

## **CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES**

December 20, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, December 20, 2006, at 6:30 p.m., in the Large Meeting in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Voparil, Pruess, Dornfeld and Schuett. Members absent were Lamp and Quinn.

Chairperson Pruess called the meeting to order at 6:30 p.m. The members then considered the following petition:

- 1. Marty Moylan, RFD, Tipton (Contract Buyer) and Beau and Allison Holub, 993 Cedar Valley Road, 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 a proposed one lot subdivision located in the SW ¼ of the SW ¼, Section 11, T-80N, R-3W, in Center West Township. Said petition is to rezone 3.54 acres of a 5 acre more or less tract.

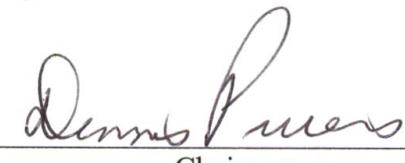
La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. The letter from the Tipton Fire Department stated they can provide emergency services to the site and stated it is the owner's responsibility to construct and maintain a suitable driveway so the emergency, fire and or rescue vehicles can access the site to provide services. The letter received from the County Engineer stated this property is on paved route Cedar Valley Road and should not cause any road concerns. An approved entrance permit is on file to utilize the existing drive. La Rue informed the members this land is contiguous with the Oak Ridge Estates Subdivision and Beau & Allison Holub's residence and complies with the future land use map and plan. The soil inventory was then discussed. Limitations for septic systems are severe and an alternate septic system will probably need to be installed. Limitations for foundations for low buildings are slight to severe with the severe limitation at the bottom of the hill. Limitations for agricultural farm crops are slight to severe. The CSR is below 75 points and there are no livestock facilities in the area.

Marty Moylan was present and informed the members of his plan to build a one story home with a walkout basement sloped into the timber. He plans to keep the trees which are on the property. He also stated he will use the existing driveway and there is a possibility he will share a community well.

After a brief discussion, Dornfeld made a motion to recommend approval of the rezoning request from A-1 to R-1 to the Board of Supervisors. Schuett seconded the motion. Ayes all.

The minutes from the last meeting held on November 29, 2006, were previously sent to the members. Voparil made a motion to approve the minutes as presented. Dornfeld seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting adjourned at 6:45 p.m.

  
\_\_\_\_\_  
Chairperson  
Dennis Pruess

  
\_\_\_\_\_  
Secretary  
Sharon Laucamp

DATE 12/20/06

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil La Rue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil La Rue

Janis Vaynai

Jack Brown

John Darrell

John T. Johnson

Dennis Proess

David A. Schmitt

Sharon Lancamp

E + 2

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

**COPY**

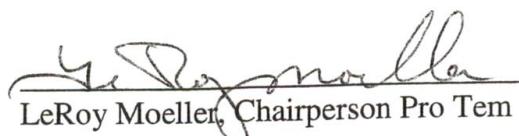
December 4, 2006

John A. Dornfeld  
1600 Hwy 38  
Tipton, Iowa 52772

Dear Mr. Dornfeld:

Please be advised, that by motion of this Board on November 30, 2006 you were appointed to fill a term on the Planning & Zoning Commission. The term will expire on 12-31-2008. Your willingness to serve on this Board is greatly appreciated.

Sincerely,

  
LeRoy Moeller, Chairperson Pro Tem

LM:bjp

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

**COPY**

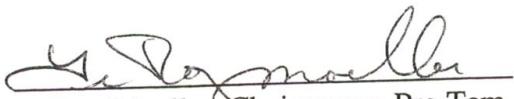
December 4, 2006

Stephanie Weisenbach  
879 Echo Avenue  
Mechanicsville, Iowa 52306

Dear Ms. Weisenbach:

We would like to thank you for your service on the Cedar County Planning & Zoning Commission. Your willingness to serve was appreciated.

Sincerely,

  
LeRoy Moeller, Chairperson Pro Tem

LM:bjp

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

December 1, 2006

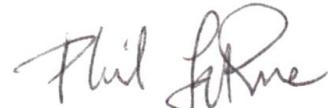
**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 20, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. Marty Moylan, RFD, Tipton (Contract Buyer) and Beau and Allison Holub, 993 Cedar Valley Road, 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 a proposed one lot subdivision located in the SW ¼ of the SW ¼, Section 11, T-80N, R-3W, in Center West Township. Said petition is to rezone 3.54 acres of a 5 acre more or less 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 12/4/06 to the following:

1. Marty Moylan - 1549 King Avenue, Tipton, Iowa 52772 - Certified
2. Beau & Allison Holub - 993 Cedar Valley Road, Tipton, Iowa 52772
3. John & Sherrie Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772
4. Doug & Donna Moore - 573 SE 80th Avenue, Ellinwood, Kansas 67526-9225
5. Will & Julie Williams - 1113 N. Highway 38, Tipton, Iowa 52772
6. Jose & Catherine Diaz - 6502 Wilkes Avenue, Davenport, Iowa 52806

7 Zoning Commission members

1 Copy to Tipton Conservative on 12/1/06

Bulletin Board Copy

2 File Copies

Copy e-mailed to Rob Fangmann on 12/4/06



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

**AGENDA**

**Cedar County Planning & Zoning Commission**

December 20, 2006 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

- A. Marty Moylan, RFD, Tipton (Contract Buyer) and Beau & Allison Holub, 993 Cedar Valley Road, Tipton (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Discussion

IV. Conclusion

## **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on December 14 and 18, 2006, at 7:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. Matthew Barber & Kim Hilby, North Liberty (Contract Buyers) and Donna Kee, 1779 King Avenue, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of correcting a non-conforming use to allow removal of an existing mobile home and construction of a single family dwelling. Said property is located in the NW ¼ of the SE ¼ of the SE ¼, Section 35, T-80N, R-3W, in Rochester Township, consisting of 3.99 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.

CARI GRITTON  
Cedar County Auditor

Copies sent out on 12/4/06 to the following:

1. Donna Kee - 1779 King Avenue, Tipton, Iowa 52772 - Certified
2. Matthew Barker & Kim Hilby - 90 Prairie Ridge Court, North Liberty, Iowa 52317
3. Chris & Shawn Reynolds - 5234 580th Street S.E., Lone Tree, Iowa 52755
4. Adrian & Susan Holthaus - 2548 235th Avenue, Decorah, Iowa 52101-7825
5. Randall & Kimberly Siders - 1086 273rd Street, Tipton, Iowa 52772
6. James & Julie Metzger - 3112 18th Street, Bettendorf, Iowa 52722
7. Wesley & Terri Smith - 1751 King Avenue, Tipton, Iowa 52772
8. Howard & Carolyn Siders - 1750 King Avenue, Tipton, Iowa 52772
9. Brian & Lori Thomas - 1792 Snaggy Ridge Road, Tipton, Iowa 52772
10. Steven Johnson - 2055 325th Street, Durant, Iowa 52747

Copy to Tipton Conservative on 12/1/06

Bulletin Board Copy

Copy e-mailed to Board of Supervisors Secretary

C O P Y

DATE 11-24-06

ORGANIZATION Planning and Zoning

CONTACT PERSON Phil LaRue

MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

Phil LaRue

Donna Lee

Nelson Garrett

Kenneth Garrett

Kurtis Vopain

Don Lamp

Dennis Proess

Shawn Reynolds

John Kuhn

Dan D. Schmitt

Susan K. Zollhaus

Kim Hilbig

Matt Barber

## **CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES**

November 29, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, November 29, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Lamp, Voparil, Pruess and Schuett. Members absent were Brown and Quinn.

Chairperson Pruess called the meeting to order at 6:30 p.m. The members then considered the following petition:

- 1. Matthew Barber & Kim Hilby, North Liberty (Contract Buyers) and Donna Kee, 1779 King Avenue, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of correcting a non-conforming use to allow removal of an existing mobile home and construction of a single family dwelling. Said property is located in the NW ¼ of the SE ¼ of the SE ¼, Section 35, T-80N, R-3W, in Rochester Township, consisting of 3.99 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. The letter received from the County Engineer stated this property is located on a Level B road. The county performs only the minimum amount of maintenance on this section of King Avenue as per policy. The property owner has the option, under the Level B upgrade policy, to maintain the roadway in order to place a single family dwelling along it. The property owner is then responsible for all snow removal, grading, and essentially all maintenance required to establish a residence on the Level B road. The one restriction he wants placed on this rezoning is the understanding that there be no more than one single family dwelling serviced by this section of roadway due to the width restriction of the roadway on the north end. The letter from the Tipton Fire Department stated they can provide emergency services to the site and stated it is the owners responsibility to construct and maintain a suitable driveway so the emergency, fire and or rescue vehicles can access the site to provide services. The soil inventory was discussed. Limitations for septic systems are moderate to severe with the severe limitation due to slope. Limitations for foundations for low buildings are moderate and limitations for agricultural farm crops are moderate to severe. The CSR ranges from 28 to 68 points. It was noted that the county road ends at the edge of the property but there appears to be adequate road width.

All petitioners were present. Kim Hilby & Matthew Barber then informed the members of their desire to build a home in the country on this site.

There is currently a mobile home on the property. Chairperson Pruess requested a history of this site. Zoning Administrator La Rue explained that Ms. Kee's former husband, Donald Lorenz, received permission from the Cedar County Board of Adjustment in 1994 to place two mobile homes on this property for storage with the understanding that the property would need to be rezoned to R-1 before a home could be placed there. He continued that there once was a home at this site but it had been torn down many years earlier. There is a water well on the site. He continued to occasionally view the property and in late 1995 or early 1996, the two trailers were removed. Because traffic on the Level B road soon appeared non-existent, he stopped visiting the site because he expected that Mr. Lorenz, at some point, would contact him for assistance with a rezoning request. It appeared that sometime during this period, Mr. Lorenz brought in a different mobile home, connected it to a non-compliant septic system, and he and his wife lived there as a non-conforming use.

In 2005, La Rue was advised of the situation and contacted Ms. Kee to bring the property into conformity with the Zoning Ordinance.

Chris and Shawn Reynolds, adjoining property owners, were present and expressed their concern regarding the responsibility of the fence. La Rue stated it is a civil matter and explained the right hand rule. Sue Holthaus, another adjoining property owner, expressed her concern about not being able to get out from their property more than one way because Don Lorenz had parked a piece of equipment in the road right-of-way, and later, a tree had fallen across the road. La Rue stated the Board of Supervisors and the Secondary Road Department will need to address this.

Donna Kee informed the members that she had provided gravel on the road by placing large rock with small rock over it. She also stated she trims the weeds on both sides of the road. The Commission members stated the buyers must be aware that this will always be a Level B road.

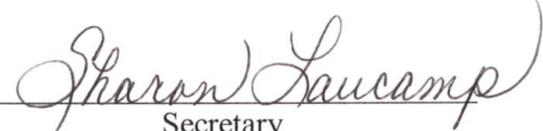
After further discussion, Lamp made a motion to approve the zoning change from A-1 to R-1 for one dwelling only, that it be noted it is on a Level B road and a fence agreement be reached between the Reynolds' and the buyers. Voparil seconded the motion. Ayes all.

The minutes from the last meeting held on October 18, 2006, were previously sent to the members. Schuett made a motion to approve the minutes as presented. Voparil seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting adjourned at 6:50 p.m.



Chairperson  
Dennis Pruess



Secretary  
Sharon Laucamp



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

November 17, 2006

**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, November 29, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Matthew Barber & Kim Hilby, North Liberty (Contract Buyers) and Donna Kee, 1779 King Avenue, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of correcting a non-conforming use to allow removal of an existing mobile home and construction of a single family dwelling. Said property is located in the NW ¼ of the SE ¼ of the SE ¼, Section 35, T-80N, R-3W, in Rochester Township, consisting of 3.99 acres more or less.

This meeting was previously scheduled for November 15, 2006, but was postponed due to the lack of a quorum.

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

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 11/17/06 to the following:

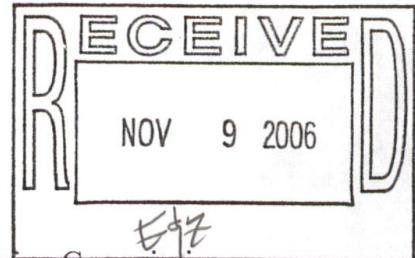
1. Donna Kee - 1779 King Avenue, Tipton, Iowa 52772 - Certified
2. Matthew Barker & Kim Hilby - 90 Prairie Ridge Court, North Liberty, Iowa 52317
3. Chris & Shawn Reynolds - 5234 580th Street S.E., Lone Treee, Iowa 52755
- \*\* 4. Adrian & Susan Holthaus - 1787 King Avenue, Tipton, Iowa 52772
5. Randall & Kimberly Siders - 1086 273rd Street, Tipton, Iowa 52772
6. James & Julie Metzger - 3112 18th Street, Bettendorf, Iowa 52722
7. Wesley & Terri Smith - 1751 King Avenue, Tipton, Iowa 52772
8. Howard & Carolyn Siders - 1750 King Avenue, Tipton, Iowa 52772
9. Brian & Lori Thomas - 1792 Snaggy Ridge Road, Tipton, Iowa 52772
10. Steven Johnson - 2055 325th Street, Durant, Iowa 52747

7 Zoning Commission Members  
Bulletin Board Copy  
2 File Copies  
1 Copy to Tipton Conservative on 11/16/06

\*\* New Address for Adrian & Susan Holthaus - Sent out on 11/17/06  
2548 235th Avenue  
Decorah, Iowa 52101-7825

Cedar County Zoning Admin  
Cedar County Courthouse  
Tipton, Iowa 52772

COPY



November 6, 2006

Dear Mr. Phil LaRue, the Board of Supervisors, and Planning and Zoning Commissioners,

I am writing to officially resign from the Cedar County Planning and Zoning Commission. I gave a verbal resignation to Phil LaRue sometime in late August and he asked me to write a letter of resignation. Please accept my apologies for not writing this letter sooner. I just recently found out that you cannot appoint another Commissioner until this letter is received. I did not intentionally hold up any process of appointing another Commissioner.

Thank you very much for the opportunity to serve on the Cedar County Planning and Zoning Commission for what was unfortunately a brief period of time. Late this summer, my job didn't work out and I felt that moving to Des Moines gave me a better chance at finding work that fits my skills. I may move back to Cedar County in the future, maybe as soon as next spring, because I think it is a terrific county to live in. Being a Planning and Zoning Commissioner is a unique chance to keep Cedar County special and make it into something even better.

I commend you for adopting a new land use plan for Cedar County and using it as a starting point for better planning. I hope that the Commissioners, Supervisors, and staff can start with a few priorities on how to work together to integrate the intentions of the land use plan into your duties. I am sure you are already in this process, yet please keep a few of my suggestions in mind:

- **Protect the Cedar River and surrounding wildlife corridors and natural areas:** This can happen through a Sensitive Areas Ordinance, such as the proposed Johnson County Sensitive Areas Ordinance. This can also happen by using your authority under the Iowa Code Chapter 335 to reject development proposals that put this area at risk, or change development plans so they minimize environmental damage.
- **Create a short term and long range transportation plan for the County:** A road plan for the County can help guide future development. As a member of the Commission, I felt that a road plan was needed for me to give better feedback about rural residential proposals and the services that the County was prepared to provide for them.
- **Protect farmland for future generations:** While development pressure will continue to exist in Cedar County, the quality of life can improve by encouraging more development within existing cities of Cedar County. Preserving farmland for future farmers creates opportunities for rural livelihoods, a scenic rural landscape, and food security.

Thank you for considering my feedback in this letter, and I wish the best of luck to all of you in your important roles as decision-makers for the people and land of Cedar County.

Sincerely,

  
Stephanie Weisenbach



Tel: 563-886-2248

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

November 6, 2006

**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, November 15, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. Matthew Barber & Kim Hilby, North Liberty (Contract Buyers) and Donna Kee, 1779 King Avenue, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of correcting a non-conforming use to allow removal of an existing mobile home and construction of a single family dwelling. Said property is located in the NW ¼ of the SE ¼ of the SE ¼, Section 35, T-80N, R-3W, in Rochester Township, consisting of 3.99 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 11/7/06 to the following:

1. Matthew Barker & Kim Hilby - 90 Prairie Ridge Court, North Liberty, Iowa 52317
2. Donna Kee - 1779 King Avenue, Tipton, Iowa 52772 - Certified
3. Chris & Shawn Reynolds - 5234 580th S.E., Lone Tree, Iowa 52755
4. Adrian & Susan Holthaus - 1787 King Avenue, Tipton, Iowa 52772
5. Randall & Kimberly Siders - 1086 273rd Street, Tipton, Iowa 52772
6. James & Julie Metzger - 3112 18th Street, Bettendorf, Iowa 52722
7. Wesley & Terri Smith - 1751 King Avenue, Tipton, Iowa 52772
8. Howard & Carolyn Siders - 1750 King Avenue, Tipton, Iowa 52772
9. Brian & Lori Thomas - 1792 Snaggy Ridge Road, Tipton, Iowa 52772
10. Steven Johnson - 2055 325th Street, Durant, Iowa 52747

Copy to Tipton Conservative on 11/6/06

7 Zoning Commission Members

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**

November 15, 2006 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

- A. Matthew Barber & Kim Hilby, North Liberty (Contract Buyers) and Donna Kee, 1779 King Ave., Tipton (Owner) – A change in zoning from A-1 to R-1 to correct a non-conforming use, to allow removal of an existing mobile home & allow construction of a single family dwelling

III. Discussion

IV. Conclusion

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 18, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, October 18, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Quinn, Brown, Schuett, Pruess and Voparil. Members absent were Lamp and Weisenbach.

Chairperson Pruess called the meeting to order at 6:30 p.m. The members then considered the following petition:

1. **Curtis & Carla Friis, 44 280<sup>th</sup> Street, West Branch (Owners)** – Requesting approval of a Special Use Permit authorizing the location of a dog boarding kennel on property located in the NE ¼ of the NW ¼, Section 6, T-79N, R-4W, in Gower Township, consisting of 160 acres more or less. Said property is currently zoned A-1 Agricultural.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance.

Mr. and Mrs. Friis were present and stated their plan to board and train dogs in their existing personal kennels. They informed the members they had poured new concrete inside an old hog building. Pictures were presented to the members of the proposed facility. They stated a license has been approved from the Department of Agriculture. There are no neighbors within 750 feet of the site. They stated the kennel is in the middle of their hog farm and not close or visible to any neighbors. The letter received from the County Engineer stated no road concerns and stated that visitors should be encouraged by the landowner to utilize the east drive for additional safety.

After a brief discussion, Brown made a motion to approve the Special Use Permit request. Quinn seconded the motion. Ayes all.

The minutes from the last meeting held on September 20, 2006, were previously sent to the members. Schuett made a motion to approve the minutes as presented. Voparil seconded the motion. Ayes all.

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



Chairperson  
Dennis Pruess



Secretary  
Sharon Laucamp



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

October 9, 2006

**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 18, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Curtis & Carla Friis, 44 280<sup>th</sup> Street, West Branch (Owners)** – Requesting approval of a Special Use Permit authorizing the location of a dog boarding kennel on property located in the NE ¼ of the NW ¼, Section 6, T-79N, R-4W, in Gower Township, consisting of 160 acres more or less. Said property is currently zoned A-1 Agricultural.

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

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 10/11/06 to the following:

1. Curtis & Carla Friis - 44 280th Street, West Branch, Iowa 52358 - Certified
2. Janet Ann Friis Revocable Trust - 26 280th Street, West Branch, Iowa 52358
3. Catherine M. Chase Trust - 1401 S. Gilbert Street, Iowa City, Iowa 52240
4. Ron & Catherine Ellyson - P.O. Box 457, West Branch, Iowa 52358
5. Fox Run Inc. - 19 Greenvew Lane, West Branch, Iowa 52358

Copy to Tipton Conservative on 10/9/06

Copy e-mailed to West Branch Times on 10/9/06

Copies sent to Planning & Zoning Commission members on 10/10/06

2 File Copies

Bulletin Board



Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

October 18, 2006 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

- A. Curtis & Carla Friis, 44 280<sup>th</sup> Street, West Branch (Owners) – A Special Use Permit authorizing the location of a dog boarding kennel

III. Discussion

IV. Conclusion

## **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on October 9 & 12, 2006, 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. Jerry and Barbara Wood, RFD, Atalissa (Owners) and Ronald and Marcia Petersen, RFD, Tipton (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1, Wood's Rock Creek Addition, in the unincorporated town of Rochester, in Rochester Township, consisting of 3.16 acres more or less.
- 2. Randy and Tammy Mather, RFD, West Liberty (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 1, T-79N, R-4W, in Springdale Township, consisting of 2.58 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.

CARI GRITTON  
Cedar County Auditor

Copies sent out on 9/26/06 to the following:

1. Ron & Marcia Petersen - 1719 Madison Street, Tipton, Iowa 52772 - Certified
2. Jerry & Barbara Wood - 1985 Atalissa Road, Atalissa, Iowa 52720
3. Helen Nicolaus Trust - % Hertz Farm Management, Inc., Nevada, Iowa 50201-0500
4. Gary Stonerook - 1904 3rd Street, Tipton, Iowa 52772
5. Bruce Armstrong - 1875 2nd Street, Tipton, Iowa 52772
6. Christopher Doherty - 1872 3rd Street, Tipton, Iowa 52772
7. Rebecca Thumm - 1873 1st Street, Tipton, Iowa 52772
8. Louise Ann Idlewine - 1728 Washington Street, Tipton, Iowa 52772
9. Michael & Beryl Rocca - 1926 4th Street, Tipton, Iowa 52772
10. Daniel & Connie Wulf - 1891 3rd Street, Tipton, Iowa 52772
11. Alva Hansen - 1726 Washington Street, Tipton, Iowa 52772
12. Herbert Ford - 1811 King Avenue, Tipton, Iowa 52772
13. William Dallege - 1817 Snaggy Ridge Road, Tipton, Iowa 52772
14. Donald & Sharon Stiff - 1903 3rd Street, Tipton, Iowa 52772

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1. Randy & Tammy Mather - 789 290th Street, West Liberty, Iowa 52776 - Certified
2. James & Laurie Jewell - 504 290th Street, West Branch, Iowa 52358
3. Wayne & Barbara Frederick - 522 290th Street, West Branch, Iowa 52358
4. David & Kathleen Frederick - 512 290th Street, West Branch, Iowa 52358
5. Fawcett Farms, Inc. - 260 300th Street, West Branch, Iowa 52358
6. Floyd & Mary Helen Fawcett Trust - 260 300th Street, West Branch, Iowa 52358
7. Mark Rozinek - 1911 Franklin Avenue, West Branch, Iowa 52358

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Copy to Tipton Conservative on 9/26/06  
Copy e-mailed to West Branch Times on 9/26/06  
2 File Copies  
Bulletin Board Copy  
Copy e-mailed to B of S Secretary



Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

Wednesday, September 20, 2006 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Jerry & Barbara Wood, RFD, Atalissa (Owners) and Ronald & Marcia Petersen, RFD, Tipton (Contract Buyers) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling on Lot 1, Wood's Rock Creek Addition, Rochester, Iowa
- B. Randy & Tammy Mather, RFD, West Liberty (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- C. Robert & Betty Jensen, RFD, West Liberty (Owners) and Andrew & Jacquelyn Buysse, Macon, MO (Contract Buyers) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Discussion

IV. Conclusion



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
**Cedar County Courthouse**

**Tipton, Iowa 52772**

September 1, 2006

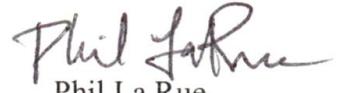
**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, September 20, 2006, at 6:30 p.m., 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. Jerry and Barbara Wood, RFD, Atalissa (Owners) and Ronald and Marsha Petersen, RFD, Tipton (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1, Wood's Rock Creek Addition, in the unincorporated town of Rochester, in Rochester Township, consisting of 3.16 acres more or less.
- 2. Randy and Tammy Mather, RFD, West Liberty (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 1, T-79N, R-4W, in Springdale Township, consisting of 2.58 acres more or less.
- 3. Robert and Betty Jensen, RFD, West Liberty (Owners) and Andrew and Jacquelyn Buysse, Macon, MO (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 26, T-79N, R-4W, in Springdale Township. Said petition is to rezone 1.73 acres of a 9.50 acre tract.

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

  
Phil La Rue  
Zoning Administrator

Copies sent out on 9/6/06 to the following:

1. Ron & Marcia Petersen - 1719 Madison Street, Tipton, Iowa 52772 - Certified
2. Jerry & Barbara Wood - 1985 Atalissa Road, Atalissa, Iowa 52720
3. Helen Nicolaus Trust - % Hert Farm Mgt., Inc., Nevada, Iowa 50201-0500
4. Gary Stonerook - 1904 3rd Street, Tipton, Iowa 52772
5. Bruce Armstrong - 1875 2nd Street, Tipton, Iowa 52772
6. Christopher Doherty - 1872 3rd Street, Tipton, Iowa 52772
7. Rebecca Thumma - 1873 1st Street, Tipton, Iowa 52772
8. Louise Ann Idlewine - 1728 Washington Street, Tipton, Iowa 52772
9. Michael & Beryl Rocca - 1926 4th Street, Tipton, Iowa 52772
10. Daniel & Connie Wulf - 1891 3rd Street, Tipton, Iowa 52772
11. Alva Hansen - 1726 Washington Street, Tipton, Iowa 52772
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13. William Dallege - 1817 Snaggy Ridge Road, Tipton, Iowa 52772
14. Donald & Sharon Stiff - 1903 3rd Street, Tipton, Iowa 52772

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1. Randy & Tammy Mather - 789 290th Street, West Liberty, Iowa 52776 - Certified
2. James & Laurie Jewell - 504 290th Street, West Branch, Iowa 52358
3. Wayne & Barbara Frederick - 522 290th Street, West Branch, Iowa 52358
4. David & Kathleen Frederick - 512 290th Street, West Branch, Iowa 52358
5. Fawcett Farms, Inc. - 260 300th Street, West Branch, Iowa 52358
6. Floyd & Mary Helen Fawcett Trust - 260 300th Street, West Branch, Iowa 52358
7. Mark Rozinek - 1911 Franklin Avenue, West Branch, Iowa 52358

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1. Andrew & Jacquelyn Buysse - 608 Dogwood Drive, Macon, MO 63552-2263 - Certified
2. Bob & Betty Jensen - 422 320th Street, West Liberty, Iowa 52776
3. Kirk & Deborah Parizek - 2263 Eureka Avenue, West Liberty, Iowa 52776
4. Nichols-Youngberg Farms, Inc. - P.O. Box 500, Nevada, Iowa 50201-0500
5. Franz Koller - P.O. Box 45, West Liberty, Iowa 52776

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Copy to Tipton Conservative on 9/1/06  
Copy e-mailed to West Branch Times on 9/1/06  
7 Zoning Commission Members  
2 File Copies  
Bulletin Board Copy

DATE 9/20/06  
ORGANIZATION Cedar Co. C + 3 Comm.  
CONTACT PERSON Phil LaQue  
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

Barbara Wood  
Henry Wood  
Lawrence Luhrs  
Mariah A. Petersen  
Ray Blay  
Barry Blay  
Phil Brown  
Sharon Laucamp  
Dennis Proess  
David A. Schmitt  
Dave Taylor  
Joel Brown

## **CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES**

September 20, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, September 20, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Quinn, Lamp, Pruess, Brown and Schuett. Members absent were Voparil and Weisenbach.

Chairperson Pruess called the meeting to order at 6:30 p.m. The members then considered the following petitions:

- 1. Jerry and Barbara Wood, RFD, Atalissa (Owners) and Ronald and Marcia Petersen, RFD, Tipton (Contract Buyers)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1, Wood's Rock Creek Addition, in the unincorporated town of Rochester, in Rochester Township, consisting of 3.16 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. The letter from the Tipton Fire Department stated they can provide emergency services to the site. The letter from the Cedar County Engineer stated the property will be accessed from gravel route 285<sup>th</sup> Street and should not cause any road concerns. An approved entrance permit is on file. The soil inventory was discussed. Limitations for septic systems are slight to severe. Limitations for foundations for low buildings are slight and limitations for agricultural farm crops are slight to severe. La Rue stated the Cedar County Land Use Comprehensive Plan does discourage scattered residential development when it will not support a broad range of services but informed the members that this particular lot is in a subdivision and is contiguous with the town of Rochester. He also stated the property will support two septic systems.

Mr. and Mrs. Wood and Mr. and Mrs. Petersen were all present. Ron Petersen informed the members they do not plan to split their property. He stated the house will be placed as in the drawing which he submitted. There is an access easement for Lot 2 on the property.

After a brief discussion, Lamp made a motion to approve the rezoning request from A-1 to R-1. Brown seconded the motion. Ayes all.

- 2. Randy and Tammy Mather, RFD, West Liberty (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SW ¼ of the SW ¼, Section 1, T-79N, R-4W, in Springdale Township, consisting of 2.58 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. The letter received from the County Engineer stated the property will be accessed from paved route 290<sup>th</sup> Street and should not cause any road concerns. An approved entrance permit is on file and a dry fill entrance can be utilized at the specified location. The letter from the West Branch Fire Department stated they are able to provide emergency fire and rescue response to the site. It was noted that this property is in the area of future residential development. The CSR on the property is 46 points. The soil evaluation was reviewed. Limitations for septic tank disposal fields are moderate to severe. Limitations for foundations for low buildings are slight to moderate and limitations for agricultural farm crops are moderate to severe. La Rue stated he does not anticipate any problems regarding a septic system but there is a Colo-Ely soil complex in the area. A perc test and a soil boring will be done. He also stated a curtain tile may be needed. There are no livestock facilities within one-quarter mile and there is no issue on a well placement.

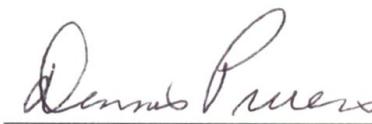
After further discussion, Quinn made a motion to recommend approval of the rezoning request from A-1 to R-1 to the Board of Supervisors. Lamp seconded the motion. Ayes all.

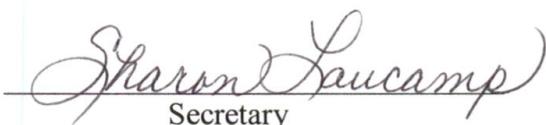
**3. Robert and Betty Jensen, RFD, West Liberty (Owners) and Andrew and Jacquelyn Buysse, Macon, MO (Contract Buyers) –**  
Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW ¼ of the NW ¼, Section 26, T-79N, R-4W, in Springdale Township. Said petition is to rezone 1.73 acres of a 9.50 acre tract.

La Rue informed the members that the petitioners withdrew their petition. He also stated there were no written or verbal objections on file for this petition. La Rue stated he did have some reservations regarding this petition.

The minutes from the last meeting held on August 16, 2006, were previously sent to the members. Brown made a motion to accept the minutes as presented. Schuett seconded the motion. Ayes all.

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

  
\_\_\_\_\_  
Dennis Powers  
Chairperson

  
\_\_\_\_\_  
Sharon Luecamp  
Secretary

## **CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES**

August 16, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 16, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Quinn, Voparil, Brown and Schuett. Members absent were Pruess, Lamp and Weisenbach.

Chairperson Pro-tem Brown called the meeting to order at 6:30 p.m. The members then considered the following petitions:

1. **Sean and Lisa Barkley, RFD, Lowden (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-2 Urban Residential for the purpose of terminating a Conditional Rezoning Agreement, Petition #0100 (C-1 Local Commercial to M-1 Light Industrial) between Mr. & Mrs. Barkley and the Cedar County Board of Supervisors for an automotive reconstruction business, to eliminate a non-conforming permitted use and to allow for the construction of a single family dwelling. Said property is located on Lots 2 – 5, Block 6, in the unincorporated town of Massillon.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance when making a recommendation to the Board of Supervisors. Limitations on soils regarding building are moderate. La Rue informed the members that the Barkley's currently live on two of the lots. Limitations for agricultural crops do not apply since the property is in the unincorporated town of Massillon. Limitations for septic systems are severe because of limestone being close to the surface of the ground. The property would have to be evaluated for a new home and siting of the septic system. A water system will be shared due to the closeness of the neighbor's septic systems. La Rue then explained that when the Cedar County Board of Supervisors first adopted the zoning regulations in 1959, many of the small towns had businesses which is the reason for the current zoning classifications. He explained this is the reason why the Barkley's now have a non-conforming permitted use. Changing the zoning classification of all the Barkley's lots to R-2 would bring them into conformity with the neighboring properties. The Conditional Rezoning Agreement approved in 2000 would also be rescinded.

Mr. Barkley stated he would like the rezoning change to R-2 due to refinancing reasons. He also stated they would like another access unto the property. A letter from Rob Fangmann, County Engineer, stated that an approved entrance permit is on file for the placement of a new entrance. The letter received from the Lowden Fire Department stated they can provide emergency services.

After a brief discussion, Voparil made a motion to recommend approval of the rezoning request to R-2 and rescind the Conditional Rezoning Agreement to the Board of Supervisors. Quinn seconded the motion. Ayes all.

- 2. Dennis and Mary Brown, RFD, Tipton (Contract Buyers) and Gary Meade (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property where a dwelling previously existed located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 21, and the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 22, T-82N, R-2W, in Dayton Township, consisting of 4.16 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He stated the Cedar County Comprehensive Plan does discourage scattered residential development when the development will not support a broad range of services. He stated this farm site has the farm buildings and there is a water well. The house was removed in about 1987. The land is not currently in production. The letter received from the Cedar County Engineer stated the entrance has recently been reconstructed to meet current standards and he has no objections. The letter from the Clarence Fire Department stated they can provide emergency services to the site. There are no livestock operations over 500 head within one-quarter mile. The soil inventory was reviewed. Limitations for septic systems are slight to severe due to a high water table. Limitations for building are slight to severe. The C.S.R. is 90 points or above but the ground is not in production due to the farm buildings and well location.

Mr. Brown was present and informed the members that they are not trying to change anything that is not already there. He stated the farm buildings were built in the 1950's and are currently being leased for storage. Larry Russell, adjoining property owner, was present and stated that he spreads a considerable amount of manure on his farm ground. He stated he had an agreement with the Burmeister's when they rezoned for a new home in the area. Mrs. Brown stated they plan to utilize the buildings that are on the property and their only intention is to raise a few cattle of their own. She stated they are fully aware of farming operations. Mr. Russell stated he would like to have some sort of agreement prepared by his attorney. La Rue stated this is something that Mr. Russell and the Brown's can enter into and will have time to discuss this prior to the Board of Supervisors meeting. Commission member Brown questioned if one acre or so could be rezoned to R-1 and the rest remain A-1 so that the existing farm buildings would be within the A-1 district. Dennis Brown stated they wish to build the house toward the south end. He stated he did not have a problem with this suggestion. La Rue stated the reason why the Brown's are having to rezone is the fact that the previous farm house was removed prior to 1996.

He stated that if the previous house had been on the tax records as of April of 1996, and removed after that date, the new house could have been built without a change in zoning. Dennis Brown then stated he does plan on doing agriculture and does not want limits on the rest of the buildings. La Rue stated it could be worked out where the house is to be located to create a minimum of a one acre rezoning site. Mr. Russell stated he will have his attorney prepare an agreement. It was noted that this is a neighborly issue and not a mandatory issue.

After further discussion, Voparil made a motion to recommend approval of the rezoning request from A-1 to R-1 of one acre (where the house will be located) to be worked out before the Board of Supervisors meeting. Schuett seconded the motion. Ayes all.

- 3. Jamie and Lisa Zimmerman, RFD, West Branch (Contract Buyers) and Gerald and Betty Boyd, Rockford, IL (Owners) – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed two (2) lot subdivision located in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 24, T-80N, R-4W, in Gower Township, consisting of 4.00 acres more or less.**

La Rue informed the members there were no written or verbal objections on file and advised them to make their recommendation in accordance with Chapter 18.2(3) of the Zoning Ordinance. He wanted to remind the members that on August 18, 2005, the Board of Supervisors denied a petition at the same site for a three lot subdivision. He stated the Comprehensive Plan does recommend not allowing development of residential areas where it will not support a broad range of services. The Land Use Map shows a corridor for residential development to the south of the site. The letter from the County Engineer stated it should not cause any road concerns, an approved entrance permit is on file, the entrance is to service three lots or less and the subdivision is responsible to mow the north ditch in order to gain additional sight distance. The letter from the West Branch Fire Department stated they have no objections and will be able to provide fire protection to the area. There were covenants provided to the Zoning Commission and will be forwarded to the Board of Supervisors. Soil evaluation was next discussed. Limitations for building are slight to moderate. Limitations for septic systems are moderate to severe with the majority of the problem due to slope. This is a timbered soil and not tillable. The C.S.R. is quite variable. There are no livestock operations within one-quarter mile.

Jamie and Lisa Zimmerman were both present and Mr. Zimmerman stated a water flow map had been prepared by Dave Bridges, Iowa D.N.R. Geological Services, which had been a concern of Bev Brown. He stated the maps show it is impossible for any contamination due to slope. He also stated

he would like the integrity of the existing timber to be maintained. It was noted that Lot 1 has been removed from the original petition which will eliminate the concern of access to the Zimmerman's property. La Rue showed the maps available from the I.D.N.R. website which show the flow of water running to the creek in the middle of their property and east to the river. The Zimmerman's only have potential to effect water in the creek. There will be a need for erosion control in order not to cause problems with the creek. Jamie Zimmerman stated they want their potential buyers protected from runoff. He also stated there is a possibility that one person may purchase both lots. La Rue stated if they sold only one lot, it would not be a subdivision and would be their first split. He also stated they could ask the Board of Supervisors to enter into a conditional zoning agreement which restricts the property to one home. If there are two lots or more, it is a subdivision. La Rue questioned if the Zimmerman's have any additional covenants to protect the agricultural community which was Bev Brown's concern. Mr. Zimmerman stated they are willing to do so. La Rue stated there is a fence agreement requirement when dealing with subdivisions. There will also be no hunting within 600 feet of the building sites. Mr. Zimmerman stated his intention is to put a fence on the north side of the property and wants to maintain the integrity of the property. The plan is to use the existing access for the one or two lots. County Engineer Fangmann was present and stated there is only one site where the access could go and meets Level A standards.

Sally Miller, adjoining property owner, was present and stated she feels the Board of Supervisors reasons for denial are still valid now. She stated the runoff to the creek is a concern and she is still worried about traffic. She also stated concern regarding if this is approved, whether it would open the door to more houses in the future. County Engineer Fangmann stated the access would not allow for a major subdivision. He also stated the site distance is for three lots or less. La Rue stated that area is one of the fastest growing areas in the county. He stated he does not feel that septic systems will be any problem and will not affect the creek or pond. He also stated the subdivision will be required to have erosion control plans submitted with documents and will meet with the Board of Supervisors regarding same. The neighbors will have an opportunity to review them. The Commission questioned the Zimmerman's if they would agree to a two lot limit on the 40 acre parcel and add an agricultural nuisance agreement. The Zimmerman's agreed and stated the covenants would be part of the purchasing agreement. The covenants will run with the property. What type of housing will be allowed was briefly discussed. The proposal is for two lots of two acres each. Jamie Zimmerman informed the members and audience that if one person wishes to purchase both lots, it will be considered one lot and only one house. There will be a frontage that will need to be maintained. The lots are approximately one-half mile from a hard surfaced road.

After further discussion, Voparil made a motion to approve the rezoning request from A-1 to R-1 for the purpose of allowing construction of single family dwellings on the proposed two lot subdivision with the following stipulations: 1) An agricultural nuisance agreement be added to the covenants; 2) No mobile homes be allowed; and 3) A limit of only two lots for the 40 acre tract. Schuett seconded the motion. Three ayes with Brown voting nay.

Minutes from the previous meeting held on July 19, 2006, were previously sent to the members. Quinn made a motion to approve the minutes as presented. Schuett seconded the motion. Ayes all.

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

Joel Brown  
Chairperson Pro-tem  
Joel Brown

Sharon Laucamp  
Secretary  
Sharon Laucamp

## **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on August 31 and September 11, 2006, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. Sean and Lisa Barkley, RFD, Lowden (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-2 Urban Residential for the purpose of terminating a Conditional Rezoning Agreement, Petition #0100 (C-1 Local Commercial to M-1 Light Industrial) between Mr. & Mrs. Barkley and the Cedar County Board of Supervisors for an automotive reconstruction business, to eliminate a non-conforming permitted use and to allow for the construction of a single family dwelling. Said property is located on Lots 2 – 5, Block 6, in the unincorporated town of Massillon.
- 2. Dennis and Mary Brown, RFD, Tipton (Contract Buyers) and Gary Meade (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property where a dwelling previously existed located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 21, and the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 22, T-82N, R-2W, in Dayton Township. Said petition is to change the zoning on one (1) acre of a 4.16 acres more or less tract.
- 3. Jamie and Lisa Zimmerman, RFD, West Branch (Contract Buyers) and Gerald and Betty Boyd, Rockford, IL (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed two (2) lot subdivision located in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 24, T-80N, R-4W, in Gower Township, consisting of 4.00 acres more or less.

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

CARI GRITTON  
Cedar County Auditor

Copies sent out on 8/21/06 to the following:

1. Sean & Lisa Barkley - 2271 120th Street, Lowden, Iowa 52255 - Certified
2. Yolanda Santos - 2273 120th Street, Lowden, Iowa 52255-9513
3. Robert Harkins - 209 Hoover Highway, Lowden, Iowa 52255
4. Arthur & Lana Barkley - 101 West Street, Wheatland, Iowa 52777-8801
5. Richard & Brenda Hansen - P.O. Box 272, Lowden, Iowa 52255-2072
6. Wayne Robinson - 574 Rose Avenue, Clarence, Iowa 52216
7. Barry & Denise Roberts - 231 Hoover Highway, Lowden, Iowa 52255
8. Oliver Brockmeyer & Lorresa Flattem - 3747 H Avenue, Cedar Rapids, Iowa 52402
9. William & Barbara Ihns - 112 1st Street, Lowden, Iowa 52255
10. Lorenzo Guizar - 224 Hoover Highway, Lowden, Iowa 52255
11. Gayle Mess - 26834 169th Avenue, Long Grove, Iowa 52756
12. Sherry Quinlin - 226 Hoover Highway, Lowden, Iowa 52255
13. Bruce Bright - 228 Hoover Highway, Lowden, Iowa 52255
14. Michael Pentland - 230 Hoover Highway, Lowden, Iowa 52255
15. Neal Mess - 2284 122nd Street, Lowden, Iowa 52255
16. Mark Wills - 1720 S. Carbon Hill Road, Coal City, IL 60416
17. Eugene & Judy Bowman - 239 Hoover Highway, Lowden, Iowa 52255

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1. Dennis & Mary Brown - 345 210th Street, Tipton, Iowa 52772 - Certified
2. Gary Meade - 3145 240th Street NE, North Liberty, Iowa 52317
3. Larry Russell - 274 Plum Avenue, Clarence, Iowa 52216
4. Michelle Reed - 1775 Seven Springs Rd., Muscatine, Iowa 52761
5. Katie Meade - POA/Gary Meade, 1570 South 1st Avenue, Apt. #8, Iowa City, Iowa 52240

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1. Jamie & Lisa Zimmerman - 1640 Franklin Avenue, West Branch, Iowa 52358-8557 - Certified
2. Gerald Boyd - 45208 Dunbar Place, Rockford, IL 61114
3. Sally Miller - 563 260th Street, West Branch, Iowa 52358
4. Clarence & Mary Ann Crew - 181 290th Street, West Branch, Iowa 52358
5. Brown Family Ltd. - 1636 Eureka Avenue, West Branch, Iowa 52358
6. Beverly Brown - 576 260th Street, West Branch, Iowa 52358

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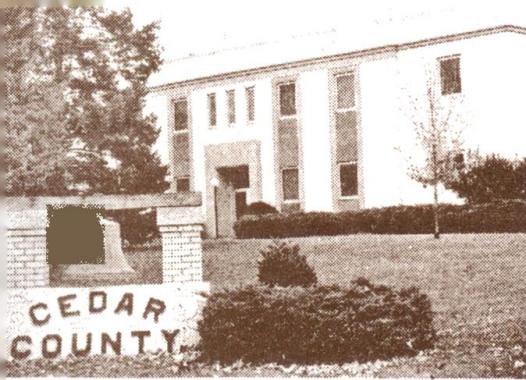
Copy to Tipton Conservative & Sun News on 8/21/06

Copy e-mailed for publication to the West Branch Times on 8/21/06

Copy e-mailed to Board of Supervisors Secretary

2 File Copies

Bulletin Board Copy



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

August 7, 2006

**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 16, 2006, at 6:30 p.m., 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. Sean and Lisa Barkley, RFD, Lowden (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-2 Urban Residential for the purpose of terminating a Conditional Rezoning Agreement, Petition #0100 (C-1 Local Commercial to M-1 Light Industrial) between Mr. & Mrs. Barkley and the Cedar County Board of Supervisors for an automotive reconstruction business, to eliminate a non-conforming permitted use and to allow for the construction of a single family dwelling. Said property is located on Lots 2 – 5, Block 6, in the unincorporated town of Massillon.
- 2. Dennis and Mary Brown, RFD, Tipton (Contract Buyers) and Gary Meade (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property where a dwelling previously existed located in the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 21, and the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 22, T-82N, R-2W, in Dayton Township, consisting of 4.16 acres more or less.
- 3. Jamie and Lisa Zimmerman, RFD, West Branch (Contract Buyers) and Gerald and Betty Boyd, Rockford, IL (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed two (2) lot subdivision located in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 24, T-80N, R-4W, in Gower Township, consisting of 4.00 acres more or less.

Copies sent out on 8/9/06 to the following:

1. Sean & Lisa Barkley - 2271 120th Street, Lowden, Iowa 52255 - Certified
2. Yolanda Santos - 2273 120th Street, Lowden, Iowa 52255-9513
3. Robert Harkins - 209 Hoover Highway, Lowden, Iowa 52255
4. Arthur & Lana Barkley - 101 West Street, Wheatland, Iowa 52777-8801
5. Richard & Brenda Hansen - P.O. Box 272, Lowden, Iowa 52255-2072
6. Wayne Robinson - 574 Rose Avenue, Clarence, Iowa 52216
7. Barry & Denise Roberts - 231 Hoover Highway, Lowden, Iowa 52255
8. Oliver Brockmeyer & Lorresa Flattem - 3747 H Avenue, Cedar Rapids, Iowa 52402
9. William & Barbara Ihns - 112 1st Street, Lowden, Iowa 52255
10. Lorenzo Guizar - 224 Hoover Highway, Lowden, Iowa 52255
11. Gayle Mess - 26834 169th Avenue, Long Grove, Iowa 52756
12. Sherry Quinlin - 226 Hoover Highway, Lowden, Iowa 52255
13. Bruce Bright - 228 Hoover Highway, Lowden, Iowa 52255
14. Michael Pentland - 230 Hoover Highway, Lowden, Iowa 52255
15. Neal Mess - 2284 122nd Street, Lowden, Iowa 52255
16. Mark Wills - 1720 S. Carbon Hill Road, Coal City, IL 60416
17. Eugene & Judy Bowman - 239 Hoover Highway, Lowden, Iowa 52255

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1. Dennis & Mary Brown - 345 210th Street, Tipton, Iowa 52772 - Certified
2. Gary Meade - 3145 240th Street NE, North Liberty, Iowa 52317
3. Larry Russell - 274 Plum Avenue, Clarence, Iowa 52216
4. Michelle Reed - 1775 Seven Springs Rd., Muscatine, Iowa 52761
5. Katie Meade - POA/Gary Mead, 1570 South 1st Avenue, Apt. #8, Iowa City, Iowa 52240

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1. Jamie & Lisa Zimmerman - 1640 Franklin Avenue, West Branch, Iowa 52358-8557 - Certified
2. Gerald Boyd - 45208 Dunbar Place, Rockford, IL 61114
3. Sally Miller - 563 260th Street, West Branch, Iowa 52358
4. Clarence & Mary Ann Crew - 181 290th Street, West Branch, Iowa 52358
5. Brown Family Ltd., 1636 Eureka Avenue, West Branch, Iowa 52358
6. Beverly Brown - 576 260th Street, West Branch, Iowa 52358

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Copy to Tipton Conservative & Sun News on 8/7/06

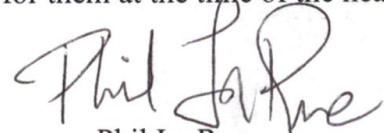
Copy e-mailed for publication to the West Branch Times on 8/7/06

7 Zoning Commission members

2 File Copies

Bulletin Board Copy

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



Phil La Rue  
Zoning Administrator

PL:sl

DATE 8/16/06  
ORGANIZATION PLANNING & ZONING BOA  
CONTACT PERSON Phil La Rue  
MEETING TIME WEDNESDAY, 6:30 P.M.

### MEETING ATTENDANCE:

Phil Johnson

Sean F. Balesley

May Brown

Dennis Brown

Sally Miller

Tony Miller

Larry J. Po

Kurtis F. Vossel

Joe Brown

Rob Fangmann

Rita Immormen

Die Zemur

Barry Russell

David A. Schmitt

Sharon Laucamp



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 16, 2006 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Sean & Lisa Barkley, RFD, Lowden (Owners) – A change in zoning from M-1 to R-2 to eliminate a non-conforming permitted use and allow construction of a single family dwelling  
**(See information from last month)**
- B. Dennis & Mary Brown, RFD, Tipton (Contract Buyers) and Gary Meade (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling where one previously existed
- C. Jamie & Lisa Zimmerman, RFD, West Branch (Contract Buyers) and Gerald & Betty Boyd, Rockford, IL (Owners) – A change in zoning from A-1 to R-1 to allow construction of single family dwellings on a proposed two lot subdivision

III. Discussion

IV. Conclusion

## **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on August 3 and 7, 2006, 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. Terry and Karen Suchomel, West Branch (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 NW  $\frac{1}{4}$ , Section 32, T-81N, R-4W, in Cass Township, consisting of 4.20 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.

CARI GRITTON  
Cedar County Auditor

Copies sent out on 7/24/06 to the following:

1. Terry & Karen Suchomel - 22 Greenvew Drive, West Branch, Iowa 52358 - Certified
2. Larry & Berrie Glick - 190 Solon Road, Solon, Iowa 52333-8603
3. W. R. & Carolyn Peters - 1437 Buresh Avenue, Iowa City, Iowa 52245
4. Eugene & Betty Compton - P.O. Box 108, Durant, Iowa 52747
5. Robert & Vivian Suchomel - 1210 North Avenue, Tipton, Iowa 52772

Copy e-mailed to Board of Supervisors secretary on 7/24/06

Copy e-mailed to West Branch Times on 7/24/06

Copy to Tipton Conservative on 7/24/06

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 19, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 19, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Pruess, Brown, Schuett and Quinn. Members absent were Lamp, Weisenbach and Voparil.

Chairperson Pruess called the meeting to order at 6:30 p.m. The members then considered the following petitions:

1. **Terry and Karen Suchomel, West Branch (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 NW  $\frac{1}{4}$ , Section 32, T-81N, R-4W, in Cass Township, consisting of 4.20 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance when making a recommendation to the Board of Supervisors. The Comprehensive Plan was reviewed. It discourages scattered residential development when it will not support a full range of services. The soil evaluation was then reviewed. Limitations for buildings are moderate. Limitations for septic systems are moderate with no anticipated problems preventing a conventional septic system. The C.S.R. for this Downs Silt Loam soil is 73 points. The letter from the West Branch Fire Department stated they are able to provide emergency fire and rescue service. The letter received from the County Engineer stated the access will be from paved route 210<sup>th</sup> Street (F28) and should not cause any road concerns. An approved entrance permit is on file for the placement of a new entrance.

Mr. and Mrs. Suchomel were present and explained they purchased the property in 1998 from his father, and they originally planned to build a home, but now wish to rezone the property for resale. There are no livestock operations within one-quarter mile. Chairperson Pruess expressed concern about safety on the road, but La Rue recommended following Engineer Fangmann's recommendation. How this lot was created was discussed. Larry Glick, adjoining property owner, expressed some concern with this rezoning regarding his sixty head cow/calf operation and potential problems with a new neighbor when spreading manure, etc. Discussion followed regarding protective measures for farm operations against residential development, especially with future owners of the rezoned property. Although the surrounding farm operations are established, a new residential property owner could cause problems for the area farmers. Discussion was held regarding whether or not the property could be split and a second home constructed. La Rue advised that this is possible, but the Suchomel's petition is for a single home only.

After further discussion, Quinn made a motion to recommend approval of the rezoning request to the Board of Supervisors, subject to the sellers advising the buyers that their neighbors farm. Pruess seconded the motion. There was additional discussion regarding safety of the proposed access and the agricultural community's concerns. Two ayes and two nays.

**2. Sean and Lisa Barkley, RFD, Lowden (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-2 Urban Residential for the purpose of terminating a Conditional Rezoning Agreement, Petition #0100 (C-1 Local Commercial to M-1 Light Industrial) between Mr. & Mrs. Barkley and the Cedar County Board of Supervisors for an automotive reconstruction business, to eliminate a non-conforming permitted use and to allow for the construction of a single family dwelling. Said property is located on Lots 2 – 5, Block 6, in the unincorporated town of Massillon.

It was noted that there was no one in attendance to represent this petition. Therefore, it was tabled until the August 16, 2006, meeting date.

Minutes from the June 21, 2006, meeting were then read. Brown made a motion to approve the minutes as written. Schuett seconded the motion. Ayes all.

La Rue then requested assistance from the Commission, in accordance with Chapter 3, Subparagraph 26, of the Zoning Ordinance, concerning classification of a current non-conforming use in rural Cedar County. Specifically, this business is a travel agency with several employees who do not reside on the property. The property is currently zoned A-1 Agricultural and this business is not a permitted use in this district. It's size and number of employees will prohibit a Home Occupation Permit (Chapter 15 of the Zoning Ordinance) and the business is not currently allowed by a Special Use Permit. La Rue believes the correct zoning district would be C-1 Local Commercial for business and professional offices. The Commission members stated they are aware of this business and agree that the C-1 district is appropriate. There was then discussion about rezoning this property to commercial. La Rue is of the opinion that a C-1 district in the unincorporated area, outside of areas designated under the Comprehensive Plan and Future Land Use Map, would be inappropriate. An amendment to the Zoning Ordinance to expand the types of businesses and uses allowed under Special Use Permits were also discussed. There was a brief discussion about Weaver's, Inc., and their Light Industrial classification and use. The Commission agreed the travel agency business would be better suited and accommodated in a commercial district inside the boundaries of an incorporated city.

With no additional business to be discussed at this time, the meeting adjourned at 7:15 p.m.



Chairperson  
Dennis Pruess



Secretary Pro-tem  
Phil La Rue

DATE 7/19/06

C O P Y

ORGANIZATION CedarCo. Zoning P&Z Hearing

CONTACT PERSON P.D. LaRue

MEETING TIME 6:30 pm.

MEETING ATTENDANCE:

Phil LaRue

Dennis Proess

Larry Lewis

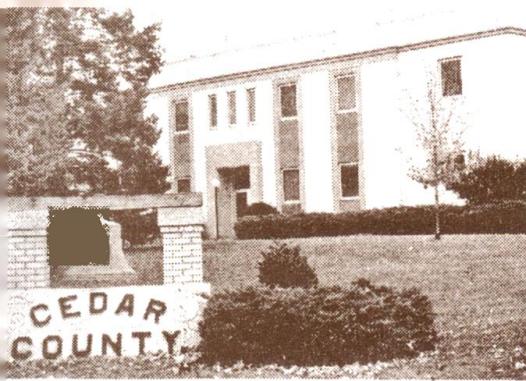
Larry Wick

Myself

Karen Suckowel

Joel Brown

David T. Schuett



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

July 10, 2006

**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 19, 2006, at 6:30 p.m., 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 and Karen Suchomel, West Branch (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 NW ¼, Section 32, T-81N, R-4W, in Cass Township, consisting of 4.20 acres more or less.
2. **Sean and Lisa Barkley, RFD, Lowden (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-2 Urban Residential for the purpose of terminating a Conditional Rezoning Agreement, Petition #0100 (C-1 Local Commercial to M-1 Light Industrial) between Mr. & Mrs. Barkley and the Cedar County Board of Supervisors for an automotive reconstruction business, to eliminate a non-conforming permitted use and to allow for the construction of a single family dwelling. Said property is located on Lots 2 – 5, Block 6, in the unincorporated town of Massillon.

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 7/10/06 to the following:

1. Terry & Karen Suchomel - 22 Greenview Drive, West Branch, Iowa 52358 - Certified
2. Larry & Berrie Glick - 190 Solon Road, Solon, Iowa 52333-8603
3. W. R. & Carolyn Peters - 1437 Buresh Avenue, Iowa City, Iowa 52245
4. Eugene & Betty Compton - P.O. Box 108, Durant, Iowa 52747
5. Robert & Vivian Suchomel - 1210 North Avenue, Tipton, Iowa 52772

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1. Sean & Lisa Barkley - 2271 120th Street, Lowden, Iowa 52255 - Certified
2. Yolanda Santos - 2273 120th Street, Lowden, Iowa 52255-9513
3. Robert Harkins - 209 Hoover Highway, Lowden, Iowa 52255
4. Arthur & Lana Barkley - 101 West Street, Wheatland, Iowa 52777-8801
5. Richard & Brenda Hansen - P.O. Box 272, Lowden, Iowa 52255-2072
6. Wayne Robinson - 574 Rose Avenue, Clarence, Iowa 52216
7. Barry & Denise Roberts - 231 Hoover Highway, Lowden, Iowa 52255
8. Oliver Brockmeyer & Lorresa Flattem - 3747 H Avenue, Cedar Rapids, Iowa 52402
9. William & Barbara Ihns - 112 1st Street, Lowden, Iowa 52255
10. Lorenzo Guizar - 224 Hoover Highway, Lowden, Iowa 52255
11. Gayle Mess - 26834 169th Avenue, Long Grove, Iowa 52756
12. Sherry Quinlin - 226 Hoover Highway, Lowden, Iowa 52255
13. Bruce Bright - 228 Hoover Highway, Lowden, Iowa 52255
14. Michael Pentland - 230 Hoover Highway, Lowden, Iowa 52255
15. Neal Mess - 2284 122nd Street, Lowden, Iowa 52255
16. Mark Wills - 1720 S. Carbon Hill Road, Coal City, IL 60416
17. Eugene & Judy Bowman - 239 Hoover Highway, Lowden, Iowa 52255

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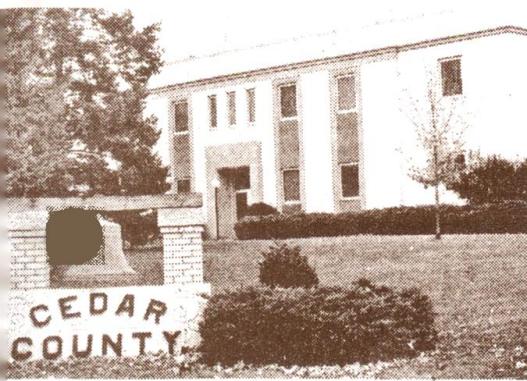
Copy to Tipton Conservative & Sun News on 7/10/06

Copy e-mailed to West Branch Times on 7/10/06

7 Zoning Commission Members

2 File Copies

2 Bulletin Board Copies



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
**Cedar County Courthouse**

**Tipton, Iowa 52772**

July 10, 2006

**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 19, 2006, at 6:30 p.m., 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 and Karen Suchomel, West Branch (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 NW ¼, Section 32, T-81N, R-4W, in Cass Township, consisting of 4.20 acres more or less.
2. **Sean and Lisa Barkley, RFD, Lowden (Owners)** – Requesting a change in zoning from M-1 Light Industrial to R-2 Urban Residential for the purpose of terminating a Conditional Rezoning Agreement, Petition #0100 (C-1 Local Commercial to M-1 Light Industrial) between Mr. & Mrs. Barkley and the Cedar County Board of Supervisors for an automotive reconstruction business, to eliminate a non-conforming permitted use and to allow for the construction of a single family dwelling. Said property is located on Lots 2 – 5, Block 6, in the unincorporated town of Massillon.

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



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 19, 2006 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Terry & Karen Suchomel, West Branch (Owners) –  
A change in zoning from A-1 to R-1 to allow  
construction of a single family dwelling
- B. Sean & Lisa Barkley, RFD, Lowden (Owners) –  
A change in zoning from M-1 to R-2 to eliminate  
a non-conforming permitted use and allow  
construction of a single family dwelling

III. Discussion

IV. Conclusion

## **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on July 6 and 10, 2006, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. Mark Meier, RR, Wilton (Owner)** – Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of eliminating a non-conforming permitted use to allow the construction of a single family dwelling on Lots 13-18, Block 5, in the unincorporated town of Sunbury, in Farmington Township, consisting of 0.48 acres more or less.
- 2. Jacob and Mackenzie Pedersen, RR, West Branch (Contract Buyers) and Glen and Cora Pedersen, West Branch (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 W ½ of the SW ¼ of the SE ¼, Section 6, T-79N, R-3W, in Iowa Township, consisting of 3.10 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.

CARI GRITTON  
Cedar County Auditor

Copies sent out on 6/26/06 to the following:

1. Mark Meier - 2245 290th Street, Wilton, Iowa 52778-9223 - Certified
2. Kenneth McCallister - 180 Miller Street, Wilton, Iowa 52778
3. Martha McCallister - 212 Herman Street, Wilton, Iowa 52778
4. Robert McCallister - 606 15th Street, Durant, Iowa 52747
5. Michelle Chapman - 2249 290th Street, Wilton, Iowa 52778
6. Ernest & Ellen Ledtje - 218 Herman Street, Wilton, Iowa 52778
7. Dennis & Linda Dykstra - 2251 290th Street, Wilton, Iowa 52778
8. Keith & DeAnna Petersen - 108 Herman Street, Wilton, Iowa 52778
9. Wilbert & Shirley Spengler - 2231 290th Street, Wilton, Iowa 52778
10. Richard & Barbara Budelier - 1881 Yankee Avenue, New Liberty, Iowa 52765
11. Dennis Weih - 1895 Wilson Avenue, Wilton, Iowa 52778
12. Ronald & Joyce Weih - 2176 270th Street, Bennett, Iowa 52721
13. Farmers Grain & Lumber Co. - P.O. Box 340, Clarence, Iowa 52216
14. Leon Bohn - 7404 Westbury Dr. NE, Cedar Rapids, Iowa 52402-6925
15. Susan Milligan - 101 South Street, Wilton, Iowa 52778
16. Steven Hammel - 103 South Street, Wilton, Iowa 52778
17. Donald Mockmore - 200 Miller Street, Wilton, Iowa 52778
18. Eric & Melinda Lisk - 2242 290th Street, Wilton, Iowa 52778
19. Rebitzer Properties LLC - 1041 Carriage Place Dr., Bettendorf, Iowa 52722
20. Richard & ellen Bramman - 241 S. Clark St., Apt. 2, Davenport, Iowa 52802
21. Jane & Daryl Clark - 111 South Street, Wilton, Iowa 52778

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1. Jacob & Mackenzie Pedersen - 634 280th Street, West Branch, Iowa 52358 - Certified
2. Glen & Cora Pedersen - 119 N. Downey Street, West Branch, Iowa 52358
3. Anders V Mather Trust - % Kenneth Mather, 799 290th Street, West Liberty, Iowa 52776
4. Josh & Molly Pedersen - 663 290th Street, West Liberty, Iowa 52776

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Copy to Tipton Conservative on 6/26/06

Copy faxed to Wilton-Durant Advocate News on 6/26/06

Copy e-mailed to West Branch Times on 6/26/06

Board of Supervisors (e-mailed to Bev Penningroth)

2 File Copies

Bulletin Board Copy

DATE 6/21/06

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaPue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

David A. Schmitt

Karen Pedersen

Jacob Pedersen

Mackenzie Pedersen

Stephanie Weisenbach

Kurtis Kopain

Phil LaPue

Sharon Laucamp

Dennis Proess

Joel Brown

Malvinae + Bonar

## **CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES**

June 21, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, June 21, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Voparil, Weisenbach, Schuett and Pruess. Members absent were Lamp and Quinn.

Chairperson Pruess called the meeting to order at 6:30 p.m. The members then considered the following petitions:

1. **Mark Meier, RR, Wilton (Owner)** – Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of eliminating a non-conforming permitted use to allow the construction of a single family dwelling on Lots 13-18, Block 5, in the unincorporated town of Sunbury, in Farmington Township, consisting of 0.48 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. The soil evaluation was then discussed. Limitations for low buildings are moderate. Limitations for septic tank disposal fields are slight to moderate. La Rue stated they will have to deal with a high water table. He also informed the members that the C-1 zoning designation was given in 1959 when the county first got their zoning classifications. In the early years, there were businesses located in this area but are now gone. Consequently, properties now remain in non-compliance.

Mark Meier was present and informed the members he wishes to build a new house on the property and stated there will be no adverse effects. A letter from the Durant Fire Department stated they can provide protection to this property. The letter received from the County Engineer stated the property will be accessed from paved route 290<sup>th</sup> Street and should not cause any road concerns. Mr. Meier stated he would be taking down the old house. The lot size is 150' x 140'. La Rue stated in time, through the Rural Utility Services System, there may be federal funding for providing community sewer for the unincorporated towns. This would be a benefit due to the size of the lots in the unincorporated towns for private septic systems.

After a brief discussion, Schuett made a motion to recommend the change in zoning from C-1 to R-2 to the Board of Supervisors. Weisenbach seconded the motion. Ayes all. La Rue informed the members if the Meier's wish to remain in the existing house while the new home is

being constructed, they will need to have the approval from the Cedar County Board of Adjustment.

- 2. Jacob and Mackenzie Pedersen, RR, West Branch (Contract Buyers) and Glen and Cora Pedersen, West Branch (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 W ½ of the SW ¼ of the SE ¼, Section 6, T-79N, R-3W, in Iowa Township, consisting of 3.10 acres more or less.

La Rue informed the members there were no written or verbal objections on file and recommended the Commission do their review in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. The letter from the West Branch Fire & Rescue stated they are able to provide emergency fire and rescue to the proposed site. The letter from the County Engineer stated no road concerns and an approved entrance permit is on file for the placement of a new entrance. There is a livestock building located to the southwest which is owned by the family and it is outside of the one-quarter mile radius. The soil evaluation was next discussed. Limitations for septic tank disposal fields are slight. Limitations for foundations for low buildings are moderate and limitations for agricultural farm crops are slight. The C.S.R. is 95 points.

Jacob Pedersen was present and informed the members he and his wife wish to rezone the property to allow them to place a house on ground that is part of the family farming operation. Chairperson Pruess stated he would like a stipulation which states there is a livestock facility in the immediate area for future owners to be aware of. It was noted there are a few residential homes in the area. It is located on a hard surfaced road and the Pedersen's will have a long driveway. There will be a 60 foot easement for access to the field.

After further discussion, Schuett made a motion to recommend to the Board of Supervisors to grant the rezoning request from A-1 to R-1. Brown seconded the motion. Brown stated he would like it known that the property does have a high C.S.R. and there is a livestock facility nearby. Randy Pedersen, father of Jacob, stated there will actually be less than two-tenths of an acre taken out of production. The members then voted. Ayes all.

Minutes from the previous meeting held on May 17, 2006, were previously sent to the members. Commission member Weisenbach stated she had a comment regarding her mention of recommendation regarding a joint work session with the Board of Supervisors. She stated she would like added that the other commissioners agreed it was a good idea to have the work session. Voparil then made a motion to amend the minutes to read that the commission members concurred with her recommendation. Brown seconded the motion. Voparil then made a second motion to approve the minutes with the suggested changes. Brown seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting was adjourned at 6:53 p.m.

Dennis Pruess

Chairperson  
Dennis Pruess

Sharon Laucamp

Secretary  
Sharon Laucamp



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

June 5, 2006

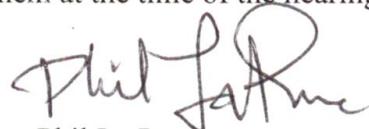
**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 21, 2006, at 6:30 p.m., 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. Mark Meier, RR, Wilton (Owner)** – Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of eliminating a non-conforming permitted use to allow the construction of a single family dwelling on Lots 13-18, Block 5, in the unincorporated town of Sunbury, in Farmington Township, consisting of 0.48 acres more or less.
- 2. Jacob and Mackenzie Pedersen, RR, West Branch (Contract Buyers) and Glen and Cora Pedersen, West Branch (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 W ½ of the SW ¼ of the SE ¼, Section 6, T-79N, R-3W, in Iowa Township, consisting of 3.10 acres more or less.

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

  
Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 6/6/06 to the following:

1. Mark Meier - 2245 290th Street, Wilton, Iowa 52778-9223 - Certified
2. Kenneth McCallister - 180 Miller Street, Wilton, Iowa 52778
3. Martha McCallister - 212 Herman Street, Wilton, Iowa 52778
4. Robert McCallister - 606 15th Avenue, Durant, Iowa 52747
5. Michelle Chapman - 2249 290th Street, Wilton, Iowa 52778
6. Ernest & Ellen Ledtje - 218 Herman Street, Wilton, Iowa 52778
7. Dennis & Linda Dykstra - 2251 290th Street, Wilton, Iowa 52778
8. Keith & DeAnna Petersen - 108 Herman Street, Wilton, Iowa 52778
9. Wilbert & Shirley Spengler - 2231 290th Street, Wilton, Iowa 52778
10. Richard & Barbara Budelier - 1881 Yankee Avenue, New Liberty, Iowa 52765
11. Dennis & Edythe Weih - 1895 Wilson Avenue, Wilton, Iowa 52778
12. Ronald & Joyce Weih - 2176 270th Street, Bennett, Iowa 52721
13. Farmers Grain & Lumber Co. - P.O. Box 340, Clarence, Iowa 52216
14. Leon Bohn - 7404 Westbury Dr. NE, Cedar Rapids, Iowa 52402-6925
15. Susan Milligan - 101 South Street, Wilton, Iowa 52778
16. Steven Hammel - 103 South Street, Wilton, Iowa 52778
17. Donald Mockmore - 200 Miller Street, Wilton, Iowa 52778
18. Eric & Melinda Lisk - 2242 290th Street, Wilton, Iowa 52778
19. Rebitzer Properties LLC - 1041 Carriage Place Dr., Bettendorf, Iowa 52722
20. Richard & Ellen Bramman - 241 S. Clark St., Apt. 2, Davenport, Iowa 52802
21. Jane & Daryl Clark - 111 South Street, Wilton, Iowa 52778

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1. Jacob & Mackenzie Pedersen - 634 280th Street, West Branch, Iowa 52358 - Certified
2. Glen & Cora Pedersen - 119 N. Downey Street, West Branch, Iowa 52358
3. Anders V Mather Trust - % Kenneth Mather, 799 290th Street, West Liberty, Iowa 52776
4. Josh & Molly Pedersen - 663 290th Street, West Liberty, Iowa 52776

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Copy to Tipton Conservative on 6/5/06

Copy faxed to Wilton-Durant Advocate News on 6/5/06

Copy e-mailed to West Branch Times on 6/5/06

7 Zoning Commission Members

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, June 21, 2006 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Mark Meier, RR, Wilton (Owner) – A change in zoning from C-1 to R-2 to eliminate a non-conforming use & allow construction of a single family dwelling
- B. Jacob & Mackenzie Pedersen, RR, West Branch (Contract Buyers) and Glen & Cora Pedersen, West Branch (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Discussion

IV. Conclusion

**LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on June 15 and 19, 2006, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa, for the review and adoption of the **Cedar County Land Use Plan 2006 and Future Land Use Map 2006**.

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.

CARI GRITTON  
Cedar County Auditor

## **CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES**

May 17, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, May 17, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Quinn, Schuett, Voparil, Lamp, Brown and Weinsenbach. Member absent was Pruess.

Chairperson Pro-tem Lamp called the meeting to order at 6:30 p.m. The members then considered the following petitions:

- 1. Maureen Gummesson, Cedar Rapids (Contract Buyer) and David Swan & Jeanne Santa Cruz, 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 SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 31, T-81N, R-3W, in Cass Township. Said petition is to rezone 1.84 acres of a 4.00 acre tract.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. The letter from the County Engineer stated the access should not cause any road concerns and an approved entrance permit is on file to utilize an existing drive. The letter from the Tipton Fire Department stated they would be able to provide services. The soil evaluation was reviewed. Limitations for septic tank disposal fields are slight to moderate. Limitations for low buildings are slight to moderate and limitations for agricultural farm crops are slight to moderate. La Rue stated there are a blend of soils on the property and the C.S.R. averages 60 points.

Ms. Gummesson and Mr. Swan were both present. Ms. Gummesson then explained to the members she wants to build a home which she plans to retire in. She stated she is an artist and the property is a perfect setting for her future. She also stated she wishes to rezone 1.84 acres so that she could be up high enough to have a walkout basement. The nearest rezoned property is approximately one-quarter mile away and there are no livestock facilities within one-quarter mile.

After a brief discussion, Quinn made a motion to approve the rezoning request from A-1 to R-1. Schuett seconded the motion. Ayes all.

- 2. John and Robin Kauffman, Washington, IA (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 SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 22, T-81N, R-1W, in

Springfield Township. Said petition is to rezone 1.00 acres of a 19.50 acre tract. Also, said petitioners are requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural to eliminate the zoning tract (Petition #0680, Kenneth Drechsler) located on this same tract in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , consisting of 1.00 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. The letter from the County Engineer stated no road concerns and an approved entrance permit is on file to widen and utilize an existing drive. The letter received from the Lowden Fire Department stated they can provide services. The soil inventory was next discussed. Limitations for septic tank disposal fields are moderate to severe with severe limitations due to slope. Limitations for foundations for low buildings are moderate and limitations for agricultural farm crops are also moderate. The C.S.R. is 65 points for the proposed site. It was noted that there are a number of farmstead splits in the area and there are no livestock facilities within one-quarter mile.

John and Robin Kauffman were both present at the meeting. Mr. Kauffman then informed the members of their intent to build a home and raise their family in rural Cedar County. Mr. Kauffman works at Rockwell Collins.

After further discussion, Brown first made a motion to change the zoning classification from R-1 to A-1 on Petition #0680 which had previously been granted to Kenneth Drechsler in 1980. Voparil seconded the motion. Ayes all. Quinn then made a motion to approve the rezoning request from A-1 to R-1 for the proposed request. Voparil seconded the motion. Ayes all.

3. **David and Janel Stephens, 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 SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 30, T-80N, R-2W, in Rochester Township, consisting of 1.43 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. La Rue stated this property is southwest of the property rezoned by Dick Crock. It is also close to the Sorgenfrey's which was approved last month. The letter from the County Engineer stated no road concerns and an approved entrance permit is on file. The letter from the Tipton Fire Department stated they can provide service. The soil inventory was reviewed. Limitations for septic tank disposal fields were slight to severe with the severe limitation due to slope. Limitations for low buildings are moderate and limitations for agricultural farm crops are slight and severe. There is a C.S.R. of 85, 50 and 91 on the property.

Dave and Janel Stephens were both present at the meeting. Mr. Stephens informed the members that one of their two daughters would like to move back and live in Cedar County. He stated the new house would sit in the pasture next to the timber and will have a natural environment. There are no livestock facilities within one-quarter mile and there is a clustering of homes in the neighborhood. Mr. Stephens stated he has a total of 35 acres of which only five are tillable.

After a brief discussion, Quinn made a motion to approve the rezoning request from A-1 to R-1 for a single family dwelling. Schuett seconded the motion. Ayes all.

**4. Richard and Sheri Giese, RFD, Wilton (Contract Buyers) and Ronald & Nancy Allmandinger, RFD, Wilton (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 SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 20, T-79N, R-1W, in Farmington Township, consisting of 1.00 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. The letter from the County Engineer stated the property will be accessed from paved route Taylor Avenue and should not cause any road concerns. An approved entrance permit is on file to utilize the existing dry fill entrance. He also stated the entrances to the north approximately 200' and south approximately 200' do not meet sight requirements and, therefore, may not be utilized. It is also required as part of the entrance permit to flatten the slopes of the dry fill to 10:1 slopes. The soil evaluation was next discussed. There are slight limitations for septic tank disposal fields. Limitations for low buildings are moderate and limitations for agricultural farm crops are slight. The C.S.R. is 95 points. It was noted there had been a house on the property approximately 20 years ago. There are no livestock facilities within one-quarter mile. La Rue stated although the CSR is high, there had been a farmstead located there. He stated to the north is Col-Ely soil complex which has a high water table. Therefore, the septic system will need to be situated accordingly.

Mr. Giese was present and explained to the members he farms with his brother. He stated the adjoining neighbors do not have a problem with his request. It was noted this is the best area for the proposed rezoning request and is the reason it was built upon before.

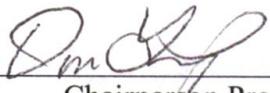
After a brief discussion, Schuett made a motion to approve the rezoning request from A-1 to R-1. Quinn seconded the motion. Ayes all.

Minutes from the previous meeting held on April 19, 2006, were previously sent to the members. Voparil made a motion to approve the minutes as presented. Schuett seconded the motion. Ayes all.

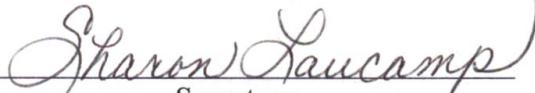
The Commission members then held the Public Hearing to adopt the County's Proposed Future Land Use Plan and Proposed Future Land Use Map. No one was present at the hearing other than the Commission members. Quinn made a motion to recommend approval of the Proposed Future Land Use Plan and Land Use Map as presented, with the recommendation changes can be made on it down the road, to the Board of Supervisors. Voparil seconded the motion. Discussion followed. Commission member Weisenbach stated she would like it to be part of the recommendation that, sometime during the next six months, the Commission members have the opportunity to have a joint work session with the Board of Supervisors. Jim Gonyier, E.C.I.A., informed the members that he and Zoning Administrator La Rue will meet with the Board of Supervisors on Monday, May 22<sup>nd</sup>, to walk through the Proposed Plan and Map, and the hearing dates will be set some time in June. La Rue stated they will then discuss what kind of ordinance and policy changes will be needed. La Rue informed the members of the LESA Plan. He stated it will be a tool to implement the Comprehensive Plan and the Zoning Ordinance. The LESA Plan deals with future land use and will take at least two years to implement. The County Engineer will need to be involved in some of the ordinance changes. The Commission members then voted on the original motion. Ayes all.

Charles Frymoyer was present and voiced his concern that he felt Cedar County gave Tom Hearst problems with his subdivision. La Rue stated there had been problems with the pipeline in the subdivision. It was noted the residents are unhappy with the level of services. La Rue stated it was not intentional to give Mr. Hearst or Mr. Treimer a hard time, but it is the developer's responsibility to make sure they have buildable lots. Mr. Frymoyer stated he feels the Timber Run Subdivision will have the same problems as Hidden River Heights Subdivision. La Rue stated, through the Comprehensive Plan and Zoning Ordinance, Cedar County is trying to keep the farming business one of the #1 economic businesses in Cedar County. He stated there is a conflict between the non-agricultural residential communities and the agricultural communities.

With no further business to be discussed at this time, Quinn made a motion to adjourn the meeting. Brown seconded the motion. Meeting was adjourned at 7:20 p.m.



Chairperson Pro-tem  
Don Lamp



Secretary  
Sharon Laucamp

## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on June 1 and 5, 2006, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. Maureen Gummeson, Cedar Rapids (Contract Buyer) and David Swan & Jeanne Santa Cruz, 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 SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 31, T-81N, R-3W, in Cass Township. Said petition is to rezone 1.84 acres of a 4.00 acre tract.
- 2. John and Robin Kauffman, Washington, IA (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 SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 22, T-81N, R-1W, in Springfield Township. Said petition is to rezone 1.00 acres of a 19.50 acre tract. Also, said petitioners are requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural to eliminate the zoning tract (Petition #0680, Kenneth Drechsler) located on this same tract in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , consisting of 1.00 acres more or less.
- 3. David and Janel Stephens, 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 SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 30, T-80N, R-2W, in Rochester Township, consisting of 1.43 acres more or less.
- 4. Richard and Sheri Giese, RFD, Wilton (Contract Buyers) and Ronald & Nancy Allmandinger, RFD, Wilton (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 SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 20, T-79N, R-1W, in Farmington Township, consisting of 1.00 acres more or less.

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

Copies sent out on 5/18/06 to the following:

1. Maureen Gummeson - 1820 29th Street NE, Cedar Rapids, Iowa 52402 - Certified
2. David Swan & Jeanne Santa Cruz - 622 220th Street, Tipton, Iowa 52772
3. Kenneth & Twyla Jedlicka - 637 220th Street, Tipton, Iowa 52772

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1. John & Robin Kaufmann - 741 E. 2nd Street, Washington, Iowa 52353 - Certified
2. Kleppe Stop By Farms, Ltd. - 981 Virginia Avenue, Bennett, Iowa 52721
3. Dale & Gloria Haury - 913 Virginia Avenue, Bennett, Iowa 52721

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1. David & Janel Stephens - 1226 265th Street, Tipton, Iowa 52772 - Certified
2. Murray & LuAnne Sorgenfrey - 1697 Monroe Avenue, Tipton, Iowa 52772
3. Richard & Doreena Crock - 1550 Monroe Avenue, Tipton, Iowa 52772
4. Charles & Caroline Frymore - 1232 300th Street, Tipton, Iowa 52772

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1. Richard & Sheri Giese - 2120 Taylor Avenue, Wilton, Iowa 52778 - Certified
2. Ronald & Nancy Allmandinger - 2196 Taylor Avenue, Wilton, Iowa 52778
3. Ricky Allen Hunt & Marion Jo Bean - 2171 Taylor Avenue, Wilton, Iowa 52778
4. Harry & Lois Moeller Rev. Trust - 309 Oveson Drive, Apt. 206, Wilton, Iowa 52778

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Copy to Tipton Conservative & Sun News on 5/18/06  
Copy Faxed to Wilton-Durant Advocate News on 5/18/06  
Copy e-mailed to Bev P. for Board of Supervisors  
2 File Copies  
1 Copy for Bulletin Board

DATE 5/17/06

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaGue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Jim Gonyer

Maureen Gunnison

David Swan

✓ Ro Robin M Kaffman

Rid SS

Charles Froyer

Paul Callaway

Janel Stephens

David Stysko

Stephanie Weisbach

Sharon Lautcamp

Don Long

Kris Vosni

Janice G.

Janice G.

Danita Schmitt

Joe Brown



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 17, 2006 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Maureen Gummesson, Cedar Rapids (Contract Buyer) and David Swan & Jeanne Santa Cruz, RFD, Tipton (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- B. John and Robin Kauffman, Washington, IA (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling. Also a change in zoning from R-1 to A-1 to eliminate a zoning tract on the same tract of land
- C. David and Janel Stephens, RFD, Tipton (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- D. Richard and Sheri Giese, RFD, Wilton (Contract Buyers) and Ronald & Nancy Allmandinger, RFD, Wilton (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Public Hearing to adopt the County's Proposed Future Land Use Plan and Proposed Future Land Use Map

IV. Discussion

V. Conclusion



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
**Cedar County Courthouse**

**Tipton, Iowa 52772**

May 8, 2006

**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 17, 2006, at 6:30 p.m., 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. Maureen Gummeson, Cedar Rapids (Contract Buyer) and David Swan & Jeanne Santa Cruz, 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 SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 31, T-81N, R-3W, in Cass Township. Said petition is to rezone 1.84 acres of a 4.00 acre tract.
- 2. John and Robin Kauffman, Washington, IA (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 SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 22, T-81N, R-1W, in Springfield Township. Said petition is to rezone 1.00 acres of a 19.50 acre tract. Also, said petitioners are requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural to eliminate the zoning tract (Petition #0680, Kenneth Drechsler) located on this same tract in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , consisting of 1.00 acres more or less.
- 3. David and Janel Stephens, 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 SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 30, T-80N, R-2W, in Rochester Township, consisting of 1.43 acres more or less.

**4. Richard and Sheri Giese, RFD, Wilton (Contract Buyers) and Ronald & Nancy Allmandinger, RFD, Wilton (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 SW ¼ of the NW ¼ of the SW ¼, Section 20, T-79N, R-1W, in Farmington Township, consisting of 1.00 acres more or less.

**At this time, the Commission will also hold a Public Hearing to adopt the County's Proposed Future Land Use Plan and Proposed Future Land Use Map.**

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



Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 5/8/06 to the following:

1. Maureen Gummesson - 1820 29th Street NE, Cedar Rapids, Iowa 52402 - Certified
2. David Swan & Jeanne Santa Cruz - 622 220th Street, Tipton, Iowa 52772
3. Kenneth & Twyla Jedlicka - 637 220th Street, Tipton, Iowa 52772

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2. Ronald & Nancy Allmandinger - 2196 Taylor Avenue, Wilton, Iowa 52778
3. Ricky Allen Hunt & Marion Jo Bean - 2171 Taylor Avenue, Wilton, Iowa 52778
4. Harry & Lois Moeller Rev. Trust - 309 Oveson Drive, Apt. 206, Wilton, Iowa 52778

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Copy to Tipton Conservative, West Branch Times & Sun News on 5/8/06

Copy Faxed to Wilton-Durant Advocate News on 5/8/06

7 Zoning Commission Members

Copy e-mailed to County Engineer on 5/8/06

2 File Copies

Bulletin Board Copy

5-8-06

## PROOF OF PUBLICATION

State of Iowa, Cedar County, ss:

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

1. **Maureen Gummeson, Cedar Rapids (Contract Buyer) and David Swan & Jeanne Santa Cruz, 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 SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 31, T-81N, R-3W, in Cass Township. Said petition is to rezone 1.84 acres of a 4.00 acre tract.
2. **John and Robin Kauffman, Washington, IA (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 SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 22, T-81N, R-1W, in Springfield Township. Said petition is to rezone 1.00 acres of a 19.50 acre tract. Also, said petitioners are requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural to eliminate the zoning tract (Petition #0680, Kenneth Drechsler) located on this same tract in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , consisting of 1.00 acres more or less.
3. **David and Janel Stephens, 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 SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 30, T-80N, R-2W, in Rochester Township, consisting of 1.43 acres more or less.
4. **Richard and Sheri Gleese, RFD, Wilton (Contract Buyers) and Ronald & Nancy Allmandinger, RFD, Wilton (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 SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 20, T-79N, R-1W, in Farmington Township, consisting of 1.00 acres more or less.

At this time, the Commission will also hold a Public Hearing to adopt the County's Proposed Future Land Use Plan and Proposed Future Land Use Map.

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.

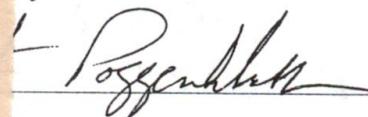
Phil La Rue  
Zoning Administrator

## PUBLIC NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 17, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

class, Editor of the West Branch Times, a paper of general circulation published at said county, and being duly sworn, do that a Notice, of which one hereto, was published in said West Branch

ely:



5/11/06

30.68

! Rob Poggenklaas before me and signed by

ence this \_\_\_\_\_

5/11

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 manager of

Advocate News, a newspaper published weekly in

the City of Wilton, Muscatine County, State of

Iowa, and that notice of Cedar County Planning & Zoning Commission public hearing 5/17/06  
hereto attached and made a part hereof, was

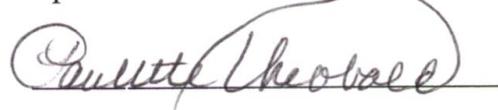
published once each week for 1 week(s) in

succession, in said newspaper, and that the dates of

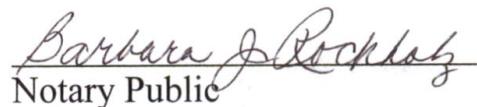
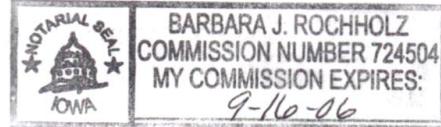
publication were 5/11/06 and that the

copy of said printed notice, hereto attached, was

cut from one of said publications.



Subscribed and sworn to before me on this 11<sup>th</sup>  
day of May 2006.

  
Notary Public

## **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on May 4 and 8, 2006, at 10:15 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. David and Pamela Smith, Iowa City (Owners)** – Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of eliminating a non-conforming permitted use and allow the replacement of the existing dwelling at 1300 State Street, Cedar Bluff. Said property is located in Lots 7, 8 & 9, Block 3, and the triangular tract consisting of 83 feet by 322 feet by 328 feet in the unincorporated town of Cedar Bluff.
- 2. Kenneth and Linda Minor, RFD, West Liberty (Owners) and Kevin Minor (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential to allow construction of a single family dwelling on property located in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 34, T-79N, R-4W, in Springdale Township, consisting of 2.75 acres more or less.
- 3. Kurt and Kathy Gascho, Crystal Lake, IL (Contract Buyers) and Dennis and Linda Swenka, Iowa City (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential to allow construction of a single family dwelling on Lot 3, Swenka's First Addition, located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 7, T-80N, R-3W, in Cass Township. Said petition is to rezone 2.00 acres of Lot 3 which consists of 12.50 acres more or less.

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

CARI GRITTON  
Cedar County Auditor

Copies sent out on 4/26/06 to the following:

1. David & Pamela Smith - 2409 Miami Drive, Iowa City, Iowa 52240 - Certified
2. Richard Achenbach - 1120 Water Street, Tipton, Iowa 52772
3. Colleen Bauer - 1212 2nd Street, Tipton, Iowa 52772
4. Lela Cox - 1211 2nd Street, Tipton, Iowa 52772
5. Tony & Lisa Jensen - 1200 State Street, Tipton, Iowa 52772
6. Donald & Sara Luettjohnn - 1203 State Street, Tipton, Iowa 52772
7. Joe & Kathy Miller - 1602 2nd Street, Tipton, Iowa 52772
8. Pat & Sheryl Murphy - 1612 Cedar Street, Tipton, Iowa 52772
9. Michelle Nuttig - 174 Holiday Lodge Road, North Liberty, Iowa 52317
10. Dave Oaks - 1128 Franklin Street, Iowa City, Iowa 52240
11. Ted Pence - 1754 Cedar Johnson Road, West Branch, Iowa 52358
12. Lucinda Rocha - 1202 State Street, Tipton, Iowa 52772
13. John Rummelhart - 1112 E. Court Street, Iowa City, Iowa 52240
14. Dan Shima - 409 W. Sheridan Drive, Eldridge, Iowa 52748-1630
15. Kent & Deb Smith - 1116 3rd Street, Tipton, Iowa 52772
16. Kathleen Stahle - 4721 Kynnelworth Dr., Apt. 110, Bettendorf, Iowa 52722-6902
17. Hugh Stumbo - 421 W. 5th Street, Tipton, Iowa 52772
18. Larry Thompson - 1537 Charles Avenue, West Branch, Iowa 52358
19. Debra Weaver - 1205 State Street, Tipton, Iowa 52772
20. Ron & Daisy Wingert - 1389 Highway 130, Tipton, Iowa 52772

1. Kenneth & Linda Minor - 4847 Johnson Muscatine Co. Rd. SE, West Liberty, Iowa 52776  
Certified
2. Michael Meyers - 1634 130th Street, West Liberty, Iowa 52776

1. Kurt & Kathleen Gascho - 1203 Bennington Drive, Crystal Lake, IL 60014 - Certified
2. Dennis & Linda Swenka - 5220 Strawbridge Rd. NE, Iowa City, Iowa 52240
3. Richard & Linda Brennan - 755 Cedar Valley Road, Tipton, Iowa 52772
4. Ron Cain - 1411 Harding Avenue, Tipton, Iowa 52772
5. Darold & Karen King - 577 225th Street, Tipton, Iowa 52772
6. Cedar Co. Solid Waste & Transfer Station - 400 Cedar Street, Tipton, Iowa 52772

1 Copy to Tipton Conservative on 4/24/06  
1 Copy Faxed to West Liberty Index on 4/24/06  
1 Copy to Board of Supervisors

DATE 4/19/06

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON P. La Rue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil La Rue

Pam Smith

Dad Sander

Kurt Gassler

Kevin Minor

Ken Minor

Dennis Pruess

Stephanie Leisenback

David A. Schuett

Sharon Laucamp

Joe Brown

Linda Swercka

Deony Swercka

Larry Tamm

Jim Gonyier

Ron & Daisy Wingert

## **CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES**

April 19, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, April 19, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Pruess, Schuett, Weisenbach and Quinn. Members absent were Lamp and Voparil.

Chairperson Pruess called the meeting to order at 6:30 p.m. The members then considered the following petitions:

- 1. David and Pamela Smith, Iowa City (Owners)** – Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of eliminating a non-conforming permitted use and allow the replacement of the existing dwelling at 1300 State Street, Cedar Bluff. Said property is located in Lots 7 & 8, Block 3, and the triangular tract consisting of 83 feet by 322 feet by 328 feet in the unincorporated town of Cedar Bluff.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. La Rue stated the letter on file from the Tipton Fire Dept. stated they would be able to provide services. The letter from the County Engineer stated an approved entrance permit is on file to utilize the existing drive. The soil evaluation was next discussed. Limitations for septic tank disposal fields are moderate and limitations for low buildings are slight to moderate. La Rue then stated the C-1 district does not allow residential homes so the Smith's currently have a non-conforming permitted use. He informed the members he had offered to assist them with a change of zoning to R-2 so that they could replace the home. He stated due to an oversight, Lot 9, Block 3, was not included in the original legal notice which is also zoned C-1. He suggested the Commission include Lot 9 in the rezoning request to R-2 to the Board of Supervisors.

David Smith was present and explained their intention to tear down the old house and build a new home. He stated they own four lots. He stated they want to use the multiple lots to build only one house. Mr. Smith informed the members they will use the existing well and will have a new septic system installed for the new house.

After a brief discussion, Quinn made a motion to recommend the change in zoning from C-1 to R-1 to the Board of Supervisors. Weisenbach seconded the motion. Ayes all.

**2. Kenneth and Linda Minor, RFD, West Liberty (Owners) and Kevin Minor (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential to allow construction of a single family dwelling on property located in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 34, T-79N, R-4W, in Springdale Township, consisting of 2.75 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. A letter from the West Liberty Fire Department stated they can provide service and the letter from the County Engineer stated no objections. La Rue stated they would have to be careful if the septic and building were to be on the extreme east side of the property along the road because of the Colo-Ely soil complex. He stated the soil drains off to the southeast.

Kevin Minor was present and stated he wishes to build a new home on the back of the old homestead area. He stated the only reason they were going through rezoning is to basically remove the financial burden of the new house and mortgage from the entire family farm. He also stated once the financial burden has been removed they would change the zoning back to A-1. La Rue stated the C.S.R. is above 75 points but it is clustered in tight to the other farm buildings. There is a livestock building located there that will hold about 300 head and there is a lagoon located to the west. The Minor's stated they will share the existing 460' well. There are no major livestock facilities nearby. La Rue explained they attempted to find a way to do this as the second farm dwelling under Chapter 5 of the A-1 District regulations and leaving the ground as A-1 but the loaning institution did not agree. Commission member Brown would like the motion to word that the property will be rezoned back to A-1 after the loan has been paid. La Rue stated they could make that recommendation to the Board of Supervisors and it could be placed on file. The Minor's stated they have no interest in re-building any larger livestock facilities and the DNR wants the lagoon taken out when no longer in use.

After further discussion, Schuett made a motion to make a recommendation to the Board of Supervisors to grant the change in zoning from A-1 to R-1. Brown seconded the motion. Ayes all.

**3. Kent and Kathy Gascho, Crystal Lake, IL (Contract Buyers) and Dennis and Linda Swenka, Iowa City (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential to allow construction of a single family dwelling on Lot 3, Swenka's First Addition, located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 7, T-80N, R-3W, in Cass Township. Said petition is to rezone 2.00 acres of Lot 3 which consists of 12.50 acres more or less.

It was first noted there was a typo error of Kurt and not Kent on the notice. La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance in making their recommendation to the Board of Supervisors. La Rue then explained the Swenka's had previously divided the property into four lots. Since the Swenka's did not know where the prospective buyers would want to place the homes, it was decided by them that, as the ownership changed, the buyer and owner would change the zoning. The subdivision was reviewed by the Zoning Commission and the Board of Supervisors. There are fence agreements in place. Each lot will be served by individual water wells. La Rue informed the members he had marked out a radius of 1,000' on the revised drawing of the old landfill site. The 1,000 feet is the required distance in accordance with state regulations for water supplies. The County Engineer's letter stated an approved entrance permit is on file to utilize an existing driveway. The letter from the Tipton Fire Department stated they can provide services. It was noted there is a clustering of residential homes and it is following a pattern of development on a hard surface road. Mr. Gascho informed the members he intends to eventually build a home on the property and have horses. La Rue informed the members that Lot 2 remains A-1 at this time and is currently being farmed.

After further discussion, Quinn made a motion to recommend the change in zoning from A-1 to R-1 to the Board of Supervisors.

Schuett seconded the motion. Ayes 3 with Weisenbach voting nay.

Chairperson Pruess then voted aye.

Minutes from the previous meeting held on March 15, 2006, were previously sent to the members. Brown made a motion to approve the minutes as presented. Weisenbach seconded the motion. Ayes all.

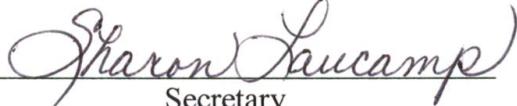
The Commission members then held discussion on the proposed Comprehensive Plan. La Rue informed the members that Jim Gonyier, E.C.I.A., previously sent out copies of the proposed plan and maps on March 27th to the incorporated cities of the county. He stated only two cities responded which were Stanwood and Mechanicsville. Stanwood stated they would like to expand their industrial park to the east but there is a problem with the landowner at this time. La Rue and Gonyier recommended to the members that they have a public hearing and adopt the plan and then get it to the Board of Supervisors in June. They stated they have been working on it for the last seven years. La Rue would like this project to move forward while there is still funding available. He also stated he would like to review this every couple of years. Changes in the plan can be made as needed. Member Weisenbach stated she had a conversation with Tom Hall, a city council member of Mechanicsville. Mr. Hall stated there are certain property owners around the town who do not want to sell property for development. Residential development for the City of Mechanicsville will probably go to the north and northeast. The members stated they would like to see orderly growth from the communities.

The future plan for Highway 30 is unsure at this time. It was noted if changes to the Comprehensive Plan need to be made in the future, the plan can be amended. The petitioner would need to convince the Planning & Zoning Commission and the Board of Supervisors if their goal conflicts with the plan. Planning changes would take approximately 1 ½ to 3 months. The petitioner should bring in their concept plan. Gonyier then stated a copy of the plan also went out to Steve Lacina, Cedar County Economic Development, and the City Managers of Durant, Tipton, West Branch and Wilton. The railroad was briefly discussed. La Rue stated he would like to eventually have a digitized land use plan.

After further discussion, Brown made a motion to put the proposed Comprehensive Plan on next month's public agenda. Schuett seconded the motion. Ayes all.

With no additional business to be discussed at this time, the meeting adjourned at 7:50 p.m.

  
\_\_\_\_\_  
Dennis Burns  
Chairperson

  
\_\_\_\_\_  
Sharon Lucamp  
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 19, 2006 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. David and Pamela Smith, Iowa City (Owners) –  
A change in zoning from C-1 to R-2 for the purpose  
of eliminating a non-conforming permitted use and  
allow the replacement of the existing dwelling
- B. Kenneth and Linda Minor, RFD, West Liberty (Owners)  
and Kevin Minor (Contract Buyer) – A change in zoning  
from A-1 to R-1 to allow construction of a single family  
dwelling
- C. Kent and Kathy Gascho, Crystal Lake, IL (Contract Buyers)  
and Dennis and Linda Swenka, Iowa City (Owners) –  
A change in zoning from A-1 to R-1 to allow construction  
of a single family dwelling on Lot 3, Swenka's First Addition
- D. Discussion on Comprehensive Plan with Jim Gonyier, E.C.I.A.

III. Discussion

IV. Conclusion

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

April 10, 2006

**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, April 19, 2006, at 6:30 p.m., 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. David and Pamela Smith, Iowa City (Owners)** – Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of eliminating a non-conforming permitted use and allow the replacement of the existing dwelling at 1300 State Street, Cedar Bluff. Said property is located in Lots 7 & 8, Block 3, and the triangular tract consisting of 83 feet by 322 feet by 328 feet in the unincorporated town of Cedar Bluff.
- 2. Kenneth and Linda Minor, RFD, West Liberty (Owners) and Kevin Minor (Contract Buyer)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential to allow construction of a single family dwelling on property located in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 34, T-79N, R-4W, in Springdale Township, consisting of 2.75 acres more or less.
- 3. Kent and Kathy Gascho, Crystal Lake, IL (Contract Buyers) and Dennis and Linda Swenka, Iowa City (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential to allow construction of a single family dwelling on Lot 3, Swenka's First Addition, located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 7, T-80N, R-3W, in Cass Township. Said petition is to rezone 2.00 acres of Lot 3 which consists of 12.50 acres more or less.

Copies sent out on 4/10/06 to the following:

1. David & Pamela Smith - 2409 Miami Drive, Iowa City, Iowa 52240 - Certified
2. Richard Achenbach - 1120 Water Street, Tipton, Iowa 52772
3. Colleen Bauer - 1212 2nd Street, Tipton, Iowa 52772
4. Lela Cox - 1211 2nd Street, Tipton, Iowa 52772
5. Tony & Lisa Jensen - 1200 State Street, Tipton, Iowa 52772
6. Donald & Sara Luettjohnn - 1203 State Street, Tipton, Iowa 52772
7. Joe & Kathy Miller - 1602 2nd Street, Tipton, Iowa 52772
8. Pat & Sheryl Murphy - 1612 Cedar Street, Tipton, Iowa 52772
9. Michelle Nutting - 174 Holiday Lodge Road, North Liberty, Iowa 52317
10. Dave Oaks - 1128 Franklin Street, Iowa City, Iowa 52240
11. Ted Pence - 1754 Cedar Johnson Road, West Branch, Iowa 52358
12. Lucinda Rocha - 1202 State Street, Tipton, Iowa 52772
13. John Rummelhart - 1112 E. Court Street, Iowa City, Iowa 52240
14. Dan Shima - 409 W. Sheridan Drive, Eldridge, Iowa 52748-1630
15. Kent & Deb Smith - 1116 3rd Street, Tipton, Iowa 52772
16. Kathleen Stahle - 4721 Kynnelworth Dr., Apt. 110, Bettendorf, Iowa 52722-6902
17. Hugh Stumbo - 421 W. 5th Street, Tipton, Iowa 52772
18. Larry Thompson - 1537 Charles Avenue, West Branch, Iowa 52358
19. Debra Weaver - 1205 State Street, Tipton, Iowa 52772
20. Ron & Daisy Wingert - 1389 Highway 130, Tipton, Iowa 52772

1. Kenneth & Linda Minor - 4847 Johnson Muscatine Co. Rd. SE, West Liberty, Iowa 52776 - Certified
2. Michael Meyers - 1634 130th Street, West Liberty, Iowa 52776

1. Kurt & Kathleen Gascho - 1203 Bennington Drive, Crystal Lake, IL 60014 - Certified
2. Dennis & Linda Swenka - 5220 Strawbridge Rd. NE, Iowa City, Iowa 52240
3. Richard & Linda Brennan - 755 Cedar Valley Road, Tipton, Iowa 52772
4. Ron Cain - 1411 Harding Avenue, Tipton, Iowa 52772
5. Darold & Karen King - 577 225th Street, Tipton, Iowa 52772
6. Cedar Co. Solid Waste & Transfer Station - 400 Cedar Street, Tipton, Iowa 52772

1 Copy faxed to West Liberty Index on 4/7/06

Copy to Tipton Conservative on 4/10/06

7 Zoning Commission Members

2 File Copies

Bulletin Board Copy

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

## **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on April 3 and 6, 2006, at 9:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Shanon Sorgenfrey, RFD, Tipton (Contract Buyer) and Murray & LuAnne Sorgenfrey, 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 W ½ of the NW ¼ of the NE ¼, Section 31, T-80N, R-2W, in Rochester Township, consisting of 2.1 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 3/20/06 to the following:

1. Shanon Sorgenfrey - 1625 270th Street, Tipton, Iowa 52772 - Certified
2. Murray & LuAnne Sorgenfrey - 1697 Monroe Avenue, Tipton, Iowa 52772

1 Copy to Tipton Conservative on 3/20/06  
Copy e-mailed to Bev P. for Board of Supervisors  
Bulletin Board copy  
2 File Copies

## **CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES**

March 15, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, March 15, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Schuett, Pruess, Weisenbach, Voparil, Quinn and Lamp.

Chairperson Pruess called the meeting to order at 6:30 p.m. The members then considered the following petition:

1. **Shanon Sorgenfrey, RFD, Tipton (Contract Buyer) and Murray & LuAnne Sorgenfrey, 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 W ½ of the NW ¼ of the NE ¼, Section 31, T-80N, R-2W, in Rochester Township, consisting of 2.1 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. He also stated this will be a minor subdivision. Murray Sorgenfrey stated they are splitting off a few acres so their daughter can build on the property. He stated it is the roughest piece in the field. La Rue stated the letter on file from John Miller, Tipton Fire Chief, stated they would be able to provide services. The letter from Rob Fangmann, Cedar County Engineer, stated an approved entrance permit is on file. The soil evaluation was next discussed. Limitations for septic systems were slight to moderate with moderate limitations due to slope. Limitations for foundations for low buildings were moderate. Limitations for agricultural farm crops were slight to moderate. A review of the CSR indicates a portion of the property is 85 points or higher. The average is around 76 points. La Rue stated he has no objections. There are no livestock facilities within one-quarter mile. La Rue stated the County Engineer has no concerns and safety is not an issue. The property is located about one mile off of Highway 38. La Rue stated there are other residential homes in the area.

After a brief discussion, Lamp made a motion to approve the rezoning request. Quinn seconded the motion. Ayes all.

Minutes from the previous meeting held on February 15, 2006, were previously sent to the members. Commission member Brown stated his observation regarding the Wiskus rezoning the previous month. The members felt they would like to see some kind of conceptual drawing prepared ahead of time so they would have more information to work with. Jim Gonyier, E.C.I.A., stated if a conceptual drawing was requested by the Zoning

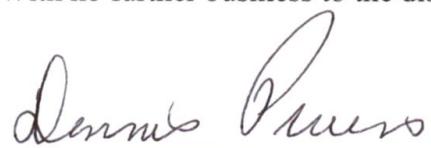
Commission of the petitioner, the ordinance would have to be amended. However, if Zoning Administrator La Rue makes the drawing, the ordinance would not have to be amended. La Rue then explained the role of the Cedar County Zoning Commission. Under the subdivision ordinance, the role is to provide review of preliminary plats for proper safety, health and welfare. It is the goal of the Zoning Ordinance also. He stated the Zoning Commission is empowered, by state code and Cedar County's ordinance, to make recommendations to the Board of Supervisors with regards to policies, ordinance changes, ordinance regulations and also specific changes to the land use plan. After further discussion, Brown made a motion to accept the minutes as presented. Voparil seconded the motion. Ayes all. Chairperson Pruess then requested Zoning Administrator La Rue to prepare a one page handout regarding the role of the Zoning Commission. He stated this would put the members on notice of what Mr. La Rue expects from them.

La Rue then explained the goals for the new proposed land use plan. He stated they want consistency with planning and not just zoning in Cedar County. He stated towards that end, land evaluation and site assessment will be one of the tools to be used to implement the Comprehensive Plan. He stated there will need to be a number of things changed for zoning and subdivision to implement the revised plan. He informed the members that the Land Evaluation and Site Assessment (LESA) is a very useful planning tool which uses a point system for different aspects of a property which is being evaluated. There will be points on land usage, soil types, transportation & environmental sensitivity. He stated these points are added up and a score calculated. This program will take time to create and test prior to it being used. He stated this will need to be put together by a board appointed by the Board of Supervisors. La Rue informed the members this is that he is going to recommend. The county will come up with their own point system. La Rue stated the Commission needs to look at other land use controls if they want to keep farming economically viable. He also stated they will need to work with CEDCO. La Rue stated if we want to allow people to build in rural Cedar County, we need to come up with a plan to completely evaluate how to determine where the homes go and expand on the land use map and the comprehensive plan. Commission member Weisenbach stated there should be some sort of flexibility within the structured system of scoring. La Rue stated the conclusion addresses that regarding the need for continual refinement of the program, the plans and ordinances. La Rue stated he wants to get a diverse group of people on the committee (Farm Bureau people, planners, farmers, people who live in the country and people who have some environmental background). La Rue will work with Jim Gonyier to determine on how to put the committee together. Voparil stated once the plan is adopted, he wants to stick with it and not vary too far in either direction. The general consensus from the commission members were in agreement for La Rue to continue with the plan. Mr. Gonyier stated this may take approximately two years.

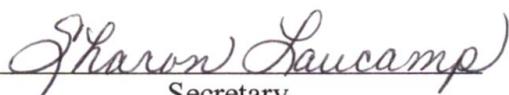
Jim Gonyier, E.C.I.A., next presented information on the draft of the proposed Land Use Plan. Mr. Gonyier stated the county attorney had reviewed it and he did approve. He questioned whether the members would like more time to look through it on their own and discuss it at another meeting. He stated they have not had public input on goals, policies and the map. He suggested sending a copy of the map to each city and receive

feedback from them. He informed the members that the Zoning Commission would need to hold a public hearing and then send it to the Board of Supervisors. La Rue stated he would like to have the Planning and Zoning Commission hearing in May and the Board of Supervisors hearing in June. La Rue stated he would like to receive thoughts from the cities. Jim Gonyier stated the proposed map is a guide and suggested it would need to be reviewed and possibly amended every five years. Future road improvements were discussed for future subdivisions. Chairperson Pruess suggested the members read pages 3 through 7 of the proposed plan. La Rue stated he would like to have approval from the Planning and Zoning Commission at the next month's meeting and forward it to the Board of Supervisors. La Rue will work on informing the cities and he will get word out to the public for their opinion.

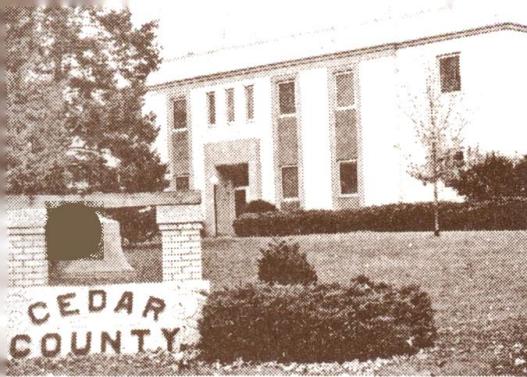
With no further business to be discussed at this time, the meeting was adjourned.



Chairperson



Secretary



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

March 6, 2006

**LEGAL NOTICE**

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 15, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. Shanon Sorgenfrey, RFD, Tipton (Contract Buyer) and Murray & LuAnne Sorgenfrey, 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 W ½ of the NW ¼ of the NE ¼, Section 31, T-80N, R-2W, in Rochester Township, consisting of 2.1 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 3/7/06 to the following:

1. Shanon Sorgenfrey - 1625 270th Street, Tipton, Iowa 52772 - Certified
2. Murray & LuAnne Sorgenfrey - 1697 Monroe Avenue, Tipton, Iowa 52772

Copy to Tipton Conservative on 3/6/06

2 File Copies

Bulletin Board Copy

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, March 15, 2006 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

- A. Shanon Sorgenfrey, RFD, Tipton (Contract Buyer) & Murray & LuAnne Sorgenfrey, RFD, Tipton (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- B. Role of the Planning and Zoning Commission – See mailed material, Zoning and Subdivision Ordinance
- C. Land Evaluation and Site Assessment (LESA) System – See mailed material
- D. Review of bound draft of the Cedar County Land Use Plan 2006 – Provided at the February 15, 2006 meeting to attending members

III. Discussion

IV. Conclusion

DATE 3/15/06

ORGANIZATION Cedar Co. Planning & Zoning Commission

CONTACT PERSON Phil La Rue

MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

David A. Schnett

Dennis Proess

Kurtis Vosaril

Larry Luiss

Shanon Sorgenfrey

Cherie Sorgenfrey

Mandy Sorgenfrey

Donna

Phil La Rue

Jim Guyer

ECIA

Stephanie Weisenbach

Joel Brown

Sharon Luucamp

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 15, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, February 15, 2006, at 6:30 p.m., in the Large Meting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Schuett, Brown, Voparil, Weisenbach and Quinn. Members absent were Lamp and Pruess.

Chairperson Pro-tem Schuett called the meeting to order at 6:30 p.m. The members then considered the following petitions:

- 1. Harold and Donna Tucker, RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of two (2) single family dwellings on a proposed three lot subdivision on property located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 26, T-80N, R-4, in Gower Township. Said petition is to rezone a total of 8.54 acres of a 32.80 acre tract.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. He then read the responses from the Tucker's regarding the rezoning questionnaire. A driveway permit has been issued. The letter from the County Engineer stated, at this time, the properties need to gain access off of 260<sup>th</sup> Street due to sight restrictions. Access from Franklin Avenue must be further studied if desired by the landowner. The letter from the West Branch Fire Department stated they can provide rescue service. The soil evaluation was next discussed. Limitations for septic systems were slight, moderate and severe with severe limitations due to slope. Limitations for foundations for low buildings were slight to moderate and limitations for agricultural farm crops were slight to severe. The C.S.R. on the majority of the property is below 75 points.

Harold Tucker then explained to the members they have five children and have given each son approximately five acres to build a home on. Their two daughters want to build closer to the pond. He has sold a few acres to his grandson to build on. He stated the property has never been farmed and they have planted new trees and a windbreak. La Rue stated the Comprehensive Plan does discourage scattered residential development when that development will not support a broad range of services. The property is approximately 6 miles northeast of West Branch. Commission member Brown stated he understands the Tucker's desire now is for family but is concerned about the future regarding divorces, deaths, etc. Mr. Tucker replied

it is in each one of the deeds that he has first opportunity to buy the property back. He stated after his passing, his son would be the administrator. The driveway was then briefly discussed. County Engineer Fangmann stated there is an approved access now off of 260<sup>th</sup> Street. Future study will need to be done if the Turner's request an access off of Franklin Avenue. The driveway access there now will require some modification. La Rue stated there are no livestock confinements of 500 head or more within one-quarter mile. Commission member Brown stated they are trying to establish a policy of allowing this type of development but this area is not in the area considered for future development. Commission member Weisenbach suggested they use good conservation practices. La Rue informed the members they could make a recommendation that the property not be further subdivided.

After further discussion, Voparil recommended approval of the zoning change with the restriction that it be for three lots only. Quinn seconded the motion. Ayes three with Brown voting nay.

2. **Jesse Minor-Nidey, West Branch (Contract Buyer) and Patricia Minor, RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NW ¼ of the SW ¼ of the SW ¼, Section 34, T-80N, R-4W, in Gower Township. Said petition is to rezone 1.19 acres of a 5.09 acre farmstead where there is an existing dwelling.

La Rue informed the members there were no written or verbal objections on file and advised them to consider the petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. La Rue stated there were a couple comments. He stated Mr. Hott to the south wants the property to look nice and Sheryl Malone wants to be sure the septic system installed meets county standards and will not adversely affect her pond. He then stated there already is a farmhouse immediately to the south. There have previously been two properties in the area which have been rezoned to R-1 Residential by Harry Hott and Robert & Sue White. There are also three dwellings in the area zoned A-1 but used as R-1.

Jess Minor-Nidey then informed the members he had grown up in the area and feels his presence would be helpful to his mother since his parents divorce. La Rue stated the C.S.R. of this property is 95 points. However, the farmstead tract is not being farmed. The soil evaluation was then discussed. Limitations for building are moderate. Limitations for septic systems are slight to moderate. There is no anticipation of a high water table in the area. There is not a livestock confinement within one-quarter mile. The West Branch Fire Department stated

they can provide emergency services. La Rue stated there is one application for a driveway permit to use the existing entrance. The letter from the County Engineer stated this entrance may require the extension of the crossroad culvert at the expense of the landowner and this location is only approved to provide access for one residence only. La Rue stated that Jesse had inquired about an access along the south end of this property which would be the second access. County Engineer Fangmann stated to share the existing entrance would be no problem but the second one may need a crossroad culvert extension to gain the 550' that is required. He stated either place will work. It was noted that the property is approximately one-quarter of a mile north of the proposed growth plan for the new proposed land use plan. The arterial road will be 290<sup>th</sup> Street. Mr. Minor-Nidey stated they will probably use the existing well.

After further discussion Quinn made a motion to recommend the rezoning request from A-1 to R-1 to the Board of Supervisors. Weisenbach seconded the motion. Ayes all.

3. **Mark Wiskus, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 24, T-80N, R-3W, in Center West Township on property consisting of 3.33 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He stated there are a number of residentially zoned or residentially used properties in this area. The letter from the Tipton Fire Department stated they can provide fire and rescue services providing the access is adequate. The letter from the County Engineer stated it is on gravel route Logan Avenue and should not cause any road concerns. An approved entrance permit is on file and has been previously installed to accommodate this location for a single family residential home.

Mark Wiskus then informed the members he basically wants to straighten the lines up of the property he owns. He stated he is a contractor and is looking at moving into the trailer on the property and building a new home on the proposed rezoning lot, eventually building another home on the lot which was previously rezoned by Kim Weber and then selling the property where the existing trailer currently sits. Phyllis Hajek, who owns the timber behind the property, was present and stated she has no problem with Mr. Wiskus building in the area but is concerned about people

using their property as their own. Mr. & Mrs. Hajek also expressed traffic concerns. Gary Harkin, adjoining property owner, inquired what Mr. Wiskus' building plans were. Mr. Wiskus' plan is to re-plat the lots and bring the lines all the way to the road so that eventually no one else can build in front of the house he plans to build for himself. La Rue stated Mr. Wiskus is intending to do a boundary line adjustment to re-plat the lots so that they can not be divided for more homes. La Rue stated there is a limitation on how long the mobile home can remain on the site after the new home is built. Mr. Wiskus stated he wishes to sell the mobile home with a small tract of land after his home is built. He stated he will have three lots. He stated he is doing this from an economical stand point for himself. This will eventually be a minor subdivision. La Rue will make sure there is adequate lot size. La Rue also informed the members this does not require a minor subdivision now but when the lines are adjusted, the parcel to be rezoned now will be the first split. When a boundary line adjustment is performed to re-plat, to include the area where the mobile home is located and tied into the area which Mr. Weber had rezoned, then the tract is split twice into three pieces. La Rue stated the Zoning Commission will not need to hear this petition again because the Board of Supervisors will review the minor subdivision. The soil evaluation was next discussed. Limitations for low buildings are moderate. Limitations for agricultural farm crops are slight to severe and limitations for septic systems are slight to severe due to slope. The C.S.R. of this property is 76 points. Commission member Brown inquired about fence line agreements. La Rue stated this will be dealt with as part of the subdivision. The members stated concern that they would have liked to have seen a plat of the proposed subdivision lots. La Rue stated there is no need for Mr. Wiskus to spend money on a survey until approval has been granted for the rezoning request.

After further discussion, Weisenbach made a motion to approve the rezoning request from A-1 to R-1. Motion died due to the lack of a second. Voparil made a motion not to approve this petition until a plat is drawn up so they know the actual locations of where everything is going to go. This motion also died due to the lack of a second. Quinn suggested the petition be forwarded to the Board of Supervisors without their recommendation since the Board of Supervisors has the final decision irregardless. La Rue briefly informed the members of the role of the Planning & Zoning Commission in the land use process. He then showed a blackboard presentation of the three lots to the members. Mr. Wiskus again stated his intention is to straighten the boundary lines. La Rue informed the members they could recommend there be only three homes.

After much further discussion, Brown made a motion to approve the rezoning request and allowing three homes only for the completed subdivision. Weisenbach seconded the motion. Ayes all.

Minutes from the previous meeting held on January 18, 2006, were previously sent to the members. Voparil moved and Quinn seconded the motion to approve the minutes as written.

With no further business to be discussed at this time, the meeting was adjourned at 7:40 p.m.

David A. Schuett  
Chairperson Pro-tem

Sharon Laucamp  
Secretary

## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on February 27, 2006, at 9:00 a.m., and March 2, 2006, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. Mark Wiskus, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 24, T-80N, R-3W, in Center West Township on property consisting of 3.33 acres more or less.
- 2. Harold and Donna Tucker, RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of two (2) single family dwellings on a proposed three lot subdivision on property located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 26, T-80N, R-4, in Gower Township. Said petition is to rezone a total of 8.54 acres of a 32.80 acre tract.
- 3. Jesse Minor-Nidey, West Branch (Contract Buyer) and Patricia Minor, RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 34, T-80N, R-4W, in Gower Township. Said petition is to rezone 1.19 acres of a 5.09 acre farmstead where there is an existing dwelling.

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 2/17/06 to the following:

1. Mark & Shelby Wiskus - 1522 Mulberry Street, Tipton, Iowa 52772 - Certified
2. Gary Hardin - 1555 Logan Avenue, Tipton, Iowa 52772
3. Phyllis Hajek Trust - 1600 King Avenue, Tipton, Iowa 52772
4. Richard A. & Barbara J. Frauenholz - 1577 Logan Avenue, Tipton, Iowa 52772
5. Robert R. & Marjorie J. Rust - 1581 Logan Avenue, Tipton, Iowa 52772
6. Richard R. Kirby & Sylvia M. Larssen - 1170 250th Street, Tipton, Iowa 52772
7. James & Maureen Bowie - 1595 Logan Avenue, Tipton, Iowa 52772
8. Charles & Cynthia Knouse - 1596 Logan Avenue, Tipton, Iowa 52772
9. Kim Weber - 1545 Logan Avenue, Tipton, Iowa 52772
10. Richard Kordick - 689 185th Street, Tipton, Iowa 52772

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1. Jesse Minor-Nidey - 545 N. 4th Street, West Branch, Iowa 52358 - Certified
2. Patricia Minor - 1778 Delta Avenue, West Branch, Iowa 52358
3. Robert & Cheryl Malone - 1748 Delta Avenue, West Branch, Iowa 52358
4. Larry Streets - 2394 Baker Avenue, West Branch, Iowa 52358
5. Harry & Patricia Hott - 339 280th Street, West Branch, Iowa 52358
6. Lawrence & Kelly Avant - 343 280th Street, West Branch, Iowa 52358
7. Marie Anderson - 1704 Charles Avenue, West Branch, Iowa 52358

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1. Harold & Donna Tucker - 1651 Franklin Avenue, West Branch, Iowa 52358
2. Beverly Brown - 576 260th Street, West Branch, Iowa 52358
3. Brown Family Ltd. - 1636 Eureka Avenue, West Branch, Iowa 52358
4. Jason & Lori Tucker - 1650 Franklin Avenue, West Branch, Iowa 52358
5. Gerald & Betty Boyd - 45208 Dunbar Place, Rockford, Illinois 61114
6. Doug & Julie Cilek - 4726 140th Street N.E., Solon, Iowa 52333
7. Jamie & Lisa Zimmerman - 1640 Franklin Avenue, West Branch, Iowa 52358
8. James & Rhoda Barnhart - 477 260th Street, West Branch, Iowa 52358

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1 Copy to Tipton Conservative & West Branch Times on 2/17/06

Copy e-mailed to Board of Supervisors Secretary

2 File Copies

Bulletin Board Copy

DATE 2/15/06

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON \_\_\_\_\_

MEETING TIME WEDNESDAY, 6:30 P.M.

**C O P Y**

MEETING ATTENDANCE:

Phil LaRue

Steve Swinkus

David A. Schett

Mark W. Zink

Harold S. Tucker

Pat Hines

Donna J. Tucker

May N. L.

Melvin Ford

Sharon Lancamp

Josh Tucker

Brian Tucker

Debbie My

yle Walek

Joel Beow

Richard Kirby

Kurtis Vopak

Stephen Weisbach

Thomas Hajek

Phyllis Hajek



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 15, 2006 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

- A. Harold and Donna Tucker, RFD, West Branch (Owners) – A change in zoning from A-1 to R-1 to allow construction of two single family dwellings on a proposed three lot subdivision
- B. Jesse Minor-Nidey, West Branch (Contract Buyer) and Patricia Minor, RFD, West Branch (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- C. Mark Wiskus, Tipton (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Conclusion

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
**Cedar County Courthouse**

**Tipton, Iowa 52772**

February 6, 2006

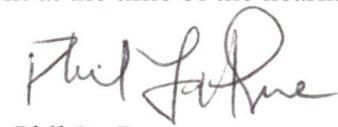
**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, February 15, 2006, at 6:30 p.m., 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. Harold and Donna Tucker, RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of two (2) single family dwellings on a proposed three lot subdivision on property located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 26, T-80N, R-4, in Gower Township. Said petition is to rezone a total of 8.54 acres of a 32.80 acre tract.
- 2. Jesse Minor-Nidey, West Branch (Contract Buyer) and Patricia Minor, RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 34, T-80N, R-4W, in Gower Township. Said petition is to rezone 1.19 acres of a 5.09 acre farmstead where there is an existing dwelling.
- 3. Mark Wiskus, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 24, T-80N, R-3W, in Center West Township on property consisting of 3.33 acres more or less.

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



Phil La Rue  
Zoning Administrator

Copies sent out on 2/8/06 to the following:

1. Harold & Donna Tucker - 1651 Franklin Avenue, West Branch, Iowa 52358 - Certified
2. Beverly Brown - 576 260th Street, West Branch, Iowa 52358
3. Brown Family Ltd. - 1636 Eureka Avenue, West Branch, Iowa 52358
4. Jason & Lori Tucker - 1650 Franklin Avenue, West Branch, Iowa 52358
5. Gerald & Betty Boyd - 45208 Dunbar Place, Rockford, Illinois 61114
6. Doug & Julie Cilek - 4726 140th Street N.E., Solon, Iowa 52333
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8. James & Rhoda Barnhart - 477 260th Street, West Branch, Iowa 52358

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1. Patricia Minor - 1778 Delta Avenue, West Branch, Iowa 52358
2. Jesse Minor-Nidey - 545 N. 4th Street, West Branch, Iowa 52358 - Certified
3. Robert & Cheryl Malone - 1748 Delta Avenue, West Branch, Iowa 52358
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9. Kim Weber - 1545 Logan Avenue, Tipton, Iowa 52772
10. Richard Kordick - 689 185th Street, Tipton, Iowa 52772

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- 1 Copy to Tipton Conservative on 2/6/06
- 1 Copy e-mailed to West Branch Times on 2/6/06
- 7 Zoning Commission members
- 2 File copies
- Bulletin Board



# OFFICE OF THE CEDAR COUNTY ENGINEER

## COURTHOUSE; 400 CEDAR ST.

## TIPTON, IOWA 52772-1752

PHONE: (563) 886-6102 FAX: (563) 886-2110 EMAIL: [engineer@cedarcounty.org](mailto:engineer@cedarcounty.org)

February 9, 2006

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

Dear Phil:

You have requested comments on the possible road impacts caused by the proposed petitions to be considered at the Planning & Zoning Commission Public Hearing to be held on **Wednesday, February 16<sup>th</sup>, 2006 at 6:30 p.m.** I will address the petition as listed on the legal notice.

1. **Harold and Donna Tucker, RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of two (2) single family dwellings on a proposed three lot subdivision on property located in the SE ¼ of the NE ¼, Section 26, T-80N, R-4, in Gower Township. Said petition is to rezone a total of 8.54 acres of a 32.80 acre tract.

This is on gravel route Franklin Avenue and 260<sup>th</sup> St. and should not cause any road concerns. At this time, the properties need to gain access off of 260<sup>th</sup> Street due to sight restrictions. Access from Franklin Avenue must be further studied if desired by the landowner.

2. **Jesse Minor-Nidey, West Branch (Contract Buyer) and Patricia Minor, RFD, West Branch (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NW ¼ of the SW ¼ of the SW ¼, Section 34, T-80N, R-4W, in Gower Township. Said petition is to rezone 1.19 acres of a 5.09 acre farmstead where there is an existing dwelling.

This is on gravel route Delta Avenue and should not cause any road concerns. An approved entrance permit is on file. Placement of this entrance may require the extension of the crossroad culvert at the expense of the landowner. This location is only approved to provide access for one residence.

3. **Mark Wiskus, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SE ¼ of the NE ¼ of the NW ¼ and the SW ¼ of the NW ¼ of the NE ¼, Section 24, T-80N, R-3W, in Center West Township on property consisting of 3.33 acres more or less.

This is on gravel route Logan Avenue and should not cause any road concerns. An approved entrance permit is on file and has been previously installed to accommodate this location for a single family residential home.

If you have any further questions, please contact me.

Sincerely,

Robert D. Fangmann, P.E.  
Cedar County Engineer

## **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on February 2 and 6, 2006, 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 Lynne Treimer, RFD, Tipton (Owners)** – Requesting approval of a Preliminary Plat of Survey for an eleven (11) lot subdivision, Timber Run, located in the SE ¼ of the SE ¼, Section 36, T-80N, R-3W, in Rochester Township, consisting of 23.39 acres more or less. Said property is currently zoned R-1 Suburban Residential.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person speaking, briefly document or outline the statement and place on file. Time will be 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 1/23/06 to the following:

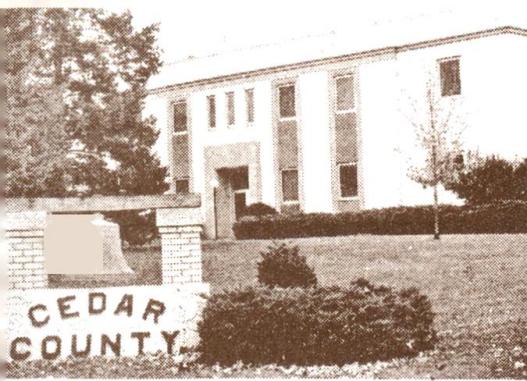
1. Dennis & Lynne Treimer - 964 270th Street, Tipton, Iowa 52772 - Certified
2. Thomas & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772
3. Susan Evers - MMS Consultants, Inc., 1917 S. Gilbert Street, Iowa City, Iowa 52240
4. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
5. LuVerne & Shirley Meyer - 1771 Highway #38, Tipton, Iowa 52772
6. Robert & Betty Thumma - 1833 Highway #38, Tipton, Iowa 52772
7. Keith & Marsha Ann Schulty - 1804 Highway #38, Tipton, Iowa 52772
8. Larry Ballenger - 2098 220th Street, Bennett, Iowa 52721
9. Stacy & Tiffany Meinert - 1776 Highway #38, Tipton, Iowa 52772
10. Barbara & Michael Williams - 1770 Highway #38, Tipton, Iowa 52772
11. Benjamin & Tanya Sterner - 1812 Highway #38, Tipton, Iowa 52772
12. Gary & Margaret Witmer - 1808 Highway #38, Tipton, Iowa 52772
13. Norman & Marilyn Kotz - 116 Elizabeth Drive, Tipton, Iowa 52772
14. Ruby Streets - 204 Cookson Drive, West Branch, Iowa 52358
15. Larry Streets - 2394 Baker Avenue, West Branch, Iowa 52358
16. Ruel & Janet Wehde - 300 E. 9th Street, Tipton, Iowa 52772

Copy e-mailed to Bev P. for B of S on 1/23/06

Copy to Tipton Conservative on 1/23/06

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 18, 2006 – **6:30 p.m.**

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

A. Dennis and Lynne Treimer, RFD, Tipton (Owners) –  
A Preliminary Plat of Survey for an eleven (11) lot  
subdivision, Timer Run

III. Conclusion

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 18, 2006

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, January 18, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Pruess, Schuett, Voparil and Weisenbach. Members absent were Brown, Lamp and Quinn.

Chairperson Pruess called the meeting to order at 6:30 p.m. The members then considered the following petition:

1. **Dennis and Lynne Treimer, RFD, Tipton (Owners)** – Requesting approval of a Preliminary Plat of Survey for an eleven (11) lot subdivision, Timber Run, located in the SE ¼ of the SE ¼, Section 36, T-80N, R-3W, in Rochester Township, consisting of 23.39 acres more or less. Said property is currently zoned R-1 Suburban Residential.

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

Glen Meisner, MMS Consultants, and Tom Hearst, representing the Treimer's, informed the members they were presenting the Preliminary Plat for Timber Run. Mr. Meisner stated the number of lots was reduced from 12 to 11 since the rezoning meeting. He also stated they had a meeting with Phil La Rue and Rob Fangmann discussing some of the items. He feels they have addressed everything which was asked for. A letter had been received from Sheila Lee, I.D.O.T. which stated she has started the process for a permit for access to IA 38 on the west side of the highway. Mr. Meisner stated they had gotten a letter from the Tipton school staff indicating they prefer to stop on Highway 38 rather than coming into the subdivision. Rob Fangmann then stated, because of the long term potential for growth in the subdivision, he would like to see added to the plat an access easement for the potential to run the cul-de-sac from Lot 7 to Highway 38 in case of future expansion. Mr. Treimer and Mr. Hearst were in agreement. La Rue then stated he would like the engineer to put in a shaded area for Zone A of the flood plain so banks and prospective buyers understand there is some flood plain in the area. Glen Meisner stated they did make a request to vary on the radius of the cul-de-sac as well as the right-of-way. La Rue read a letter received from MMS Consultants requesting the required radius of the right-of-way for the cul-de-sac be reduced from 100 feet to 50 feet and the surfacing be reduced from 50 feet to 35 feet. The letter stated they felt it was a reasonable request to reduce the size of the cul-de-sac since only one lot

will be utilizing it. Engineer Fangmann stated he recommends acceptance of the proposed change. Discussion continued regarding the school bus issue, site distance and the 66 foot right-of-way easement. La Rue stated when they get to the developing stage, an engineering firm will perform the soil evaluations for each lot. Road surfacing was discussed.

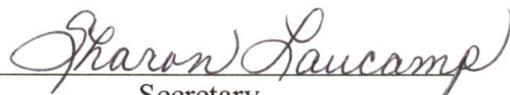
After further discussion, Voparil made a motion to recommend approval of the Preliminary Plat for Timber Run with the easement recommendation and variance on the cul-de-sac. Schuett seconded the motion. Ayes all.

Minutes from the previous meeting held on December 21, 2005, were previously sent to the members. The minutes were approved as written.

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

  
\_\_\_\_\_  
Dennis La Rue

Chairperson

  
\_\_\_\_\_  
Sharon Laucamp

Secretary



Tel: 563-886-2248

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

January 9, 2006

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, January 18, 2006, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Dennis and Lynne Treimer, RFD, Tipton (Owners)** – Requesting approval of a Preliminary Plat of Survey for an eleven (11) lot subdivision, Timber Run, located in the SE ¼ of the SE ¼, Section 36, T-80N, R-3W, in Rochester Township, consisting of 23.39 acres more or less. Said property is currently zoned R-1 Suburban Residential.

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

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 1/10/06 to the following:

1. Dennis & Lynne Treimer - 964 270th Street, Tipton, Iowa 52772 - Certified
2. Thomas & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772
3. Susan Evers - MMS Consultants, Inc., 1917 S. Gilbert Street, Iowa City, Iowa 52240
4. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
5. LuVerne & Shirley Meyer - 1771 Highway #38, Tipton, Iowa 52772
6. Robert & Betty Thumma - 1833 Highway #38, Tipton, Iowa 52772
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11. Benjamin & Tanya Sterner - 1812 Highway #38, Tipton, Iowa 52772
12. Gary & Margaret Witmer - 1808 Highway #38, Tipton, Iowa 52772
13. Norman & Marilyn Kotz - 116 Elizabeth Drive, Tipton, Iowa 52772
14. Ruby Streets - 204 Cookson Drive, West Branch, Iowa 52358
15. Larry Streets - 2394 Baker Avenue, West Branch, Iowa 52358
16. Ruel & Janet Wehde - 300 E. 9th Street, Tipton, Iowa 52772

7 Zoning Commission Members on 1/9/06

Copy to Tipton Conservative on 1/9/06

2 File Copies

1 Copy for Bulletin Board

DATE 1/18/06

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil La Rue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Lynn P. Treiner

Dennis Treiner

Steve Thom

Tom Hearst

Norman P. Kemeyer

Kathy Vopani

Dennis Phuex

Stephanie Eisenbach

Sharon Laucamp

David T. Schmitt

Robert J. Fangman

Glen Meissner

Phil

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

January 9, 2005

Stephanie Weisenbach  
879 Echo Avenue  
Mechanicsville, Iowa 52306

Dear Stephanie:

I am writing this letter in response to you being appointed to the Cedar County Planning and Zoning Commission by the Cedar County Board of Supervisors. Your willingness to serve on the Commission is appreciated.

Enclosed, please find copies of the following:

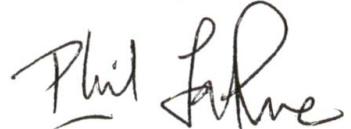
1. Legal notice and agenda for the upcoming Zoning Commission meeting on January 18, 2006
2. Cedar County Zoning and Subdivision Ordinances
3. Cedar County Comprehensive Plan (1980-2000)
4. Proposed draft goals and objectives for the new Comprehensive Plan
5. Data on zoning and construction in Cedar County
6. Information on Iowa land and needs, urban sprawl and preserving rural character
7. Land use series of handouts
8. Guide to Country Living
9. List of the Commission members

This information should provide you a wealth of information about being a zoning commissioner and work that is underway on the Comprehensive Plan. The Cedar County Zoning staff has been working hard with Jim Gonyier, East Central Intergovernmental Agency (E.C.I.A.) on the development of a useful and practical Comprehensive Plan and policies. The goal is to have clear policies and goals for the many land use issues in Cedar County in order to avoid zoning conflicts and allow consistencies in the planning process. In the coming months, amendments to the Zoning and Subdivision Ordinances

will be proposed by the Commission to the Board of Supervisors to support the policies and goals of the revised Comprehensive Plan.

If you have any questions about these materials or about serving on the Planning and Zoning Commission, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil La Rue".

Phil La Rue  
Zoning Administrator

PL:sl

Encls.

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

**COPY**

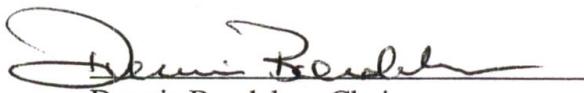
January 5, 2006

Stephanie Weisenbach  
879 Echo Avenue  
Mechanicsville, Iowa 52306

Dear Ms. Weisenbach:

Please be advised, that by motion of this Board on January 3, 2006, you were appointed to a three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2008. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,



Dennis Boedeker, Chairperson

DB:bjp

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

**COPY**

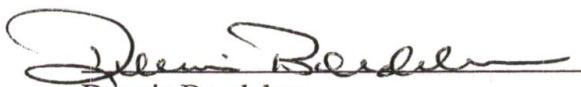
January 5, 2006

Marty Moylan  
1549 King Avenue  
Tipton, Iowa 52772

Dear Mr. Moylan:

The Board would like to thank you for your years of service on the Planning & Zoning Commission. Your willingness to serve was greatly appreciated.

Sincerely,



Dennis Boedeker

DB:bjp

E+Z

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

**COPY**

January 5, 2006

Dave Schuett  
~~1043~~ 310<sup>th</sup> Street  
Wilton, Iowa 52778

Dear Mr. Schuett:

Please be advised, that by motion of this Board on January 3, 2006, you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2008. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,

  
Dennis Boedeker

DB:bjp

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

**COPY**

January 5, 2006

Dennis Pruess  
1652 Hwy 30 E  
Clarence, Iowa 52216

Dear Mr. Pruess:

Please be advised, that by motion of this Board on January 3, 2006, you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2008. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,



Dennis Boedeker

DB:bjp

## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on January 12 and 16, 2006, 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. David Geers, Cedar Rapids (Contract Buyer) and Kirk Anderson, RFD, Clarence and Duston Anderson, RFD, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 27, T-81N, R-4W, in Cass Township. Said petition is to rezone 1.99 acres of an 18.00 acre tract.

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

BETTY ELLERHOFF  
Cedar County Auditor

Copies sent out on 12/30/05 to the following:

1. David Geers - 3645 Bel Air Dr. SE, Cedar Rapids, Iowa 52403 - Certified
2. Duston Anderson - 1660 Charles Avenue, West Branch, Iowa 52358
3. Kirk Anderson - 1507 180th Street, Clarence, Iowa 52216
4. Darrel Brotherson - 1011 Delta Avenue, Tipton, Iowa 52772
5. Jack Crowley - 1038 Delta Avenue, Tipton, Iowa 52772
6. Lucy Hansen - 1004 Delta Avenue, Tipton, Iowa 52772
7. John Crowley - 1036 Delta Avenue, Tipton, Iowa 52772
8. Bob Kuncl - 966 Delta Avenue, Tipton, Iowa 52772
9. Jim Kasper - 1004 Delta Avenue, Tipton, Iowa 52772
10. Phil Carls - 986 Delta Avenue, Tipton, Iowa 52772

Tipton Conservative and West Branch Times on 12/30/05

Board of Supervisors

2 File Copies

Bulletin Board