

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 15, 2004

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, December 15, 2004, at 6:30 p.m., in the Blue Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Moylan, Schuett and Zoning Administrator La Rue. Members absent were Penningroth, Lamp and Voparil. Minutes from the previous meeting held on November 17, 2004, were previously sent to the members. The minutes were approved as written.

The Commission then considered the following petitions:

1. **Terry Swick, RFD, Tipton (Contract Buyer) and William and Mary Jean Penningroth, RFD, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 36, T-81N, R-4W, in Cass Township. Said petition is to rezone 7.51 acres more or less of a 28.33 acre tract.

Zoning Administrator La Rue informed the 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. La Rue advised the members that there is a R-1 zoned tract, owned by David Swan, 800 feet to the east.

Harold Swick was present, as were Mr. & Mrs. Penningroth. Mr. Swick explained his nephew's plans to build a home for himself and possibly a second home for his mother or mother-in-law. Discussion of the second home continued. The Commission members understand that this property will need to be subdivided (Parcel A). The second home would be permanent and would need its own platting. Commissioners Moylan and Pruess requested that there be a separate driveway for the second home. There are no livestock operations within 1320 feet. The letter from the County Engineer, Rob Fangmann, stated that an entrance has been approved for this location. The letter from John Miller, Tipton Fire Department, stated that they would provide service but need an adequate access. The soil evaluation was reviewed. Limitations for building are slight to moderate. Limitations for septic systems are slight to moderate with a danger of ground water contamination due to poor filtering ability of the soil. C.S.R. average is 56 points. The Comprehensive Plan was reviewed. It discourages scattered residential development when the proposal will not support all required services. This site is toward the end of a dead end road.

With no further discussion, Moylan made a motion, seconded by Schuett, to recommend approval of the change in zoning from A-1 to R-1, with the understanding that there will only be not more than two homes with separate accesses. Ayes all.

- 2. Dan and Gretchen Chapman, Clarence (Contract Buyers) and Steve, Rex & Janet Maurer, Clarence (Owners) –** Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE ¼ of the SE ¼, Section 3, T-81N, R-2W, in Fairfield Township, consisting of 2.75 acres more or less.

Zoning Administrator La Rue informed the 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. Chapman were present and explained their plans to build a home on the property. Mr. Chapman explained that there was once a house to the north across the road. The letter from County Engineer, Rob Fangmann, was reviewed. The existing driveway must be removed and a new one constructed on Quincy Avenue, the paved road. The letter from Peter Kanakares, Clarence Fire Department, stated that they will provide service. The soil evaluation was reviewed. Limitations for building were moderate. Limitations for septic systems were slight. The C.S.R. is 95 points. There was discussion on the high C.S.R. value. The Comprehensive Plan was reviewed. It discourages scattered residential development when the proposal will not support all required services. The Commission noted that there is a lack of residentially zoned properties in this area. Folkman's livestock operation lies one mile to the northwest.

Following discussion, Schuett made a motion to recommend approval of the change in zoning from A-1 to R-1. The motion was seconded by Moylan. Ayes 3 and 1 nay (Brown).

There was then a brief discussion on the rezoning petition of Wendell Wanek which was heard last month.

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

 1-19-05

Chairperson

Secretary Pro-tem



## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on January 6 and 10, 2005, at 11:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Terry Swick, RFD, Tipton (Contract Buyer) and William and Mary Jean Penningroth, RFD, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing not more than two (2) single family dwellings on property located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 36, T-81N, R-4W, in Cass Township. Said petition is to rezone 7.51 acres more or less of a 28.33 acre tract.
2. **Dan and Gretchen Chapman, Clarence (Contract Buyers) and Steve, Rex and Janet Maurer, Clarence (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 3, T-81N, R-2W, in Fairfield Township, consisting of 2.75 acres more or less.

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

BETTY ELLERHOFF  
Cedar County Auditor

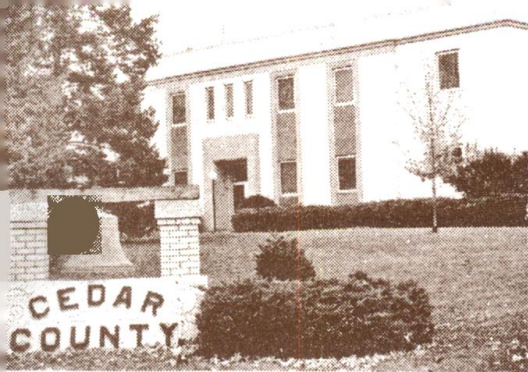
Copies sent out on 12/21/04 to the following:

1. Terry L. Swick - P.O. Box 107, Tipton, Iowa 52772 - Certified
2. William & Mary Jean Penningroth - 540 Franklin Road, Tipton, Iowa 52772
3. David Swan - 622 220th Street, Tipton, Iowa 52772
4. Randall Stout - 607 Orange Street, Tipton, Iowa 52772
5. Irene J. Keller - 605 Inland Road, Tipton, Iowa 52772
6. Larry Streets - 2494 Baker Avenue, West Branch, Iowa 52358

- 
1. Dan & Gretchen Chapman - 507 7th Avenue, Clarence, Iowa 52216 - Certified
  2. Steve, Rex & Janet Maurer - % Steve Maurer, P.O. Box 460, Clarence, Iowa 52216
  3. Michael K. Hoffner Trust - 93 Cumberland Drive, Bluffton, SC 29910
  4. William R. Ruther Rev. Trust - 2617 Evergreen Drive, Burlington, Iowa 52601
  5. Roland & Mildred Mingst - 614 Quincy Avenue, Clarence, Iowa 52216

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- 1 Copy to Tipton Conservative on 12/20/04
  - 1 Copy E-Mailed to Board of Supervisors
  - 2 File Copies
  - 1 Bulletin Board Copy





Tel: 563-886-2248

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

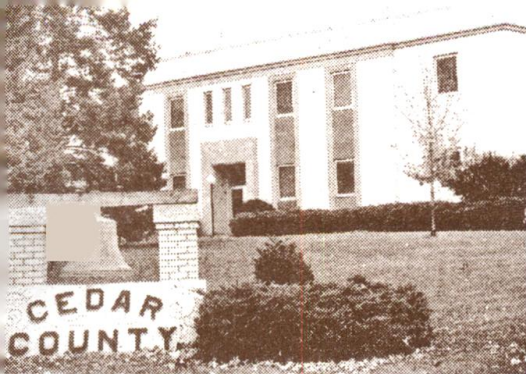
**AGENDA**

**Cedar County Planning & Zoning Commission**

Wednesday, December 15, 2004 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
  - A. Terry Swick, RFD, Tipton (Contract Buyer) and William & Mary Jean Penningroth, RFD, Tipton (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
  - B. Dan and Gretchen Chapman, Clarence (Contract Buyers) and Steve, Rex & Janet Maurer, Clarence (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- III. Conclusion



Tel: 563-886-2248

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

December 6, 2004

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 15, 2004, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Terry Swick, RFD, Tipton (Contract Buyer) and William and Mary Jean Penningroth, RFD, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 36, T-81N, R-4W, in Cass Township. Said petition is to rezone 7.51 acres more or less of a 28.33 acre tract.
2. **Dan and Gretchen Chapman, Clarence (Contract Buyers) and Steve, Rex & Janet Maurer, Clarence (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 3, T-81N, R-2W, in Fairfield Township, consisting of 2.75 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 12/7/04 to the following:

1. Terry L. Swick - P.O. Box 107, Tipton, Iowa 52772 - Certified
2. William & Mary Jean Penningroth - 540 Franklin Road, Tipton, Iowa 52772
3. David Swan - 622 220th Street, Tipton, Iowa 52772
4. Randall Stout - 607 Orange Street, Tipton, Iowa 52772
5. Irene J. Keller - 605 Inland Road Avenue, Tipton, Iowa 52772
6. Larry Streets - 2494 Baker Avenue, West Branch, Iowa 52358

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1. Dan & Gretchen Chapman - 507 7th Avenue, Clarence, Iowa 52216 - Certified
  2. Steve, Rex & Janet Maurer - % Steve Maurer, P.O. Box 460, Clarence, Iowa 52216
  3. Michael K. Hoffner Trust - 93 Cumberland Drive, Bluffton, SC 29910
  4. William R. Ruther Rev. Trust - 2617 Evergreen Drive, Burlington, Iowa 52601
  5. Roland & Mildred Mingst - 614 Quincy Avenue, Clarence, Iowa 52216

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7 Zoning Commission Members  
Copy to Tipton Conservative & Sun News on 12/6/04  
2 File Copies  
Bulletin Board Copy

## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on December 9 and 13, 2004, 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. **Dwight and Carolyn Iles, Iowa City (Contract Buyers) and 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 property located on Lot 3, LJ Subdivision, in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres of a 22.68 acre lot.
2. **Jeff and Joanna Reichert, RFD, Tipton (Owners) and Jerad Kelley and Courtney Bromell, 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 N  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 26, T-80N, R-3W, in Rochester Township. Said petition is to rezone 3.67 acres more or less of a 19.40 acre tract.
3. **Matthew and Tandi Dausener, Springville (Contract Buyers) and Wendell and Deb Wanek, RFD, Clarence (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 N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 13, T-81N, R-4W, in Linn Township. Said petition is to rezone 1.96 acres of a 10.00 acre tract.



At this time, the Board shall also consider the following proposed Amendments to the Cedar County Zoning Ordinance #10:

Chapter 11F(3) - Billboards and advertising signs provided that:

Delete subparagraph "b" – They are not within 300 feet of another billboard or advertising sign facing the same direction.

Delete subparagraph "c" – No billboard or advertising sign shall exceed 250 square feet in area or 25 feet in height.

Add new subparagraph "b" – They are not within 500 feet of another billboard or advertising sign.

Add new subparagraph "c" – No billboard or advertising sign shall exceed 672 square feet of total surface area plus extensions of up to a maximum of 153 square feet "cut out area". The maximum height of the billboard, including extensions, is 45 feet.

Add new subparagraph "d" – Iowa Department of Transportation (IDOT) Approval: Any proposed sign or billboard along a State or Federal highway must be approved by IDOT, along with compliance with the regulations of the Zoning Ordinance.

Chapter 12F(3) – Billboards and advertising signs provided that:

Delete subparagraph "b" – They are not within 300 feet of another billboard or advertising sign facing the same direction.

Delete subparagraph "c" – No billboard or advertising sign shall exceed 750 square feet in area or 35 feet in height.

Add new subparagraph "b" – They are not within 500 feet of another billboard or advertising sign.

Add new subparagraph "c" – No billboard or advertising sign shall exceed 672 square feet of total surface area plus extensions of up to a maximum of 153 square feet "cut out area". The maximum height of the billboard, including extensions, is 45 feet.

Add new subparagraph "d" – Iowa Department of Transportation (IDOT) Approval: Any proposed sign or billboard along a State or Federal highway must be approved by IDOT, along with compliance with the regulations of the Zoning Ordinance.

Chapter 13F(3) – Billboards and advertising signs provided that:

Delete subparagraph “b” – They are not within 300 feet of another billboard or advertising sign facing the same direction.

Delete subparagraph “c” – No billboard or advertising sign shall exceed 750 square feet in area or 35 feet in height.

Add new subparagraph “b” – They are not within 500 feet of another billboard or advertising sign.

Add new subparagraph “c” – No billboard or advertising sign shall exceed 672 square feet of total surface area plus extensions of up to a maximum of 153 square feet “cut out area”. The maximum height of the billboard, including extensions, is 45 feet.

Add new subparagraph “d” – Iowa Department of Transportation (IDOT) Approval: Any proposed sign or billboard along a State or Federal highway must be approved by IDOT, along with compliance with the regulations of the Zoning Ordinance.

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 11/22/04 to the following:

1. Matthew & Tandi Dausener - P.O. Box 146, Springville, Iowa 52336 - Certified
  2. Wendell & Debra Wanek - 1352 Highway 30, Stanwood, Iowa 52337
  3. Robert Herring - 516 185th Street, Mechanicsville, Iowa 52306
  4. Richard & Bruce Mitchell & Wendy Neuzil - 972 Garfield Avenue, Tipton, Iowa 52772
  5. Wendling Quarries - % John Tuthill, P.O. Box 230, DeWitt, Iowa 52742
  6. Margaret L. Biedenbach - 201 N. Madison, Mechanicsville, Iowa 52306
  7. Delores Timmerman - 2134 Highway 130, Bennett, Iowa 52721
  8. Kenneth Jedlicka - 637 220th Street, Tipton, Iowa 52772
  9. Richard Jedlicka - 1105 Mulberry Street, Tipton, Iowa 52772
  10. Herring Farms, Inc. - 109 Parkview Court, Tipton, Iowa 52772
  11. Rita Sissel Et Ali - P.O. Box 461, Tipton, Iowa 52772
  12. Carol Jennings - 5317 11th Avenue A, Moline, Illinois 61265
- 

1. Dwight & Carolyn Iles - 1162 Duck Creek Drive, Iowa City, Iowa 52246 - Certified
  2. LuJen Farms, Inc. - % George Bowie, 756 Garfield Road, West Branch, Iowa 52358
  3. Joe & Karen McMath - 48 Greenvew Drive, West Branch, Iowa 52358
  4. Joan Blundall - 680 Garfield Road, West Branch, Iowa 52358
  5. Robert & Donna Thede - 1205 Trail Avenue, Wilton, Iowa 52778
  6. Roscoe & Helen Millett & Raymond - 1722 Grant Avenue, West Branch, Iowa 52358
- 

1. Jerad Kelley & Courtney Bromell - 707 W. 9th Street #50, Tipton, Iowa 52772
  2. Jeff & Joanna Reichert - 876 247th Street, Tipton, Iowa 52772
  3. Larry & Sharon Hodgden - 608 3rd Street NW, Cedar Rapids, Iowa 52405
  4. Rick & Darlene Ehlers - 1692 Snaggy Ridge Road, Tipton, Iowa 52772
  5. Dan & Lori Dawson - 1105 265th Street, Tipton, Iowa 52772
  6. Cedar County Historical Society - % Beryl L. Rocca, 1926 4th Street, Tipton, Iowa 52772
- 

1 Copy to Tipton Conservative & West Branch Times on 11/22/04  
Board of Supervisors  
2 File Copies  
Bulletin Board Copies

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 17, 2004

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, November 17, 2004, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Lamp, Moylan, Penningroth, Schuett, Pruess, Voparil, Brown and Zoning Administrator La Rue. Minutes from the last meeting held on October 20, 2004, were previously sent to the members. The minutes were approved as written.

The Commission members then considered the following petitions:

- 1. Matthew and Tandi Dausener, Springville (Contract Buyers) and Wendell and Deb Wanek, RFD, Clarence (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 N ½ of the NW ¼ of the SW ¼, Section 13, T-81N, R-4W, in Linn Township. Said petition is to rezone 1.96 acres of a 10.00 acre tract.

Zoning Administrator La Rue instructed the Commission to base their decision in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. A letter from the adjoining property owners, the Jedlicka Family, was read. The County Engineer has approved a driveway for a single family dwelling. There had been a home at this site years ago. The site has limitations for a septic system and the C.S.R. is 70 & 85. Letters from the County Engineer, Mechanicsville Fire Department and the soil evaluation were again reviewed. La Rue again explained why he had recommended this area rather than further west due to soil limitations.

Matthew Dausener and Wendell Wanek were present to represent the owners and buyers and reported on plans for this property. On the issue of firearms, Jerry Vandecamp spoke, after having checked with the D.N.R., that firearms can not be discharged within 200 yards of a residence without the owner's permission.

Kenny Jedlicka questioned why another hearing was being held and whether regular noise from the Jedlicka acreage would be a problem. La Rue explained that the petitioners refiled. The Jedlicka family was not interested in purchasing the property. Delores Timmerman, Sue McGinty, Rita Sissel and Carol Jennings also spoke on what effect the new possible zoning would have on their property and freedom to discharge firearms. The Comprehensive Plan was reviewed. It discourages scattered residential developments.



After further discussion, Brown made a motion and Voparil seconded to recommend to the Board of Supervisors to deny the request for rezoning based upon land use and compatability of neighborhood and safety. Motion carried. Ayes 5 with Lamp voting nay.

2. **Dwight and Carolyn Iles, Iowa City (Contract Buyers) and 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 property located on Lot 3, LJ Subdivision, in the SW ¼ of the NE ¼, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres of a 22.68 acre lot.

There were no written or verbal objections on file for this petition. La Rue announced that the Commission was to base their decision in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. La Rue explained that this is the last lot (#3) of George Bowie's LJ Subdivision and would be a clustering. The letter from the County Engineer indicated no problem with the driveway. There is site distance for one dwelling only, and all of Grant Avenue is being given to the Iles' in a boundary line adjustment. The West Branch Fire Department has no problem providing service to this site. The soil evaluation was reviewed. Limitations for a septic system were severe due to slope alone. La Rue expressed doubt on the degree of slope. Limitations for building are moderate. The C.S.R. is 58 & 45 points.

Dwight Iles, contract buyer, indicated that they intend to build a home on the property within a year. Carolyn Iles added that they are intending to build one home only. Adjoining property owner, Robert Thede, wished to know about the building site and the fence. There are no livestock operations within one-quarter mile.

Following discussion, Lamp made a motion to recommend approval of the change in zoning from A-1 to R-1 to the Board of Supervisors. Moylan seconded the motion. Ayes 5 with Brown voting nay.

3. **Jeff and Joanna Reichert, RFD, Tipton (Owners) and Jerad Kelley and Courtney Bromell, 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 N ½ of the NE ¼ of the SE ¼, Section 26, T-80N, R-3W, in Rochester Township. Said petition is to rezone 3.67 acres more or less of a 19.40 acre tract.

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

La Rue explained that the rezoning tract size had been increased in area at his request due to the topography.

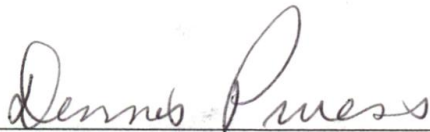
Jerad Kelley and Courtney Bromell were in attendance and explained their reason for this request. A letter from the Tipton Fire Department indicated that they were able to provide emergency service to this site. The letter from the County Engineer was reviewed. There is site distance for the planned driveway to serve one home only. The soil evaluation was reviewed. Limitations for building were slight to moderate. Limitations for septic systems were severe with limitations due to slope and marginal perc rates. A sand filter will likely be constructed. The C.S.R. is 32 points. The Comprehensive Plan discourages scattered residential development, but the road will limit residential density. There is a small livestock (hog) unit to the east just over 1320 feet. This property is south of the Deerview Subdivision on Snaggy Ridge Road.

Following discussion, Lamp made a motion to recommend to the Board of Supervisors that this property's zoning be changed from A-1 to R-1. Moylan seconded the motion. Ayes all.

The Commission members then considered a request for an Agreement to Abate by Kenneth & Kelly Rozinek. Following review of site drawings and photography, it was agreed by the Rozinek's and the Commission that the septic system will be done in 30 days and that all salvage, scrap metals/wood, motor vehicles and mobile homes will be removed by May 1, 2005. The Commission requested a progress report in February. The Rozinek's were to return to the Courthouse on November 18<sup>th</sup> to sign papers to this effect.

The Commission then considered amendments to the Zoning Ordinance pertaining to billboard signs in the C-2, M-1 and M-2 districts. After discussion of the changes needed to regulate Cedar County billboard signs, Moylan moved and Schuett seconded to recommend approval of the proposed amendment to the Cedar County Zoning Ordinance. Ayes all. Fees for zoning permits and signs were then discussed.

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

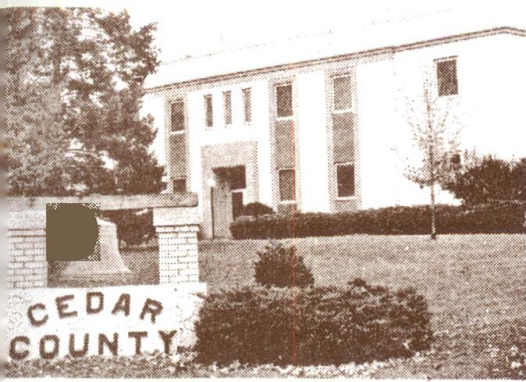


Chairperson



Secretary





Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

Wednesday, November 17, 2004 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
  - A. Matthew and Tandi Dausener, Springville (Contract Buyers) and Wendell and Deb Wanek, RFD, Clarence Owners – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
  - B. Dwight and Carolyn Iles, Iowa City (Contract Buyers) and LuJen Farms, Inc., RR, West Branch (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
  - C. Jeff and Joanna Reichert, RR, Tipton (Owners) and Jerad Kelley and Courtney Bromell, Tipton (Contract Buyers) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- III. Consideration of an Agreement to Abate request filed by Kenneth & Kelly Rozinek, RR, West Branch
- IV. Consideration of proposed Amendments to the Cedar County Zoning Ordinance #10 regarding Billboards and Advertising Signs
- V. Conclusion





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

November 8, 2004

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, November 17, 2004, 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. **Matthew and Tandi Dausener, Springville (Contract Buyers) and Wendell and Deb Wanek, RFD, Clarence (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 N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 13, T-81N, R-4W, in Linn Township. Said petition is to rezone 1.96 acres of a 10.00 acre tract.
2. **Dwight and Carolyn Iles, Iowa City (Contract Buyers) and 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 property located on Lot 3, LJ Subdivision, in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres of a 22.68 acre lot.
3. **Jeff and Joanna Reichert, RFD, Tipton (Owners) and Jerad Kelley and Courtney Bromell, 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 N  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 26, T-80N, R-3W, in Rochester Township. Said petition is to rezone 2.06 acres more or less of a 19.40 acre tract.

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

At this time, the Commission shall also consider the following proposed Amendments to the Cedar County Zoning Ordinance #10:

Chapter 11F(3) - Billboards and advertising signs provided that:

Delete subparagraph "b" – They are not within 300 feet of another billboard or advertising sign facing the same direction.

Delete subparagraph "c" – No billboard or advertising sign shall exceed 250 square feet in area or 25 feet in height.

Add new subparagraph "b" – They are not within 500 feet of another billboard or advertising sign.

Add new subparagraph "c" – No billboard or advertising sign shall exceed 672 square feet of total surface area plus extensions of up to a maximum of 153 square feet "cut out area". The maximum height of the billboard, including extensions, is 45 feet.

Add new subparagraph "d" – Iowa Department of Transportation (IDOT) Approval: Any proposed sign or billboard along a State or Federal highway must be approved by IDOT, along with compliance with the regulations of the Zoning Ordinance.

Chapter 12F(3) – Billboards and advertising signs provided that:

Delete subparagraph "b" – They are not within 300 feet of another billboard or advertising sign facing the same direction.

Delete subparagraph "c" – No billboard or advertising sign shall exceed 750 square feet in area or 35 feet in height.

Add new subparagraph "b" – They are not within 500 feet of another billboard or advertising sign.

Add new subparagraph "c" – No billboard or advertising sign shall exceed 672 square feet of total surface area plus extensions of up to a maximum of 153 square feet "cut out area". The maximum height of the billboard, including extensions, is 45 feet.

Add new subparagraph "d" – Iowa Department of Transportation (IDOT) Approval: Any proposed sign or billboard along a State or Federal highway must be approved by IDOT, along with compliance with the regulations of the Zoning Ordinance.

Chapter 13F(3) – Billboards and advertising signs provided that:

Delete subparagraph “b” – They are not within 300 feet of another billboard or advertising sign facing the same direction.

Delete subparagraph “c” – No billboard or advertising sign shall exceed 750 square feet in area or 35 feet in height.

Add new subparagraph “b” – They are not within 500 feet of another billboard or advertising sign.

Add new subparagraph “c” – No billboard or advertising sign shall exceed 672 square feet of total surface area plus extensions of up to a maximum of 153 square feet “cut out area”. The maximum height of the billboard, including extensions, is 45 feet.

Add new subparagraph “d” – Iowa Department of Transportation (IDOT) Approval: Any proposed sign or billboard along a State or Federal highway must be approved by IDOT, along with compliance with the regulations of the Zoning Ordinance.

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

A handwritten signature in dark ink, appearing to read "P.D. La Rue". The signature is fluid and cursive, with the first name "P.D." and the last name "La Rue" clearly distinguishable.

Phil La Rue  
Zoning Administrator

PL:sl



Copies sent out on 11/9/04 to the following:

1. Matthew & Tandi Dausener - P.O. Box 146, Springville, Iowa 52336 - Certified
2. Wendell & Debra Wanek - 1352 Highway 30, Stanwood, Iowa 52337
3. Robert Herring - 516 185th Street, Mechanicsville, Iowa 52306
4. Richard & Bruce Mitchell & Wendy Neuzil - 972 Garfield Avenue, Tipton, Iowa 52772
5. Wendling Quarries - % John Tuthill, P.O. Box ~~12030~~ DeWitt, Iowa 52747-0120 52742
6. Margaret L. Biedenbach - 201 N. Madison, Mechanicsville, Iowa 52306
7. Delores Timmerman - 2134 Highway 130, Bennett, Iowa 52721
8. Kenneth Jedlicka - 637 220th Street, Tipton, Iowa 52772
9. Richard Jedlicka - 1105 Mulberry Street, Tipton, Iowa 52772
10. Herring Farms, Inc. - 109 Parkview Court, Tipton, Iowa 52772
11. Rita Sissel Et Ali - P.O. Box 461, Tipton, Iowa 52772
12. Carol Jennings - 5317 11th Avenue A, Moline, Illinois 61265

- 
1. Dwight & Carolyn Iles - 1162 Duck Creek Drive, Iowa City, Iowa 52246 - Certified
  2. LuJen Farms, Inc. - % George Bowie, 756 Garfield Road, West Branch, Iowa 52358
  3. Joe & Karen McMath - 48 Greenview Drive, West Branch, Iowa 52358
  4. Joan Blundall - 680 Garfield Road, West Branch, Iowa 52358
  5. Robert & Donna Thede - 1205 Trail Avenue, Wilton, Iowa 52778
  6. Roscoe & Helen Millett & Raymond - 1722 Grant Avenue, West Branch, Iowa 52358

- 
1. Jerad Kelley & Courtney Bromell - 707 W. 9th Street #50, Tipton, Iowa 52772 - Certified
  2. Jeff & Joanna Reichert - 876 247th Street, Tipton, Iowa 52772
  3. Larry & Sharon Hodgden - 608 3rd Street NW, Cedar Rapids, Iowa 52405
  4. Rick & Darlene Ehlers - 1692 Snaggy Ridge Road, Tipton, Iowa 52772
  5. Dan & Lori Dawson - 1105 265th Street, Tipton, Iowa 52772
  6. Cedar County Historical Society - % Beryl L. Rocca, 1926 4th Street, Tipton, Iowa 52772

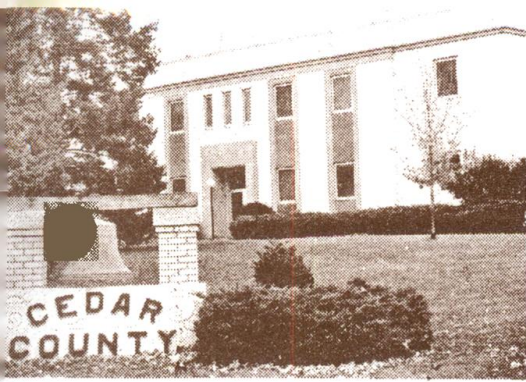
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Copy to Tipton Conservative & Wilton Advocate on 11/8/04

File Copies

Bulletin Board Copies

7 Zoning Commission Members



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 20, 2004 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

- A. Matthew and Tandi Dausener, Springville (Contract Buyers) and Wendell and Deb Wanek, RFD, Clarence Owners – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Review of the Proposed Land Use Map

IV Discussion on proposed zoning Ord. amendment pertaining to Billboard  
IV. Conclusion Signs in C-2, M-1/M-2 Districts



## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 20, 2004

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, October 20, 2004, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Lamp, Voparil, Brown, Schuett, Moylan, Penningroth and Zoning Administrator La Rue. Member absent was Pruess. Minutes from the last meeting held on August 18, 2004, were previously sent to the members. The minutes were approved as written.

The Commission members then considered the following petition:

1. **Matthew and Tandi Dausener, Springville (Contract Buyers) and Wendell and Deb Wanek, RFD, Clarence (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 N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 13, T-81N, R-4W, in Linn Township. Said petition is to rezone 1.96 acres of a 10.00 acre tract.

Zoning Administrator La Rue informed the 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. The members were informed that a letter had been received from an adjoining property owner, Richard Mitchell, indicating his concern that this action could lead to subdivision.

Matthew and Tandi Dausener were present and spoke about their plans to build a single family residence and their desire to maintain the natural wild life at the site where there once was a farmstead. Also in attendance was Wendell Wanek, current owner, and his realtor, Dale Hawkins.

A letter from the Cedar County Engineer, Rob Fangmann, indicated the existing entrance can not serve as the entrance and must be removed. A new access needs to be built 100 feet west. A letter from the Mechanicsville Fire Department stated that they can provide emergency service. Eastern Iowa Light & Power Company will remove the overhead utility line and install underground electricity at the owner's expense. There is a limestone quarry closer than 500 feet to the proposed building site. This quarry is planned to be permanently closed after a meeting with John Tuthill, Wendling Quarries, and the property owner, Wendell Wanek. The plan is to allow the lease to expire and a letter of such intent has been provided. There are no livestock confinements



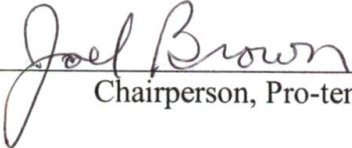
within one-quarter of a mile. There was discussion whether or not the property could be split again, thereby leading to the possibility of more homes. La Rue stated that the driveway restrictions and the limited rezoning tract area would require another petition to be considered by the Commission and the Board of Supervisors. The soil evaluation was reviewed. Limitations for building are moderate. Limitations for septic systems are slight to moderate. The C.S.R. average is 77 points. La Rue explained why he recommended this site over a location to the west where limestone is on the surface of the ground. Under the goals of the Comprehensive Plan, acting Chairperson Brown expressed concern on scattered residential developments. Commissioner Moylan expressed the desire for clustered developments for more efficient use of services.

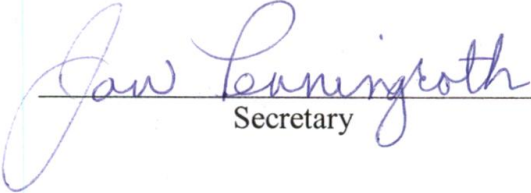
Kenny Jedlicka spoke on behalf of the Jedlicka family property adjacent to the petitioner's site. He explained that their desire is to maintain their cabin in its present location and to be able to continue the recreational activities that take place there, including hunting. Also speaking for the Jedlicka's were Rita Sissel, Mearl & Carol Jennings, Delores Timmerman, Gary Jedlicka and Sue McGinty. Gary Jedlicka presented a written statement to the Commission and the petitioners. The family stressed that a large number of people utilize their property and many of them enjoy target shooting at the quarry on the property and hunting throughout the year. They are concerned about safety while hunting and desire the right to use the property as they presently have done for so many years. Also, many groups, such as Girl Scouts, use the property. Mr. & Mrs. Dausener stated that they have no objection with the use of the Jedlicka property, including the target shooting and hunting, provided it is done in a safe manner. The state law requiring 200 yards of separation between a dwelling or building for discharge of a firearm without permission was discussed. Mrs. Dausener stated that if someone will be hunting the Jedlicka property, including closer than the 200 yard distance, that they be advised and they would have no objections. Discussion continued at length regarding how the Dausener's could or would be notified, including by phone or a marker such as a flag, and the need to protect the safety, health and welfare as the purpose of the Zoning Ordinance. Rita Sissel then added to the discussion that she is the contact person for people wishing to use their property and sometimes someone uses the property without contacting her first. With so many family members and friends using the property, getting everyone to remember to call the Dausener's or her, much less posting a marker like a flag, is impractical. She stated that she will not take on such a responsibility for their (the Dausener's) safety and property. Discussion continued at length in an attempt to reach a compromise as a solution, including relocation of the proposed

building site. Mrs. Dausener stated that if she and her family could not feel safe at this site, that they would not build there. Discussion continued for a compromise. In as much as no compromise was forthcoming, Dausener's withdrew their request.

Next on the amended agenda, La Rue advised the Commission of a request to amend the Zoning Ordinance to allow for billboard signs of larger square footage in the C-2 district. This will be considered at the November meeting. The remainder of the meeting was spent reviewing the proposed Land Use Maps with Jim Gonyier, E.C.I.A, leading the discussion. Voparil made a motion that the Commission accept the proposed plan, along with the overlay on the Cedar River. Schuett seconded the motion. Ayes all.

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

  
Chairperson, Pro-tem

  
Secretary





Tel: 563-886-2248

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

October 4, 2004

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 20, 2004, 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. Matthew and Tandi Dausener, Springville (Contract Buyers) and Wendell and Deb Wanek, RFD, Clarence (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 N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 13, T-81N, R-4W, in Linn Township. Said petition is to rezone 1.96 acres of a 10.00 acre tract.

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

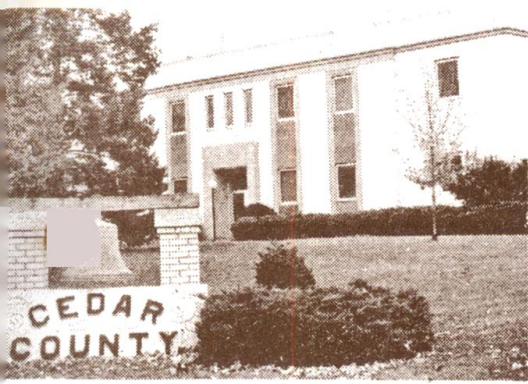
PL:sl

Copies sent out on 10/6/04 to the following:

1. Matthew & Tandi Dausener - P.O. Box 146, Springville, Iowa 52336 - Certified
  2. Wendell & Debra Wanek - 1352 Highway 30, Stanwood, Iowa 52337
  3. Robert Herring - 516 185th Street, Mechanicsville, Iowa 52306
  4. Richard & Bruce Mitchell & Wendy Neuzil - 972 Garfield Avenue, Tipton, Iowa 52772
  5. Wendling Quarries - % John Tuthill, P.O. Box 120, DeWitt, Iowa 52747-0120
  6. Margaret L. Biedenbach - 201 N. Madison, Mechanicsville, Iowa 52306
  7. Delores Timmerman - 2134 Highway 130, Bennett, Iowa 52721
  8. Kenneth Jedlicka - 637 220th Street, Tipton, Iowa 52772
  9. Richard Jedlicka - 1105 Mulberry Street, Tipton, Iowa 52772
  10. Herring Farms, Inc. - 109 Parkview Court, Tipton, Iowa 52772
  11. Jim Gonyier - E.C.I.A.
  12. Rita Sissel Et Ali - P.O. Box 461, Tipton, Iowa 52772
  - 7 Zoning Commission Members
- Copy to Tipton Conservative & Sun News on 10/4/04  
Bulletin Board Copy  
2 File Copies

13. Carol Jennings - 5317 11th Avenue A, Moline, Illinois 61265





Tel: 563-886-2248

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

September 7, 2004

**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 September because no petitions have been received.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on September 9 and 13, 2004, at 9:45 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Troy Mente, RFD, Tipton (Contract Buyer) and Ellouise Rekemeyer, RFD, Tipton (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 sixteen (16) lot subdivision located in the SE ¼ of the NE ¼, Section 16, T-80N, R-3W, in Center West Township, consisting of 37 acres more or less.

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

BETTY ELLERHOFF  
Cedar County Auditor



Copies sent out on 8/23/04 to the following:

1. Troy Mente - 1117 Stonemill Road, Tipton, Iowa 52772 - Certified
2. Ellouise G. Rekemeyer - 891 Cedar Valley Road, Tipton, Iowa 52772
3. Reggie Farms, Inc. - 938 305th Street, Atalissa, Iowa 52720
4. Stephen & Cheryl Person - 1402 Jackson Avenue, Tipton, Iowa 52772
5. Frederick & Arlene Kaefring - 410 E. 10th Street, Tipton, Iowa 52772
6. Michael & Julie Kaefring - P.O. Box 387, Tipton, Iowa 52772
7. Darren & Diana Zabloudil - 313 Salem Street, Blue Grass, Iowa 52726

copy e-mailed to Bev Penningroth (Board of Supervisors) on  
1 copy to Tipton Conservative on 8/23/04



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

August 9, 2004

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 18, 2004, 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. **Doris Coiner, RR, Olin (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing placement of a mobile home on a farmstead where there is an existing home on property located in the SE ¼ of the SE ¼, Section 6, T-82N, R-2W, in Dayton Township. Said petition is to rezone 1.00 acre of a 6.10 acre tract. This petition was previously heard on July 21, 2004, but was tabled.
2. **Troy Mente, RFD, Tipton (Contract Buyer) and Ellouise Rekemeyer, RFD, Tipton (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 sixteen (16) lot subdivision located in the SE ¼ of the NE ¼, Section 16, T-80N, R-3W, in Center West Township, consisting of 37 acres more or less.
3. **Lisa Morey, RFD, Wilton (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog boarding kennel on property located in the NE ¼ of the SW ¼ and the NW ¼ of the SE ¼, Section 23, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned both A-1 Agricultural and R-1 Suburban Residential.

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

Phil La Rue  
Zoning Administrator



Copies sent out on 8/12/04 to the following:

1. Doris Coiner - 1289 110th Street, Olin, Iowa 52320 - Certified
  2. Gene McAtee - 26 National Avenue, Olin, Iowa 52320
  3. Robert Dircks - 1380 120th Street, Clarence, Iowa 52216
  4. Pat & Harold Goldsmith - 280 Highway 38, Stanwood, Iowa 52337
  5. Dennis L. Oldorf Trustee - P.O. Box 1883, Cedar Rapids, Iowa 52406
  6. Mearl C. Eilers - P.O. Box 252, Stanwood, Iowa 52337
  7. Marilyn Robinson & Linda Ballou & Carol Miller - 108 Crescent Drive, Monticello, IA 52310
  8. Linda Ballou - 26440 212th Avenue, Manchester, Iowa 52057
  9. James & Alberta Lawson - 1316 110th Street, Olin, Iowa 52320
- 

1. Troy Mente - 1117 Stonemill Road, Tipton, Iowa 52772 - Certified
  2. Ellouise G. Rekemeyer - 891 Cedar Valley Road, Tipton, Iowa 52772
  3. Reggie Farms, Inc. - 938 305th Street, Atalissa, Iowa 52720
  4. Stephen & Cheryl Person - 1402 Jackson Avenue, Tipton, Iowa 52772
  5. Frederick & Arlene Kaefring - 410 E. 10th Street, Tipton, Iowa 52772
  6. Michael & Julie Kaefring - P.O. Box 387, Tipton, Iowa 52772
  7. Darren & Diana Zabloudil - 313 Salem Street, Blue Grass, Iowa 52726
- 

1. Lisa Morey - 2051 Highway 927, Wilton, Iowa 52778 - Certified
  2. Robert & Trudy Menke - 2375 Vermont Avenue, Durant, Iowa 52747
- 

7 Zoning Commission members

Copy to Tipton Conservative, Sun News and Wilton Advocate on 8/9/04

File Copies

Bulletin Board Copies

Copy e-mailed to Rob Fangmann on 8/9/04

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 18, 2004

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 18, 2004, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Moylan, Schuett, Penningroth, Brown and Zoning Administrator La Rue. Members absent were Pruess and Lamp. Minutes from the last meeting held on July 21, 2004, were previously sent to the members. Moylan made a motion, & Schuett seconded, that they be approved as written. Ayes all.

The Commission members then considered the following petitions:

1. **Doris Coiner, RR, Olin (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing placement of a mobile home on a farmstead where there is an existing home on property located in the SE ¼ of the SE ¼, Section 6, T-82N, R-2W, in Dayton Township. Said petition is to rezone 1.00 acre of a 6.10 acre tract. This petition was previously heard on July 21, 2004, but was tabled.

Moylan made a motion, and Schuett seconded, to remove the Coiner petition from the table. Doris Coiner then announced that she was withdrawing her petition in order to meet with the Board of Adjustment and County Attorney to request a variance to allow a second dwelling on her property. Robert J. Dircks, a neighbor, asked for an explanation of the request and repeated his concern about the possibility that a farmer is unable to farm and to expand. A considerable amount of investment is concerned. Zoning Administrator La Rue announced that a decision would be made at the upcoming Board of Adjustment meeting in September. The letter from Sterling Benz, Assistant County Attorney, was discussed. Attorney Benz recommended that a condition be made that Mrs. Coiner's family would hold harmless Mr. Dircks' hog confinement operation. Mr. La Rue recommended that Mrs. Coiner's attorney prepare such an agreement to be signed by her prior to the Board of Adjustment meeting.

2. **Troy Mente, RFD, Tipton (Contract Buyer) and Ellouise Rekemeyer, RFD, Tipton (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 sixteen (16) lot subdivision located in the SE ¼ of the NE ¼, Section 16, T-80N, R-3W, in Center West Township, consisting of 37 acres more or less.



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

Troy Mente was present and spoke on behalf of the petition. The C.S.R. is 60 to 90 points. The site is on a hard surfaced road 3 ½ miles from Tipton at the corner of Ivory Avenue and the Cedar Valley Road. Plans were very preliminary as Mr. Mente wanted to make sure the project was possible before purchasing the property. The soil evaluation was reviewed. Limitations for septic systems are slight to severe, with severe limitations due to a high water table. Limitations for building are moderate to severe, with the severe limitations due to dangerous soil expansion. The Tipton Fire Department letter indicated no problem providing service, providing all roads were wide enough for emergency vehicles. The Cedar County Engineer, Rob Fangmann, indicated that this project was possible with proper planning. It would appear that this site would be reasonably compatible with the proposed comprehensive plan.

After discussion about cluster zoning in the county, Moylan made a motion to recommend a change in zoning from A-1 to R-1. Schuett seconded the motion. Moylan, Schuett, Penningroth voted aye with Brown voting nay.

3. **Lisa Morey, RFD, Wilton (Owner)** – Requesting approval of a Special Use Permit authorizing the location of a dog boarding kennel on property located in the NE ¼ of the SW ¼ and the NW ¼ of the SE ¼, Section 23, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned both A-1 Agricultural and R-1 Suburban Residential.

Zoning Administrator La Rue informed the members that there were no written or verbal objections on file and suggested that they base their decision on Chapter 17.18(2) of the Cedar County Zoning Ordinance. There are no neighbors within 750 feet of the property other than her parents.

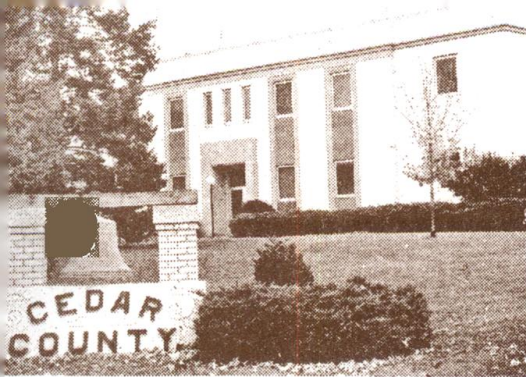
Lisa Morey was present and explained the reason for her request. There is presently a building on the property which is to be converted into a kennel, with the possibility of adding on. A separate septic system is being planned. Her plans are to eventually have room for boarding 25 dogs. The nearest neighbors are Lisa's parents, who have no objections. They have not yet applied for a dog kennel permit with the Iowa Department of Agriculture.

After further discussion, Schuett made a motion and Moylan seconded to recommend to the Board of Adjustment that the Special Use Permit be approved. Ayes all.

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

	
Chairperson	Secretary





Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

Wednesday, August 18, 2004 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Doris Coiner, RR, Olin (Owner) – A change in zoning from A-1 to R-1 to allow placement of a mobile home on a farmstead where there is an existing home
- B. Troy Mente, RFD, Tipton (Contract Buyer) and Ellouise Rekemeyer, RFD, Tipton (Owner) – A change in zoning from A-1 to R-1 to allow construction of single family dwellings on a proposed 16 lot subdivision
- C. Lisa Morey, RFD, Wilton (Owner) – Requesting approval of a Special Use Permit authorizing the location of a dog boarding kennel

III. Conclusion

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 21, 2004

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 21, 2004, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Lamp, Moylan, Schuett, Voparil and Zoning Administrator La Rue. Members absent were Penningroth and Brown. Minutes from the last meeting held on June 16, 2004, were previously sent to the members. Voparil made a motion, and Moylan seconded, that they be approved as written. Ayes all.

The Commission members then considered the following petitions:

1. **Doris Coiner, RR, Olin (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing placement of a mobile home on a farmstead where there is an existing home on property located in the SE ¼ of the SE ¼, Section 6, T-82N, R-2W, in Dayton Township. Said petition is to rezone 1.00 acre of a 6.10 acre tract.

Zoning Administrator La Rue advised the Commission that there were no verbal or written objections on file for this petition, but that he had been contacted by a neighbor, Robert Dircks, regarding the distance between this site and his hog confinement. He continued by recommending that this petition be considered in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance.

Mrs. Coiner was present, as were her daughters, Sherri Coiner and Shellie Robertson. Mrs. Coiner explained her plan to place a mobile home on the property for her to live because the existing house is not handicap accessible. Although she has constructed a ramp, she can not get to the upstairs of the existing house. La Rue explained the requirement for 1,320 feet of separation distance between a livestock operation of 500 head or more and a non-farm dwelling. He explained that the Board of Supervisors have allowed residential rezoning closer than this distance in some cases. He proposed consideration of a conditional zoning agreement as a possible solution because the Coiner's existing home presently is closer than the 1,320 feet requirement. Mr. Dircks was present and read a prepared statement of his opposition to the rezoning request. He questioned if Dircks' Farm would be held harmless if they should expand their operation. Considerable discussion was then held regarding livestock operations and conditional rezoning agreements. Also discussed was which use was established first and how this may affect the proposed residential zoning or expansion of the Dircks'



hog operation. La Rue explained that zoning can not regulate livestock operations. All regulatory aspects, other than providing input to the Iowa Department of Natural Resources on construction evaluation for the master matrix, is regulated by the state. The Coiner's existing use can continue regardless, as a permitted use, but the addition of a second home is the issue. A letter from the Stanwood Fire Department stated that they will provide service to the site. The letter from County Engineer, Rob Fangmann, stated that the driveway will be widened and he has no objection. The soil evaluation was reviewed. Limitations for building sites and septic systems are slight. The C.S.R. rating is 90 points. However, the farmstead is not in crop production. Discussion continued regarding conditional rezonings pertaining to livestock and residential land uses. The Commission expressed concern about the number of years the zoning agreement might be in effect and the best options for a solution. The Commission members felt that there is a need for advice from the County Attorney prior to a recommendation to the Board of Supervisors. Mrs. Coiner had no objection to the petition being tabled by the Commission.

Voparil then made a motion to table this petition until the County Attorney has been consulted for the best solution. Schuett seconded the motion. Ayes all.

2. **Kenneth Moore, RR, West Branch (Owner) and Matt Moore, RR, West Branch (Contract Buyer)** – 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 NE ¼ of the NE ¼, Section 7, T-80N, R-4W, in Gower Township, consisting of 1.61 acres more or less.

La Rue advised 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.

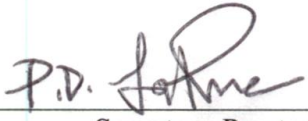
Matt and Megan Moore were present and explained their plans to build a home on this property so that they are closer to family. The site will be served via a 40 foot easement. A letter from the West Branch Fire Department stated that they will provide service to the site. The letter from County Engineer, Rob Fangmann, stated that the existing driveway must be moved south on Baker Avenue. He had no objections. The soil evaluation was reviewed. Limitations for building are moderate. Limitations for septic systems are moderate to severe, with severe limitations due to slope. The C.S.R. was 68 points. There are no area livestock operations.

With no additional discussion, Lamp recommended approval of the change in zoning. Moylan seconded the motion. Ayes all.

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

---

Chairperson

  
Secretary Pro-tem





Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

Wednesday, July 21, 2004 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
  - A. Doris Coiner, RR, Olin (Owner) – A change in zoning from A-1 to R-1 to allow placement of a mobile home on a farmstead where there is an existing home
  - B. Kenneth Moore, RR, West Branch (Owner) and Matt Moore, RR, West Branch (Contract Buyer) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- III. Conclusion



Tel: 563-886-2248

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

July 2, 2004

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 21, 2004, 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. **Doris Coiner, RR, Olin (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing placement of a mobile home on a farmstead where there is an existing home on property located in the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 6, T-82N, R-2W, in Dayton Township. Said petition is to rezone 1.00 acre of a 6.10 acre tract.
2. **Kenneth Moore, RR, West Branch (Owner) and Matt Moore, RR, West Branch (Contract Buyer)** – 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 NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 7, T-80N, R-4W, in Gower Township, consisting of 1.61 acres more or less.

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

Phil La Rue  
Zoning Administrator

PL:sl



Copies sent out on 7/6/04 to the following:

1. Doris Coiner - 1289 110th Street, Olin, Iowa 52320 - Certified
  2. Gene McAtee - 26 National Avenue, Olin, Iowa 52320
  3. Robert Dircks - 1380 120th Street, Clarence, Iowa 52216
  4. Pat & Harold Goldsmith - 280 Highway 38, Stanwood, Iowa 52337
  5. Dennis L. Oldorf Trustee - P.O. Box 1883, Cedar Rapids, Iowa 52406
  6. Mearl C. Eilers - P.O. Box 252, Stanwood, Iowa 52337
  7. Marilyn Robinson & Linda Ballou & Carol Miller, 108 Crescent Drive, Monticello, Iowa 52310
  8. Linda Ballou - 26440 212th Avenue, Manchester, Iowa 52057
  9. James & Alberta Lawson - 1316 110th Street, Olin, Iowa 52320
- 

1. Pauline Hunter & Kenneth Moore Family Trust - 1345 Baker Avenue, West Branch, Iowa 52358
  2. Matt Moore - 561 290th Street, West Branch, Iowa 52358
  3. Gary & Judy Suchomel - 48 230th Street, West Branch, Iowa 52358
- 

Copy to Tipton Conservative, West Branch Times & Sun News on 7/2/04  
2 File Copies  
Bulletin Board copy  
7 Zoning Commission Members

### LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on July 1 and 8, 2004, at 9:45 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Gary and Penny Cox, Tipton (Contract Buyers) and David and Rose Semotan, Everton, MO (Owners)** – Requesting a change in zoning from A-1 Agricultural and M-1 Light Industrial to R-2 Urban Residential for the purpose of eliminating a non-conforming permitted use and to allow replacement of an existing dwelling on property located on Lots 1, 2 and 3 and the east 47 feet of Lots 11 and 12, all in Block 15, town of Cedar Bluff in the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 28, T-81N, R-4W, in Cass Township, consisting of 0.75 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 6/22/04 to the following:

1. Gary & Penny Cox - 1111 Pine Street, Tipton, Iowa 52772 - Certified
2. David & Rose Semotan - Box 277, Everton, MO 65646
3. Nancy Semotan - 1113 2nd Street, Tipton, Iowa 52772
4. Kenneth & Amelia Fisher - 2N155 Saddlewood Drive, Maple Park, IL 60151
5. Marilyn Bennett - 1107 Pine Street, Tipton, Iowa 52772
6. J & K Fuller, W & J Klink & Richard G. Baker - Sand Woods LLC, 6 Longview Knoll, Iowa City, Iowa 52240
7. Hugh & Phyllis Stumbo - 421 5th Street, Tipton, Iowa 52772
8. John & Kristen Rummelhart - P.O. Box 5519, Coralville, Iowa 52241
9. Debra Weaver - 1205 State Street, Tipton, Iowa 52772
10. Roberta Tigges - 1104 Pine Street, Tipton, Iowa 52772
11. Donald L. & Lula Mae Glover - 1117 2nd Street, Tipton, Iowa 52772
12. Jack & Kay Rebec - 1103 State Street, Tipton, Iowa 52772
13. Frederick & Alice Lombard - 1121 2nd Street, Tipton, Iowa 52772
14. Kathleen P. Kernan Stahle Et Al - 4721 Kynnelworth Dr. #110, Bettendorf, Iowa 52722
15. Donald & Sara Luettjohann - 1203 2nd Street, Tipton, Iowa 52772
16. Anthony & Lisa Jensen - 1200 State Street, Tipton, Iowa 52772
17. Lucinda K. Rocha - 1202 State Street, Tipton, Iowa 52772
18. William Kirk - 1638 Baker Avenue, West Branch, Iowa 52358

1 Copy to Tipton Conservative on 6/21/04

Board of Supervisors

2 File Copies

Bulletin Board Copy



## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 16, 2004

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, June 16, 2004, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Voparil, Brown, Pruess, Penningroth, Moylan, Schuett and Zoning Administrator La Rue. Member absent was Lamp. Minutes from the last meeting held on May 19, 2004, were previously sent to the members. Voparil made a motion, and Moylan seconded, that they be approved as written. Ayes all.

The Commission members then considered the following petition:

1. **Gary and Penny Cox, Tipton (Contract Buyers) and David and Rose Semotan, Everton, MO (Owners)** – Requesting a change in zoning from A-1 Agricultural and M-1 Light Industrial to R-2 Urban Residential for the purpose of eliminating a non-conforming permitted use and to allow replacement of an existing dwelling on property located on Lots 1, 2 and 3 and the east 47 feet of Lots 11 and 12, all in Block 15, town of Cedar Bluff in the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 28, T-81N, R-4W, in Cass Township, consisting of 0.75 acres more or less.

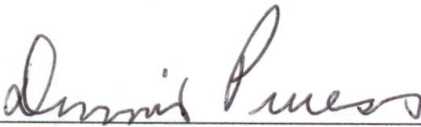
Zoning Administrator La Rue announced that there were no verbal or written objections on file for this request and advised the Commission to make their decision in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. La Rue also informed the members that there were moderate limitations for the septic system due to porous soils and limestone. Limitations for building were slight. A letter from the Tipton Fire Department indicated that they had no problems with providing service to this site. The entrance permit has been submitted and approved by the County Engineer.

Gary Cox was present and explained that the pole building on Lot 2 will come down and be replaced with a house. The house on Lot 1 will come down.

After discussion, Brown made a motion to approve the change in zoning from A-1 and M-1 to R-2 Urban Residential for the purpose of eliminating a non-conforming permitted use. Voparil seconded the motion. Ayes all.

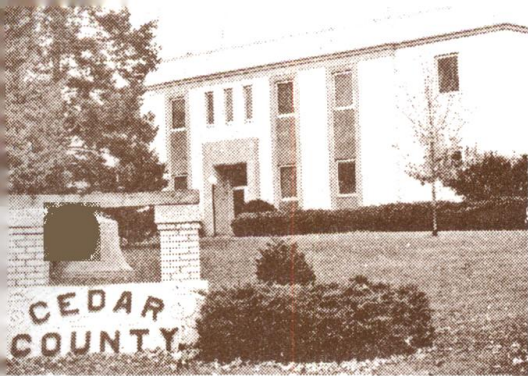
Zoning Administrator La Rue then reported on the progress of the Cedar County Comprehensive Plan.

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

  
Chairperson

  
Secretary





Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

Wednesday, June 16, 2004 – 6:30 p.m.

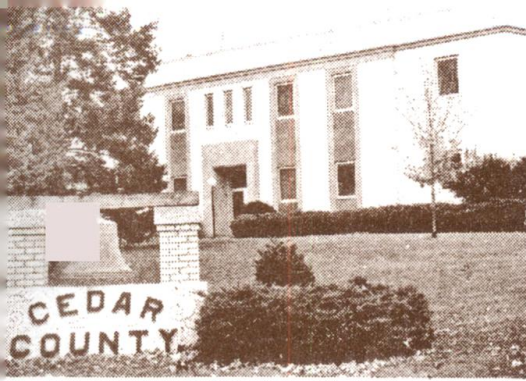
Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

- A. Gary and Penny Cox, Tipton (Contract Buyers and David and Rose Semotan, Everton, MO (Owners) – A change in zoning from A-1 and M-1 to R-2 for the purpose of eliminating a non-conforming permitted use and to allow replacement of an existing dwelling

III. Conclusion



Tel: 563-886-2248

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

June 7, 2004

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 16, 2004, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

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

1. **Gary and Penny Cox, Tipton (Contract Buyers) and David and Rose Semotan, Everton, MO (Owners)** – Requesting a change in zoning from A-1 Agricultural and M-1 Light Industrial to R-2 Urban Residential for the purpose of eliminating a non-conforming permitted use and to allow replacement of an existing dwelling on property located on Lots 1, 2 and 3 and the east 47 feet of Lots 11 and 12, all in Block 15, town of Cedar Bluff in the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 28, T-81N, R-4W, in Cass Township, consisting of 0.75 acres more or less.

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

Phil La Rue  
Zoning Administrator

PL:sl



Copies sent out on 6/8/04 to the following:

1. Gary & Penny Cox - 1111 Pine Street, Tipton, Iowa 52772 - Certified
2. David & Rose Semotan - Box 277, Everton, MO 65646
3. Nancy Semotan - 1113 2nd Street, Tipton, Iowa 52772
4. Kenneth & Amelia Fisher - 2N155 Saddlewood Dr., Maple Park, IL 60151
5. Marilyn Bennett - 1107 Pine Street, Tipton, Iowa 52772
6. J & K Fuller, W & J Klink & Richard G. Baker - Sand Woods LLC, 6 Longview Knoll, Iowa City, Iowa 52240
7. Hugh & Phyllis Stumbo - 421 5th Street, Tipton, Iowa 52772
8. John & kristen Rummelhart - P.O. Box 5519, Coralville, Iowa 52241
9. Debra Weaver - 1205 State Street, Tipton, Iowa 52772
10. Roberta Tigges - 1104 Pine Street, Tipton, Iowa 52772-9221
11. Donald L. & Lula Mae Glover - 1117 2nd Street, Tipton, Iowa 52772
12. Jack & Kay Rebec - 1103 State Street, Tipton, Iowa 52772
13. Frederick & Alice Lombard - 1121 2nd Street, Tipton, Iowa 52772
14. Kathleen P. Kernan Stahle Et Al - 4721 Kynnelworth Dr. #110, Bettendorf, Iowa 52722
15. Donald & Sara Luettjohann - 1203 2nd Street, Tipton, Iowa 52772
16. Anthony & Lisa Jensen - 1200 State Street, Tipton, Iowa 52772
17. Lucinda K. Rocha - 1202 State Street, Tipton, Iowa 52772
18. William Kirk - 1638 Baker Avenue, West Branch, Iowa 52358

1 Copy to Tipton Conservative on 6/7/04  
7 Zoning Commission Members  
2 file copies  
bulletin board copy

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 19, 2004

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, May 19, 2004, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Brown, Schuett, Pruess, Penningroth, Moylan and Zoning Administrator La Rue. Members absent were Voparil and Lamp. Minutes from the last meeting held on April 21, 2004, were previously sent to the members. They were approved as written.

The Commission members then considered the following petition:

1. **Kerry VanWaes, Davenport (Contract Buyer) and Craig Rekemeyer and Jan Rekemeyer, RFD, Lowden (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing placement of a manufactured home on a farmstead where there is an existing home on property located in the SE ¼ of the NE ¼, Section 34, T-82N, R-1W, in Massillon Township. Said petition is to rezone 1.00 acre of a 6.90 acre tract.

Zoning Administrator La Rue announced that there were no verbal or written objections on file for this request and advised the Commission to make their decision in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. A letter from County Engineer Fangmann indicated a new driveway must be provided 150' west of the present location as per county regulations. A letter from the Lowden Fire Department expressed no concern about providing emergency services.

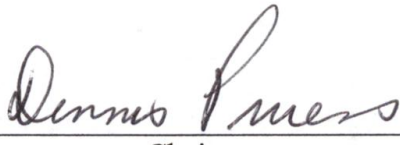
Kerry VanWaes, Davenport (Contract Buyer) and Realtor Ken Paper were present and explained the reasons for this request. Plans are to provide a home for Mr. VanWaes' parents. This would be a conditional zoning agreement to allow a change in zoning to put a manufactured home on this site. When the manufactured home is no longer used by his parents, he must notify the county and allow the Board of Supervisors to change the zoning district back to A-1 Agricultural.

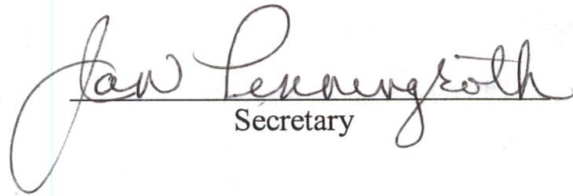
The soil evaluation was reviewed. Limitations for building were slight to severe, with severe limitations due to flooding on the Colo-Ely soil complex. Limitations for septic systems were moderate to severe, with severe limitations due to a high water table and flooding on the Colo-Ely soil complex. The C.S.R. for this site is 74 points. Mr. La Rue reported that the septic system might have to be modified to make it more usable for the site, and the land is presently out of production. The home site and septic system location have not been finalized, but may be moved north.

Adjoining property owners George Kruckenberg and Robert Kruckenberg were present. They had no objections, but simply wanted information on the proposed septic system updates.

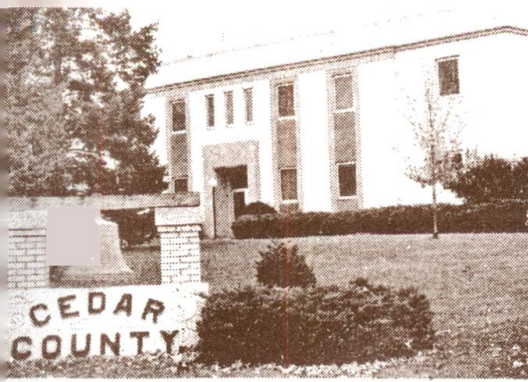
Following discussion, Moylan made a motion to recommend approval of the request to the Board of Supervisors with the stipulation that the present driveway be moved 150 feet west and that there be a conditional zoning agreement. Schuett seconded the motion. Ayes all.

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

  
Chairperson

  
Secretary





Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

Wednesday, May 19, 2004 – 6:30 p.m.

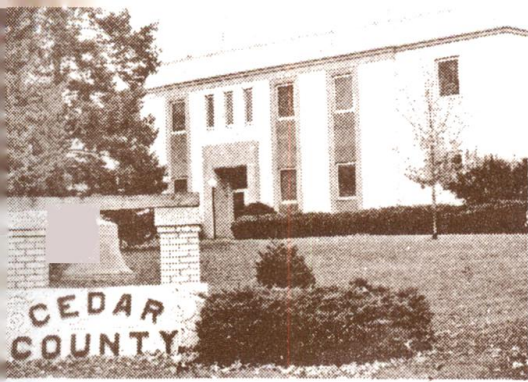
Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

- A. Kerry VanWaes, Davenport (Contract Buyer)  
and Craig Rekemeyer and Jan Rekemeyer, RFD,  
Lowden (Owners) – A change in zoning from  
A-1 to R-1 to allow placement of a manufactured  
home on a farmstead where there is an existing  
home

III. Conclusion



Tel: 563-886-2248

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

May 10, 2004

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 19, 2004, 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. **Kerry VanWaes, Davenport (Contract Buyer) and Craig Rekemeyer and Jan Rekemeyer, RFD, Lowden (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing placement of a manufactured home on a farmstead where there is an existing home on property located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 34, T-82N, R-1W, in Massillon Township. Said petition is to rezone 1.00 acre of a 6.90 acre tract.

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 5/11/04 to the following:

1. Kerry W. VanWaes - 2228 N. Gayman Avenue, Davenport, Iowa 52804 - Certified
2. Craig & Jan Rekemeyer - 2189 155th Street, Lowden, Iowa 52255
3. Lincolnway Farms Corp. - P.O. Box 106, Lowden, Iowa 52255
4. George Kruckenberg - P.O. Box 396, Lowden, Iowa 52255
5. Roberta Kruckenberg - P.O. Box 396, Lowden, Iowa 52255

7 Zoning Commission Members

1 Copy to Tipton Conservative & Sun News on 5/10/04

Bulletin Board

2 File Copies



## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on May 6 and 10, 2004, at 10:15 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Dean Wood, Anamosa (Owner)** – Requesting approval of Oakridge Estates First Addition, a Preliminary Plat of Survey for a proposed thirteen (13) lot subdivision located in the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , all in Section 11, T-80N, R-3W, in Center West Township, consisting of 47.60 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 4/23/04 to the following:

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

Copy to Newspaper on 4/23/04

e-mailed Legal Notice to Bev Penningroth for B of S on 4/23/04

2 File Copies

## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on May 6 and 10, 2004, 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. **Ray Hartz, RFD, Atalissa (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 14, T-79N, R-3W, in Iowa Township, consisting of 4.92 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 4/23/04 to the following:

1. Ray Hartz - 1051 305th Street, Atalissa, Iowa 52720 - Certified
2. Donald V. Rathjen Jr. - 1050 305th Street, Atalissa, Iowa 52720
3. George G. Ltd. - P.O. Box 95, Wilton, Iowa 52778
4. Leonard & Darlene Eichelberger - 2094 Atalissa Road, Atalissa, Iowa 52720-9643
5. Gary D. & Gayle E. Van Est - 1964 Delta Avenue, West Branch, Iowa 52358

1 Copy to Tipton Conservative on 4/23/04  
Copy e-mailed to Bev Penningroth for B of S  
2 File Copies

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 21, 2004

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, April 21, 2004, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Schuett, Brown, Pruess, Voparil, Penningroth, Moylan and Zoning Administrator La Rue. Member absent was Lamp. Jim Gonyier, E.C.I.A., was also present. Minutes from the previous meeting held on March 17, 2004, were previously sent to the members. Brown made a motion, and Schuett seconded, to approve the minutes as written. Ayes all.

The Commission members then considered the following petition:

1. **Ray Hartz, RFD, Atalissa (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 14, T-79N, R-3W, in Iowa Township, consisting of 4.92 acres more or less.

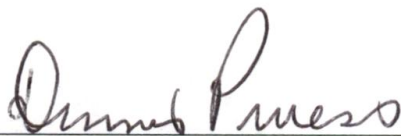
Zoning Administrator La Rue advised the Commission that there were no written or verbal objections on file and advised the members to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance.


Mr. Hartz was present and explained that he was selling part of his property to his son. La Rue informed the Commission that this was the second splitting of the property, this it will be a minor subdivision. Limitations are moderate to severe for septic systems and the C.S.R. is 28 to 70 points. Letters from the County Engineer stated that a driveway entrance was approved and the Atalissa Fire Department indicated no problem providing service to this site.

After discussion, Voparil made a motion to recommend approval of this petition to the Board of Supervisors. Moylan seconded the motion. Ayes 4 and 1 Nay by Brown.

The Commission members then discussed the Preliminary Revision to the Comprehensive Plan as provided by Mr. Gonyier. Brown made a motion to approve the Preliminary Plan so it could be forwarded to the Board of Supervisors. Voparil seconded the motion. Ayes all.

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

  
Chairperson

  
Secretary





Tel: 563-886-2248

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

**AGENDA**

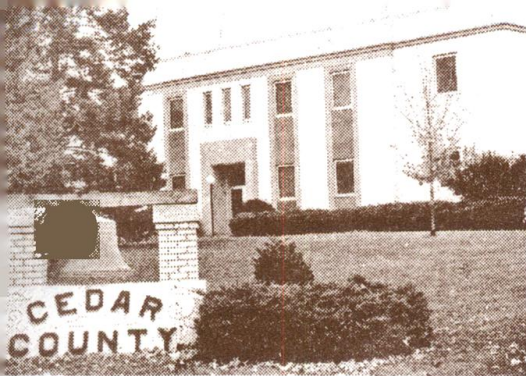
**Cedar County Planning & Zoning Commission**

Wednesday, April 21, 2004 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
  - A. Ray Hartz, RFD, Atalissa (Owner) –  
A change in zoning from A-1 to R-1 to  
allow construction of a single family  
dwelling
- III. Jim Gonyier – E.C.I.A.
  - A. Discussion on the Land Use Policies  
prepared at the last meeting held on  
March 17, 2004
  - B. Discussion on Future Land Use Map
- III. Conclusion





Tel: 563-886-2248

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

April 5, 2004

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, April 21, 2004, 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. **Ray Hartz, RFD, Atalissa (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 14, T-79N, R-3W, in Iowa Township, consisting of 4.92 acres more or less.

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

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 4/7/04 to the following:

1. Ray Hartz - 1051 305th Street, Atalissa, Iowa 52720 - Certified
2. Donald V. Rathjen Jr. - 1050 305th Street, Atalissa, Iowa 52720
3. George G. Ltd. - P.O. Box 473, Wilton, Iowa 52778
4. Leonard & Darlene Eichelberger - 2094 Atalissa Road, Atalissa, Iowa 52720-9643
5. Gary D. & Gayle E. Van Est - 1964 Delta Avenue, West Branch, Iowa 52358

1 copy to Tipton Conservative on 4/5/04

7 Zoning Commission members

2 file copies

bulletin board copy

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 17, 2004

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, March 17, 2004, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Schuett, Brown, Pruess, Voparil, Lamp, Penningroth and Zoning Administrator La Rue. Member absent was Moylan. Minutes from the previous meeting held on February 18, 2004, were previously sent to the members. Voparil made a motion, and Brown seconded, to approve the minutes as written. Ayes all.

The Commission members then considered the following petition:

1. **Pond View Acres, LLC, Tipton (Owners)** – Requesting approval of Pond View Acres Fourth Addition, a Preliminary Plat of Survey for a proposed eight (8) lot subdivision on property located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 20.59 acres more or less.

Zoning Administrator La Rue advised the Commission that there were no written or verbal objections on file and to consider this petition in accordance with Chapters 3, 6, 7 and 8 of the Cedar County Subdivision Ordinance. He reminded the Commission that the rezoning was approved by the Board of Supervisors on March 20, 2003, and the Final Plat for Pond View Acres Third Addition was approved by the Board of Supervisors on November 20, 2003. The road was included in the Third Addition.

Stuart Werling and Richard Kordick were present and explained the proposed development. A letter from County Engineer Torney was read which recommended approval of this petition. The soil evaluation was reviewed. Engineering review indicated that sand filters are recommended, in as much as the soil will not support conventional septic systems.

With no additional discussion, Lamp made a motion to recommend approval of this petition to the Board of Supervisors. Voparil seconded the motion. Ayes four with Brown voting nay.

The Commission members then worked on completion of the policies and goals of the Comprehensive Plan Updates with Jim Gonyier, E.C.I.A.

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



Chairperson



Secretary



## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on April 5 and 8, 2004, at 8:30 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 Fourth Addition, a Preliminary Plat of Survey for a proposed eight (8) lot subdivision on property located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , 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. 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 3/24/04 to the following:

1. Pond View Acres, LLC - % Stuart Werling, 319 Cedar Street, Tipton, Iowa 52772 - Certified
2. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
3. Charles Frymoyer - 1232 300th Street, Tipton, Iowa 52772
4. Donald Holladay - 2043 Rose Avenue, Wilton, Iowa 52778
5. Dean Challis - 205 Linda Lane, Wilton, Iowa 52778
6. Roger & Carolyn Grunder - P.O. Box 897, Wilton, Iowa 52778
7. Kim A. Kokjohn - 515 W. 3rd Street, Wilton, Iowa 52778
8. Richard Kordick - Kordick Surveying, 689 185th Street, Tipton, Iowa 52772

Copy to Tipton Conservative on 3/22/04

Copy faxed to Wilton-Durant Advocate News on 3/22/04

2 File Copies

Copy e-mailed to Bev Penningroth on 3/22/04

## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on April 5 and 8, 2004, at 8:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. Richard and Patricia Furchtenicht and Craig Furchtenicht, RFD, West Branch (Owners) – Requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural for the purpose of vacating an R-1 zoned parcel along Garfield Avenue and replatting the parcel along 280<sup>th</sup> Street. The owners are then requesting a change in zoning from A-1 to R-1 to allow construction of a single family dwelling. Said property is located in the NW ¼ of the NW ¼, Section 6, T-79N, R-3W, in Iowa Township, consisting of 5.49 acres more or less.

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

BETTY ELLERHOFF  
Cedar County Auditor



Copies sent out on 3/16/04 to the following:

1. Richard & Patricia Furchtenicht - 592 280th Street, West Branch, Iowa 52358 - Certified
2. Stewart & Mildred Mather - 79 Eishenhower, West Branch, Iowa 52358
3. Herbert A. Sondergard Family Trust - P.O. Box 636, 321 N. 5th Street, West Branch, IA 52358
4. Richard Kordick - 689 185th Street, Tipton, Iowa 52772

Copy sent to Tipton Conservative & West Branch Times on 3/15/04

Copy e-mailed to Bev Penningroth for B of S

2 File Copies

Bulletin Board Copy



Tel: 563-886-2248

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

March 8, 2004

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 17, 2004, 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. **Pond View Acres, LLC, Tipton (Owners)** – Requesting approval of Pond View Acres Fourth Addition, a Preliminary Plat of Survey for a proposed eight (8) lot subdivision on property located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , 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 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.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl



Copies sent out on 3/9/04 to the following:

1. Pond View Acres, LLC - % Stuart Werling, 319 Cedar Street, Tipton, Iowa 52772 - Certified
2. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
3. Charles Frymoyer - 1232 300th Street, Tipton, Iowa 52772
4. Donald Holladay - 2043 Rose Avenue, Wilton, Iowa 52778
5. Dean Challis - 205 Linda Lane, Wilton, Iowa 52778
6. Roger & Carolyn Grunder - ~~203 Linda Lane, Wilton, Iowa 52778~~ P.O. Box 897, Wilton, IA 52778
7. Kim A. Kokjohn - 515 W. 3rd Street, Wilton, Iowa 52778
8. Richard Kordick - Kordick Surveying, 689 185th Street, Tipton, Iowa 52772

7 Zoning Commission members

1 copy to Tipton Conservative on 3/8/04

1 copy faxed to Advocate News on 3/8/04

file copies

bulletin board

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, March 17, 2004 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
  - A. Pond View Acres, LLC, Tipton (Owners) –  
Requesting approval of Pond View Acres Fourth  
Addition, a Preliminary Plat of Survey for a  
proposed eight (8) lot subdivision
- III. Discuss Comprehensive Plan Updates with  
Jim Gonyier, E.C.I.A. The following points  
will be covered:
  - A. Explanation of the two handouts
  - B. P & Z Consensus of Land Development,  
Agriculture and Conservation Issues:
    - 1. Review of Cedar County's 1980 Compre-  
hensive Plan Development Policies,  
Goals and Objectives
    - 2. Discuss General Development Issues  
brought up at the January 21<sup>st</sup> P & Z Meeting
- III. Conclusion

## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on March 11 and 15, 2004, 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. **Dennis and Linda Swenka, Iowa City (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 a proposed one (1) lot subdivision located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 7, T-80N, R-3W, in Cass Township. Said petition is to rezone 1.99 acres of a proposed 9.91 acres 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 2/23/04 to the following:

1. Dennis & Linda Swenka - 5220 Strawbridge Road N.E., Iowa City, Iowa 52240 - Certified
  2. Mark & Rebecca Penningroth - 710 Green Road, Tipton, Iowa 52772
  3. Russell & Teresa Voss - 1317 Harding Avenue, Tipton, Iowa 52772
  4. Gilbert & Phyllis Behrens - 1224 Green Road, Tipton, Iowa 52772
  5. Laverne Fogg - 1286 Hayes Avenue, Tipton, Iowa 52772
  6. Dean & Twyla Bickford - 1288 Green Road, Tipton, Iowa 52772
  7. Darold & Karen King - 577 225th Street, Tipton, Iowa 52772
  8. Jason Gingerich - 102 E. 16th Street, West Liberty, Iowa 52776
  9. Lowell Dendinger - Attorney at Law, 409 Cedar Street, Tipton, Iowa 52772
- 

Copy to Tipton Conservative on 2/23/04

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2 File Copies

Bulletin Board Copy



## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 18, 2004

The Cedar County Planning & Zoning Commission conducted a Public Hearing on February 18, 2004, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Moylan, Schuett, Voparil and Zoning Administrator La Rue. Members absent were Penningroth and Lamp. Minutes from the previous meeting held on January 21, 2004, were previously sent to the members. Brown made a motion, and Moylan seconded, to approve the minutes as written.

The Commission members then considered the following petitions:

1. **Dennis and Linda Swenka, Iowa City (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 a proposed one (1) lot subdivision located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 7, T-80N, R-3W, in Cass Township. Said petition is to rezone 1.99 acres of a proposed 9.91 acres lot.

Zoning Administrator La Rue advised the Commission that there were no written or verbal objections on file and to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. He then advised the Commission that this property is about 100 feet from the R-1 zoned property where Dean Bickford built his home last year.

Dennis and Linda Swenka were present and explained their plan to sell this property so that a home can be constructed on it. The farmstead just to the south has recently been sold by the Swenka's, and the second split is the reason for the subdivision. The Commission noted that this property is over 2,000 feet from the old Buchanan Landfill. There are no large livestock operations within one-quarter mile. The letter from the Tipton Fire Department was reviewed. They will be able to provide service to this site. The letter from County Engineer, Don Torney, states that the driveway has been approved for one home only. The soil evaluation was reviewed. Limitations for building are moderate. Limitations for septic are moderate to severe, with severe limitations due to degree of slope alone. The C.S.R. is 57 points. The Comprehensive Plan was reviewed. It discourages scattered residential development when the project will not support a broad range of services. This proposal is adjacent to two residential uses. The landfill and the separation distance was discussed at length. Darold King, adjacent land owner, expressed concern about the fence. A fence agreement will be required prior to approval of the subdivision.

Following discussion, Moylan made a motion to recommend approval of the change in zoning to the Board of Supervisors. Schuett seconded the motion. Ayes 4. Voting nay was Brown because of the continued expansion of urban sprawl.

2. **Dean Wood, Anamosa (Owner)** – Requesting approval of Oakridge Estates First Addition, a Preliminary Plat of Survey for a proposed thirteen (13) lot subdivision located in the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , all in Section 11, T-80N, R-3W, consisting of 47.60 acres more or less.

La Rue informed the members that there were no written or verbal objections on file. He then advised the Commission to consider this petition in accordance with Chapters 3, 6, 7, 8 & 9 of the Cedar County Subdivision Ordinance in making a recommendation to the Board of Supervisors. La Rue stated that adjoining property owner, Doug Moore, has had his attorney, Doug Simkin, write his concerns regarding the fence agreements. The letter was read into the minutes. The Commission noted that Mr. Moore's property is not adjacent to this phase of the development.

Mr. Wood and his engineer, Richard Kordick, were present. Mr. Kordick explained this phase of the development. He described the proposed road and that there will be 13 lots served by two wells, one of which is existing. There is an easement which will be vacated with Dennis Domer. La Rue expressed concern while he explained that the existing well is closer than 1,000 feet to the old Tipton Landfill. He stated that if this well becomes contaminated, another well will be needed, perhaps westward to the corner of Oakview Court and Pleasant View Drive on Lot 8. The existing well is quite old. Mr. Wood explained his plan to increase the pump size to deal with the needs of several homes. This may cause problems which would require well replacement 1,000 feet from the City of Tipton's property. There was then extensive discussion on the fact that no soil evaluation has been done. La Rue expressed concern that because of the grading work done without approval of the project, he has no idea if there are soil problems within the development. He expressed a need for the evaluation, just as other developers have done. He explained that new property owners often do not understand septic system technology, and he feels that the developer should provide information about the soils and proposed septic system sites. Mr. Wood does not want this to be done, except for scattered soil borings, due to costs. The Zoning Ordinance requires lot size to be determined by a soil evaluation. Mr. La Rue wants a soil evaluation to be performed on at least Lots 10 through 13 and a written statement that alternate wastewater systems will be required on other (to be identified) lots. This will provide information to the Health



Department and the future lot owner(s). Discussion continued on the requirements for on-site wastewater treatment and disposal systems. The Commission then required a change to the fence agreement(s). The Commission wants the home owner association to be responsible for their half of the fence, with the individual boundary property fence owners, rather than the language that Mr. Wood will be. There was then a lengthy discussion about the road. The road will be paved with concrete and must meet county paved road standards. The road shall be private and be maintained by the association. There was a brief discussion on the City of Tipton's requirements for the project. The improvements for each phase of the project must be completed prior to construction permits being issued to the home owners.

Following discussion, Moylan recommended approval of the Preliminary Plat, provided that the soil evaluations are completed and the fence agreements are revised. Schuett seconded the motion. Ayes 3. Voting nay were Brown, because of concerns about the project and Voparil, because the fence agreements were not in order.

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



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Chairperson



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Secretary Pro-tem





Tel: 563-886-2248

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

February 9, 2004

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, February 18, 2004, at 6:30 p.m., in the Large Meeting Room in the basement of the Courthouse, Tipton, Iowa.

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

1. **Dennis and Linda Swenka, Iowa City (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 a proposed one (1) lot subdivision located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 7, T-80N, R-3W, in Cass Township. Said petition is to rezone 1.99 acres of a proposed 9.91 acres lot.
2. **Dean Wood, Anamosa (Owner)** – Requesting approval of Oakridge Estates First Addition, a Preliminary Plat of Survey for a proposed thirteen (13) lot subdivision located in the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , all in Section 11, T-80N, R-3W, consisting of 47.60 acres more or less.

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

Phil La Rue  
Zoning Administrator

PL:sl

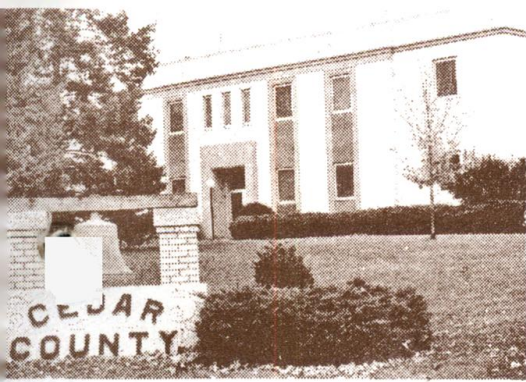
Copies sent out on 2/10/04 to the following:

1. Dennis & Linda Swenka - 5220 Strawbridge Road N.E., Iowa City, Iowa 52240 - Certified
  2. Mark & Rebecca Penningroth - 710 Green Road, Tipton, Iowa 52772
  3. Russell & Teresa Voss - 1317 Harding Avenue, Tipton, Iowa 52772
  4. Gilbert & Phyllis Behrens - 1224 Green Road, Tipton, Iowa 52772
  5. Laverne Fogg - 1286 Hayes Avenue, Tipton, Iowa 52772
  6. Dean & Twyla Bickford - 125 Bickford Drive, West Branch, Iowa 52358
  7. Jason Gingerich - 102 E. 16th Street, West Liberty, Iowa 52776 (sent on 2/11/04)
- 

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
- 

Copy to Tipton Conservative on 2/9/04  
2 File Copies  
Bulletin Board Copy  
7 Zoning Commission Members on 2/11/04

Richard Kordick - 0689 185th Street, Tipton, Iowa 52772  
Lowell Dendinger - Attorney at Law, 409 Cedar Street, Tipton, Iowa 52772



Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

Wednesday, February 18, 2004 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. **Dennis and Linda Swenka, Iowa City (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 a proposed one (1) lot subdivision located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 7, T-80N, R-3W, in Cass Township. Said petition is to rezone 1.99 acres of a proposed 9.91 acres lot.
- B. **Dean Wood, Anamosa (Owner)** – Requesting approval of Oakridge Estates First Addition, a Preliminary Plat of Survey for a proposed thirteen (13) lot subdivision located in the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , all in Section 11, T-80N, R-3W, consisting of 47.60 acres more or less.

III. Conclusion



## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 21, 2004

The Cedar County Planning & Zoning Commission conducted a Public Hearing on January 21, 2004, at 6:30 p.m., in the Large Meeting Room of the Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Moylan, Schuett, Voparil and Zoning Administrator La Rue. Members absent were Penningroth and Lamp. Minutes from the previous meeting held on November 19, 2003, were previously sent to the members. Voparil made a motion and Moylan seconded to approve the minutes as written.

The Commission members then considered the following petition:

1. **James and Pamela Dodds, RFD, Tipton (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 NE ¼ of the NE ¼, Section 27, T-81N, R-4W, in Cass Township, consisting of 1.74 acres more or less.

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

Mr. and Mrs. Dodds were present and explained their daughter's desire to build a home on the property 350 feet from the road, accessed by a 40 foot wide easement. Mr. Dodds explained that the site has not been in production for many years because of very low productivity. The letter from the Tipton Fire Department was reviewed. They will provide service to the property. The letter from the County Engineer was reviewed and the entrance has been approved. Area residential properties were described. The access easement was discussed. The soil evaluation was reviewed. Limitations for building were slight. Limitations for septic were slight to severe, with severe limitations due to excessive drainage of the soil and the C.S.R. was 5 to 25 points. The property is 9.5 miles from Tipton. There are no livestock operations in the area.

With no further discussion, Moylan made a motion to recommend approval to the Board of Supervisors of the requested change in zoning. Voparil seconded the motion. Ayes all.

With no additional petitions, the Commission then worked with Jim Gonyier, E.C.I.A., on the Comprehensive Plan and Policies. Future land use of area communities was also reviewed. There was also discussion about the need for access requirements in the zoning and subdivision ordinances. The Commission expressed gratitude to County Engineer Torney for his input and recommendations during his tenureship with Cedar County.

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

  
Chairperson

  
Secretary Pro-tem

**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@cedarcountry.org

**COPY**

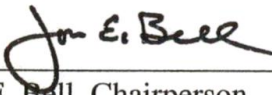
January 5, 2004

Don Lamp  
1004 Mulberry ST  
Tipton, Iowa 52772

Dear Mr. Lamp:

Please be advised, that by motion of this Board on January 2, 2004, you were appointed to another three-year term on the Zoning Commission. The term will expire 12-31-2006. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,



---

Jon E. Bell, Chairperson

JEB:bjp



## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on February 9 and 12, 2004, 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. **James and Pamela Dodds, RFD, Tipton (Owners) and Ross and Jill Holstein, RFD, West Branch (Contract Buyers)** – 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 NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 27, T-81N, R-4W, in Cass Township, consisting of 1.74 acres more or less.

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

BETTY ELLERHOFF  
Cedar County Auditor

Copies sent out on 1/22/04 to the following:

1. James & Pamela Dodds - 988 Eureka Avenue, Tipton, Iowa 52772 - Certified
2. Jill & Ross Holstein - 3155 Oasis Road N.E., West Branch, Iowa 52358
3. John Rummelhart - 1218 Highland Court, Iowa City, Iowa 52244
4. Carl Fobian - 3639 Oasis Road N.E., West Branch, Iowa 52358

1 Copy to Tipton Conservative on 1/22/04

Copy e-mailed to Bev Penningroth for Supervisors

2 File Copies





Tel: 563-886-2248

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

January 5, 2004

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on **Wednesday, January 21, 2004, 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. **James and Pamela Dodds, RFD, Tipton (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 NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 27, T-81N, R-4W, in Cass Township, consisting of 1.74 acres more or less.

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

Phil La Rue  
Zoning Administrator

PL:sl



Copies sent out on 1/6/04 to the following:

1. James & Pamela Dodds - 988 Eureka Avenue, Tipton, Iowa 52772 -- Certified
2. Jill & Ross Holstein - 3155 Oasis Road N.E., West Branch, Iowa 52358
3. John Rummelhart - 1218 Highland Court, Iowa City, Iowa 52244
4. Carl Fobian - 3639 Oasis Road N.E., West Branch, Iowa 52358

7 Zoning Commission members

1 Copy to Tipton Conservative on 1/5/04

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, January 21, 2004 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
  - A. James and Pamela Dodds, RFD, Tipton (Owners) –  
A change in zoning from A-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. Explanation of the two handouts
  - B. P & Z Consensus of Land Development,  
Agriculture and Conservation Issues:
    - 1. Review of Cedar County's 1980 Compre-  
hensive Plan Development Policies,  
Goals and Objectives
    - 2. Discuss General Development Issues  
brought up at the September 17<sup>th</sup> &  
November 19<sup>th</sup> P & Z Meetings
- V. Conclusion

State of Iowa, Cedar County, ss:

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

7/8/04

**PUBLIC NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 21, 2004, 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. **Doris Colner, RR, Olin (Owner)** - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing placement of a mobile home on a farmstead where there is an existing home on property located in the SE 1/4 of the SE 1/4, Section 6, T-82N, R-2W, in Dayton Township. Said petition is to rezone 1.00 acres of a 6.10 acre tract.
2. **Kenneth Moore, RR, West Branch (Owner) and Matt Moore, RR, West Branch (Contract Buyer)** - 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 NE 1/4 of the NE 1/4, Section 7, T-80N, R-4W, in Gower Township, consisting of 1.61 acres more or less.

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

**Phil L. Pugh**  
Zoning Administrator

Fee: \$

14.59

Sworn to by said Jake Krob before me and signed by

him in my presence this

day of

Notary Public

Received of

Dollars

in full on above publication.



# PROOF OF PUBLICATION

## STATE OF IOWA

Muscatine County } SS.

I, Paulette Theobald, being first duly sworn on oath

depose and say; that I am circulation manger of

Advocate News, a newspaper published weekly in

the City of Wilton, Muscatine County, State of

Iowa, and that notice of Cedar County Planning and Zoning Commission public hearing on 11/17/2004

hereto attached and made a part hereof, was


published once each week for 1 week(s) in

succession, in said newspaper, and that the dates of

publication were November 11, 2004 and that the

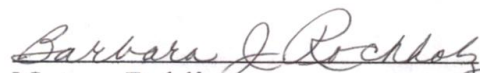
copy of said printed notice, hereto attached, was

cut from one of said publications.



Subscribed and sworn to before me on this 11th

day of November 2004.

  
Notary Public

## PUBLIC NOTICE

### LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, Nov. 17, 2004, 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. Matthew and Tandi Dausener, Springville (Contract Buyers) and Wendell and Deb Wanek, RFD, Clarence (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 N 1/2 of the NW 1/4 of the SW 1/4, Section 13, T-81N, R-4W, in Linn Township. Said petition is to rezone 1.96 acres of a 10.00 acre tract.

2. Dwight and Carolyn Hes, Iowa City (Contract Buyers) and 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 property located on Lot 3, LJ Subdivision, in the SW 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 a 22.68 acre lot.

3. Jerad Kelley and Courtney Bromell, Tipton (Owners) - Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the N 1/4 of the NE 1/4 of the SE 1/4, Section 26, T-80N, R-3W, in Chester Township. Said petition is to rezone 2.06 acres more or less of a 19.40 acre tract.

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

At this time, the Commission shall also consider the following proposed Amendments to the Cedar County Zoning Ordinance #10:

Chapter 11F(3) - Billboards and advertising signs provided that:

Delete subparagraph "b" - They are not within 300 feet of another billboard or advertising sign facing the same direction.

Delete subparagraph "c" - No billboard or advertising sign shall exceed 250 square feet in area or 25 feet in height.

Add new subparagraph "b" - They are not within 500 feet of another billboard or advertising sign.

Add new subparagraph "c" - No billboard or advertising sign shall exceed 672 square feet of total surface area plus extensions of up to a maximum of 153 square feet "cut out area." The maximum height of the billboard, including extensions, is 45 feet.

Add new subparagraph "d" - Iowa Department of Transportation (IDOT) Approval: Any proposed sign or billboard along a State or Federal highway must be approved by IDOT, along with compliance with the regulations of the Zoning Ordinance.

Chapter 12F(3) - Billboards and advertising signs provided that:

Delete subparagraph "b" - They are not within 300 feet of another billboard or advertising sign facing the same

