letter from County Engineer Don Torney stated that he has reviewed the site and will issue access permits. He has no objections. The letter from the Atalissa Fire Department stated that they will provide service.

Bill Banta was present and spoke for the request. He stated that the reason for locating here was easy access to Interstate 80. Plans are for several buildings for storage and sales areas. Jerry and Barb Wood were present and had no objections. Joe Glasgow questioned what type of trailers would be on this property. The trailers will be for construction equipment and may be modular homes in the future. This is not planned to be a house trailer park. A letter from Steve Lacina, Cedar County Economic Development Director, was read supporting the Banta's petition. The Cedar County Comprehensive Plan was reviewed. The use of this site appears to be in compliance with the plan. The soil evaluation was reviewed. The limitations for commercial buildings are slight to moderate. A portion of the property is made land with unknown limitations. Limitations for sewers are slight to severe, with severe limitations due to a danger of groundwater contamination as a result of poor soil filtering ability. Limitations on the made land are unknown. The C.S.R. is below 75 points. Regarding water usage and sewerage, these will be based upon information provided by the Banta's engineer and may be under either county or state jurisdiction.

With no additional discussion, Brown moved and Lamp seconded a motion to recommend approval of a change in zoning from C-2 to M-1 to the Board of Supervisors. Ayes all.

3. **Thomas Hearst, RFD, Tipton (Owner)** – Requesting a change in zoning from C-2 Highway Commercial to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed six (6) lot subdivision located in the NE ¼ of the SE ¼ and the SE ¼ of the SE ¼, Section 12, T-79N, R-3W, in Rochester Township, consisting of 9.80 acres more or less.

The Commission announced it was considering the 3rd and 4th request together and then vote separately on each request. La Rue announced there were no written or verbal objections to these requests and to consider the rezoning petition in accordance with Chapter 18.2(3) of the Zoning Ordinance and the subdivision petition in accordance with Chapters 3, 6-9 of the Subdivision Ordinance. The Commission noted that there was a request for a variance under Chapter 9.1 of the Subdivision Ordinance on the fencing requirements. The Commission also noted that the road is in place. The letter from the Tipton Fire Department was reviewed and stated that they can provide service. The letter from County Engineer Don Torney stated no objections.

Tom and Juanita Hearst and Glen Meisner from MMS Consultants were in attendance. They explained that this was the 4th Addition (and last) to this subdivision. Pictures were shown to the Commission illustrating how well this subdivision has been maintained. The Commission had no problem with the plans other than a question about the fencing dividing lots from the remainder of the Hearst property. The soil evaluation was reviewed. Limitations on building were slight to moderate. Limitations on septic were moderate to severe, with severe limitations due to degree of slope. The property is timbered and the C.S.R. less than 75 points.

Following final discussion, Lamp moved and Moylan seconded the motion to recommend a change in zoning from C-2 to R-1 to the Board of Supervisors. (Petition #3) Ayes all.

4. **Thomas Hearst, RFD, Tipton (Owner)** – Requesting approval of a Preliminary Plat of Survey for Hidden River Heights, Part Four, a proposed six (6) lot subdivision located in the NE ¼ of the SE ¼ and the SE ¼ of the SE ¼, Section 12, T-79N, R-3W, in Rochester Township, consisting of 9.80 acres more or less.

The lots will be served by a well located on Outlot A on the north edge of Lot 32. In as much as this petition was also discussed and considered with Petition #3, Lamp moved and Moylan seconded the motion to recommend approval of a Preliminary Plat of Survey for Hidden River Heights, Part Four (with thought given to fencing agreement to avoid future problems). Ayes all.

5. **LuJen Farms, Inc., 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 Lot 2 of a proposed three (3) lot subdivision located in the NW ¼ of the NE ¼, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres of proposed Lot 2, consisting of 24.61 acres more or less.

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

George Bowie was present and explained his plan to sell this lot for construction of a home in the northeast corner of the lot. The letter from the West Branch Fire Department stated that they will provide emergency service to the property. The letter from County Engineer Don Torney, stated that the driveway has been approved and he has no objections. There are no livestock in the area. The soil evaluation was reviewed. Limitations for building are moderate. Limitations on septic systems are moderate to severe, with severe limitations due to degree of slope. The C.S.R. was 65 points.

Following discussion, Moylan moved and Lamp seconded a motion to recommend a change in zoning from A-1 to R-1 for the construction of a single family dwelling on Lot 2 of the proposed three lot subdivision. Ayes 4. Voting nay was Brown.

6. **Cliff Bowie, RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 5, T-79N, R-3W, in Iowa Township, consisting of 3.73 acres more or less.

La Rue announced that there were no written or verbal objections on file for this petition and advised the members to consider their recommendation in accordance with Chapter 18.2(3) of the Zoning Ordinance. A letter from the West Branch Fire Department indicated no problem providing emergency service. The letter from County Engineer Don Torney, stated that the driveway has been approved and he has no objections.

Cliff Bowie and Mike Klinkhammer, potential owner, spoke in behalf of this request. He is requesting a larger lot due to limitations on the south half of the lot and difficulty to farm. There is no livestock facility near this site. The soil evaluation was reviewed. Limitations on building are moderate to severe, with severe limitations due to flooding and high water table. Limitations for septic are moderate to severe. Severe limitations on the Colo-Ely soil complex is due to flooding and high water table.

With no additional discussion, Lamp moved and Moylan seconded to recommend the change in zoning from A-1 to R-1 to allow construction of a single family dwelling. Ayes 4. Voting nay was Brown.

The meeting adjourned after discussion on how a rural county has problems with "spot zoning" and the problems associated therewith.

Dennis Pines Jan Lehningroth
Chairperson Secretary

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on June 12 and 16, 2003, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

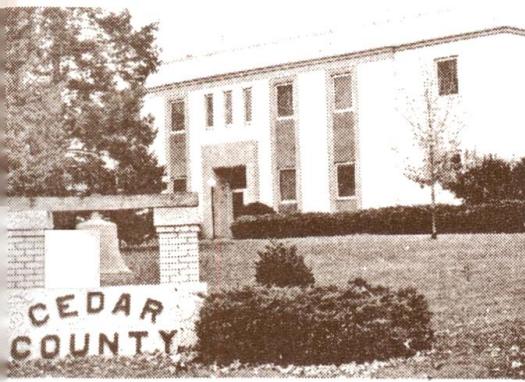
At this time, the Board will consider the following petitions:

1. **Dean Bickford, West Branch (Contract Buyer) and Gilbert Behrens, RFD, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single dwelling on property located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 6, T-80N, R-3W, in Cass Township, consisting of 2.30 acres more or less.
2. **Bill and Donna Banta, Walcott (Owners)** – Requesting a change in zoning from C-2 Highway Commercial to M-1 Light Industrial for the purpose of conducting a trailer sales, service and manufacturing business on property located in the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 13, T-79N, R-3W, in Iowa Township, consisting of 11.50 acres more or less.
3. **Thomas Hearst, RFD, Tipton (Owner)** – Requesting a change in zoning from C-2 Highway Commercial to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed six (6) lot subdivision located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 12, T-79N, R-3W, in Rochester Township, consisting of 9.80 acres more or less.
4. **Thomas Hearst, RFD, Tipton (Owner)** – Requesting approval of a Preliminary Plat of Survey for Hidden River Heights, Part Four, a proposed six (6) lot subdivision located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 12, T-79N, R-3W, in Rochester Township, consisting of 9.80 acres more or less.
5. **LuJen Farms, Inc., 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 Lot 2 of a proposed three (3) lot subdivision located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres of proposed Lot 2, consisting of 24.61 acres more or less.

6. **Cliff Bowie, RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE ¼ of the SW ¼, Section 5, T-79N, R-3W, in Iowa Township, consisting of 3.73 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



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 21, 2003 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Dean Bickford, West Branch (Contract Buyer) and Gilbert Behrens, RFD, Tipton (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling**
- B. Bill and Donna Banta, Walcott (Owners) – A change in zoning from C-2 to M-1 to allow a trailer sales, service and manufacturing business**
- C. Thomas Hearst, RFD, Tipton (Owner) – A change in zoning from C-2 to R-1 to allow construction of single family dwellings on a proposed 6 lot subdivision**
- D. Thomas Hearst, RFD, Tipton (Owner) – Approval of a Preliminary Plat of Survey for Hidden River Heights, Part Four (A proposed 6 lot subdivision)**
- E. LuJen Farms, Inc., RFD, West Branch (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling on Lot 2 of a proposed 3 lot subdivision**
- F. Cliff Bowie, RFD, West Branch (Owner) – 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 5, 2003

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, May 21, 2003, 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. **Dean Bickford, West Branch (Contract Buyer) and Gilbert Behrens, RFD, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single dwelling on property located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 6, T-80N, R-3W, in Cass Township, consisting of 2.30 acres more or less.
2. **Bill and Donna Banta, Walcott (Owners)** – Requesting a change in zoning from C-2 Highway Commercial to M-1 Light Industrial for the purpose of conducting a trailer sales, service and manufacturing business on property located in the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 13, T-79N, R-3W, in Iowa Township, consisting of 11.50 acres more or less.
3. **Thomas Hearst, RFD, Tipton (Owner)** – Requesting a change in zoning from C-2 Highway Commercial to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed six (6) lot subdivision located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 12, T-79N, R-3W, in Rochester Township, consisting of 9.80 acres more or less.
4. **Thomas Hearst, RFD, Tipton (Owner)** – Requesting approval of a Preliminary Plat of Survey for Hidden River Heights, Part Four, a proposed six (6) lot subdivision located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 12, T-79N, R-3W, in Rochester Township, consisting of 9.80 acres more or less.

Copies sent out on 5/8/03 to the following:

1. Gilbert Behrens - 1223 Green Road, Tipton, Iowa 52772
2. Dean Bickford - 125 Bickford Drive, West Branch, Iowa 52358 - Certified
3. Gale Maurer - C/O Karen King, 577 225th Street, Tipton, Iowa 52772
4. Laverne Fogg - C/O Arthur Fogg, 206 W. 7th Street, Tipton, Iowa 52772
5. Linda K. Brumley - 1317 Harding Avenue, Tipton, Iowa 52772
6. Mark & Rebecca Penningroth - 710 Green Road, Tipton, Iowa 52772
7. Stella Gardner - 1200 Mulberry Street, Tipton, Iowa 52772

1. Bill & Donna Banta - P.O. Box 674, Walcott, Iowa 52773 - Certified
2. George G Ltd. - Box 473, Wilton, Iowa 52778
3. I.D.O.T. - Right-of-way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, IA 50010
4. Joseph W. Glasgow - 2039 305th Street, Atalissa, Iowa 52720
5. Leonard & Darlene Eichelberger - Trustees U/Will of H.V. Conley, 2094 Atalissa Road, Atalissa, Iowa 52720
6. Home Oil Stations, Inc. - P.O. Box 475, 555 Gateway Drive, Ottumwa, Iowa 52501
7. Gary D. & Gayle E. Van Est - 1964 Delta Avenue, West Branch, Iowa 52358
8. Ronald E. & Debra K. Simpson - 972 305th Street, Atalissa, Iowa 52720
9. Norma E. Dickey Rev. Trust - Norma E. Dickey, Trustee, 2180 Atalissa Road, Atalissa 52720

1. Thomas L. Hearst - 1200 Cemetery Road, Tipton, Iowa 52772 - Certified
2. Charles & Caroline Frymoyer - 1232 300th Street, Tipton, Iowa 52772
3. Marvin & Carol Irwin - P.O. Box 94, Atalissa, Iowa 52720
4. Kent & Judy Kaeser - 48 Hidden River Drive, Tipton, Iowa 52772
5. Wilton Motors Inc. - 1200 Cemetery Road, Tipton, Iowa 52772
6. Marvin & Jane Jones - 123 W. 9th Street, Tipton, Iowa 52772
7. Thelma J. Nopoulos Rev. Trust - P.O. Box 95, Wilton, Iowa 52778
8. Robert Van Houten - P.O. Box 131, Moscow, Iowa 52760
9. Christopher & Darryl Perkins - 211 W. 8th Street, Tipton, Iowa 52772
10. Kohl and Kohl Inc. - 605 Inland Road, Tipton, Iowa 52772
11. Alan and Simone Hansen - 62 Hidden River Court, Tipton, Iowa 52772
12. William and Judith Jensen - 52 Hidden River Drive, Tipton, Iowa 52772
13. Robert and Gail Meli - 978 Pacific Street, New Milford, NJ 07646
14. Wayne Yarolem Jr. - P.O. Box 536, Wilton, Iowa 52778
15. Susan Benz - MMS Consultants, 1917 Gilbert Street, Iowa City, Iowa 52240

1. Lu Jen Farms, Inc. - 756 Garfield Road, West Branch, Iowa 52358 - Certified
2. Joan Blundall - 2030 9th Street, Apt. #1, Coralville, Iowa 52241
3. Fred & Joan Crew - 195 290th Street, West Branch, Iowa 52358
4. Tim & Joan Robertson - 673 Garfield Road, West Branch, Iowa 52358

1. Cliff Bowie - 756 Garfield Road, West Branch, Iowa 52358 - Certified
2. Ken & Jan Mather - 799 290th Street, West Liberty, Iowa 52776
3. Larry Streets - 2394 Baker Avenue, West Branch, Iowa 52358

7 Zoning Commission members

Copy to Tipton Conservative & West Branch Times on 5/5/03

2 File copies

Bulletin Board

5. **LuJen Farms, Inc., 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 Lot 2 of a proposed three (3) lot subdivision located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres of proposed Lot 2, consisting of 24.61 acres more or less.
6. **Cliff Bowie, RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 5, T-79N, R-3W, in Iowa Township, consisting of 3.73 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

PL:sl

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 16, 2003

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, April 16, 2003, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Moylan, Voparil, Penningroth and Zoning Administrator La Rue. Members absent were Schuett and Lamp. Minutes from the previous meeting held on March 19, 2003, were previously sent to the members. They were approved as written.

The Commission members then considered the following petitions:

1. **Steve and Mary Agne, Tipton (Contract Buyers) and Ruth Agne, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 24, T-81N, R-4W, in Cass Township, consisting of 2.07 acres more or less.

Zoning Administrator advised the Commission that there were no written or verbal objections on file and to review this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. He explained that in all cases, the Comprehensive Plan discourages spot zoning where the site will not support a wide range of services and orderly compact development.

Mr. and Mrs. Agne were present. Steve Agne spoke on the reasons for the request, stating that he and his wife were planning to build a home on this site. This was the original home site, dating back to the late 1800's. The letter from the Tipton Fire Department stated that they have no problem with this site and the letter from County Engineer Don Torney, stated that he had no objections. There are no livestock facilities within $\frac{1}{2}$ mile. The driveway will be off 200th Street. The soil evaluation was reviewed. Limitations for building were slight to moderate. Limitations for septic systems were slight to moderate and the C.S.R. was 87.5 points.

After a brief discussion, Moylan made a motion to recommend approval of this change in zoning from A-1 to R-1 to the Board of Supervisors. Ayes all.

2. **Dennis Byrnes, RFD, Atalissa (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 ¼ of the NW ¼, Section 23, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less.

Zoning Administrator La Rue stated that there were no written or verbal objections on file and advised the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He continued that although the Comprehensive Plan discourages scattered residential development, this site is east of his R-1 zoned tract. He continued that there are suburban residential properties across the road and to the west and could constitute a clustering.

Mr. Byrnes was present and explained that he was interested in building some affordable housing for people wanting to live in and experience country living. The letter from the Atalissa Fire Dept. indicates that they will provide service to the property. The letter from County Engineer Don Torney stated a driveway access has been approved and he has no objections. The soil evaluation was reviewed. Limitations for building are moderate. Limitations for septic systems are slight to severe, with the severe limitations due to percent of slope. La Rue felt a septic system could be sited on the property. The C.S.R. average was 73 points. There are no livestock operations within ¼ mile.

Following final discussion, Penningroth made a motion to recommend approval of this rezoning request from A-1 to R-1 to the Board of Supervisors. Moylan seconded the motion. Ayes all.

3. **Larry Ballenger, Bennett (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on a proposed two lot subdivision on property located in the SW ¼ of the NW ¼, Section 6, T-79N, R-2W, in Rochester Township, consisting of 1.99 acres more or less.

Zoning Administrator La Rue announced that there were no written or verbal objections on file for this petition and advised the Commission to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He continued by explaining that this site is just south of the suburban residential tract where Gary Witmer is building his new home, so this would be a clustering under the Comprehensive Plan. Because this will be the second split from the same tract, this will be a minor subdivision. The request, is therefore, to rezone 1.99 acres more or less of a 10.00 acre more or less tract.

Larry and Linda Ballenger were present. Linda Ballenger spoke on the reasons for this request stating that they plan to rezone this area so that it can be sold for development of a single home only when the property comes out of the C.R.P. program in October of this year. The letter from the Tipton Fire Department stated that they will be able to provide service. There is a letter from Sheila Lee, Engineering Tech., I.D.O.T., stating that there is adequate access for an access onto Highway 38. Mrs. Ballenger stated this is for one home only. The soil evaluation was reviewed. Limitations for building are moderate to severe, with the severe limitations on the northeast corner due to a high water table and flooding potential of the watershed consisting of the Colo-Ely soil complex. Limitations for septic systems are moderate to severe, with severe limitations being due to slope, and on the northeast corner, the Colo-Ely soil complex. The C.S.R. average is 67 points. There are no livestock operations within ¼ mile.

Following discussion, Voparil made a motion to recommend the change in zoning from A-1 to R-1 to the Board of Supervisors. Ayes all.

4. **DeAnna Lear, North Liberty (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed two lot subdivision on property located in the NW ¼ of the SW ¼, Section 16, T-80N, R-4W, in Gower Township, consisting of 16.67 acres more or less.

Zoning Administrator La Rue advised the Commission that there were no written or verbal objections on file and advised the members to review this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Because this tract is being split into three parcels, this is a minor subdivision.

DeAnna Lear and her husband were present, as was her surveyor, Glen Meisner, MMS Consultants. Mrs. Lear explained her plans to make two lots available for development, as the land is rugged and not well suited for farming. There are residential properties in the area. All tillable land will remain in crops. The letter from the West Branch Fire Department states that they will be able to provide service. The letter from County Engineer Don Torney was reviewed. He has no objections to the request but wants more information about the accesses. Discussion followed between the Commission, Engineer Torney and Mr. Meisner. The access to Lot 1 was reviewed and appears fine. The access for Lot 2 will utilize the farm access 200 feet to the south.

This access and the easement along the south side of the lots discussed. This subdivision is not in Zone "A" of the Flood Insurance Rate Map. Discussion continued on the lots, and it was determined that the topography would limit the number of homes to be built to one on each lot. Mr. Meisner explained that a pond may be built of Lot 1. The soil evaluation was reviewed. Limitations for building are moderate to severe, with severe limitations due to flooding potential and high water table on the Colo-Ely soil association. Limitations on septic systems are moderate to severe, with severe limitations due to percent slope on the Fayette soils and flooding and high water table on the Colo-Ely soils. The C.S.R. is 53 points. There are no livestock operations within 1/4 mile.

With no further discussion, Voparil made a motion to recommend approval of this rezoning request from A-1 to R-1 to the Board of Supervisors. Penningroth seconded the motion. Ayes all.

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

Dennis Pauss Jan Penningroth
Chairperson Secretary

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on May 12 and 15, 2003, at 9:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Steve and Mary Agne, Tipton (Contract Buyers) and Ruth Agne, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 24, T-81N, R-4W, in Cass Township, consisting of 2.07 acres more or less.
2. **Dennis Byrnes, RFD, Atalissa (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 $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 23, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less.
3. **Larry Ballenger, Bennett (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on a proposed two lot subdivision on property located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 6, T-79N, R-2W, in Rochester Township, consisting of 1.99 acres more or less.
4. **DeAnna Lear, North Liberty (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed two lot subdivision on property located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 16, T-80N, R-4W, in Gower Township, consisting of 16.67 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 4/30/03 to the following:

1. Steve & Mary Agene - 1302 Mulberry Street, Tipton, Iowa 52772 - Certified
2. Ruth Agne - 1101 Tipton Avenue, Tipton, Iowa 52772
3. Richard Mitchell - 972 Garfield Avenue, Tipton, Iowa 52772
4. Laverne & Irene Wood - 1099 Grant Avenue, Tipton, Iowa 52772
5. Rudolph Hornacek - % Hertz Farm Management, Box 500, Nevada, Iowa 50201

1. Dennis Byrnes - 1030 310th Street, Atalissa, Iowa 52720 - Certified
2. James & Maureen Bowie - 1559 Logan Avenue, Tipton, Iowa 52772
3. Leonard & Darlene Eichelberger - 2094 Atalissa Road, Atalissa, Iowa 52720
4. Marshall McDonald - 406 Jackson, Muscatine, Iowa 52761
5. Kenneth & Elsie Regenitter - 938 350th Street, Atalissa, Iowa 52720
6. Barrett & Judith Stoll - 999 310th Street, Atalissa, Iowa 52720

1. Larry Ballenger - 2098 220th Street, Bennett, Iowa 52721 - Certified
2. Marsha Ann Schulty - 1804 Highway 38, Tipton, Iowa 52772
3. Norman & Marilyn Kotz - 116 Elizabeth Drive, Tipton, Iowa 52772
4. Robert & Betty Jane Thumma - 1833 Highway 38, Tipton, Iowa 52772
5. Frances D. & Dale A. Thumma - 1149 290th Street, Tipton, Iowa 52772
6. Gary & Margaret Witmer - 1888 1st Street, Tipton, Iowa 52772
7. Richard Kordick - 689 185th Street, Tipton, Iowa 52772

1. DeAnna Lear - 10 E. Zeller, North Liberty, Iowa 52317 - Certified
2. Charles & Barbara Krall - 10 E. Zeller, North Liberty, Iowa 52317
3. Dwight & Donald Coulter - 154 Spruce Valley Road, Athens, Georgia 30605-3332
4. Francis B. Donahoe ETAL - 409 N. 4th Street, West Branch, Iowa 52358
5. James & Maureen Bowie - 1559 Logan Avenue, Tipton, Iowa 52772
6. Susan Benz - MMS Consultants, Inc., 1917 S. Gilbert Street, Iowa City, Iowa 52240

Board of Supervisors

1 copy to Tipton Conservative on 4/28/03
1 copy faxed to West Branch Times on 4/25/03
2 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, April 16, 2003 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Steve and Mary Agne, Tipton (Contract Buyers) and Ruth Agne, Tipton (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- B. Dennis Byrnes, RFD, Atalissa (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- C. Larry Ballenger, Bennett (Contract Buyer) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling on a proposed two lot subdivision
- D. DeAnna Lear, North Liberty (Owner) – A change in zoning from A-1 to R-1 to allow construction of single family dwellings 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

April 7, 2003

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, April 16, 2003, 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. **Steve and Mary Agne, Tipton (Contract Buyers) and Ruth Agne, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 24, T-81N, R-4W, in Cass Township, consisting of 2.07 acres more or less.
2. **Dennis Byrnes, RFD, Atalissa (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 $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 23, T-79N, R-3W, in Iowa Township, consisting of 1.00 acres more or less.
3. **Larry Ballenger, Bennett (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on a proposed two lot subdivision on property located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 6, T-79N, R-2W, in Rochester Township, consisting of 1.99 acres more or less.
4. **DeAnna Lear, North Liberty (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed two lot subdivision on property located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 16, T-80N, R-4W, in Gower Township, consisting of 16.67 acres more or less.

Copies sent out on 4/10/03 to the following:

1. Steve & Mary Agne - 1302 Mulberry Street, Tipton, Iowa 52772 - Certified
2. Ruth Agne - 1101 Tipton Avenue, Tipton, Iowa 52772
3. Richard Mitchell - 972 Garfield Avenue, Tipton, Iowa 52772
4. Laverne & Irene Wood - 1099 Grant Avenue, Tipton, Iowa 52772
5. Rudolph Hornacek - % Hertz Farm Management, Box 500, Nevada, Iowa 50201

1. Dennis Byrnes - 1030 310th Street, Atalissa, Iowa 52720 - Certified
2. James & Maureen Bowie - 1559 Logan Avenue, Tipton, Iowa 52772
3. Leonard & Darlene Eichelberger - 2094 Atalissa Road, Atalissa, Iowa 52720
4. Marshall McDonald - 406 Jackson, Muscatine, Iowa 52761
5. Kenneth & Elsie Regenitter - 938 350th Street, Atalissa, Iowa 52720
6. Barrett & Judith Stoll - 999 310th Street, Atalissa, Iowa 52720

1. Larry Ballenger - 2098 220th Street, Bennett, Iowa 52721 - Certified
2. Marsha Ann Schulty - 1804 Highway 38, Tipton, Iowa 52772
3. Norman & Marilyn Kotz - 116 Elizabeth Drive, Tipton, Iowa 52772
4. Robert & Betty Jane Thumma - 1833 Highway 38, Tipton, Iowa 52772
5. Frances D. & Dale A. Thumma - 1149 290th Street, Tipton, Iowa 52772
6. Gary & Margaret Witmer - 1888 1st Street, Tipton, Iowa 52772
7. Richard Kordick - 689 185th Street, Tipton, Iowa 52772

1. DeAnna Lear - 10 E. Zeller, North Liberty, Iowa 52317 - Certified
2. Charles & Barbara Krall - 163 250th Street, West Branch, Iowa 52358
3. Dwight & Donald Coulter - 154 Spruce Valley Road, Athens, Georgia 30605-3332
4. Francis B. Donahoe ETAL - 409 N. 4th Street, West Branch, Iowa 52358
5. James & Maureen Bowie - 1559 Logan Avenue, Tipton, Iowa 52772
6. Susan Benz - MMS Consultants, Inc., 1917 S. Gilbert Street, Iowa City, Iowa 52240

7 Zoning Commission members

1 copy to Tipton Conservative on 4/7/03
1 copy faxed to West Branch Times on 4/7/03
2 file copies
Bulletin board copy

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



Phil La Rue
Zoning Administrator

PL:sl

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on April 7 and 10, 2003, 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. **Lu Jen Farms, Inc., RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres more or less of a 10.00 acre tract.
2. **Aaron and Shannon Tripp, Cedar Rapids (Contract Buyers) and Karen Tripp, RFD, Lowden (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 13, T-81N, R-2W, in Fairfield Township. Said petition is to rezone 1.46 acres more or less on a 11.09 acre tract.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be allowed during the hearing for a person to prepare such documentation if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

BETTY ELLERHOFF
Cedar County Auditor

Copies sent out on 3/25/03 to the following:

1. Lu Jen Farms, Inc. - % George Bowie, 756 Garfield Road, West Branch, Iowa 52358 - Certified
2. Edward & Karen Arensdorf - 640 Garfield Road, West Branch, Iowa 52358
3. Fred & Joan Crew - 195 290th Street, West Branch, Iowa 52358

1. Aaron & Shannon Tripp - 1802 L Street SW, Cedar Rapids, Iowa 52404 - Certified
2. Karen Tripp - 831 Spicer Avenue, Lowden, Iowa 52255
3. Charles & James Freese - 2090 Newcastle Road, Marion, Iowa 52302
4. Sandra Becker - 895 Spicer Avenue, Clarence, Iowa 52216
5. Paula Reinking Morlock Et Ali - % Hertz Farm Management, Box 500, Nevada, IA 50201-0500

1 Copy to Tipton Conservative on 3/24/03 (Also Sun News)

1 Copy faxed to West Branch Times on 3/25/03

Board of Supervisors

Bulletin Board Copies

2 File Copies

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 19, 2003

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, March 19, 2003, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Moylan, Voparil, Penningroth and Zoning Administrator La Rue. Members absent were Schuett and Lamp. Minutes from the previous meeting held on February 19, 2003, were previously sent to the members. They were approved as written.

The Commission members then considered the following petitions:

1. **Lu Jen Farms, Inc., RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE ¼ of the NE ¼ of the NW ¼, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres more or less of a 10.00 acre tract.

Zoning Administrator La Rue informed the Commission members that there was one written concern from Edward and Karen Arensdorf on file. He advised the members to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance.

George Bowie and his son, Cliff Bowie, spoke and explained that he is requesting this change in zoning so that the buyer of this 10.00 acre tract can build a home on the 1.99 acre site shown on the plat. The buyers do not plan on building on the site for two or three years. Their purchase is contingent on the rezoning approval. The soil evaluation was reviewed. La Rue explained there was a moderate to severe limitation for the septic system but no problems are anticipated for a conventional septic system on the property. The C.S.R. ranges from 8 to 68 within the lot. Limitations for building are slight to moderate. There are no large livestock operations within one-quarter mile. The letter from County Engineer Don Torney stated that a driveway permit has been issued. No problems are anticipated. A letter from the West Branch Fire Department stated that they will provide service to the site. The Commission then discussed the letter from Mr. and Mrs. Arensdorf. They were present and were provided with a copy of the informal plat which answered their first and second questions regarding the rezoning site and access from Garfield Road. They appeared in agreement with Mr. La Rue on question #3, that the site where the septic system would likely

be located is at least 400 feet from their (Arensdorf's) water well. As for question #4, it is possible that this tract could be split and a second home built, but this would require approval by the Planning and Zoning Commission and the Board of Supervisors first and topography would prohibit a third home. Mr. Bowie does intend, as Cliff Bowie explained, to divide the property east of this petition site into two tracts for residential development. This will be at a future date. The Commission noted that there are no nearby zoned plots of land, only agricultural. The Commission explained to the Arensdorf's that, although the Comprehensive Plan discourages scattered residential development, the Plan does not prohibit development. Future land use must be in conformity with the zoning regulations. Also, they can not regulate noise from dogs other than at a licensed dog kennel. The Commission thanked the Arensdorf's for their questions and concerns and hoped that they had adequately answered their questions. Mr. Bowie was asked how much land he owns. The total parcel is 400 some acres.

Following discussion, Voparil made a motion to recommend approval. Moylan seconded the motion. Voting aye were Moylan, Penningroth, Voparil and Pruess. Voting nay was Brown.

2. **Aaron and Shannon Tripp, Cedar Rapids (Contract Buyers) and Karen Tripp, RFD, Lowden (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 13, T-81N, R-2W, in Fairfield Township. Said petition is to rezone 1.46 acres more or less on a 11.09 acre tract.

La Rue announced that there were no written or verbal objections on file for this petition. He advised the Commission to make their decision based on Chapter 18.2(3) of the Cedar County Zoning Ordinance.

Karen Tripp, owner, spoke regarding the reason for the change in zoning is to allow construction of a home for her son and wife at the site of an old farm building just south of her home. The letter from the Clarence Fire Department stated they had no objection to a home at this location. The letter from County Engineer Don Torney stated that an access permit has been issued and he has no objection. The soil evaluation was reviewed. Limitations on building are moderate. Limitations are slight to moderate for septic systems and the C.S.R. is 87 points. The Commission noted that the property is in pasture. They also inquired if 1.79 acres is sufficient if Karen Tripp should need to replace the existing septic system at her home. The existing system lies north of the house. La Rue explained that based upon square

footage, probably, but a site evaluation would be necessary. Regarding the water supply, the Tripp's plan on writing a well agreement to share the existing well. Charles Freese, nearby land owner, was in attendance and voiced that he was curious about the rezoning but he had no objection.

Following discussion, Moylan made a motion to recommend the rezoning request to the Board of Supervisors, providing that a well agreement was written. The motion was seconded by Voparil. Voting aye were Moylan, Penningroth, Voparil and Pruess. Voting nay was Brown.

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

Dennis Pruess Jan Penningroth
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, March 19, 2003 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. George Bowie, RFD, West Branch (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- B. Aaron and Shannon Tripp, Cedar Rapids (Contract Buyers and Karen Tripp, RFD, Lowden (Owner) – 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

March 10, 2003

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, March 19, 2003, 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. **George Bowie, RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE ¼ of the NE ¼ of the NW ¼, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres more or less of a 10.00 acre tract.
2. **Aaron and Shannon Tripp, Cedar Rapids (Contract Buyers) and Karen Tripp, RFD, Lowden (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE ¼ of the SE ¼ of the NE ¼, Section 13, T-81N, R-2W, in Fairfield Township. Said petition is to rezone 1.46 acres more or less on a 11.09 acre tract.

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



Phil La Rue
Zoning Administrator

Copies sent out on 3/11/03 to the following:

1. Lu Jen Farms, Inc. - % George Bowie, 756 Garfield Road, West Branch, IA 52358 - Certified
2. Edward & Karen Arensdorf - 640 Garfield Road, West Branch, Iowa 52358
3. Fred & Joan Crew - 195 290th Street, West Branch, Iowa 52358

1. Aaron & Shannon Tripp - 1802 L Street SW, Cedar Rapids, Iowa 52404 - Certified
2. Karen Tripp - 831 Spicer Avenue, Lowden, Iowa 52255
3. Charles & James Freese - 2090 Newcastle Road, Marion, Iowa 52302
4. Sandra Becker - 895 Spicer Avenue, Clarence, Iowa 52216
5. Paula Reinking Morlock Et Ali - % Hertz Farm Management, Box 500, Nevada, IA 50201-0500
6. Richard & Marcia Kleppe - 1831 190th Street, Clarence, Iowa 52216

1 Copy to Tipton Conservative on 3/10/03 (Also Sun News)

1 Copy Faxed to West Branch Times on 3/10/03

7 Zoning Commission Members

2 Copies for Bulletin Boards

2 File Copies

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on March 17 and 20, 2003, 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. **Post Farms, Inc., RFD, Tipton (Owner) and Kirby & Michelle Blake, RFD, Tipton (Contract Buyers)** - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 19, T-80N, R-2W, in Center East Township, consisting of 1.99 acres more or less.
2. **Harold Eiler, Tipton (Owner)** – Requesting a change in zoning from Ab Agricultural Business and A-1 Agricultural to C-2 Highway Commercial for the purpose of allowing a retail business on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 36, T-81N, R-2W, in Fairfield Township, consisting of 4.36 acres more or less.
3. **Gregory and Melissa Reynolds, RFD, Bennett (Owners) and Ron and Connie Voss, Tipton (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 32, T-81N, R-1W, in Springfield Township, consisting of 3.14 acres more or less.
4. **Pond View Acres LLC, Tipton (Owners)** – Requesting approval of Pond View Acres Second Addition, a Preliminary Plat of Survey for a proposed eight (8) lot subdivision located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 18.30 acres more or less.
5. **Pond View Acres LLC, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed sixteen (16) lot subdivision on property located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 42.50 acres more or less.

Copies sent out on 3/4/03 to the following:

1. Post Farms, Inc. - 1276 255th Street, Tipton, Iowa 52772 - Certified
2. Kirby & Michelle Blake - 1276 255th Street, Tipton, Iowa 52772
3. Frances Kuehl - 111 Elizabeth Drive, Tipton, Iowa 52772
4. Fred Yencsik - 2819 Mulberry Avenue, Muscatine, Iowa 52761

1. Harold E. Eiler - 109 Elizabeth Drive, Tipton, Iowa 52772 - Certified
2. Linda Boots - Cedar Valley Interiors, 628 Lombard Street, Clarence, Iowa 52216
3. Lynn Lilienthal - 1717 Highway 130, Tipton, Iowa 52772
4. Forrest Willer - 502 Horizon Drive, Tipton, Iowa 52772
5. Midwest Land & Cattle, Inc. - 1937 Highway 130, Bennett, Iowa 52721
6. Paul & Janice Wright - 1680 Highway 130, Tipton, Iowa 52772
7. Laverne & Irene Wood - 1099 Grant Avenue, Tipton, Iowa 52772
8. Richard Anderson - 1724 Highway 130, Tipton, Iowa 52772

1. Greg & Melissa Reynolds - 1123 Hoover Highway, Bennett, Iowa 52721 - Certified
2. Ron & Connie Voss - 707 W. 9th Street #65, Tipton, Iowa 52772
3. Karen Rohlf - 1937 Highway 130, Bennett, Iowa 52721
4. Paul & DonnaLee Hermiston - 135 N. Locust, Bennett, Iowa 52721
5. Donald & Carol Boedeker - 507 Hall Avenue, Lowden, Iowa 52255
6. Lawrence & Theresa Quinn - 1978 195th Street, Lowden, Iowa 52255

1. Pond View Acres, LLC - % Merv Pasvogel, 1795 Rose Avenue, Tipton, Iowa 52772
2. Pond View Acres, LLC - 319 Cedar Street, Tipton, Iowa 52772 - Certified
3. Charles & Forrest Frymore - 1232 300th Street, Tipton, Iowa 52772
4. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
5. Donald H. Holladay - 2043 Rose Avenue, Wilton, Iowa 52778
6. Dean Challis - 1829 195th Street, Clarence, Iowa 52216
7. Roger & Carolyn Grunder - 2362 Spicer Avenue, Wilton, Iowa 52778

1. Pond View Acres, LLC - 319 Cedar Street, Tipton, Iowa 52772 - Certified
2. Vince & Phyllis Knoche - 2057 Rose Avenue, Wilton, Iowa 52778
3. Daniel & Ann Parsons - 2093 Spicer Avenue, Wilton, Iowa 52778
4. Dean Challis - 1829 195th Street, Clarence, Iowa 52216
5. Roger & Carolyn Grunder - 2363 Spicer Avenue, Wilton, Iowa 52778
6. Jamie & Holly Hull - 508 E. 6th Street, Wilton, Iowa 52778
7. Charles H. Frymoyer - Box 137, Tipton, Iowa 52772
8. Timothy & Laurie Devore - 1680 310th Street, Wilton, Iowa 52778
9. John & Patricia Grosjean - 809 West 2nd, Muscatine, Iowa 52761
10. Matthew Driscoll - 1689 310th Street, Wilton, Iowa 52778
11. I.D.O.T. - Right-Of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010

Board of Supervisors

- 1 Copy to Tipton Conservative on 2/28/03
- 1 Copy faxed to Wilton-Durant Advocate News on 2/28/03
- 2 File Copies
- 2 Copies for Bulletin Boards

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

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 19, 2003

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, February 19, 2003, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Moylan, Lamp, Voparil and Zoning Administrator La Rue. Members absent were Schuett and Penningroth. Minutes from the previous meeting held on December 18, 2002, were previously sent to the members. Brown made a motion to approve the minutes as written. Voparil seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. **Post Farms, Inc., RFD, Tipton (Owner) and Kirby & Michelle Blake, RFD, Tipton (Contract Buyers)** - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW ¼ of the SE ¼ and the NE ¼ of the SE ¼, Section 19, T-80N, R-2W, in Center East Township, consisting of 1.99 acres more or less.

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

Mr. and Mrs. Blake and Mrs. Arlene Post were present and explained their plans to construct a single family dwelling on the family farm. A letter from the Tipton Fire Department states that they will provide service. The letter from County Engineer Don Torney was reviewed. An entrance permit has been issued for an access site 400 feet east of the west property line. The soils evaluation was reviewed. The C.S.R. was 81 points. La Rue explained that he had recommended that a building site in this area be selected by the Blake's in spite of the higher C.S.R. This was because the Blake's originally proposed site along Monroe Avenue in the SE ¼ of the SE ¼, Section 19, had severe limitations for building and septic due to flooding and high water table. There are no livestock operations within 1320 feet. Fred Yenscik, adjoining property owner, inquired about the septic system to be used. La Rue explained the nature of the system which will most likely be installed.

With no additional discussion, Lamp made a motion to recommend approval of the request for a change in zoning from A-1 to R-1. The motion was seconded by Moylan. Ayes all.

2. **Harold Eiler, Tipton (Owner)** – Requesting a change in zoning from Ab Agricultural Business and A-1 Agricultural to C-2 Highway Commercial for the purpose of allowing a retail business on property located in the SW ¼ of the SW ¼, Section 36, T-81N, R-2W, in Fairfield Township, consisting of 4.36 acres more or less.

Zoning Administrator La Rue informed 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.

Linda Boots and Harold Eiler were present and explained her plans to utilize the existing unused building and apartment. She would use the site for retail sales. Zoning Administrator La Rue explained why he recommended a zoning change to C-2 rather than C-1 Local Commercial. He continued that in his discussion with Ms. Boots and Assistant County Attorney Sterling Benz, that the C-2 Highway Commercial District was the most appropriate district for her request. Also, he recommended that the apartment be allowed in spite of the fact that such an accessory use is not listed in this district. Should in the future, the building be sold, a review of the zoning district would then be made and the buyer advised of any need for a zoning change. The I.D.O.T. has approved the access. There was discussion on the platting of the property. The soils evaluation was reviewed. Limitations on commercial buildings are moderate. Limitations on septic systems are slight and the C.S.R. is 95. The Commission noted that the property is not in crop production. La Rue advised the Commission that the septic for the building and apartment will continue in its present form. There are no large livestock operations within 1320 feet.

Concluding discussion, Brown made a motion to recommend the change in zoning from A-1 and AB to C-2. Voparil seconded the Motion. Ayes all.

3. **Gregory and Melissa Reynolds, RFD, Bennett (Owners) and Ron and Connie Voss, Tipton (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE ¼ of the NE ¼, Section 32, T-81N, R-1W, in Springfield Township, consisting of 3.14 acres more or less.

Zoning Administrator La Rue informed the Commission members 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.

Mr. and Mrs. Reynolds were present as were Mr. and Mrs. Voss. Mr. Voss explained their plan to construct a single family dwelling on the property. The letter from the Bennett Fire Department indicates no problems providing service. The letter from County Engineer Don Torney was reviewed. Although there is adequate site distance, the possibility of additional homes is not possible. Engineer Torney explained his letter. The soils evaluation was reviewed. Limitations for buildings were moderate. Limitations for septic systems were slight to severe, with the severe limitations due to slope alone. The C.S.R. was noted to be 67 points. The Commission noted the property is not in crop production. Mr. Reynolds inquired about livestock separation requirements and Engineer Torney's driveway sight distance requirements for the Voss' proposed access. Engineer Torney further explained his comments.

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

4. **Pond View Acres LLC, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed sixteen (16) lot subdivision on property located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 42.50 acres more or less.

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

Richard Kordick, engineer, was present and explained Pond View's plans to expand the subdivision. The soil evaluation was reviewed. Limitations on building were moderate to severe. The severe limitations are due to high water table and flooding along the north side of the property. Limitations on septic systems were slight to severe, with severe limitations due to slope and the high water table and flooding of the soils on the north side. The C.S.R. ranged from 45 to 90 points. There was no in depth soil evaluation provided by the developer. This was a point of considerable discussion because of the perched water table found in the first phase of the development. There was no letter from the Wilton Fire Department available to the Commission. Discussion on lot configuration and roads were discussed. Chairperson Pruess inquired on how large can this subdivision become. There was considerable discussion regarding a second access for the subdivision, its design and when it will be required. The road will remain private. It was the consensus of the Commission that a large clustered development is preferred

as recommended under the Comprehensive Plan rather than scattered development. A community water system will again be used for this phase of the development. The water supply will need to be kept at least 1000 feet from the lagoons at the I-80 rest area which are 940 feet from the closest part of this rezoning tract (Lot 8). There are no livestock operations within 1320 feet of this tract.

After further discussion, Moylan made a motion to recommend the change in zoning from A-1 to R-1. Lamp seconded the motion. Voting aye were Pruess, Lamp and Moylan. Voting nay were Brown and Voparil due to concerns about adequate access (lack of a second access) and possible perched water table as found in Pond View Acres' first phase.

5. **Pond View Acres LLC, Tipton (Owners)** – Requesting approval of Pond View Acres Second Addition, a Preliminary Plat of Survey for a proposed eight (8) lot subdivision located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 18.30 acres more or less.

Zoning Administrator La Rue informed the Commission members that there were no written or verbal objections on file and to consider this petition in accordance with Chapters 3, 5, 6, 7 & 8 of the Cedar County Subdivision Ordinance in making a recommendation to the Board of Supervisors.

Richard Kordick, project engineer, explained the second phase of the Pond View Project. Mr. Kordick was requested to immediately explain the status of 310th Street and its possible utilization into the subdivision. The future easements are in place for the use of 310th Street as a second access which exists as far as the southwest corner of this phase. Improvements needed to upgrade the grade "B" road were discussed, as were requirements to bring these roads into the Secondary Road system via dedication. Mr. Kordick explained that he has designed an adequate easement area on the south of each lot and between Lots 11 and 12 for a future possible access right-of-way. La Rue explained to the Commission that the soil evaluation has not been done because of frost. Mr. Kordick stated that the soil evaluation will be done as soon as possible. The Commission requested La Rue to describe the soil types in this phase of the development. The Fayette and Atterberry Silt Loam soils found in the first phase of the development are also present in the second addition. The soil maps do not contain enough information to determine if a perched water table is present in this area also. La Rue explained that in spite of a perched water table, an on-site septic system could be designed. The location

of the storm water detention basin on Lot 1 and 2 and soil erosion control measures were discussed. The Commission, for lack of a detailed soil evaluation report, expressed concern toward making a recommendation to the Board of Supervisors.

Chapter 3 of the Subdivision Ordinance was reviewed for the procedure to table the hearing until the detailed soil report has been reviewed. Mr. Kordick was confident that this report could be completed soon and be available at the Board of Supervisors hearing on the Preliminary Plat.

Following additional discussion, Lamp made a motion that the Commission recommend approval of the Preliminary Plat of Pond View Acres, Second Addition. Moylan seconded the motion and asked for final discussion "At what point will a second access be established and required?" It was the consensus of the Commission that there is a need for a second access for public safety, and without a specific requirement by Ordinance, economics may spur its construction. Voting aye were Pruess, Moylan, Lamp and Voparil. Voting nay was Brown regarding lack of the detailed soil reports.

This concluded all petitions on the agenda. La Rue advised the Commission that on Monday, February 24, 2003, at 9:00 a.m., the Board of Supervisors will be considering a resolution regarding confinement animal feeding operations. With no further business to be discussed at this time, the meeting was adjourned.

Dennis Pruess
Chairperson

P.D. La Rue
Secretary Pro-tem



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

February 10, 2003

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, February 19, 2003, 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. **Post Farms, Inc., RFD, Tipton (Owner) and Kirby & Michelle Blake, RFD, Tipton (Contract Buyers)** - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 19, T-80N, R-2W, in Center East Township, consisting of 1.99 acres more or less.
2. **Harold Eiler, Tipton (Owner)** – Requesting a change in zoning from Ab Agricultural Business and A-1 Agricultural to C-2 Highway Commercial for the purpose of allowing a retail business on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 36, T-81N, R-2W, in Fairfield Township, consisting of 4.36 acres more or less.
3. **Gregory and Melissa Reynolds, RFD, Bennett (Owners) and Ron and Connie Voss, Tipton (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 32, T-81N, R-1W, in Springfield Township, consisting of 3.14 acres more or less.

Copies sent out on 2/11/03 to the following:

1. Post Farms, Inc. - 1276 255th Street, Tipton, Iowa 52772 - Certified
2. Kirby & Michelle Blake - 1276 255th Street, Tipton, Iowa 52772
3. Frances Kuehl - 111 Elizabeth Drive, Tipton, Iowa 52772
4. Fred Yencsik - 2819 Mulberry Avenue, Muscatine, Iowa 52761
5. George Yencsik - 1535 Monroe Avenue, Tipton, Iowa 52772

1. Harold E. Eiler - 109 Elizabeth Drive, Tipton, Iowa 52772 - Certified
2. Linda Boots - Cedar Valley Interiors, 628 Lombard Street, Clarence, Iowa 52216
3. Lynn Lilienthal - 1717 Highway 130, Tipton, Iowa 52772
4. Forrest Willer - 502 Horizon Drive, Tipton, Iowa 52772
5. Midwest Land & Cattle, Inc. - 1937 Highway 130, Bennett, Iowa 52721
6. Paul & Janice Wright - 1680 Highway 130, Tipton, Iowa 52772
7. Laverne & Irene Wood - 1099 Grant Avenue, Tipton, Iowa 52772
8. Richard Anderson - 1724 Highway 130, Tipton, Iowa 52772

1. Greg & Melissa Reynolds - 1123 Hoover Highway, Bennett, Iowa 52721 - Certified
2. Ron & Connie Voss - 707 W. 9th Street #65, Tipton, Iowa 52772
3. Karen Rohlf - 1937 Highway 130, Bennett, Iowa 52721
4. Paul & DonnaLee Hermiston - 135 N. Locust, Bennett, Iowa 52721
5. Donald & Carol Boedeker - 507 Hall Avenue, Lowden, Iowa 52255
6. Lawrence & Theresa Quinn - 1978 195th Street, Lowden, Iowa 52255

1. Pond View Acres, LLC - % Merv Pasvogel, 1795 Rose Avenue, Tipton, Iowa 52772
2. Pond View Acres, LLC - 319 Cedar Street, Tipton, Iowa 52772 - Certified
3. Charles & Forrest Frymore - 1232 300th Street, Tipton, Iowa 52772
4. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
5. Donald H. Holladay - 2043 Rose Avenue, Wilton, Iowa 52778
6. Dean Challis - 1829 195th Street, Clarence, Iowa 52216
7. Roger & Carolyn Grunder - 2362 Spicer Avenue, Wilton, Iowa 52778

1. Pond View Acres, LLC - 319 Cedar Street, Tipton, Iowa 52772 - Certified
2. Vince & Phyllis Knoche - 2057 Rose Avenue, Wilton, Iowa 52778
3. Daniel & Ann Parsons - 2093 Spicer Avenue, Wilton, Iowa 52778
4. Dean Challis - 1829 195th Street, Clarence, Iowa 52216
5. Roger & Carolyn Grunder - 2363 Spicer Avenue, Wilton, Iowa 52778
6. Jamie & Holly Hull - 508 E. 6th Street, Wilton, Iowa 52778
7. Charles H. Frymoyer - Box 137, Tipton, Iowa 52772
8. Timothy & Laurie Devore - 1680 310th Street, Wilton, Iowa 52778
9. John & Patricia Grosjean - 809 West 2nd, Muscatine, Iowa 52761
10. Matthew Driscoll - 1689 310th Street, Wilton, Iowa 52778
11. Iowa Dept. of Transportation - Right-Of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010

7 Zoning Commission Members

1 Copy to Tipton Conservative on 2/10/03

1 Copy faxed to Wilton-Durant Advocate News on 2/10/03

2 File Copies

2 Copies for Bulletin Boards

4. **Pond View Acres LLC, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed sixteen (16) lot subdivision on property located in the NE ¼ of the SW ¼ and the SE ¼ of the SW ¼, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 42.50 acres more or less.
5. **Pond View Acres LLC, Tipton (Owners)** – Requesting approval of Pond View Acres Second Addition, a Preliminary Plat of Survey for a proposed eight (8) lot subdivision located in the SW ¼ of the SE ¼, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 18.30 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

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, February 19, 2003 - 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Post Farms, Inc., RFD, Tipton (Owner) and Kirby & Michelle Blake, RFD, Tipton (Contract Buyers) - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- B. Harold Eiler, Tipton (Owner) - A change in zoning from Ab and A-1 to C-2 to allow a retail business
- C. Gregory & Melissa Reynolds, RFD, Bennett (Owners) and Ron & Connie Voss, Tipton (Contract Buyers) - A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- D. Pond View Acres LLC, Tipton (Owners) - A change in zoning from A-1 to R-1 for the purpose of allowing construction of single family dwellings on a proposed sixteen lot subdivision
- E. Pond View Acres LLC, Tipton (Owners) - Requesting approval of Pond View Acres Second Addition, a Preliminary Plat of Survey for a proposed eight lot subdivision

III. Discussion

IV. Conclusion



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

January 9, 2003

TO: Cedar County Planning & Zoning Commission Members

I am writing to inform you that there will not be a meeting of the Planning & Zoning Commission during the month of January because no petitions have been received.

Reimbursement for your mileage during the year of 2002 will be sent out next week.

Sincerely,

Phil La Rue/sL

Phil La Rue
Zoning Administrator

PL:s1

E+Z

CEDAR COUNTY BOARD OF SUPERVISORS
Cedar County Courthouse
400 Cedar Street
Tipton, Iowa 52772-1750
Telephone: 563-886-3168
Fax: 563-886-3339
E-Mail: bos@cedarcounty.org

January 6, 2003

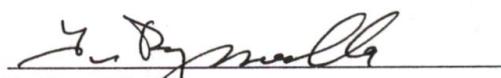
COPY

Dennis Pruess
1652 Hwy 30 E
Clarence, Iowa 52216

Dear Mr. Pruess:

Please be advised, that by motion of this Board on January 2, 2003, you were appointed to a three-year term on the Zoning Commission. The term will expire 12-31-2005. Your willingness to serve on this Board is greatly appreciated.

Sincerely,


LeRoy Moeller

LM:bjp

CEDAR COUNTY BOARD OF SUPERVISORS
Cedar County Courthouse
400 Cedar Street
Tipton, Iowa 52772-1750
Telephone: 563-886-3168
Fax: 563-886-3339
E-Mail: bos@cedarcounty.org

COPY

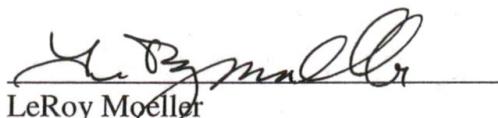
January 6, 2003

Marty Moylan
1549 King Avenue
Tipton, Iowa 52772

Dear Mr. Moylan:

Please be advised, that by motion of this Board on January 2, 2003, you were appointed to a three-year term on the Zoning Commission. The term will expire 12-31-2005. Your willingness to serve on this Board is greatly appreciated.

Sincerely,


LeRoy Moeller

LM:bjp

CEDAR COUNTY BOARD OF SUPERVISORS
Cedar County Courthouse
400 Cedar Street
Tipton, Iowa 52772-1750
Telephone: 563-886-3168
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COPY

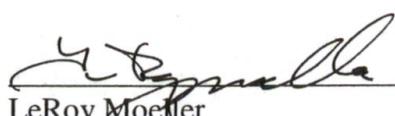
January 6, 2003

Dave Schuett
1043 -310th Street
Wilton, Iowa 52778

Dear Mr. Schuett:

Please be advised, that by motion of this Board on January 2, 2003, you were appointed to a three-year term on the Zoning Commission. The term will expire 12-31-2005. Your willingness to serve on this Board is greatly appreciated.

Sincerely,


LeRoy Moeller

LM:bjp

DEVELOPMENT AGREEMENT

This Agreement is entered into between Cedar County, Iowa (the "County") and CDC Limited (the "Company") as of the 6th day of January, 2003.

WHEREAS, the Company is constructing an industrial facility (the "Project"); and

WHEREAS, the Project is located within the County's proposed Rochester Township Urban Renewal Area, on property which is legally described on Exhibit A (the "Property"); and

WHEREAS, Chapter 403 of the Code of Iowa authorizes counties to establish urban renewal areas and to undertake economic development projects; and

WHEREAS, Chapter 15A of the Code of Iowa authorizes counties to provide grants, loans, guarantees, tax incentives and other financial assistance to or for the benefit of private persons; and

WHEREAS, the Company has requested that the County provide a method for rebating to the Company certain incremental property taxes which will be paid with respect to the Project;

NOW, THEREFORE, in consideration of the mutual obligations contained in this Agreement, the parties hereto agree as follows:

1. The Company agrees to maintain the Project on the Property as an industrial facility during the life of this Agreement.

2. In recognition of the Company's commitment set out in paragraph 1, the County agrees to make economic development tax rebate payments to the Company for ten fiscal years during the term of this Agreement, pursuant to Chapters 15A and 403 of the Code of Iowa, in amounts which represent the incremental property taxes paid with respect to the Property in that fiscal year.

Incremental property taxes are defined as total property taxes levied by all taxing jurisdictions with respect to the incremental taxable valuation of the Property, minus the amount of debt service taxes levied by all taxing jurisdictions and school district physical plant and equipment tax levies.

This Agreement assumes that the full incremental taxable valuation of the Project will go on the property tax rolls as of January 1, 2003. Rebate payments will be made on December 1 and June 1 of each fiscal year, beginning December 1, 2004, if incremental tax revenues are available on that date, or beginning on such later date that incremental tax revenues do become available, and continuing for nine additional fiscal years thereafter. (For example, if the initial incremental taxable value of the Project is placed on the property tax rolls as of January 1, 2003, the first fiscal year for which property

taxes will be paid with respect to the value will be the fiscal year which begins July 1, 2004. Accordingly, the first payment would be made on December 1, 2004, and the payments would continue through and including the end of the tenth fiscal year, or June 1, 2014.) If the full incremental taxable valuation of the Project goes on the property tax rolls later than January 1, 2003, the date of each payment shall be adjusted accordingly, so that such payments will be made over a period of ten fiscal years.

The tax rebate payments shall not constitute general obligations of the County, but shall be paid solely and only from incremental property taxes received by the Cedar County Treasurer which are attributable solely to the Property.

The Company agrees to give the County Board of Supervisors, no later than November 1, of each year, an estimate of the amount of incremental taxes it expects to pay in the following fiscal year, and the Board of Supervisors agrees to certify to the County Auditor no later than December 1 of each year, such estimated amount as tax increment debt, in accordance with Subsection 403.19(5) of the Code of Iowa, which will entitle the County to receive incremental property tax revenues in the next succeeding fiscal year, to be rebated to the Company.

The tax rebate payments to the Company are subject to the following conditions:

- i. Timely payment of property taxes by the Company when due and submission to the County Auditor of a receipt or cancelled check as evidence of each tax payment.
- ii. Submission of documentation satisfactory to the Board of Supervisors, at least one week prior to each December 1 and June 1 payment date, that the Project is being used as an industrial facility.

3. This Agreement may not be amended or assigned by either party without the express permission of the other party. However, the County hereby gives its permission that the Company's rights to receive the economic development tax rebate payments hereunder may be assigned by the Company to a private lender, as security, without further action on the part of the County. The County agrees, further, not to unreasonably withhold its permission upon receipt of a request from the Company for assignment of all or any portion of its rights and obligations hereunder to another party and to either approve or deny such request within sixty days after receipt of such request by the County Auditor.

4. This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

5. This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.

The County and the Company have caused this Agreement to be signed, and the County's seal to be affixed, in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

CEDAR COUNTY, IOWA

By _____
Chairperson, Board of Supervisors

Attest:

County Auditor

(Seal)

CDC LIMITED

By _____

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

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

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

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

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

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

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

DESCRIPTION OF URBAN RENEWAL AREA

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

URBAN RENEWAL OBJECTIVES

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

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

*TSE will take over
tax dollars from schools
& counties*

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

URBAN RENEWAL ACTIVITIES

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

1. Preparation of plans related to the development and implementation of the Urban Renewal Area and specific urban renewal projects.

2. Construction or improvement of county roads in connection with an urban renewal project.

3. Making available, as appropriate, tax increment financing, including rebate agreements, payable from increased property values in the Urban Renewal Area.

4. Pursuant to state law, provision of direct financial assistance, including grants or loans, to private persons engaged in economic development, in such form and subject to such conditions as may be determined by the Board of Supervisors.

PROPOSED PROJECT

The Urban Renewal Area is being created in order to assist economic development within the County by establishing a method by which the County can provide a tax increment incentive to CDC Limited (the "Company") in connection with the construction of an industrial facility. It is proposed that incremental property taxes from the expanded facility be rebated to the Company for a period of ten years.

TAX INCREMENT FINANCING

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

The concept of tax increment financing enables the County to use property tax dollars produced from new private development to finance various activities within an urban renewal area. The process begins, following Board of Supervisors action to establish an urban renewal area and approve a plan, with the adoption by the Board of a tax increment ordinance. This ordinance designates the urban renewal area as a tax increment area and establishes the property valuations within that area as of a given valuation date, for example, January 1, 2002, as the "frozen" or "base valuation". Thereafter, if the County borrows money to pay the cost of the activities within the area, or enters into a rebate agreement with a private developer, property

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

DURATION OF URBAN RENEWAL PLAN

This Plan shall remain in effect for no more than ten years of incremental tax collections in accordance with a development agreement between the County and the Company.

PLAN AMENDMENTS

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

COUNTY DEBT INFORMATION

1. Current constitutional debt limit:	\$51,007,303
2. Outstanding general obligation debt:	\$ 3,865,000
3. Proposed amount of debt to be incurred:	\$ 254,790

EXHIBIT A

Legal Description of Rochester Township Urban Renewal Area

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