

DATE 12/19/07
ORGANIZATION Cedar Co. Pk 3 Comm.
CONTACT PERSON Phil LaFue
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

Phil LaFue

Dan Backlund

Angie Backlund

Brian K. Carlson

Kurt J. Kopar

Dennis Pruess

Lawrence Luning

Joey M. Linn

Dawn Boedeker

Elmer Behrens

Phyllis Behrens

David A. Schmitt

Robert O. Fargnani

Sharon Laucamp

Jana Damsell

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 19, 2007

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, December 19, 2007, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Voparil, Dornfeld, Pruess, Schuett, Moylan and Quinn. Member absent was Brown.

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

- 1. Dean and Twyla Bickford, 1288 Green Road, Tipton (Contract Buyers) and Gilbert and Phyllis Behrens, 1224 Green 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 property located in the SE ¼ of the SE ¼, Section 6, T-80N, R-3W, in Cass Township, consisting of 1.84 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 the petition in accordance with Chapter 18.2(3) of the Zoning Ordinance in making their recommendation to the Board of Supervisors.

The letter received from County Engineer Rob Fangmann stated the site is located on gravel route Harding Avenue and should not cause any road concerns. An approved entrance permit is on file and an existing dry fill entrance shall be utilized for access. The letter from the Tipton Fire Department stated they can and will be able to provide emergency services and also stated they want a suitable access and driveway. The soil inventory was then discussed. Limitations for septic systems are slight to moderate. Limitations for low buildings are slight to moderate and limitations for agricultural farm crops are also slight to moderate. The C.S.R. on part of the property is 90 points and 63 on another portion, with an average of slightly above 75 points. Engineer Fangmann stated the county has part of the property, owned by Gilbert & Phyllis Behrens, by easement created when the north Buchanan Road was paved. He stated the Bickford's approached him a couple of years ago about the property. He stated, after reviewing it, he wants to maintain enough right-of-way on the paved road to allow for any future maintenance to be done. This would also include the draw going through the corner of Harding Avenue and Green Road from the culvert that goes under Harding and a culvert that goes under the paved road. County Supervisor Dennis Boedeker was present and stated the County is willing to give up the easement. La Rue stated the Comprehensive Plan does discourage scattered residential development when the resulting density will not support

the broad range of services. He stated the property across the road from the Bickford's is zoned R-1. He also stated it does appear that this will also require a minor subdivision. Engineer Fangmann stated a legal description will need to be drawn up with a formal description of the property and revised easement. He stated he did not want to vacate the easement until he had a legal description and he did not want the county to incur that cost. Therefore, the county will not spend any money to vacate this.

Dean Bickford was present and stated that he and his wife would like to build a single family dwelling. He stated they are downsizing from their current house. He presented a rough picture of the proposed home. There is no problem with the house placement. La Rue stated he anticipates no problem with the proposed well or septic system. Gilbert Behrens was present and stated the area could not be farmed because it was wasted when the road was put in. Mr. Bickford stated he plans on excavating the area to get it shaped and landscaped the way he wants it before constructing the house. La Rue stated they may need an engineering firm to help with the soil evaluation. Chairperson Pruess questioned if there were any concerns regarding allowing a house being built on a curve. Engineer Fangmann stated that with the easement that the county will retain, the setbacks will be met. He stated that is also why the access will be coming off the gravel road. Mr. Bickford stated the house will be approximately 350 feet from the curve in the road. The county will lose approximately 1.84 acres on the corner and the county will retain approximately .96 acres in the easement.

After further discussion, Moylan made a motion to approve the request in zoning from A-1 to R-1 for construction of a single family dwelling. Schuett seconded the motion. Commission member Voparil suggested he would like added to the motion that a soil evaluation be done by an engineer to place the septic system. Mr. Bickford stated the septic system will not come out of the area where the previous easement was. He stated the septic system will be placed in the cornfield that is there now. La Rue stated that he will be asking the Board of Supervisors to schedule their hearing for the rezoning after the correction is made to the property regarding the county giving up the right-of-way and vacating the property. County Engineer Fangmann stated that a licensed engineer will need to create a plat of the ground to be vacated. Chairperson Pruess then called for a vote with all members voting aye.

2. **Brett Esbaum, 202 8th Street, Lowden (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property where a dwelling previously existed located at 2000 140th Street, Lowden, in

the NE ¼ of the NE ¼, Section 29, T-82N, R-1W, in Massillon Township. Said petition is to rezone 1.00 acres of a 3.95 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 Zoning Ordinance. He stated the home was removed in 1989, and because it was removed before April of 1996, a change in zoning is needed before a new home can be placed on the property. There is a new well on the site. The property already has a 911 address. The letter from County Engineer Fangmann the property is located on gravel route 140th Street and should not cause any road concerns. An approved entrance permit is on file and an existing entrance shall be utilized for access. The letter from the Clarence Fire Department stated they can provide emergency services. The soil inventory was then discussed. Limitations for septic systems are slight to moderate and severe. He stated the reason is that a portion of the north and northeast corner of the area has a high water table. Limitations for foundations for low buildings are slight to severe. The home will not be constructed in the high water table area. Limitations for agricultural farm crops are slight to moderate. It was noted the property is not in current production. The C.S.R. on the property is 70 in the Colo-Ely soils and 90 in the Dinsdale Silt Loam soils. The proposed house will be built within the acreage site.

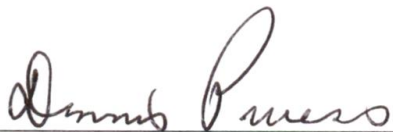
Brett Esbaum was present and stated he wishes to place the home up on the hill on the high ground. It was noted there are no livestock operations in the immediate area.

After a brief discussion, Dornfeld made a motion to approve the rezoning request from A-1 to R-1 to allow construction of a single family home. Voparil seconded the motion. Ayes all.

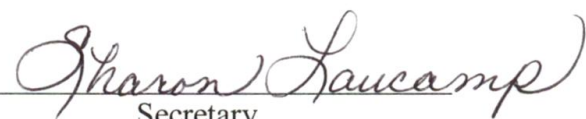
The minutes from the previous meeting held on November 20, 2006, were previously sent to the members. Schuett made a motion approve the minutes as presented. Moylan seconded the motion. Ayes all.

Dennis Pruess agreed to be chairperson again for another year.

With no further business to be discussed at this time, the meeting was adjourned at 6:55 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

December 10, 2007

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 19, 2007, 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. **Dean and Twyla Bickford, 1288 Green Road, Tipton (Contract Buyers) and Gilbert and Phyllis Behrens, 1224 Green 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 property located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 6, T-80N, R-3W, in Cass Township, consisting of 1.84 acres more or less.
2. **Brett Esbaum, 202 8th Street, Lowden (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property where a dwelling previously existed located at 2000 140th Street, Lowden, in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 29, T-82N, R-1W, in Massillon Township. Said petition is to rezone 1.00 acres of a 3.95 acre tract.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 12/11/07 to the following:

1. Dean & Twyla Bickford - 1288 Green Road, Tipton, Iowa 52772 - Certified
2. Gilbert & Phyllis Behrens - 1224 Green Road, Tipton, Iowa 52772
3. Elaine Lieser - 1313 Harding Avenue, Tipton, Iowa 52772
4. Laverne Fogg - 206 W. 7th Street, Tipton, Iowa 52772
5. Ronald Wiechert - 710 Green Road, Tipton, Iowa 52772
6. Robert & Kathy Leong - 1288 Green Road, Tipton, Iowa 52772

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1. Brett Esbaum - P.O. Box 253, Lowden, Iowa 52255 - Certified
 2. Kroemer Five Star Farm, Inc. - ~~94 5th Street Pl.~~, Lowden, Iowa 52255 *P.O. Box 477*
 3. Doris M. Weiland Trust - 604 5th Street, Lowden, Iowa 52255
 4. Veneta Kroemer Et Ali - 902 McKinley Avenue, Lowden, Iowa 52255
 5. Dennis & Leatrice Stresemann - P.O. Box 356, Clarence, Iowa 52216
-

Copy to Tipton Conservative and Sun News on 12/10/07

7 Zoning Commission Members

2 Copies for Files

Bulletin Board Copy

Richard Kordick - 689 185th Street, Tipton, Iowa 52772



Tel: 563-886-2248

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

AGENDA

Cedar County Planning & Zoning Commission

Wednesday, December 19, 2007 – 6:30 p.m.

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
 - A. Dean & Twyla Bickford, 1288 Green Road, Tipton (Contract Buyers) & Gilbert & Phyllis Behrens, 1224 Green Road, Tipton (Owners) – A change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling
 - B. Brett Esbaum, 202 8th Street, Lowden (Owner) – A change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling
- III. Discussion
- IV. Conclusion

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on December 6 and 10, 2007, at 8:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. Phyllis Juchter, 2166 230th St., Bennett (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 Juchter's First Addition, a proposed minor subdivision located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 10, T-80N, R-1W, in Inland Township, consisting of 2.20 acres more or less.
- 2. Jeff and Joanna Reichert, 876 247th St., Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed three (3) lot subdivision located in the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 31, T-80N, R-4W, in Gower Township, consisting of 6.00 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 who speaks also provide a short written summary or outline of the statement they give to be placed 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 11/27/07 to the following:

1. Phyllis A. Juchter - 2166 230th Street, Bennett, Iowa 52721 - Certified
 2. Richard Juchter - 114 Addies Ct., Wilton, Iowa 52778
 3. Roger Wiese Trust - 2111 230th Street, Bennett, Iowa 52721
 4. James J. & Nancy A. Schneckloth - 2162 230th Street, Bennett, Iowa 52721-9651
 5. Stanley M. Wright - 2157 230th Street, Bennett, Iowa 52721
 6. William J. & Patricia J. Urmie - 2169 220th Street, Bennett, Iowa 52721-9644
 7. Dallas R. & Joann L. Rekemeyer - 1289 Washington Avenue, Bennett, Iowa 52721-9647
 8. John F. Prew - 316 Rochester Road, Poplar Grove, IL 61065-9275
 9. Angela K. & Davin L. Moeller - 2181 230th Street, Bennett, Iowa 52721
 10. Brett C. Moeller - 2187 230th Street, Bennett, Iowa 52721-9651
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1. Jeff & Joanna Reichert - 876 247th Street, Tipton, Iowa 52772 - Certified
 2. Joanne & Wayne A. Brookshear - P.O. Box 126, West Branch, Iowa 52358
 3. Eric C. & Sarah E. Bailey - 5663 Lower West Branch Road, West Branch, Iowa 52358
 4. Peggy F. Bailey - 1716 Baker Avenue, West Branch, Iowa 52358-8636
 5. Binbuster Inc. - 1631 Eastpointe Drive, Mt. Pleasant, Iowa 48858
 6. Kenneth R. & Bailey Goody - 1748 Baker Avenue, West Branch, Iowa 52358
 7. Earl & Marilyn Wichmann - 1884 V. Avenue, Homestead, Iowa 52236-8519
 8. Gary L. & Caroline S. Zeman - 1754 Baker Avenue, West Branch, Iowa 52358-8636
 9. Kevin P. Stout - 1758 Baker Avenue, West Branch, Iowa 52358-8636
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Copy e-mailed to Board of Supervisors Secretary on 11/26/07
Copy to Tipton Conservative and West Branch Times on 11/26/07
2 File Copies
Bulletin Board Copy

Richard Kordick - Kordick Surveying, 689 185th Street, Tipton, Iowa 52772

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 20, 2007

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Tuesday, November 20, 2007, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Quinn, Dornfeld, Pruess, Moylan, Schuett and Brown. Member absent was Voparil.

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

- 1. Cedar County P.C.S., L.L.C., 608 Lombard St., Clarence (Leasee) and James and Sharon Wilson, 1826 230th St., Bennett (Lessor & Owners)** – Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 7, T-80N, R-1W, in Inland Township. Said property is currently zoned A-1 Agricultural.

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 Telecommunication Ordinance #30 and Chapter 17.18(2) of the Zoning Ordinance in making their recommendation to the Cedar County Board of Adjustment. Bill McNally was present on behalf of Iowa Wireless and Engineer Curtis Eldred from Des Moines. Mr. McNally stated his company wishes to place a 190 foot self-supporting telecommunication tower west of Taylor Avenue. He stated there is a gap in the coverage area around Bennett. This proposed tower would serve the Bennett area. He stated it will be similar to the tower in Rochester except that it will be self supporting rather than a monopole. He informed the members there will be a fence around the building. He also stated they could not co-locate with another tower site. The letter received from County Engineer Rob Fangmann stated the site is located on Taylor Avenue and will not have any effect on the road system. The existing entrance is adequate to serve the tower. La Rue stated their request does comply with Cedar County Telecommunication Ordinance. The soil evaluation was then discussed. The soils on the site are Muscatine Silt Loam with a seasonal high water table. The C.S.R. in the area is 100 points. There will be a minimal area of 75' x 75' used for the tower site. Limitations for structures are moderate. The tower is designed to collapse upon itself. Commission member Brown questioned if a light could be installed on the tower. Engineer Eldred stated there are no regulations at this time that require a light be installed on this height of a tower. He stated if they were required to, they would not have a problem in doing so.

After further discussion, Brown made a motion to recommend approval to the Board of Adjustment with the recommendation that the tower be lighted. Dornfeld seconded the motion. Ayes all.

2. **Phyllis Juchter, 2166 230th St., Bennett (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 Juchter's First Addition, a proposed minor subdivision located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 10, T-80N, R-1W, in Inland Township, consisting of 2.20 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 also stated this request will also require a minor subdivision as well as a rezoning. He stated the Comprehensive Plan does discourage scattered residential development. He stated there are a number of agricultural zoned residential homes in the area. The letter received from the County Engineer stated this property is located on gravel route 230th Street and should not cause any road concerns. An approved entrance permit is on file. The letter from the Bennett Fire Department stated they will be able to provide fire and rescue services to the site. The soil evaluation was next discussed. Limitations for septic systems are slight to moderate. Limitations for foundations are moderate and agricultural farm crops are slight. The C.S.R. is 100 points. The soil type is Muscatine Silt Loam with a seasonal high water table. La Rue stated for a septic system they may need to use shallow trenches with a curtain tile.

Richard Juchter was present and showed the members on the aerial photo where the proposed rezoning site is located. He stated the property is east of his mother's existing farm buildings. Mr. Juchter stated he has no plans for any more development in the future. He also stated the proposed rezoning site is for a home for him and his wife. He stated his mother lives in one house and he originally had a double wide mobile home setting on the site. He informed the members that the mobile home will be taken down and the new home will be located east of it. There was a brief discussion regarding a Special Use Permit as opposed to a rezoning request. It was noted a Special Use Permit is not available since Mr. Juchter only owns two acres. The new home will be approximately 150 to 200 feet away from the current mobile home. Commission member Brown stated, if approved, he hopes this does not set a precedence in the future in the area.

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

- 3. Jeff and Joanna Reichert, 876 247th St., Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed three (3) lot subdivision located in the E ½ of the SE ¼ of the NE ¼, Section 31, T-80N, R-4W, in Gower Township, consisting of 6.00 acres more or less.

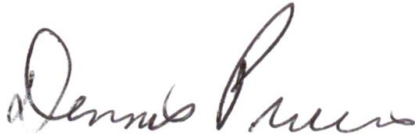
La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He also stated this will constitute a subdivision. He stated the Comprehensive Plan does discourage scattered residential development. However, this property is located on a hard surfaced road and to the south is Wombacher's First, Second and Third Subdivision. The letter from County Engineer, Rob Fangmann, stated this property is located on paved route Baker Avenue and should not cause any road concerns. An approved entrance permit is on file. The letter from the West Branch Fire Department stated they are willing and able to provide emergency fire and rescue response to the proposed rezoning site. La Rue stated there is some flood plain on the property which affects the west boundary. He also stated that with the minor subdivision approval, he will request that Mr. Kordick mark down on the plat the boundaries of Zone A on the Flood Insurance Rate Map. The soil evaluation was next discussed. The septic limitations are moderate to severe and the sites may need to have alternate septic systems. Limitations for building are moderate to severe with limitations based on flooding and a high water table. Limitations for agricultural farm crops are slight to severe. He stated that he would recommend two lots instead of three because he has a concern about Lot 1. There will be one entrance and each lot will have their own well & septic. Mr. & Mrs. Reichert stated they are only in the preliminary stages of platting. It was noted there is one livestock confinement located approximately one-half mile away. Chairperson Pruess then asked for comments from the audience. Larry Bailey, adjoining property owner, stated his concern because he has put hog slurry on the 57 acres south of the proposed building site and did not want neighbors to complain. He also questioned whether there would be further development north of JoAnne Brookshire. Mr. Reichert stated there are no current plans but there could be in the future. Peg Bailey questioned the quality of houses to be built. Mr. Reichert stated it could be put in the covenants as they sell the lots off. He is also concerned about the smell. La Rue stated this property is outside of the area of future residential development. However, it is located on a hard surfaced road and it is in an area where there is considerable demand for development. Ann Nash, representing Binbuster, Inc., questioned where the driveway would be located. It was noted the site distance is best at Lot 2. Larry Bailey then stated he has no problem with the subdivision but would like to

see covenants drawn up before the next meeting so they will know what kind of houses and what various restrictions will be applied. La Rue stated he does not believe the Zoning Commission can require this at the map amendment stage. He stated the commission members can recommend to the Board of Supervisors the covenants be included when they are reviewing the subdivision. La Rue also stated the subdivision has to be platted and approved by the Board of Supervisors before it is recorded. Mrs. Bailey stated her concern regarding road traffic. La Rue stated the engineer has to approve the access. The hill will also be cut down.

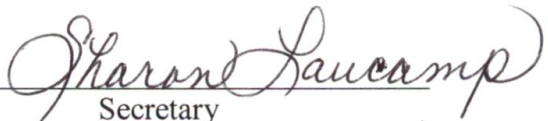
After further discussion, Schuett made a motion to recommend approval of the rezoning request from A-1 to R-1 for two lots. Moylan seconded the motion. It was noted the engineer for the subdivision will dictate how many homes. Quinn then suggested an amendment to the motion requesting the members see an exact drawing and bring it back to the next meeting before a final vote is taken. After further discussion, Quinn withdrew his comment. The members then went back to the original motion to recommend approval of the rezoning request from A-1 to R-1 for two lots. Five ayes with Brown voting nay.

The minutes from the previous meeting held on October 17, 2007, were previously sent to the members. Brown made a motion to approve the minutes as presented. Moylan seconded the motion. Ayes all.

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



Chairperson
Dennis Pruess

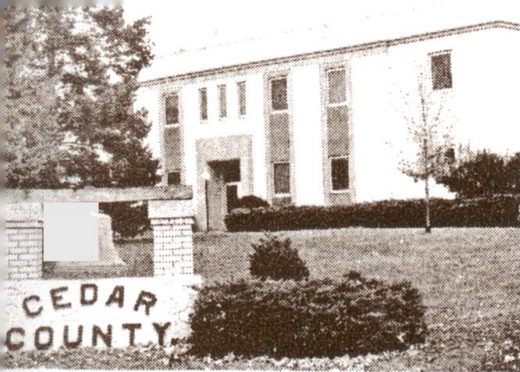


Secretary
Sharon Laucamp

DATE 11/20/07
ORGANIZATION Px 2 Comm.
CONTACT PERSON Phil LaRue
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

<u>Peg Bailey</u>	<u>David G. Schmitt</u>
<u>Larry Bailey</u>	<u>Marty Myle</u>
<u>Curtis Eldred</u>	<u>Sharon Laucamp</u>
<u>Joanna Reichert</u>	
<u>Jeff Reichert</u>	
<u>Phil LaRue</u>	
<u>Joe Dunne</u>	
<u>Lawrence Quinn</u>	
<u>Bill McNally</u>	
<u>Dennis Proess</u>	
<u>Richard Vukle</u>	
<u>Ann Nash</u>	
<u>Craig Nash</u>	
<u>Aaron Uitenbroek</u>	
<u>Sharon Wilson</u>	
<u>Jim Wilson</u>	



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

November 5, 2007

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Tuesday, November 20, 2007, 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. **Cedar County P.C.S., L.L.C., 608 Lombard St., Clarence (Leasee) and James and Sharon Wilson, 1826 230th St., Bennett (Leasor & Owners)** – Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 7, T-80N, R-1W, in Inland Township. Said property is currently zoned A-1 Agricultural.
2. **Phyllis Juchter, 2166 230th St., Bennett (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 Juchter's First Addition, a proposed minor subdivision located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 10, T-80N, R-1W, in Inland Township, consisting of 2.20 acres more or less.
3. **Jeff and Joanna Reichert, 876 247th St., Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed three (3) lot subdivision located in the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 31, T-80N, R-4W, in Gower Township, consisting of 6.00 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said 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 11/6/07 to the following:

1. Cedar County PCS, L.L.C. - ^{P.O. Box 246} ~~608 Lombard Street~~, Clarence, Iowa 52216 - Certified
 2. C & S Iowa Land, L.L.C. - % Susan Tuax, 6316 East Monte Cristo, Scottsdale, AZ 85254
 3. Richard J. & Sandra L. Tillman - 5080 45th Avenue, Bettendorf, Iowa 52722
 4. Reynold L. & Bonnie Mowry - 1917 240th Street, Bennett, Iowa 52721-9654
 5. Wayne Ralfs - 128 S. Locust Street, P.O. Box 268, Bennett, Iowa 52721
 6. Judith A. Glaser - P.O. Box 338, Bennett, Iowa 52721-0338
 7. Kevin J. & Angela R. Timmerman - 1413 Taylor Avenue, Bennett, Iowa 52721
 8. Midwest Land Cattle, Inc. - 1937 Highway 130, Bennett, Iowa 52721
 9. David G. & Beverly L. Dahl - 1435 Spencer Avenue, Bennett, Iowa 52721-9658
 - ~~10. James E. Rohlf & Patricia D. Rohlf Barglof - 1311 Taylor Avenue, Bennett, Iowa 52721-9661~~
 11. James & Sharon Wilson - 1826 230th Street, Bennett, Iowa 52721-9662
 10. Patricia E. Rohlf Barglof - 1311 Taylor Avenue, Bennett, Iowa 52721-9661
-

1. Phyllis A. Juchter - 2166 230th Street, Bennett, Iowa 52721 - Certified
 2. Richard Juchter - 114 Addies Ct., Wilton, Iowa 52778
 3. Roger Wiese Trust - 2111 230th Street, Bennett, Iowa 52721
 4. James J. & Nancy A. Schneckloth - 2162 230th Street, Bennett, Iowa 52721-9651
 5. Stanley M. Wright - 2157 230th Street, Bennett, Iowa 52721
 6. William J. & Patricia J. Urmie - 2169 220th Street, Bennett, Iowa 52721-9644
 7. Dallas R. & Joann L. Rekemeyer - 1289 Washington Avenue, Bennett, Iowa 52721-9647
 8. John F. Prew - 316 Rochester Road, Poplar Grove, IL 61065-9275
 9. Angela K. & Devin L. Moeller - 2181 230th Street, Bennett, Iowa 52721
 10. Brett C. Moeller - 2187 230th Street, Bennett, Iowa 52721-9651
-

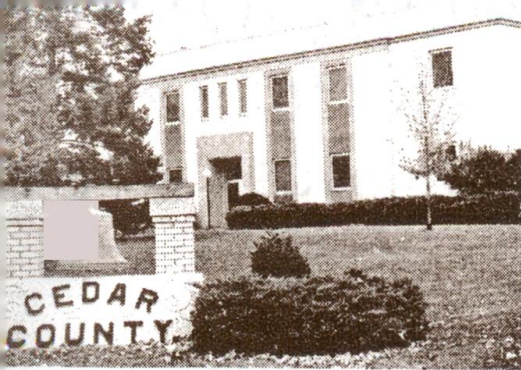
1. Jeff & Joanna Reichert - 876 247th Street, Tipton, Iowa 52772 - Certified
 2. Joanne & Wayne A. Brookshear - 1723 Baker Avenue, West Branch, Iowa 52358 ^{P.O. Box 126}
 3. Eric C. & Sarah E. Bailey - 5663 Lower West Branch Road, West Branch, Iowa 52358
 4. Peggy F. Bailey - 1716 Baker Avenue, West Branch, Iowa 52358-8636
 5. Binbuster Inc. - 1631 Eastpointe Drive, Mt. Pleasant, Iowa 48858
 6. Kenneth R. & Bailey Goody - 1748 Baker Avenue, West Branch, Iowa 52358
 7. Earl & Marilyn Wichmann - 1884 V. Avenue, Homestead, Iowa 52236-8519
 8. Gary L. & Caroline S. Zeman - 1754 Baker Avenue, West Branch, Iowa 52358-8636
 9. Kevin P. Stout - 1758 Baker Avenue, West Branch, Iowa 52358-8636
-

7 Zoning Commission members on 11/6/07

Copy to Tipton Conservative & West Branch Times on 11/5/07

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Tel: 563-886-2248

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

AGENDA

Cedar County Planning & Zoning Commission

Tuesday, November 20, 2007 – 6:30 p.m.

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

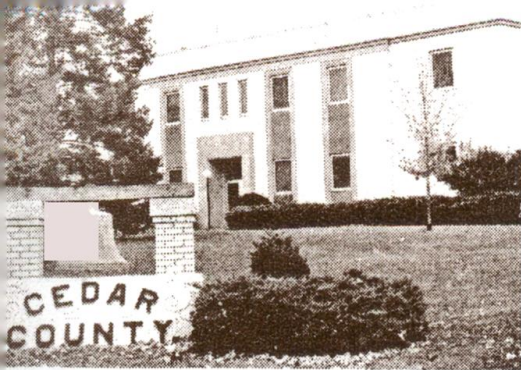
I. Introduction

II. Review of the petitions received from:

- A. Cedar County P.C.S., L.L.C., 608 Lombard St.,
Clarence (Leasee) and James & Sharon Wilson,
1826 230th St., Bennett (Leasor & Owners) –
A Special Use Permit authorizing the location of
a 190 foot tall wireless communication tower
- B. Phyllis Juchter, 2166 230th St., Bennett (Owner) –
A change in zoning from A-1 to R-1 for the purpose
of constructing a single family dwelling on Juchter's
First Addition, a proposed minor subdivision.
- C. Jeff and Joanna Reichert, 876 247th St., Tipton (Owners) –
A change in zoning from A-1 to R-1 for the purpose of
constructing single family dwellings on a proposed
three (3) lot subdivision

III. Discussion

IV. Conclusion



Tel: 563-886-2248

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

November 6, 2007

TO: Cedar County Planning and Zoning Commission Members

Please note the change of the meeting date for the Zoning Commission Meeting this month from Wednesday to Tuesday, November 20th. The date has been changed due to the Thanksgiving holiday on Thursday.

Please notify this office at your earliest convenience if this change will not work for you. Thank you.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 17, 2007

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, October 17, 2007, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Moylan, Pruess, Dornfeld, Brown and Quinn. Members absent were Voparil and Schuett.

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

- 1. Edgewood Land Co., 143 Buckeye Road, West Branch (Owners)** – Requesting approval of a Preliminary and Final Plat of Survey for Edgewood Subdivision, a proposed eight (8) lot subdivision located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 8, T-80N, R-4W, in Gower Township, consisting of 35.38 acres more or less.

Zoning Administrator La Rue advised the members there were no written or verbal objections on file for this petition. He advised them that Lot A has not been approved for a change in zoning. He stated Lot A will remain agricultural which is a drainage area. He advised the members to review this petition in accordance with Chapter 3, 4, 6, 7 & 8 of the Cedar County Subdivision regulations. The letter received from the County Engineer stated this property is located on paved route Baker Avenue and should not cause any road concerns. An approved entrance permit is on file. It also stated that an existing entrance must be removed before the sale of Lot 8. He stated the plat closes within acceptable limits and the submitted cost estimate should be adequate for anticipated construction costs. La Rue stated he has the estimate of construction costs and now has the letter from Wells Fargo Bank. He also stated he is in receipt from VSP Engineering regarding the soil evaluation for the lots. He stated the platted ground does not have soils which will support conventional septic systems due to problems with the Fayette Silt Loam Soil. County Engineer Fangmann was present and stated the entrance to Lot 8 will be allowed to currently remain as an agricultural access. However, the owner of Lot 8 will not be able to use it. It will be removed later. Fangmann also stated the letter of credit satisfies the cost estimate assuming the language is proper. It was noted the lot sizes are appropriate for septic systems. The road system was then discussed. Richard Kordick, engineer for the subdivision, stated there will be a 6" rock base and it will be seal coated shortly after compacting and putting it in place. The developer will put the road in for the home owners but the homeowner's association will perform the road maintenance. Rob Fangmann stated the subdivision ordinance gives a lot stricter road design criteria because,

in the past, the road would come into the county system. Since then the Board of Supervisors has passed a resolution that the roads would not come into the county's jurisdiction. Therefore, the Secondary Road Department has gotten out of road design telling the developer how the road is to be designed because the Secondary Road Department will not be taking it over. Richard Kordick stated the plans tell what the road will be composed of. The letter of credit and the covenants were discussed. La Rue stated the covenants are not enforceable by Cedar County. He also stated the homeowner's association has to provide an annual water test results to his department. He suggested that a certified well contractor take the water sample annually. He stated there will be two wells supplying water to four lots each. A stub will be put on each water line to the properties. Rob Fangmann questioned whether Lot 3 would share the access of Lot 4. Kordick stated they will have access off the cul-de-sac or an easement could be provided. Glen Waters stated that Lot 3 & 5 will have an easement to the road depending on the placement of the houses. The utility company has reviewed and approved of the plat. Kordick stated there is a utility easement behind the right-of-way line.

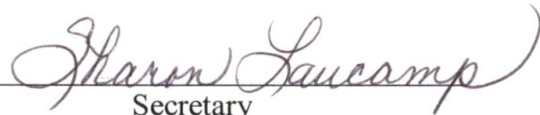
After further discussion, Quinn made a motion to recommend approval of the Preliminary and Final Plat for Edgewood Subdivision to the Board of Supervisors. Dornfeld seconded the motion. Ayes all.

The minutes from the previous meeting held on August 15, 2007, were previously sent to the members. Brown 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 was adjourned.



Chairperson
Dennis Pruess



Secretary
Sharon Laucamp

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on November 5 and 8, 2007, 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. Edgewood Land Co., 143 Buckeye Road, West Branch (Owners)** – Requesting approval of a Preliminary and Final Plat of Survey for Edgewood Subdivision, a proposed eight (8) lot subdivision located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 8, T-80N, R-4W, in Gower Township, consisting of 35.38 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 who speaks also provide a short written summary or outline of the statement they give to be placed 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 10/26/07 to the following:

1. Edgewood Land Company - 143 Buckeye Road, West Branch, Iowa 52358 - Certified
2. Waters Family LTD - 143 Buckeye Road, West Branch, Iowa 52358
3. Lyle Waters - 1929 River Vista Road, Muscatine, Iowa 52761
4. Tom Moore III - 1304 Baker Avenue, West Branch, Iowa 52358
5. Deanna Lear - 10 East Zellar Street, North Liberty, Iowa 52317-9309
6. Jerry Wayne Roberts - P.O. Box 684, West Branch, Iowa 52358-0684
7. Pauline & Kenneth Hunter - Paul Moore Family Trust, 1345 Baker Ave., West Branch 52358
8. Charles F. Krall Family Trust - Barbara A. Krall, 163 250th St., West Branch, Iowa 52358
9. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
10. Daniel Richard Coburn & Mary Patricia Bodell - 1349 Baker Avenue, West Branch, Iowa 52358

Copy e-mailed to Board of Supervisors Secretary on 10/22/07

Copy e-mailed to Tipton Conservative & West Branch Times on 10/26/07

Bulletin Board

2 File Copies

DATE 10/17/07
ORGANIZATION Ex 3 Comm.
CONTACT PERSON Phil LaRue
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

Phil LaRue

Dennis Pruess

Joel Brown

Laurence Loring

10 July 10

John a Danyell

Robert O. Fargy

Lyle Waters

Robert M Kordak

Sharon Lucamp

Glen Waters

DATE 10/17/07
ORGANIZATION Gx 3 Comm.
CONTACT PERSON Phil LaRue
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

Phil LaRue

Dennis Pruess

Joel Brown

Lauren L...

John D. L...

John a D...

Robert O. Farg...

Lyle Waters

Richard M. Kordak

Sharon Luccamp

Glen Waters



Tel: 563-886-2248

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

AGENDA

Cedar County Planning & Zoning Commission

October 17, 2007 – 6:30 p.m.

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
 - A. Edgewood Land Co., 143 Buckeye Road,
West Branch (Owners) – Approval of a
Preliminary & Final Plat of Survey for
Edgewood Subdivision, a proposed eight (8)
lot subdivision
- III. Discussion
- IV. Conclusion



Tel: 563-886-2248

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

October 8, 2007

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 17, 2007, 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. Edgewood Land Co., 143 Buckeye Road, West Branch (Owners)** – Requesting approval of a Preliminary and Final Plat of Survey for Edgewood Subdivision, a proposed eight (8) lot subdivision located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 8, T-80N, R-4W, in Gower Township, consisting of 35.38 acres more or less.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 10/9/07 to the following:

1. Edgewood Land Company - 143 Buckeye Road, West Branch, Iowa 52358 - Certified
2. Waters Family LTD - 143 Buckeye Road, West Branch, Iowa 52358
3. Lyle Waters - 1929 River Vista Road, Muscatine, Iowa 52761
4. Tom Moore III - 1304 Baker Avenue, West Branch, Iowa 52358
5. Deanna Lear - 10 East Zellar Street, North Liberty, Iowa 52317-9309
6. Jerry Wayne Roberts - P.O. Box 684, West Branch, Iowa 52358-0684
7. Pauline & Kenneth Hunter, Paul Moore Family Trust - 1345 Baker Avenue, West Branch 52358
8. Charles F. Krall Family Trust, Barbara A. Krall - 163 250th Street, West Branch 52358
9. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
10. Daniel Richard Coburn & Mary Patricia Bodell - 1349 Baker Avenue, West Branch, IA 52358

Copy to Tipton Conservative on 10/8/07

7 Zoning Commission members on 10/9/07

Bulletin Board

2 File Copies



Tel: 563-886-2248

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

PUBLIC NOTICE

There will not be a meeting of the Cedar County Planning and Zoning Commission during the month of September. The next schedule meeting will be held on October 17, 2007.

Phil La Rue
Zoning Administrator

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on August 30 and September 10, 2007, at 8:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Tana Sabourin, 541 290th Street, West Branch and Joe McMath, 48 Greenview Drive, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-2 Urban Residential for the purpose of allowing construction of a single family dwelling on a portion of Lot 8, located in the SE ¼ of the SW ¼, Section 1, T-79N, R-4W, in Springdale Township, consisting of 1.31 acres more or less. Said property is located in the unincorporated town of Springdale.
2. **Richard and Tana Sabourin, 541 290th Street, West Branch (Owners)** – Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of reclassifying an unused zoning district to allow construction of a single family dwelling on Lot 2, located in the SE ¼ of the SW ¼, Section 1, T-79N, R-4W, in Springdale Township, consisting of 1.00 acres more or less. Said property is located in the unincorporated town of Springdale.

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 8/21/07 to the following:

1. Richard & Tana Sabourin & Joe McMath - 541 290th Street, West Branch, Iowa 52358
2. Herman D. Paulsen - 569 290th Street, West Branch, Iowa 52358
3. Clara Oleson - 1888 Fox Avenue, West Branch, Iowa 52358
4. Lori A. Paul - 1890 Fox Avenue, West Branch, Iowa 52358
5. Bryan & Donna Sparks - 551 290th Street, West Branch, Iowa 52358
6. James & Kim McLaughlin - 553 290th Street, West Branch, Iowa 52358
7. Kenneth & Diane Phillips - 555 290th Street, West Branch, Iowa 52358
8. John & Amanda Farmer - 557 290th Street, West Branch, Iowa 52358
9. Eugene & Patricia Harpole - 561 290th Street, West Branch, Iowa 52358
10. Randy & Tammy Mather - 789 290th Street, West Liberty, Iowa 52776
11. Trent & Susan Vileta - 1881 Fox Avenue, Springdale, Iowa 52358
12. Penelope & Dan Gafeller - 1885 Fox Avenue, West Branch, Iowa 52358
13. Linnia Campbell - 1897 Fox Avenue, West Branch, Iowa 52358
14. Richard & Carolyn Hinty - 552 290th Street, West Branch, Iowa 52358
15. Springdale Methodist Church - 554 290th Street, West Branch, Iowa 52358
16. Jim & Ruth Farmer - 556 290th Street, West Branch, Iowa 52358
17. Kevin & Jacqueline Callahan - 534 290th Street, West Branch, Iowa 52358
18. Russell & Mary Jo Leighty - 540 290th Street, West Branch, Iowa 52358
19. Robert & Sheryl Bergmann - 544 290th Street, West Branch, Iowa 52358
20. Catherine Grace - 546 290th Street, West Branch, Iowa 52358
21. Timothy & Lisa Kilburg - 548 290th Street, West Branch, Iowa 52358
22. Lindsay Shultz - 538 290th Street, West Branch, Iowa 52358

E-mailed to Board of Supervisors Secretary on 8/20/07

Copy to Tipton Conservative and West Branch Times on 8/20/07

Bulletin Board Copy

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CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 15, 2007

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 15, 2007, 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, Pruess, Dornfeld and Schuett. Members absent were Moylan and Quinn.

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

1. **Tana Sabourin, 541 290th Street, West Branch and Joe McMath, 48 Greenview Drive, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-2 Urban Residential for the purpose of allowing construction of a single family dwelling on a portion of Lot 8, located in the SE ¼ of the SW ¼, Section 1, T-79N, R-4W, in Springdale Township, consisting of 1.31 acres more or less. Said property is located in the unincorporated town of Springdale.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file for either of the two petitions 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. Richard and Tana Sabourin were present and informed the members the house they presently have in Springdale has five bedrooms and they would like to construct a considerably smaller home. The letter from the County Engineer stated this property is on gravel route Fox Avenue and should not cause any road concerns. An approved entrance permit is on file. The letter from the West Branch Fire Department stated they are willing and able to provide emergency fire and rescue response for both petitions. Limitations for septic systems are slight but there may be a potential for a high water table. Limitations for building are moderate. There are no livestock operations within approximately one mile. Mr. Sabourin stated the property has been in the family for 40 years and is pasture ground. La Rue stated he recommended the change in zoning because the front half of the property is zoned residential. The residents in the town of Springdale currently have their own septic systems and wells. Mr. Sabourin stated they do not intend to add any more homes.

After a brief discussion, Voparil recommended to approve the rezoning request from A-1 to R-2. Dornfeld seconded the motion. Ayes all.

2. Richard and Tana Sabourin, 541 290th Street, West Branch (Owners) –

Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of reclassifying an unused zoning district to allow construction of a single family dwelling on Lot 2, located in the SE ¼ of the SW ¼, Section 1, T-79N, R-4W, in Springdale Township, consisting of 1.00 acres more or less. Said property is located in the unincorporated town of Springdale.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and recommended they consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. The letter received from the County Engineer stated this is on paved route 290th Street (F44) and should not cause any road concerns. Sight distance would be adequate if a single family dwelling were to be constructed. The letter from the West Branch Fire Department stated they can provide emergency services to the site. This property was zoned C-1 in 1959 on the original county zoning map. The lot is adequate in size for a residential use. There are no livestock facilities within one mile. There are slight limitations for septic systems on the northward corner because of the Colo-Ely soil complex. Limitations for building are moderate to severe. La Rue suggested not building the home on the north end of the property due to the potential for a high water table. There would be adequate room for two septic systems on the property.

Mr. Sabourin was present and stated the property was originally zoned commercial but he feels that would only clutter the town. He stated he would rather see a house there someday than the salvage junk located there now. There is still commercial property to the east. La Rue stated there is a home on that property and if it were to ever be destroyed by fire, etc., the house could not be rebuilt without a change in zoning. There is no commercial development to the south. La Rue stated this property is the only bare commercially zoned lot in town. The rest of the commercial zoned properties have homes on them.

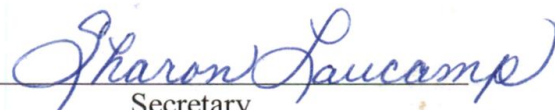
After a brief discussion, Schuett made a recommendation to approve the rezoning request from C-1 to R-2. Brown seconded the motion. Ayes all.

The minutes from the previous meeting held on July 18, 2007, were previously sent to the members. Schuett 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 was adjourned.



Chairperson
Dennis Pruess



Secretary
Sharon Laucamp

DATE 8/15/07

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil LaRue

Richard J. Sabourin

Tana Sabourin

Dennis Puer

Kurtis J. Vopani

John A. Donnell

Daniel A. Schmitt

Sharon Laucamp

Joel Brown



Tel: 563-886-2248

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

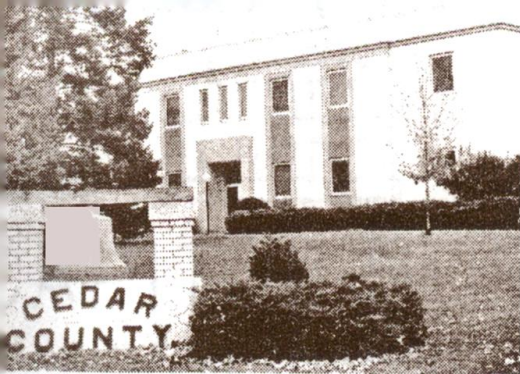
AGENDA

Cedar County Planning & Zoning Commission

August 15, 2007 – 6:30 p.m.

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
 - A. Tana Sabourin, 541 290th St., West Branch and Joe McMath, 48 Greenview Drive, West Branch (Owners) – A change in zoning from A-1 to R-2 to allow construction of a single family dwelling
 - B. Richard and Tana Sabourin, 541 290th St., West Branch (Owners) – A change in zoning from C-1 to R-2 for the purpose of reclassifying an unused zoning district to allow construction of a single family dwelling
- III. Discussion
- IV. Conclusion



Tel: 563-886-2248

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

August 6, 2007

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 15, 2007, 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. **Tana Sabourin, 541 290th Street, West Branch and Joe McMath, 48 Greenview Drive, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-2 Urban Residential for the purpose of allowing construction of a single family dwelling on a portion of Lot 8, located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 1, T-79N, R-4W, in Springdale Township, consisting of 1.31 acres more or less. Said property is located in the unincorporated town of Springdale.
2. **Richard and Tana Sabourin, 541 290th Street, West Branch (Owners)** – Requesting a change in zoning from C-1 Local Commercial to R-2 Urban Residential for the purpose of reclassifying an unused zoning district to allow construction of a single family dwelling on Lot 2, located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 1, T-79N, R-4W, in Springdale Township, consisting of 1.00 acres more or less. Said property is located in the unincorporated town of Springdale.

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

Phil La Rue
Zoning Administrator

Copies sent out on 8/7/07 to the following:

1. Richard & Tana Sabourin & Joe McMath - 541 290th Street, West Branch, Iowa 52358 - Certified
2. Herman D. Paulsen - 569 290th Street, West Branch, Iowa 52358
3. Clara Oleson - 1888 Fox Avenue, West Branch, Iowa 52358
4. Lori A. Paul - 1890 Fox Avenue, West Branch, Iowa 52358
5. Bryan & Donna Sparks - 551 290th Street, West Branch, Iowa 52358
6. James & Kim McLaughlin - 553 290th Street, West Branch, Iowa 52358
7. Kenneth & Diane Phillips - 555 290th Street, West Branch, Iowa 52358
8. John & Amanda Farmer - 557 290th Street, West Branch, Iowa 52358
9. Warren Hayslette - 559 290th Street, West Branch, Iowa 52358
10. Eugene & Patricia Harpole - 561 290th Street, West Branch, Iowa 52358
11. Randy & Tammy Mather - 789 290th Street, West Liberty, Iowa 52776
12. Trent & Susan Vileta - 1881 Fox Avenue, Springdale, Iowa 52358
- ~~13. Joe McMath - 541 290th Street, West Branch, Iowa 52358~~
14. Penelope & Dan Gafeller - 1885 Fox Avenue, West Branch, Iowa 52358
15. Linnia Campbell - 1897 Fox Avenue, West Branch, Iowa 52358
16. Richard & Carolyn Hinty - 552 290th Street, West Branch, Iowa 52358
17. Springdale Methodist Church - 554 290th Street, West Branch, Iowa 52358
18. Jim & Ruth Farmer - 556 290th Street, West Branch, Iowa 52358
19. Kevin & Jacqueline Callahan - 534 290th Street, West Branch, Iowa 52358
20. Russell & Mary Jo Leighty - 540 290th Street, West Branch, Iowa 52358
21. Robert & Sheryl Bergmann - 544 290th Street, West Branch, Iowa 52358
22. Catherine Grace - 546 290th Street, West Branch, Iowa 52358
23. Timothy & Lisa Kilburg - 548 290th Street, West Branch, Iowa 52358
24. Lindsay Shultz - 538 290th Street, West Branch, Iowa 52358

Copy to Tipton Conservative & West Branch Times on 8/6/07

Copy e-mailed to County Engineer Rob Fangmann on 8/7/07

7 Zoning Commission Members on 8/7/07

2 File Copies

Bulletin Board

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 18, 2007

The Cedar County Planning and Zoning Commission conducted Public Hearing on Wednesday, July 18, 2007, 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, Quinn, Moylan and Dornfeld. Member absent was Voparil.

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

- 1. Edgewood Land Company, 143 Buckeye Road, West Branch (Owners) –**
Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed eight (8) lot subdivision on property located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 8, T-80N, R-4W, in Gower Township, consisting of 21.05 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 Zoning Ordinance in making their recommendation to the Board of Supervisors. He then informed the members he had been contacted by an adjoining property owner, Deanna Lear. He stated she was not objecting, but wanted to know if there was a plan for an expansion beyond the proposed eight lots. She also wanted to go on record that they farm and hunt. La Rue stated there are some residential properties in the area. The letter from the West Branch Fire Department stated they will provide fire and rescue services for the proposed eight lot subdivision. The letter from the County Engineer stated this property is on paved route Baker Avenue and should not cause any road concerns. An approved entrance permit is on file. An existing entrance may not be utilized for the subdivision and there is only one location adequate for sight distance for a major subdivision. The soil inventory was discussed. Limitations for building are moderate. Limitations for septic tank disposal fields and agricultural farm crops are slight to severe. The severe limitations for septic systems is due to slope. The C.S.R. is 28 to 85 points with an average below 75. La Rue stated the Comprehensive Plan does discourage scattered residential development when the resulting density will not support a broad range of services. However, he stated there are similar residential properties in the area. There are no livestock operations in the area.

Glen and Lyle Waters were present. Glen Waters stated he and his brother Lyle own Edgewood Land. He stated the proposed subdivision is located approximately six miles north of West Branch on Baker Avenue and across the road from Matt Moore's lane. He stated this is a major subdivision with eight proposed residential sites. He informed the members that this subdivision contains 21.05 acres and the C.S.R., calculated by the County Assessor, is 58 points. He stated he and Lyle both have two children who want to build houses on Lots 3, 4, 5 & 6 of the subdivision. He stated they added four more sites along the highway. La Rue asked what their plans were for Outlot A. Glen Waters stated the entire area has been in CRP for 22 years. There will be a community well. It was noted that easements for utilities will be addressed in the preliminary platting. There will be one driveway off the highway and is on top of a hill. The number of lots will be determined as engineering plans develop for septic systems. County Engineer Rob Fangmann was asked what the road requirements are for road surfacing for this type of development. Mr. Fangmann stated if he went strictly by the ordinance, it should be concrete or asphalt. However, he stated in the past, since the county has no desire to take these subdivisions into the system, a sound engineering design is acceptable such as a macadam base with choke stone and then a seal coat. He stated millings have also been starting to be utilized as the base. The Waters' stated they will probably be using a seal coat. It was noted this is a good area for a subdivision. Glen Waters informed the members they have no intention of expanding. County Engineer Fangmann asked the Waters' if they had any problem with the entrance going into Lot 8 being removed upon the sale of Lot 8. Glen Waters stated it is currently being used as a farm access but will be abandoned upon the sale of Lot 8.

After further discussion, Moylan 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 eight lot subdivision, with the stipulation that the access going into Lot 8 be abandoned upon the sale of Lot 8. Schuett seconded the motion. Four ayes with Brown voting nay.

2. **Brian Grunder, 1304 5th Street, Durant (Contract Buyer) and Robert Glenney, 1860 Spicer Avenue, Wilton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE ¼ of the NE ¼ of the NE ¼. Section 12, T-79N, R-2W, in Sugar Creek Township. Said petition is to rezone 2.00 acres of a proposed 5.00 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 Zoning Ordinance. He again stated the Comprehensive Plan does discourage scattered residential development when the resulting density will not support a broad range of services. However, he stated there are a number of homes in the immediate area. The letter from the Wilton Fire Department stated they have sufficient capabilities to provide adequate fire protection/coverage. The letter from the County Engineer stated this property is on gravel route Spicer Avenue and should not cause any road concerns. An approved entrance permit is on file. The owner is to utilize an existing dry fill entrance for access. The soil inventory was discussed. Limitations for building are moderate. Limitations for septic systems are slight to severe. The C.S.R. is 95 points in the Tama soils and 68 points average in the Downs soils. La Rue stated he would like to have a little flexibility in working with the petitioners towards the sighting of the rezoning tract for the purpose of getting an area which is not wet for the septic system location. Mr. Grunder stated he has no objection. There are a number of homes within one-half mile of this proposed rezoning site. There are no livestock facilities close by. Zoning Commission member Brown expressed his concern regarding preserving farm ground. Bob Glenney stated the proposed site is between two hills and is very rolling. He stated there is some C.S.R. of 68 points. He stated the reasoning for this particular spot was for a pond area between the two hills. La Rue stated one home will not adversely impact the area.

After a brief discussion, Quinn made a motion to approve the rezoning request from A-1 to R-1. Dornfeld seconded the motion. Four ayes with Brown voting nay.

The minutes from the previous meeting held on June 20, 2007, were previously sent to the members. They were approved as presented.

The members then briefly discussed the need for a county road standard requirement for subdivisions.

With no further business to be discussed at this time, the meeting adjourned at 7:10 p.m.



Chairperson
Dennis Pruess



Secretary
Sharon Laucamp

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on August 2 and 6, 2007, at 9:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Edgewood Land Company, 143 Buckeye Road, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed eight (8) lot subdivision on property located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 8, T-80N, R-4W, in Gower Township, consisting of 21.05 acres more or less.
2. **Brian Grunder, 1304 5th Street, Durant (Contract Buyer) and Robert Glenney, 1860 Spicer Avenue, Wilton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 12, T-79N, R-2W, in Sugar Creek Township. Said petition is to rezone 2.00 acres of a proposed 5.00 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.

CARI GRITTON
Cedar County Auditor

Copies sent out on 7/20/07 to the following:

1. Edgewood Land Company - 143 Buckeye Road, West Branch, Iowa 52358 - Certified
 2. Waters Family LTD - 143 Buckeye Road, West Branch, Iowa 52358
 3. Lyle Waters - 1929 River Vista Road, Muscatine, Iowa 52761
 4. Tom Moore III - 1304 Baker Avenue, West Branch, Iowa 52358
 5. Deanna Lear - 10 East Zellar Street, North Liberty, Iowa 52317-9309
 6. Jerry Wayne Roberts - P.O. Box 684, West Branch, Iowa 52358
 7. Pauline & Kenneth Hunter - Paul Moore Family Trust, 1345 Baker Avenue, West Branch 52358
 8. Charles F. Krall Family Trust - Barbara A. Krall, 163 250th Street, West Branch 52358
 9. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
 10. Daniel Richard Coburn & Mary Patricia Bodell - 1349 Baker Avenue, West Branch, Iowa 52358
-

1. Robert Glenney - 1860 Spicer Avenue, Wilton, Iowa 52778 - Certified
 2. Brian Grunder - 1304 5th Street, Durant, Iowa 52747
 3. Rob & Andrea Schmidt - 1944 Spicer Avenue, Wilton, Iowa 52778
 4. Steve & Trisha Gradert - 204 E. Jackson, Wilton, Iowa 52778
 5. Phillabaum Family Trust - 7216 Hidden Creek Ct., West Bloomfield, MI 48322
 6. Murry & Renee Mente - 1309 Highway 130, Tipton, Iowa 52772
-

Copy to Tipton Conservative and West Branch Times on 7/20/07

Copy faxed to Wilton-Durant Advocate News on 7/20/07

Copy e-mailed to B of S Secretary

2 File Copies

Bulletin Boards

DATE 7/18/07

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Rian Anderson

BOB GLENNEY

Glen Wass

Lyle Waters

Larry Luning

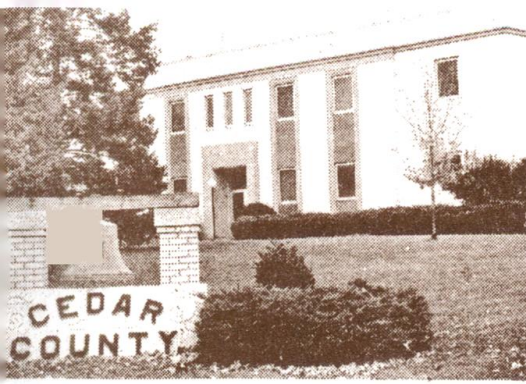
Joel Brown

P.D. LaRue

11 Gary M. L.

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

July 18, 2007 – 6:30 p.m.

Blue Room, Cedar County Courthouse, Tipton, Iowa

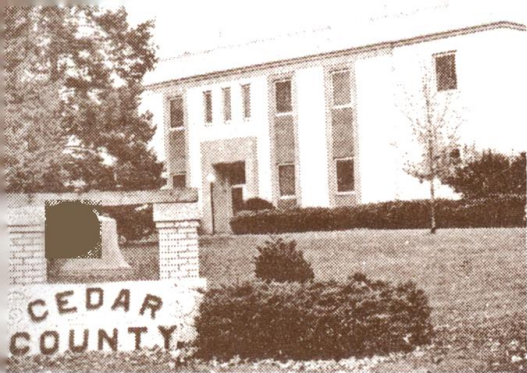
I. Introduction

II. Review of the petitions received from:

- A. Edgewood Land Company, 143 Buckeye Road,
West Branch (Owners) – A change in zoning
from A-1 to R-1 to allow construction of single
family dwellings on a proposed eight lot subdivision
- B. Brian Grunder, 1304 5th Street, Durant (Contract
Buyer) and Robert Glenney, 1860 Spicer Avenue,
Wilton (Owner) – A change in zoning from A-1 to
R-1 to allow construction of a single family dwelling

III. Discussion

IV. Conclusion



Tel: 563-886-2248

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

July 9, 2007

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 18, 2007, 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. **Edgewood Land Company, 143 Buckeye Road, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed eight (8) lot subdivision on property located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 8, T-80N, R-4W, in Gower Township, consisting of 21.05 acres more or less.
2. **Brian Grunder, 1304 5th Street, Durant (Contract Buyer) and Robert Glenney, 1860 Spicer Avenue, Wilton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$. Section 12, T-79N, R-2W, in Sugar Creek Township. Said petition is to rezone 2.00 acres of a proposed 5.00 acre tract.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 7/10/07 to the following:

1. Robert Glenney - 1860 Spicer Avenue, Wilton, Iowa 52778 - Certified
 2. Brian Grunder - 1304 5th Street, Durant, Iowa 52747
 3. Rob & Andrea Schmidt - 1944 Spicer Avenue, Wilton, Iowa 52778
 4. Steve & Trisha Gradert - 204 E. Jackson, Wilton, Iowa 52778
 5. Phillabaum Family Trust - 7216 Hidden Creek Ct., West Bloomfield, MI 48322
 6. Murry & Renee Mente - 1309 Highway 130, Tipton, Iowa 52772
-

1. Edgewood Land Company - 143 Buckeye Road, West Branch, Iowa 52358 - Certified
2. Waters Family LTD - 143 Buckeye Road, West Branch, Iowa 52358
3. Lyle Waters - 1929 River Vista Road, Muscatine, Iowa 52761
4. Tom Moore III - 1304 Baker Avenue, West Branch, Iowa 52358
5. Deanna Lear - 10 East Zellar Street, North Liberty, Iowa 52317-9309
6. Jerry Wayne Roberts - P.O. Box 684, West Branch, Iowa 52358-0684
7. Pauline & Kenneth Hunter, Paul Moore Family Trust - 1345 Baker Avenue, West Branch 52358
8. Charles F. Krall Family Trust, Barbara A. Krall - 163 250th Street, West Branch 52358
9. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
10. Daniel Richard Coburn & Mary Patricia Bodell - 1349 Baker Avenue, West Branch, IA 52358

Copy to Tipton Conservative & West Branch Times on 7/9/07

Copy faxed to Wilton-Durant Advocate News on 7/9/07

7 Zoning Commission members on 7/11/07

Bulletin Board

2 File Copies

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on July 19 and 23, 2007, 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. Troy Mente Construction Co., 1117 Stonemill Road, Tipton (Owner) –**
Requesting approval of a Final Plat of Survey for Cedar Valley Heights, Part 2, a proposed twelve (12) lot subdivision located in the SE ¼ of the NE ¼, Section 16, T-80N, R-3W, in Center West Township, consisting of 26.802 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 7/3/07 to the following:

1. Troy Mente - Mente Construction Co., 1117 Stonemill Road, Tipton, Iowa 52772 - Certified
 2. Michael & Julie Kaeffring - 900 Cedar Valley Road, Tipton, Iowa 52772
 3. Frederick & Arlene Kaeffring - 410 E. 10th Street, Tipton, Iowa 52772
 4. Ellouise Rekemeyer - 891 Cedar Valley Road, Tipton, Iowa 52772
 5. ~~Reggie Farms, Inc. - 1004 N. Miller St., Apt. 2, West Liberty, Iowa 52776~~
 6. Stephen & Cheryl Person - 1402 Jackson Avenue, Tipton, Iowa 52772
 7. Chad & Andrea Gade - 1448 Ivory Avenue, Tipton, Iowa 52772
 8. Edward & Jayne Claussen - 1454 Ivory Avenue, Tipton, Iowa 52772
 9. Marc & Jerrelyn Weaver - 1452 Ivory Avenue, Tipton, Iowa 52772
 10. Adam & Kathryn Rippentrop - 1446 Ivory Avenue, Tipton, Iowa 52772
 11. Darren & Diana Zabloudil - 831 Cedar Valley Road, Tipton, Iowa 52772
- Reggie Farms, Inc. - 302 W. 7th Street, Tipton, Iowa 52772

Copy to Tipton Conservative on 7/2/07

Bulletin Board Copy

2 File Copies

Copy e-mailed to Board of Supervisors Secretary on 7/2/07

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 20, 2007

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, June 20, 2007, at 6:30 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Quinn, Moylan, Pruess, Schuett and Dornfeld. Members absent were Voparil and Brown.

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

- 1. Brent Chambliss, 1371 King Ave., Tipton (Contract Buyer) & John & Sherrie Falkers, 990 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 property located in the SW Corner of the N ½ of the NW ¼ of the NE ¼, Section 17, T-80N, R-3W, in Center West Township, consisting of 1.4 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 Zoning Ordinance in making a recommendation to the Board of Supervisors. The letter from the Tipton Fire Department stated they can provide service to the property and stated it is the owner's responsibility to construct and maintain a suitable driveway so that in the event of an emergency, fire and/or rescue vehicles can access the site. The letter received from the County Engineer stated this property is on gravel route Hayes Road and should not cause any road concerns. An approved entrance permit is on file that includes the removal of material on the backslope and maintaining a 150' sight triangle on the inside of the curve. A building permit is not to be issued until the earthwork has been completed. The soil inventory and evaluation was then discussed. Limitations for septic systems are slight to moderate. Limitations for low buildings are moderate and limitations for agricultural farm crops are slight to moderate. The C.S.R. on the property is 85 and 68 points. La Rue stated the Comprehensive Plan discourages scattered residential development when the resulting density won't support a broad range of services. However, he stated there are a number of rural residential uses in the area.

Brent Chambliss was present and informed the members of his intention to build a house. He is purchasing approximately five acres but wants to rezone 1.25 acres for the house. He will leave the other part as pasture. The property has never been tilled. Mr. Chambliss and Mr. Falkers

stated due to the size, shape and location of the property, it is difficult to crop farm with large farm equipment. Mr. Chambliss stated he wanted to put the driveway on the south side of the property on the north side of the road. He stated the County Engineer would not give him permission because driving west on that road, coming up the hill, there is a bank creating a visibility problem. On the west side, the road is fairly level. The bank will be moved out and tapered back. The road is a low traffic road and the vehicle count is 10 to 20 per day. There are no livestock confinement operations in the area.

After a brief discussion, Quinn made a motion to recommend approval of the rezoning request to the Board of Supervisors. Dornfeld seconded the motion. Ayes all.

The minutes from the previous meeting held on May 16, 2007, were previously sent to the members. Schuett made a motion to approve the minutes as presented. Quinn 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

DATE - 6-20-07

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil LaRue

Dennis Pruess

Lawrence L. Gainer

John Salter

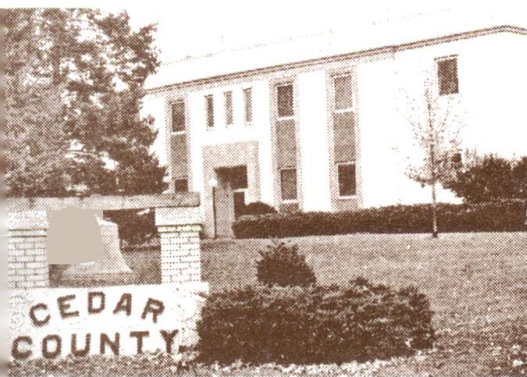
Bert Chambliss

Doris A. Schmitt

Marty Myle

John O'Donnell

Sharon Laucamp



Tel: 563-886-2248

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

June 4, 2007

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 20, 2007, at 6:30 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. Brent Chambliss, 1371 King Ave., Tipton (Contract Buyer) & John & Sherrie Falkers, 990 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 property located in the SW Corner of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 17, T-80N, R-3W, in Center West Township, consisting of 1.4 acres more or less.

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

Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 6/5/07 to the following:

1. Brent Chambliss - 1371 King Avenue, Tipton, Iowa 52772 - Certified
2. John & Sherrie Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772
3. Bessie, Robert & Richard Brennan - 1128 220th Street, Tipton, Iowa 52772
4. Nathan W. & Jacqueline K. Frederick - 746 Hayes Road, Tipton, Iowa 52772
5. Jason & Tarra Voss - 777 Hayes Road, Tipton, Iowa 52772

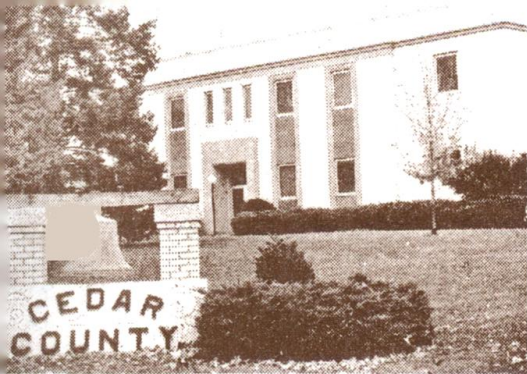
Copy to Tipton Conservative on 6/4/07

Copy e-mailed to County Engineer on 6/4/07

7 Zoning Commission Members

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

June 20, 2007 – 6:30 p.m.

Blue Room, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Brent Chambliss, 1371 King Ave., Tipton
(Contract Buyer) & John & Sherrie Falkers,
990 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 June 7 and 11, 2007, 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. Allison & Beau Holub, 993 Cedar Valley Road, Tipton (Owners)** – Requesting approval of a Preliminary Plat of Survey for Nebergall's Third Addition, a proposed two (2) lot subdivision on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 11, T-80N, R-3W, in Center West Township, consisting of 8.21 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 5/21/07 to the following:

1. Beau & Allison Holub - 993 Cedar Valley Road, Tipton, Iowa 52772 - Certified
2. Richard Moylan - 1549 King Avenue, Tipton, Iowa 52772
3. Jose M. & Catherine E. Diaz - 6502 Wilkes Avenue, Davenport, Iowa 52806
4. Will & Julie Williams - 1113 N. Highway 38, Tipton, Iowa 52772
5. Dean Wood - 9941 Forest Chapel Road, Anamosa, Iowa 52205
6. Douglas & Donna Moore - 573 SE 80th Avenue, Ellinwood, KS 67526-9225
7. John & Sherri Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772-9240
8. Wilma Belitz - 1413 Jeffrey Drive, Tipton, Iowa 52772

1 Copy to Tipton Conservative on 5/21/07

2 File Copies

Copy e-mailed to Bev P. for Board of Supervisors

Bulletin Board

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 16, 2007

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, May 16, 2007, at 6:30 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Pruess, Quinn, Schuett and Dornfeld. Members absent were Moylan, Voparil and Brown.

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

- 1. Allison & Beau Holub, 993 Cedar Valley Road, Tipton (Owners)** – Requesting approval of a Preliminary Plat of Survey for Nebergall's Third Addition, a proposed two (2) lot subdivision on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 11, T-80N, R-3W, in Center West Township, consisting of 8.21 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 Chapters 3, 4, 6, 7 & 9 of the Cedar County Subdivision Regulations. He informed the members there is a request for a variance with regard to the degree of slope from Richard Kordick, surveyor for Nebergall's Third Addition. Mr. Kordick's letter addressed to Rob Fangmann, Cedar County Engineer, stated there are grades shown on Holub Drive which are greater than the 7% maximum allowed by the county. They are requesting a variance to allow these grades so the proposed Holub Drive will fit the existing site and topography without extensive grading and disturbance and minimize the slopes on the driveways to the proposed lots. 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 which includes the requirement of relocating the existing entrance to the east to increase site distance. He also stated in his letter that a variance request is required for exceeding the 7% maximum grade requirement (7.3% to 8.1% proposed in one area). He stated he would recommend approval of the variance due to the site limitations. Cutting the road into the hill would be a larger detriment to the ability to maintain the drive (snow, ice, moisture) than allowing an 8.1% grade. He also recommended that a construction permit not be issued until the entrance has been relocated. The total width of the driveway will be a 66' road right-of-way and will serve the existing home plus the two additional proposed building sites. La Rue then read a letter received from Charles D. Schmidt, Van Winkle-Schmidt-Palmer Engineering, L.L.C. The letter stated the platted ground has soils that will support conventional septic systems. The primary soil type is Fayette silt loam, which is normally adequate for these systems. The lot sizes are adequate to support

two septic systems in case there is ever a need for a second system. There will be a shared well. There are utility easements all around both lots. A groundwater hazard statement has been provided. The road resolution means that the Holub's understand how the Cedar Valley Road is and the driveway to the lots will be a private road. There are some fence agreement documentations where the homeowner association will maintain the fence. It is agreed that Holub's, as owners of Lot 2 of Nebergall's Third Addition, shall be responsible for the cost of construction and maintenance of any partition fences on the north and west borders of said Lot 2 and Holub's, as owners of Lot 3 of Nebergall's Third Addition, shall be responsible for the cost of construction and maintenance of any partition fences on the west and south boundaries of said Lot 3. Further, the Holub's, as owners of Lot 2 and Lot 3 of Nebergall's Third Addition, shall be responsible for the cost of construction and maintenance of any partition fences between said Lots 2 and 3 according to the Right Hand Rule. This obligation shall run with the land and be binding on the heirs and assigns of the owners of Lot 2 and Lot 3 of Nebergall's Third Addition.

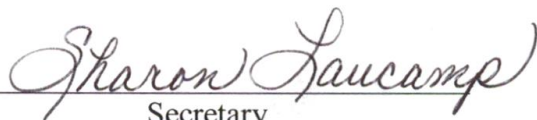
After a brief discussion, Schuett made a motion to approve the Preliminary Plat to include a variance recommendation because of the degree of slope for the road. Dornfeld seconded the motion. Ayes all.

The minutes from the previous meeting held on April 18, 2007, 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 was adjourned.



Chairperson
Dennis Pruess



Secretary
Sharon Laucamp

DATE 5/16/07

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaQue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Laurence L. Luing

Allison Holub

Dennis Prouess

Phil LaQue

Sharon Laucamp

David A. Schmitt

Joan Dargatzis

Robert M. Kordak



Tel: 563-886-2248

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

AGENDA

Cedar County Planning & Zoning Commission

May 16, 2007 – 6:30 p.m.

Blue Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
 - A. Allison & Beau Holub, 993 Cedar Valley Road, Tipton (Owners) – Requesting approval of a Preliminary Plat of Survey for Nebergall's Third Addition, a proposed two (2) lot subdivision
- III. Discussion
- IV. Conclusion



Tel: 563-886-2248

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

May 1, 2007

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 16, 2007, at 6:30 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Allison & Beau Holub, 993 Cedar Valley Road, Tipton (Owners)** – Requesting approval of a Preliminary Plat of Survey for Nebergall's Third Addition, a proposed two (2) lot subdivision on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 11, T-80N, R-3W, in Center West Township, consisting of 8.21 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 5/8/07 to the following:

1. Beau & Allison Holub - 993 Cedar Valley Road, Tipton, Iowa 52772 - Certified
2. Richard Moylan - 1549 King Avenue, Tipton, Iowa 52772
3. Jose M. & Catherine E. Diaz - 6502 Wilkes Avenue, Davenport, Iowa 52806
4. Will & Julie Williams - 1113 N. Highway 38, Tipton, Iowa 52772
5. Dean Wood - 9941 Forest Chapel Road, Anamosa, Iowa 52205
6. Douglas & Donna Moore - 573 SE 80th Avenue, Ellinwood, KS 67526-9225
7. John & Sherri Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772-9240
8. Wilma Belitz - 1413 Jeffrey Drive, Tipton, Iowa 52772

7 Zoning Commission members

Copy to Tipton Conservative on 5/7/07

2 File Copies

Bulletin Board

Copy e-mailed to Rob Fangmann on 5/7/07

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on May 7 and 10, 2007, 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. **Paula Lichtenstein & Kyle Willoughby, West Branch (Contract Buyers) and Gayle VanEst, 1077 305th Street, Atalissa (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 14, T-79N, R-3W, in Iowa Township, consisting of 1.50 acres more or less.
2. **Greg & Michelle Thien, 1534 Highway 130, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to C-1 Local Commercial for the purpose of operating their travel agency business out of their residence located in Parcel A in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 3, T-80N, R-2W, in Center East Township, consisting of 4.00 acres more or less.
3. **John Behrle, Homestead, IA (Contract Buyer) and Dennis & Linda Swenka, 5220 Strawbridge Rd. NE, Iowa City (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 7, T-80N, R-3W, in Cass Township, consisting of 2.1 acres more or less of an 11.29 acre lot, described as Lot 2 of Swenka's First Addition Subdivision.
4. **Mark & Audrey Graver, 1618 High View Dr., Mt. Vernon (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision, Buffalo Ridge Second Addition, on property located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 18 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 4/25/07 to the following:

1. Paula Lichtenstein & Kyle Willoughby - P.O. box 326, West Branch, Iowa 52358 - Certified
2. Gayle VanEst - 1007 305th Street, Atalissa, Iowa 52720
3. Ray Hartz - 1051 305th Street, Atalissa, Iowa 52720
4. Leonard & Darlene Eichelberger - 2094 Atalissa Road, Atalissa, Iowa 52720-9643
5. George G. Ltd. - P.O. Box 95, Wilton, Iowa 52778-0500
6. Darlene Glasgow - 2039 305th Street, Atalissa, Iowa 52720

-
1. Greg & Michelle Thien - 1537 Highway 130, Tipton, Iowa 52772 - Certified
 2. Thien Family Trust - % Gary Thien, 101 E. Graham Ave., Suite 1, Council Bluffs, Iowa 51503
 3. Alberta Thien - 500 Claire St., Apt. 1, Tipton, Iowa 52772
 4. Randall & Linda Weaver - 1524 Highway 130, Tipton, Iowa 52772
 5. Alvin & Mary Wright - 1545 Highway 130, Tipton, Iowa 52772
 6. Al-N-Mar, Inc. - 1545 Highway 130, Tipton, Iowa 52772

-
1. John Behrle - 3386 Portwood Dr., Homestead, Iowa 52236 - Certified
 2. Dennis & Linda Swenka - 5220 Strawbridge Rd. NE, Iowa City, Iowa 52240
 3. Karen & Darold King - 577 225th Street, Tipton, Iowa 52772
 4. Kurt & Kathleen Gascho - 1203 Bennington Dr., Crystal Lake, IL 60014
 5. Russell & Teresa Voss - 1317 Harding Avenue, Tipton, Iowa 52772
 6. Elaine Lieser - 1313 Harding Avenue, Tipton, Iowa 52772
 7. Rebecca Penningroth - 710 Green Road, Tipton, Iowa 52772
 8. Ronald Wiechert - 710 Green Road, Tipton, Iowa 52772
 9. Richard & Linda Brennan - 755 Cedar Valley Road, Tipton, Iowa 52772

-
1. Mark & Audrey Graver - 555 Green Ridge Road, Lisbon, Iowa 52253 - Certified
 2. Mark & Audrey Graver - 1618 High View Drive, Mt. Vernon, Iowa 52314
 3. C. K. Alexander Irrevocable Trust, P.O. Box 500, Nevada, Iowa 50201-0500
 4. Andrew & Michelle Kiesey - 10 Everett Court, Lisbon, Iowa 52253
 5. Jeremy & Jennifer McCollum - 20 Everett Court, Lisbon, Iowa 52253
 6. Frederick & Tracie Werner - 30 Everett Court, Lisbon, Iowa 52253
 7. Bradley & Kristina Dvorak - 40 Everett Court, Lisbon, Iowa 52253
 8. Joe Michael & Melissa Ann Nelson - 318 First Avenue E., Lisbon, Iowa 52253
 9. Cory Shane & Jaime Ann Townsend - 70 Everett Court, Lisbon, Iowa 52253
 10. Joseph & Anna Miller - 80 Everett Court, Lisbon, Iowa 52253
 11. Thomas W. & Kellie L. Steffenson - 90 Everett Court, Lisbon, Iowa 52253
 12. Ruth T. Young - 1115 Scramblers Knob - Franklin, TN 37069
 13. Jeremy & Deanne Kulbartz - 100 Everett Court, Lisbon, Iowa 52253
 14. D. M. Morio - 566 Green Ridge Road, Lisbon, Iowa 52253

Copy to Tipton Conservative on 4/23/07
Copy e-mailed to Board of Supervisors Secretary
2 File Copies
Bulletin Board Copy

DATE 4/18/07
 ORGANIZATION PLANNING & ZONING BOARD
 CONTACT PERSON Phil DeGree
 MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

R.D. Johnson

Kurti Vopani

Dennis Press

Barbara (Hogson)

Emmett Weaver

Richard Hofmann

Ann Hofmann

Paul Brown

John M. Brown

Paul Upstein

Shirley Hoot

Bob

Amey Behre

Randy Sidis

Michelle Thier

Myron

Guarante Klein

John Kuchale

Kristi Stewart

Sammy Luna

Pat Myle

Jake Switzer

Dennis Switzer

Richard more

Bar more

David A. Hoot

Bill McCall

Jim and Ann

Andy Thier

Phil DeGree

Lawrence Johnson

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 18, 2007

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, April 18, 2007, at 6:30 p.m., in the Court Room on the second floor of the Cedar County Courthouse, Tipton, Iowa. Members present were Voparil, Pruess, Brown, Moylan, Schuett, Dornfeld and Quinn.

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

- 1. Paula Lichtenstein & Kyle Willoughby, West Branch (Contract Buyers) and Gayle VanEst, 1077 305th Street, Atalissa (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE ¼ of the NE ¼, Section 14, T-79N, R-3W, in Iowa Township, consisting of 1.50 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 Zoning Ordinance. The Cedar County Comprehensive Plan was reviewed and it discourages scattered residential development when the resulting density won't support a broad range of services. La Rue explained there are several R-1 zoned properties in the immediate area and this would be a clustering of residential homes. The letter from the County Engineer stated it is on gravel route 305th Street and should not cause any road concerns. An approved entrance permit is on file and utilizes the existing entrance. The soil evaluation was reviewed. Limitations for building are moderate. Limitations for septic tank disposal fields are moderate to severe with the severe limitations due to slope. Limitations for agricultural farms are moderate to severe. The C.S.R. average is 62 points. The letter from the Atalissa Fire Department stated they can and will provide service. There are no livestock operations within a quarter of a mile.

Kyle Willoughby was present and explained their plan to build a home on about four acres south of Gayle Van Est. Mrs. Van Est stated that this will be the last home on the property. The members noted there are several residential homes on 305th Street. Darlene Glasgow, adjoining property owner to the east (also zoned R-1) stated she does not want another home on the property as she feels the neighbors are living in a barn and she does not want anyone living that way. La Rue stated Cedar County does not have a building code. Therefore, the type of home and minimum square footage can not be enforced.

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

2. **Greg & Michelle Thien, 1534 Highway 130, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to C-1 Local Commercial for the purpose of operating their travel agency business out of their residence located in Parcel A in the NE ¼ of the NW ¼, Section 3, T-80N, R-2W, in Center East Township, consisting of 4.00 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 Zoning Ordinance in making a recommendation to the Board of Supervisors. He stated there was one letter on file received from Thien Farm Management, Inc., which stated the Thien Family Trust had no objection to the rezoning change and recommended the request be granted. The letter from the Tipton Fire Department stated they will be able to provide service and want an adequate driveway. The letter received from the County Engineer stated this property is on State Highway 130 and the entrance is under the jurisdiction of the Iowa Department of Transportation. The letter from Sheila Lee, Iowa Department of Transportation, stated the entrance is a Type "C" access and any changes to the existing access would require a permit. The soil evaluation was reviewed. La Rue stated there was an existing home on the property with a county permit for the on-site septic system. The current septic system will need to be evaluated if the rezoning is approved. There is also a water supply on the property. Limitations for building are moderate where the home is located. Limitations at the site of the system are moderate to severe with the severe limitations due to a high water table in the Colo-Ely soils. Limitations for agricultural farm crops are slight to moderate. The dwelling site is not being farmed and has a C.S.R. of 81 points. There is a cattle operation located to the northeast. The Cedar County Comprehensive Plan was then reviewed. La Rue stated the development goals for the commercial development is to encourage retention and strengthening of commercial districts within the various communities and to encourage planning of compact commercial clusters to reduce potential strip development along major transportation arteries in Cedar County. Section B of the Comprehensive Plan also states that commercial development should occur on hard surfaced roads and Highway 130 is such a road. The Future Land Use Map (Page 34 of the Comp Plan) was reviewed. The Future Land Use Development Maps indicates that development needs to occur close to towns or close to I-80 or Highway 30. The zoning trend from 1980 – 2000 indicates there is not a need to develop, through rezoning, additional commercial districts. There appears to be adequate commercial property to allow this business to be located in Tipton.

La Rue then explained the reason for the rezoning request. The Thien's have a travel agency and wedding planning internet business in their home and employ six non-resident employees. The A-1 District allows home occupation businesses with only one non-resident employee. This type of business is not related to agriculture or of a type eligible for a Special Use Permit. In July of 2006, La Rue

discussed this matter with the Commission members for placement in an appropriate zoning class, such as C-1 Local Commercial District. At present, this use appears to be in violation under Chapter 3(2) of the Zoning Ordinance as a non-conforming use in the A-1 District and should be located in a Commercial (business) District. The Thien's were notified of the requirement to comply with the Zoning Ordinance. Under Chapter 19 of the Zoning Ordinance, the property owner may request a change in zoning as an option to bring the property/business into compliance. The C-1 District does allow apartments as an accessory use. La Rue stated whether or not the business, in an existing dwelling in the A-1 District to be changed to C-1, would be the accessory or the principle use, is something that needs to be determined by the Commission and ultimately by the Board of Supervisors. He also stated that perhaps the Zoning Ordinance needs to be amended, thereby allowing, potentially a relaxing of the rules by allowing more than one non-resident under home business or to expand special permitted uses in the various classes.

Greg and Michelle Thien were present and explained the reason for the requested change in zoning to C-1. Commission member Brown questioned the number of employees, either full or part-time. Mr. Thien stated his six employees are full time. Brown stated he applauded them for their business and employment but he does not like to see scattered commercial businesses. Commission member Dornfeld felt that the monetary costs and the hard surfaced road need to be considered and perhaps an exception made. Commission member Moylan inquired if the business may expand. Mr. Thien stated it is a possibility. Member Quinn asked about the barriers regarding relocating the business. Mr. Thien explained the hardship is monetary. Michelle Thien stated they had looked at business sites and services, but felt their large home was the best option. Randy Weaver, adjoining property owner, stated he felt Zoning Administrator La Rue failed to explain there are other commercial businesses in the vicinity and stated he supports the request. He also stated the county needs to look at businesses which bring in money and employment in Cedar County. He stated it is hard enough for a business to be successful and businesses need to be supported. The Thien's then added that their business may require relocation as they continue to grow. Mrs. Thien stated they could grow to 13 employees. The Commission then asked the Thien's if the business is relocated in the future, if they would allow the rezoned area (if the rezoning request was granted) to be rezoned back to A-1. The Thien's agreed, but stated they would prefer another option (Special Permit) to rezoning. The Commission members then discussed the business expansion and how a Conditional Zoning Agreement could be added to a rezoning to C-1 and the procedure to amend the Zoning Ordinance to allow Special Use Permits (in all districts). Options were discussed: Approve the change in zoning; Deny the request; Recommend approval with a Conditional Zoning Agreement; or recommend amending the Zoning Ordinance to allow the site and use with a Special Use Permit. The Commission held considerable discussion on the options.

Dornfeld then made a motion to grant the rezoning request with a Conditional Zoning Agreement to allow up to thirteen non-residential employees. Quinn seconded the motion. Four ayes with Brown and Voparil voting nay.

- 3. Cedar County PCS, L.L.C. , 608 Lombard St., Clarence (Leasee) & Randall & Kimberly Siders, 1086 273rd St., Tipton (Leasor & Owners) –** Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the SE ¼ of the NE ¼, Section 35, T-80N, R-3W, in Rochester Township. 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. The letter received from the County Engineer stated this property is on gravel route 273rd Street and should not cause any road concerns. An approved entrance permit is on file which includes modifications that shall be completed before a construction permit can be issued. The soil evaluation was reviewed. Limitations for building are slight. The C.S.R. is 85 points.

Randy Siders, owner of the property, was present and explained to the members why Cedar County PCS selected this site. He stated the ground does not produce very well. John Keenley, representative for Cedar County PCS, LLC, explained that they are part of Iowa Wireless system. They stated they are looking to provide better service in the Rochester area. Richard Hoffman, Iowa Wireless Rf Engineer, stated the site will also service Interstate 80. The tower is suitable for co-location. This site is needed for the Rochester area as no existing tower provides adequate service. Bill McNally, Attorney for Iowa Wireless, informed the members they are requesting conditional approval prior to filing for final approval by the F.A.A. There are no known private or municipal airports in this area. The 190 foot tower will not be illuminated unless directed to do so by the F.A.A.

After additional discussion, Quinn made a motion to recommend approval of the Special Use Permit to the Cedar County Board of Adjustment. Moylan seconded the motion. Ayes all.

- 4. John Behrle, Homestead, IA (Contract Buyer) and Dennis & Linda Swenka, 5220 Strawbridge Rd. NE, Iowa City (Owners) –** Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE ¼ of the NE ¼, Section 7, T-80N, R-3W, in Cass Township, consisting of 2.1 acres more or less of an 11.29 acre lot, described as Lot 2 of Swenka's First Addition Subdivision.

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 a recommendation to the Cedar County Board of Supervisors. He also reported that all aspects of the requirements for the minor subdivision, Swenka's First Addition, such as the fence agreement, have been approved by the Board of Supervisors and recorded. This is the last lot to be rezoned for residential development as a cluster. It, therefore, could be considered to be in compliance with the Comprehensive Plan. There are no livestock operations in the area, and the site is well outside the 1,000 foot separation requirement from the Buchanan Landfill. The soil evaluation was reviewed. Limitations for building are moderate. Limitations for septic systems are moderate to severe, with severe limitations due to slope. The letter from the Tipton Fire Department was reviewed. It states that it is the owner's responsibility to maintain a suitable driveway so emergency, fire or rescue vehicles can access the site to provide services. The letter received from the County Engineer stated this property is located on paved route Harding Avenue and should not cause any road concerns. An approved entrance permit is on file. The letter also stated the slopes need to be finished to a 6:1 slope as part of the entrance permit.

John Behrle, contract buyer, was present and explained to the members his plan to build a home on the property. Dennis Swenka, owner, stated there are restrictions on the minimal size of a dwelling in the subdivision. Mr. Behrle stated he is aware of this.

After further discussion, Quinn made a motion to approve the rezoning request from A-1 to R-1 for the purpose of allowing construction of a single family dwelling. Voparil seconded the motion. Ayes all.

- 5. Mark & Audrey Graver, 1618 High View Dr., Mt. Vernon (Owners) –** Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision, Buffalo Ridge Second Addition, on property located in the NW ¼ of the NW ¼ and the SW ¼ of the NW ¼, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 18 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 in making a recommendation to the Board of Supervisors. This proposed development appears to be in compliance with the Future Land Use Plan and Map for residential development. This portion of Adams is gravel. The letter from the Lisbon Fire Department stated they will be able to provide emergency service and the proposed entrance and road is appropriate for their vehicles. The letter received from County Engineer, Rob Fangmann, stated this property is on gravel route

Adams Avenue and should not cause any road concerns. An approved entrance permit is on file. There are no livestock operations in the area. Plans for improving Adams Avenue were discussed. The access width of 80 feet was also discussed.

Richard Morio, property owner on the west property line in Linn County, wanted to know about Lot 11 and the fence line. He is concerned about Ag chemical spraying. He stated it makes it difficult to rent the property because of concerns with residential neighbors. He expressed concern about Mark Graver's junk yard in Linn County. He stated he is also concerned about the compatibility of the Agricultural and Residential Community. Chairperson Pruess explained that a owner/tenant of the farm ground is very responsible when applying chemicals. Overspray is not permitted. Mr. Morio requested a buffer zone be made to keep the home away from the fence. There was discussion among the Commission members about this and Ag chemical application. The Graver's are willing to have a covenant requiring that a home on Lot 11 be kept 200 feet from the west property line.

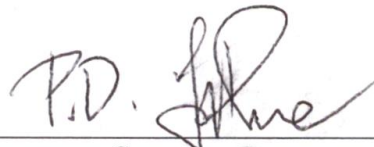
Following further discussion, Dornfeld made a motion to recommend approval of the rezoning request from A-1 to R-1 to the Board of Supervisors. Moylan seconded the motion. Five ayes with Brown voting nay.

The minutes from the previous meeting held on March 21, 2007, were previously sent to the members. Brown 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 Pro-tem
Phil La Rue



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

AGENDA

Cedar County Planning & Zoning Commission

April 18, 2007 – 6:30 p.m.

Court Room, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Paula Lichtenstein & Kyle Willoughby, West Branch (Contract Buyers) and Gayle VanEst, 1077 305th St., Atalissa, (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- B. Greg & Michelle Thien, 1534 Highway 130, Tipton (Owners) – A change in zoning from A-1 to C-1 to allow the operation of their travel agency business out of their residence
- C. Cedar County PCS, L.L.C., 608 Lombard St., Clarence (Leasee) & Randall & Kimberly Siders, 1086 273rd St., Tipton (Leasor & Owners) – A Special Use Permit authorizing the location of a 190 foot tall wireless communication tower
- D. John Behrle, Homestead, IA (Contract Buyer) and Dennis & Linda Swenka, 5220 Strawbridge Rd. NE, Iowa City (Owners) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling
- E. Mark & Audrey Graver, 1618 High View Dr., Mt. Vernon (Owners) – A change in zoning from A-1 to R-1 to allow construction of single family dwellings on a proposed three lot subdivision, Buffalo Ridge Second Addition

III. Discussion

IV. Conclusion



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

April 9, 2007

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, April 18, 2007, at 6:30 p.m., in the Court Room on the second floor of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Paula Lichtenstein & Kyle Willoughby, West Branch (Contract Buyers) and Gayle VanEst, 1077 305th Street, Atalissa (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 14, T-79N, R-3W, in Iowa Township, consisting of 1.50 acres more or less.
2. **Greg & Michelle Thien, 1534 Highway 130, Tipton (Owners)** – Requesting a change in zoning from A-1 Agricultural to C-1 Local Commercial for the purpose of operating their travel agency business out of their residence located in Parcel A in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 3, T-80N, R-2W, in Center East Township, consisting of 4.00 acres more or less.
3. **Cedar County PCS, L.L.C. , 608 Lombard St., Clarence (Leasee) & Randall & Kimberly Siders, 1086 273rd St., Tipton (Leasor & Owners)** – Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 35, T-80N, R-3W, in Rochester Township. Said property is currently zoned A-1 Agricultural.
4. **John Behrle, Homestead, IA (Contract Buyer) and Dennis & Linda Swenka, 5220 Strawbridge Rd. NE, Iowa City (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 7, T-80N, R-3W, in Cass Township, consisting of 2.1 acres more or less of an 11.29 acre lot, described as Lot 2 of Swenka's First Addition Subdivision.

Copies sent out on 4/10/07 to the following:

1. Paula Lichtenstein & Kyle Willoughby - P.O. Box 326, West Branch, Iowa 52358 - Certified
2. Gayle VanEst - 1077 305th Street, Atalissa, Iowa 52720
3. Ray Hartz - 1051 305th Street, Atalissa, Iowa 52720
4. Leonard & Darlene Eichelberger - 2094 Atalissa Road, Atalissa, Iowa 52720-9643
5. George G. Ltd. - P.O. Box 95, Wilton, Iowa 52778-0500
6. Darlene Glasgow - 2039 305th Street, Atalissa, Iowa 52720

-
1. Greg & Michelle Thien - 1534 Highway 130, Tipton, Iowa 52772 - Certified
 2. Thien Family Trust - % Gary Thien, 101 E. Graham Ave., Suite 1, Council Bluffs, Iowa 51503
 3. Alberta Thien - 500 Claire St., Apt. 1, Tipton, Iowa 52772
 4. Randall & Linda Weaver - 1524 Highway 130, Tipton, Iowa 52772
 5. Alvin & Mary Wright - 1545 Highway 130, Tipton, Iowa 52772
 6. Al-N-Mar, Inc. - 1545 Highway 130, Tipton, Iowa 52772

-
1. Cedar County PCS, L.L.C. - ~~608 Lombard Street~~ ^{P.O. Box 246}, Clarence, Iowa 52216 - Certified
 2. Randall L. & Kimberly Siders - 1086 273rd Street, Tipton, Iowa 52772
 3. Howard L. & Carolyn Siders - 1750 King Avenue, Tipton, Iowa 52772
 4. Chris A. & Shawn M. Reynolds - 5324 580th SE, Lone Tree, Iowa 52755
 5. Janet Nelson - 2408 Crestview Avenue, Iowa City, Iowa 52245
 6. Michael A. Harden - 1110 273rd Street, Tipton, Iowa 52772
 7. Kenneth J. & Margaret K. Vlasman - 1111 273rd Street, Tipton, Iowa 52772
 8. Minnie Sharpless Trust - % Janet Nelson, Trustee, 2408 Crestview Ave., Iowa City, IA 52245

-
1. John Behrle - 3386 Portwood Dr., Homestead, Iowa 52236 - Certified
 2. Dennis & Linda Swenka - 5220 Strawbridge Rd. NE, Iowa City, Iowa 52240
 3. Karen & Darold King - 577 225th Street, Tipton, Iowa 52772
 4. Kurt & Kathleen Gascho - 1203 Bennington Dr., Crystal Lake, IL 60014
 5. Russell & Teresa Voss - 1317 Harding Avenue, Tipton, Iowa 52772
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-
1. Mark & Audrey Graver - 555 Green Ridge Road, Lisbon, Iowa 52253 - Certified
 2. Mark & Audrey Graver - 1618 High View Drive, Mt. Vernon, Iowa 52314
 3. C. K. Alexander Irrevocable Trust - P.O. Box 500, Nevada, Iowa 50201-0500
 4. Andrew & Michelle Kiesey - 10 Everett Court, Lisbon, Iowa 52253
 5. Jeremy & Jennifer McCollum - 20 Everett Court, Lisbon, Iowa 52253
 6. Frederick & Tracie Werner - 30 Everett Court, Lisbon, Iowa 52253
 7. Bradley & Kristina Dvorak - 40 Everett Court, Lisbon, Iowa 52253
 8. Joe Michael & Melissa Ann Nelson - 318 First Avenue E., Lisbon, Iowa 52253
 9. Cory Shane & Jaime Ann Townsend - 70 Everett Court, Lisbon, Iowa 52253
 10. Joseph & Anna Miller - 80 Everett Court, Lisbon, Iowa 52253
 11. Thomas W. & Kellie L. Steffenson - 90 Everett Court, Lisbon, Iowa 52253
 12. Ruth T. Young - 1115 Scramblers Knob, Franklin, TN 37069
 13. Jeremy & Deanne Kulbartz - 100 Everett Court, Lisbon, Iowa 52253
 14. W. M. Morio - 566 Green Ridge Road, Lisbon, Iowa 52253

Richard Kordick - 689 185th Street, Tipton, Iowa 52772

Copy to Tipton Conservative and West Branch Times on 4/9/07

7 Zoning Commission members

2 File Copies

Bulletin Board

- 5. Mark & Audrey Graver, 1618 High View Dr., Mt. Vernon (Owners) –**
Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision, Buffalo Ridge Second Addition, on property located in the NW ¼ of the NW ¼ and the SW ¼ of the NW ¼, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 18 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

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a public hearing on April 23 & 26, 2007, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. Pond View Acres, LLC, Tipton (Owners)** – Requesting approval of Pond View Acres Fourth Addition, a Final Plat of Survey, for a proposed eight (8) lot subdivision located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 22.78 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 4/9/07 to the following:

1. Pond View Acres, LLC - Stuart Werling, 319 Cedar Street, Tipton, Iowa 52772 - Certified
2. Charles Frymoyer - 1232 300th Street, Tipton, Iowa 52772
3. Donald H. Holladay - 2043 Rose Avenue, Wilton, Iowa 52778
4. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
5. Michael S. & Melissa J. Coss - P.O. Box 1225, Wilton, Iowa 52778
- * 6. Jason L. & Jennifer L. Ferguson - 40 Johnson Ct., North Aurora, IL 60542
7. Chad R. & Michele Christensen - 310 Maple Blvd., Wilton, Iowa 52778
8. Mark A. & Kimberly J. Washburn - 519 Walnut Street, Wilton, Iowa 52778
9. Brett M. & Nicole K. Jackson - 417 W. Rose Avenue, Wilton, Iowa 52778
10. Neal T. & Barbara L. Nelson - P.O. box 621, Muscatine, Iowa 52761
11. William T. & Dawn M. Yohe - 3880 Tanglefoot Ct., Bettendorf, Iowa 52722
12. Kordick Surveying - 689 185th Street, Tipton, Iowa 52772

* Jason L. & Jennifer L. Ferguson - 1001 Ocean Avenue, Moscow, IA 52760 - Resent on 4/11/07

Copy to Tipton Conservative on 4/9/07

2 File Copies

Copy e-mailed to County Engineer on 4/9/07

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 21, 2007

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, March 21, 2007, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Dornfeld, Voparil, Pruess, Schuett, Moylan and Brown. Member absent was Quinn.

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

1. Beau and Allison Holub, 993 Cedar Valley Road, Tipton (Owners) –

Requesting a change in zoning from A-1 Agriculture to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision on property located in the SW ¼ of the SW ¼, Section 11, T-80N, R-3W, in Center West Township, consisting of 5.52 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 Zoning Ordinance. He also stated this petition will come back to the P & Z Commission, if approved by the Board of Supervisors, for a major subdivision. The letter from the County Engineer stated this is on paved route Cedar Valley Road and should not cause any road concerns. An approved entrance permit is on file. He also stated prior to issuance of a construction permit, the owner must move entrance to a designated location east of the current drive in order to meet sight distance requirements for a major subdivision. The letter from the Tipton Fire Department stated they can provide emergency services and stated it is the owners responsibility to construct and maintain a suitable driveway to access the site. La Rue stated this proposed subdivision is contiguous to Nebergall's Second Addition and adjacent to Oak Ridge Estates which is zoned R-1. He stated this subdivision would appear to comply with the Cedar County Land Use Plan as well as being in compliance with the Cedar County Future Land Use Map. The soil evaluation was next discussed. Limitations for building are moderate to severe with the severe limitations due to limestone. Limitations for septic systems are moderate to severe depending on the degree of slope and presence of limestone. Limitations for agricultural farm crops are slight to severe. The slight limitations are on the south end of the property and the moderate to severe are on the upper. The C.S.R. on the south is 20% at 85 points and 58 points on the Fayette Silt Loam soils. The C.S.R. on the steep land is 5 points.

He stated the petitioners will be requested to have soil evaluations performed to determine the appropriate on-site wastewater systems and determine that the lots are adequate in size for two septic systems. He also stated he suspects to be dealing with alternate septic systems such as sub-surface sand filters. La Rue suggested utilizing a community water supply. There will be one access off the Cedar Valley Road connecting to four lots.

Richard Kordick, surveyor for the Holub's, was present and informed the members there will be an easement to access the three additional lots. He then summarized the plan for the subdivision, stating it is located on a hard surface road and soil analysis will be performed during the preliminary platting stage. Storm water retention will also be put in. One well will be utilized by the three proposed lots. There is no plan for further development.

Chairperson Pruess suggested that Marty Moylan abstain from voting since he has an interest in this petition. Moylan agreed. Dornfeld then made a motion to approve the rezoning request from A-1 to R-1. Schuett seconded the motion. Four ayes with no nays.

2. **Chad and Tracy Schutte, 217 Northside Drive, West Branch (Contract Buyers) and Joyce Zaruba, 1924 Highway 38, Tipton, and Robert Stout, 2615 Canterbury Road, Muscatine (Owners)** – Requesting a change in zoning from A-1 Agriculture 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 NE ¼, Section 22, T-80N, R-4W, in Gower Township. Said petition is to rezone 2.30 acres of a 14.80 acres 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 Zoning Ordinance when making a recommendation to the Cedar County Board of Supervisors. The letter received from County Engineer Fangmann stated the property is on gravel route 250th Street and should not cause any road concerns. An approved entrance permit is on file which includes modifications that shall be completed before a construction permit can be issued. The letter from the West Branch Fire Department stated they are willing and able to provide emergency fire and rescue response to the proposed site. The soil evaluation was then reviewed. Limitations for building are moderate. Limitations for septic systems are slight and severe with the severe limitation due to slope. Limitations for agricultural farm crops are slight to severe. The C.S.R. is 90 points on the Downs Silt Loam soil and is 28 points on the Fayette Silt Loam soil. La Rue stated the Comprehensive Plan does discourage scattered residential development when the resulting density will not support a full range of services.

However, he stated there are a large number of residential homes in the immediate area. There are no livestock operations of 500 head or more within one-quarter or half mile of this site.

Chad Schutte was present and informed the members he is looking to build a home for his wife, himself and their children. The home will be built on the west side of the property. He stated they would add to the east of the existing driveway. He also stated he is aware of the response time for emergency services. Commission member Voparil expressed concern about the gravel road and feels it is one of the highest densities in Cedar County. La Rue stated the County Engineer feels it should not be a problem. The property is approximately two miles from a hard surface road.

After a brief discussion, Moylan made a motion to approve the rezoning request from A-1 to R-1 for the purpose of allowing construction of a single family home. Schuett seconded the motion. Four ayes with Voparil voting nay.

- 3. Bill Banta, Banta's Midwest Cartage and Trailers Inc., 2054 Atalissa Rd., Atalissa (Owner)** – Requesting a change in zoning from C-2 Highway Commercial to M-1 Light Industrial for the purpose of expanding the trailer fabrication business and to allow for the placement of three billboard advertisement signs on property located in the N ½ of the SW ¼, Section 13, T-79N, R-3W, in Iowa Township, consisting of 20.78 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 Zoning Ordinance. The letter received from the Atalissa Fire Department stated they will provide protection to the property. The letter from the County Engineer stated the property is on gravel route Atalissa Road and should not cause any road concerns. The existing entrances may be utilized for the entire operation. The soil evaluation was reviewed. Limitations for building are slight except for the area of man made land. Limitations for septic tank disposal fields are slight to severe with severe limitations in the Lamont Fine Sandy Loam soil. Limitations for agricultural farm crops are slight, moderate and severe. The C.S.R. is below 75 points. La Rue stated the Cedar County Comprehensive Plan and Future Land Use Map does encourage development for commercial and industrial buildings upon the interstate interchanges. La Rue stated he has had people express their concern about how the property looks. He stated he would like to work with the Banta's to keep the property looking neat. Part of the petition is to allow construction of three billboards on the property. La Rue stated this will require the approval of the Department of Transportation also. The setback requirement from

the center of the Interstate is 600 feet. La Rue stated whether or not this property will support three billboard signs in excess of 672 square feet or larger will also depend on the siting because, under the Cedar County Zoning Regulations for the Light Industrial District, Chapter 12, states they can not be within 500 feet of another billboard sign or advertisement sign. If the appropriate zoning classification is obtained and Mr. Banta acquires approval from the D.O.T., meets their requirements and meets Cedar County's requirements, building permits will be issued for the billboard signs.

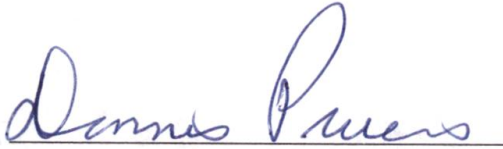
Bill Banta was present and informed the members his business has increased considerably in areas that they did not expect, and basically from the wind generator business. He stated they are in the business of manufacturing specialty trailers, parts and items to move the huge blades, big towers, etc. He also stated they may need storage for this type of equipment. He stated it will be short term storage, and in most cases, the equipment will be left on the trailer. There is a commercial style well on the property and another septic system may eventually need to be installed. La Rue stated at this site, because of the soil limitations, he believes there are on-site subsurface sand filters to provide for adequate treatment.

Chairperson Pruess then opened the meeting for public comments. Comments were expressed by numerous area residents regarding the truck traffic on Atalissa Road. La Rue stated he does not have any control over truck traffic on the road. He also stated only the County Engineer and Board of Supervisors can put a restriction on the bridge and road. Mr. Banta stated approximately 99% of his traffic comes straight off Interstate 80. He also informed the members there are approximately six trucks in and out of his business per day. The amount of distance from Interstate 80 to his first driveway is 400 feet and to the second drive is 600 feet. Mr. Banta stated they have to obtain state permits and they have to stay on the permitted routes. Mrs. Banta stated their trucks would only be using the entrance and exit ramps of Interstate 80. Jennie Seaton expressed concern about the appearance of Banta's business site and the tires filled with water on the property. Mr. Banta stated their goal is to make the property more appealing and a cleanup of the property will be a major issue shortly. He also stated he will do what he can to make the neighbors happy. Tom Anthony, land surveyor, was present and stated he wanted to alleviate any concerns about the flood plain. He stated none of the rezoning request is inside of the 500 Year Flood Plain area. He also stated the D.O.T. is very strict with distance requirements for signs from the intersection.

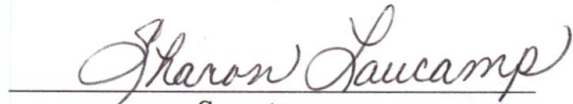
After further discussion, Brown made a motion to approve the rezoning request with the stipulation that the property be cleaned up within six months. Moylan seconded the motion. Four ayes with Voparil voting nay.

The minutes from the previous meeting held on February 21, 2007, were previously sent to the members. Schuett 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 was adjourned.

A handwritten signature in blue ink, reading "Dennis Pruess", written over a horizontal line.

Chairperson
Dennis Pruess

A handwritten signature in blue ink, reading "Sharon Laucamp", written over a horizontal line.

Secretary
Sharon Laucamp

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on April 2 & 5, 2007, at 10:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Beau and Allison Holub, 993 Cedar Valley Road, Tipton (Owners)** – Requesting a change in zoning from A-1 Agriculture to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 11, T-80N, R-3W, in Center West Township, consisting of 5.52 acres more or less.
2. **Chad and Tracy Schutte, 217 Northside Drive, West Branch (Contract Buyers) and Joyce Zaruba, 1924 Highway 38, Tipton, and Robert Stout, 2615 Canterbury Road, Muscatine (Owners)** – Requesting a change in zoning from A-1 Agriculture 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 NE $\frac{1}{4}$, Section 22, T-80N, R-4W, in Gower Township. Said petition is to rezone 2.30 acres of a 14.80 acres tract.
3. **Bill Banta, Banta's Midwest Cartage and Trailers Inc., 2054 Atalissa Rd., Atalissa (Owner)** – Requesting a change in zoning from C-2 Highway Commercial to M-1 Light Industrial for the purpose of expanding the trailer fabrication business and to allow for the placement of three billboard advertisement signs on property located in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, Section 13, T-79N, R-3W, in Iowa Township, consisting of 20.78 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 3/23/07 to the following:

1. Beau & Allison Holub - 993 Cedar Valley Road, Tipton, Iowa 52772 - Certified
 2. Richard Moylan - 1549 King Avenue, Tipton, Iowa 52772
 3. Jose M. & Catherine E. Diaz - 6502 Wilkes Avenue, Davenport, Iowa 52806
 4. Will & Julie Williams - 1113 N. Highway 38, Tipton, Iowa 52772
 5. Dean Wood - 9941 Forest Chapel Road, Anamosa, Iowa 52205
 6. Douglas & Donna Moore - 573 SE 80th Avenue, Ellinwood, KS 67526-9225
 7. John & Sherri Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772-9240
 8. Wilma Belitz - 1413 Jeffrey Drive, Tipton, Iowa 52772
-

1. Chad & Tracy Schutte - 217 Northside Drive, West Branch, Iowa 52358 - Certified
 2. Robert Stout - 2615 Canterbury Road, Muscatine, Iowa 52761
 3. Joyce Zaruba - 1924 Highway 38, Tipton, Iowa 52772
 4. Blanche Stout - % Joyce Zaruba - 1924, Highway 38, Tipton, Iowa 52772
 5. Robert & Judy Wright - 1434 Plato Road, West Branch, Iowa 52358
 6. Brett Stout - 378 250th Street, West Branch, Iowa 52358
 7. Gary Stout - 1151 250th Street, West Branch, Iowa 52358
 8. David & Le Ann Tatman - 369 250th Street, West Branch, Iowa 52358
 9. David & Judy Meincke - 359 250th Street, West Branch, Iowa 52358
 10. Bryan & Bertha Brook - 361 250th Street, West Branch, Iowa 52358
 11. Edgewood Land Co. - 143 Buckeye Road, West Branch, Iowa 52358
-

1. Bill Banta - 2054 Atalissa Road, Atalissa, Iowa 52720 - Certified
 2. Ronald & Debra Simpson - 972 305th Street, Atalissa, Iowa 52720
 3. Thomas & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772
 4. OHVEE Inc. - 1918 George Allen Drive, Ames, Iowa 50010
 5. Leonard & Darlene Eichelberger - 2094 Atalissa Road, Atalissa, Iowa 52720-9643
 6. Home Oil Stations, Inc. - 4060 NW Urbandale Drive, Urbandale, Iowa 50322
 7. Darlene M. Glasgow - 2039 305th Street, Atalissa, Iowa 52720
 8. Iowa Department of Transportation - 800 Lincoln Way, Ames, Iowa 50010
-

Copy to Tipton Conservative & West Branch Times on 3/22/07

Copy e-mailed to Board of Supervisors Secretary

2 File Copies

Bulletin Board Copy

DATE 3/21/07

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaQue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil LaQue

David A. Lowell

Suzanne D. Sweeney

Judy Curley

Donna Banks

Bill Banks

Bar Hob

Barbara J. Wood

Judy Wood

Kerr Van

Sharon Laucamp

Patricia M. La

Donna P. La

David A. Schmitt

Joe & Doreen

Robert M. Ford

Robert Stout

John Zaruba

Joyce Zaruba

Keith Jennings

Chad Blatto

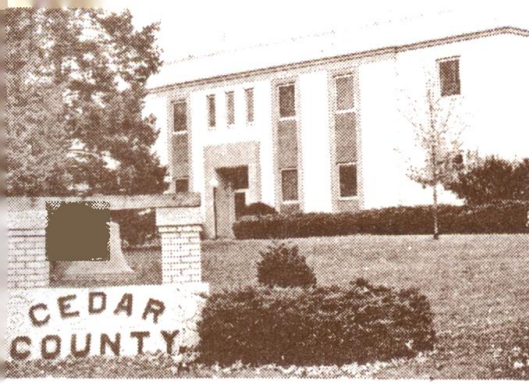
Jean Jennings

Jo Ann Stout

Jul Brown

Tom Arlley Landrock

Kenneth Walker



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

AGENDA

Cedar County Planning & Zoning Commission

March 21, 2007 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

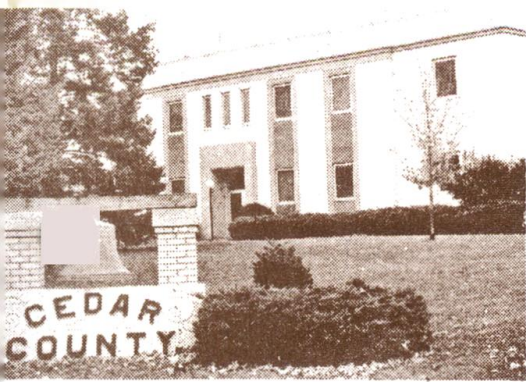
I. Introduction

II. Review of the petitions received from:

- A. Joyce Bowie, 804 N. Columbus St., West Liberty
(Contract Buyer) & Mildred Lovetinsky,
4908 American Legion Rd. S.E., Iowa City (Owner) –
A change in zoning from A-1 to R-1 to allow
construction of a single family dwelling
- B. Beau & Allison Holub, 993 Cedar Valley Road,
Tipton (Owners) – A change in zoning from A-1 to
R-1 to allow construction of single family dwellings
on a proposed three (3) lot subdivision
- C. Chad & Tracy Schutte, 217 Northside Drive,
West Branch (Contract Buyers) & Joyce Zaruba,
1924 Highway 38, Tipton, & Robert Stout,
2615 Canterbury Road, Muscatine (Owners) –
A change in zoning from A-1 to R-1 to allow
construction of a single family dwelling
- D. Bill Banta, Banta's Midwest Cartage & Trailers,
Inc., 2054 Atalissa Rd., Atalissa (Owner) – A
change in zoning from C-2 to M-1 to allow
expansion of the trailer fabrication business & to
allow for the placement of three billboard adver-
tisement signs

III. Discussion

IV. Conclusion



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

March 5, 2007

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 21, 2007, 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. **Joyce Bowie, 804 N. Columbus St., West Liberty (Contract Buyer) and Mildred Lovetinsky, 4908 American Legion Rd. S.E, Iowa City (Owner) –** Requesting a change in zoning from A-1 Agriculture 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 SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 31, T-79N, R-4W, in Springdale Township. Said petition is to rezone 5.00 acres of a 8.72 acre tract.
2. **Beau and Allison Holub, 993 Cedar Valley Road, Tipton (Owners) –** Requesting a change in zoning from A-1 Agriculture to R-1 Suburban Residential for the purpose of allowing construction of single family dwellings on a proposed three (3) lot subdivision on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 11, T-80N, R-3W, in Center West Township, consisting of 5.52 acres more or less.
3. **Chad and Tracy Schutte, 217 Northside Drive, West Branch (Contract Buyers) and Joyce Zaruba, 1924 Highway 38, Tipton, and Robert Stout, 2615 Canterbury Road, Muscatine (Owners) –** Requesting a change in zoning from A-1 Agriculture 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 NE $\frac{1}{4}$, Section 22, T-80N, R-4W, in Gower Township. Said petition is to rezone 2.30 acres of a 14.80 acres tract.

Copies sent out on 3/7/07 to the following:

1. Joyce Bowie - 804 N. Columbus Street, West Liberty, Iowa 52776 - Certified
2. Mildred Lovetinsky - 4908 American Legion Rd. SE, Iowa City, Iowa 52240-9062
3. Carl Fobian - 3639 Oasis Rd. NE, West Branch, Iowa 52358
4. William & Dawn Flynn - 2360 Cedar Johnson Road, West Liberty, Iowa 52776
5. Harold Lodge - 4581 Cedar Johnson Rd., West Liberty, Iowa 52776

-
1. Beau & Allison Holub - 993 Cedar Valley Road, Tipton, Iowa 52772 - Certified
 2. Richard Moylan - 1549 King Avenue, Tipton, Iowa 52772
 3. Jose M. & Catherine E. Diaz - 6502 Wilkes Avenue, Davenport, Iowa 52806
 4. Will & Julie Williams - 1113 N. Highway 38, Tipton, Iowa 52772
 5. Dean Wood - 9941 Forest Chapel Road, Anamosa, Iowa 52205
 6. Douglas & Donna Moore - 573 SE 80th Avenue, Ellinwood, KS 67526-9225
 7. John & Sherri Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772-9240
 8. Wilma Belitz - 1413 Jeffrey Drive, Tipton, Iowa 52772

-
1. Chad & Tracy Schutte - 217 Northside Drive, West Branch, Iowa 52358 - Certified
 2. Robert Stout - 2615 Canterbury Road, Muscatine, Iowa 52761
 3. Joyce Zaruba - 1924 Highway 38, Tipton, Iowa 52772
 4. Blanche Stout - % Joyce Zaruba, 1924 Highway 38, Tipton, Iowa 52772
 5. Robert & Judy Wright - 1434 Plato Road, West Branch, Iowa 52358
 6. Brett Stout - 378 250th Street, West Branch, Iowa 52358
 7. Gary Stout - 1151 250th Street, West Branch, Iowa 52358
 8. David & Le Ann Tatman - 369 250th Street, West Branch, Iowa 52358
 9. David & Judy Meincke - 359 250th Street, West Branch, Iowa 52358
 10. Bryan & Bertha Brook - 361 250th Street, West Branch, Iowa 52358
 11. Edgewood Land Co. - 143 Buckeye Road, West Branch, Iowa 52358

-
1. Bill Banta - 2054 Atalissa Road, Atalissa, Iowa 52720 - Certified
 2. Ronald & Debra Simpson - 972 305th Street, Atalissa, Iowa 52720
 3. Thomas & Juanita Hearst - 1200 Cemetery Road, Tipton, Iowa 52772
 4. OHVEE Inc. - 1918 George Allen Drive, Ames, Iowa 50010
 5. Leonard & Darlene Eichelberger - 2094 Atalissa Road, Atalissa, Iowa 52720-9643
 6. Home Oil Stations, Inc. - 4060 NW Urbandale Drive, Urbandale, Iowa 50322
 7. Darlene M. Glasgow - 2039 305th Street, Atalissa, Iowa 52720
 8. Iowa Department of Transportation - 800 Lincoln Way, Ames, Iowa 50010

File Copies

Copy to Tipton Conservative and West Branch Times on 3/5/07

Bulletin Board Copy

7 Zoning Commission Members on 3/7/07

Copy e-mailed to Rob Fangmann (County Engineer)

- 4. Bill Banta, Banta's Midwest Cartage and Trailers Inc., 2054 Atalissa Rd., Atalissa (Owner)** – Requesting a change in zoning from C-2 Highway Commercial to M-1 Light Industrial for the purpose of expanding the trailer fabrication business and to allow for the placement of three billboard advertisement signs on property located in the N ½ of the SW ¼, Section 13, T-79N, R-3W, in Iowa Township, consisting of 20.78 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

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 21, 2007

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, February 21, 2007, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Moylan, Brown, Dornfeld, Schuett and Quinn. Members absent were Pruess and Voparil.

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

1. **Kay Bentley, 707 West 9th Street, #39, Tipton (Owner)** – Requesting approval of a Special Use Permit to allow a dog breeding kennel at 637 Rose Avenue, Clarence, Iowa, in the E ½ of the SE ¼ of the NE ¼, Section 2, T-81N, R-2W, in Fairfield Township, consisting of 2.35 acres more or less. Said property is currently zoned A-1 Agricultural.

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 17.18(2) of the Cedar County Zoning Ordinance in making a recommendation to the Board of Adjustment.

Kay Bentley was present and explained her plan to commercially breed Corgis in an existing livestock building on her property. The facility will maintain 30 adult dogs. Regarding disposal of animal waste, she explained that she plans to construct a small septic system for the waste and wash water from the pens. She explained that she has received approval of a commercial dog breeder license from the Iowa Department of Agriculture (See license copy in file). The building is heated and will be air conditioned. La Rue explained that on January 31, 2007, Wayne Grier, Iowa Department of Agriculture, and he met with Ms. Bentley at her property for a pre-approval inspection of the facility. The letter from County Engineer Fangmann was reviewed. He explained the dog kennel facility should not cause any road concerns. The commission members reviewed the animal welfare inspection and veterinary exam of the dogs. La Rue then explained the role of the Board of Adjustment and the modification of Ms. Bentley's Special Use Permit (i.e. to increase the number of dogs) and the recommendation of annual review and maintenance of the Iowa Department of Agriculture license as a standard condition of approval. La Rue also requested that the salvage motor vehicles be removed.

After a brief discussion, Brown made a motion to recommend approval of the Special Use Permit request from Ms. Bentley to the Board of Adjustment. Dornfeld seconded the motion. Ayes all.

- 2. Brian Meier, Tipton (Contract Buyer) & Robert & Patricia Nettleton, 106 W. Rochester Avenue, Atalissa (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located at 128 Rochester Road, Atalissa, Iowa, in the SE ¼ of the SE ¼, Section 3, and the NE ¼ of the NE ¼, Section 10, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.73 acres of a 10.00 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 Zoning Ordinance in making a recommendation to the Board of Supervisors.

Mr. Meier, contract buyer, was present and explained his plan to construct a 2,000 square foot home on this site within the next two to three years. Also present were the property owners, Mr. & Mrs. Nettleton. Joe Risius, adjoining property owner, inquired why only a portion of The 10.00 acre tract is being rezoned. He expressed concern that these residential developments make farming difficult. La Rue explained by rezoning only a portion of the property, a plan to construct another home would require review and approval of the Commission and the Board of Supervisors. Melvin Gregory requested information on whether or not an easement across this property would allow development of property on the north side for residential homes. The use of an easement for accessing property to establish a new residential use would require approval from the County Engineer, as well as the area rescue service, the Zoning Commission and the Board of Supervisors. The letter from the County Engineer stated that an approved entrance permit is on file and the entrance was updated in the past year to meet current standards. The letter received from the Atalissa Fire Department stated they will be able to provide service to this location and recommended approval of the petition. The soil evaluation was then discussed. Limitations for building are moderate. Limitations for septic systems are moderate to severe based upon slope alone. The C.S.R. average is 62 points. The property is not in crop production. There are no large livestock operations within 1,320 feet. The Comprehensive Plan was reviewed. It was noted that there are many residential homes in this area, and although the plan discourages scattered residential developments, this property would appear to be a clustering of residentially used properties. Chairperson Pro-tem Moylan stated that clustering has been encouraged.

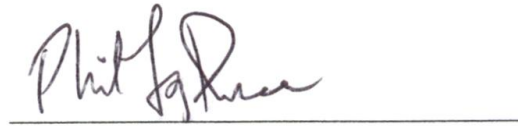
Following further discussion, Quinn made a motion to recommend approval of the rezoning request to the Board of Supervisors for one home only. The motion was seconded by Schuett. Ayes all.

The minutes from the last meeting held on January 17, 2007, were previously sent to the members. Brown 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 was adjourned.



Chairperson Pro-tem
Marty Moylan



Secretary Pro-tem
Phil La Rue

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on March 8 and 15, 2007, at 8:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. Brian Meier, Tipton (Contract Buyer) & Robert & Patricia Nettleton, 106 W. Rochester Avenue, Atalissa (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located at 128 Rochester Road, Atalissa, Iowa, in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 3, and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 10, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.73 acres of a 10.00 acre tract.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. 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 2/27/07 to the following:

1. Brian Meier - 605 W. 9th Street, Tipton, Iowa 52772 - Certified
2. Robert & Patricia Nettleton - 106 W. Rochester Avenue, Atalissa, Iowa 52720
3. Van A. Pierson - 118 W. Rochester Rd., Atalissa, Iowa 52720
4. Joseph & Karen Risius - 992 290th Street, Atalissa, Iowa 52720-9638
5. George Wildman - 5285 340th Street NE, Iowa City, Iowa 52240-8393
6. Daniel Tietz - 1013 290th Street, Atalissa, Iowa 52720
7. Richard & Debby Baker - 975 290th Street, Atalissa, Iowa 52720
8. Melvin & Mary Gregory - 979 290th Street, Atalissa, Iowa 52720
9. Joseph & Denise Fogg - 171 W. Rochester Avenue, Atalissa, Iowa 52720
10. Mark & Sharon Lerette - 716 W. 3rd Street, Muscatine, Iowa 52761-2806

1 Copy to Tipton Conservative on 2/26/07

Copy e-mailed to Board of Supervisors Secretary on 2/26/07

2 File Copies

Bulletin Board

DATE 2/21/07
ORGANIZATION C.C. P & Z
CONTACT PERSON Phil LaRue
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

P.D. LaRue

Lawrence LaRue

BRIAN MEIER

Nancy Meier

Roberta Stackhouse

Melvin Gregory

POB & M. Wilson

Patricia K. Kaitan

John A. Durrell

David E. Schmitt

Kay Bentley

KAREN RISIUS

JOE RISIUS

Jay M. Lyle

Joel Brown



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

February 5, 2007

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, February 21, 2007, 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. **Kay Bentley, 707 West 9th Street, #39, Tipton (Owner)** – Requesting approval of a Special Use Permit to allow a dog breeding kennel at 637 Rose Avenue, Clarence, Iowa, in the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 2, T-81N, R-2W, in Fairfield Township, consisting of 2.35 acres more or less. Said property is currently zoned A-1 Agricultural.
2. **Brian Meier, Tipton (Contract Buyer) & Robert & Patricia Nettleton, 106 W. Rochester Avenue, Atalissa (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located at 128 Rochester Road, Atalissa, Iowa, in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 3, and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 10, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.73 acres of a 10.00 acre tract.

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

Phil La Rue
Zoning Administrator

Copies sent out on 2/6/07 to the following:

1. Kay Bentley - 707 W. 9th St., Lot 39, Tipton, Iowa 52772-1459 - Certified
2. Ronald & Kathryn Robinson - 574 Rose Avenue, Clarence, Iowa 52216
3. Marilyn Heimdal - 8659 Rusty Lane, Lancaster, WI 53813
4. J D B Investments, LLC - 1629 140th Street, Clarence, Iowa 52216
5. Donald & Rosalie Ortner - 1711 165th Street, Clarence, Iowa 52216

-
1. Brian Meier - 605 W. 9th Street, Tipton, Iowa 52772 - Certified
 2. Robert & Patricia Nettleton - 106 W. Rochester Avenue, Atalissa, Iowa 52720
 3. Van A. Pierson - 118 W. Rochester Rd., Atalissa, Iowa 52720
 4. Joseph & Karen Risius - 992 290th Street, Atalissa, Iowa 52720-9638
 5. George Wildman - 5285 340th Street NE, Iowa City, Iowa 52240-8393
 6. Daniel Tietz - 1013 290th Street, Atalissa, Iowa 52720
 7. Richard & Debby Baker - 975 290th Street, Atalissa, Iowa 52720
 8. Melvin & Mary Gregory - 979 290th Street, Atalissa, Iowa 52720
 9. Joseph & Denise Fogg - 171 W. Rochester Avenue, Atalissa, Iowa 52720
 10. Mark & Sharon Lerette - ~~822 Augusta Cr., North Liberty, Iowa 52317~~ returned
716 W. 3rd Street, Muscatine, Iowa 52761-2806

Copy to Tipton Conservative and Sun News on ~~2/5/07~~ 2/7/07 for 2/14/07 publication
7 Zoning Commission Members
Bulletin Board Copy
2 File Copies
Copy e-mailed to County Engineer Fangmann



Tel: 563-886-2248

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

AGENDA

Cedar County Planning & Zoning Commission

February 21, 2007 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Kay Bentley, 707 West 9th Street, #39, Tipton
(Owner) – Requesting a Special Use Permit
authorizing a dog breeding kennel
- B. Brian Meier, Tipton (Contract Buyer) & Robert &
Patricia Nettleton, 106 W. Rochester Avenue,
Atalissa (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 February 5 and 8, 2007, 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. **Dennis and Lynne Treimer, RFD, Tipton (Owners)** – Requesting approval of a Final Plat of Survey for Timber Run, Part One, a four (4) lot subdivision located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 36, T-80N, R-3W, in Rochester Township, consisting of 21.00 acres more or less. Said property is currently zoned R-1 Suburban Residential.
2. **Kyle Johnston, Tipton (Contract Buyer) and Robert Johnston, 711 210th Street, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 29, T-81N, R-3W, in Center West 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.

CARI GRITTON
Cedar County Auditor

Copies sent out on 1/19/07 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

-
1. Kyle M. Johnston - 707 W. 9th Street, Lot 51, Tipton, Iowa 52772 - Certified
 2. Robert C. Johnston - 711 210th Street, Tipton, Iowa 52772
 3. C & S Iowa Land Llc - Box 1131, Buckeye, AZ 85326
 4. Cornell College - P.O. Box 500, Nevada, Iowa 50201-0500
 5. Charles Youngker - Box 1131, Buckeye, AZ 85326
 6. Robert & Evelyn Wethington - 644 185th Street, Tipton, Iowa 52772
 7. Robert K. Wilkins - P.O. Box 327, Bennett, Iowa 52721

1 Copy to Tipton Conservative on 1/19/07
Copy e-mailed to Board of Supervisors Secretary
2 File Copies
Bulletin Board Copy

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 17, 2007

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, January 17, 2007, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Quinn, Dornfeld, Pruess, Moylan and Schuett. Members absent were Brown and Voparil.

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

- 1. Kyle Johnston, Tipton (Contract Buyer) and Robert Johnston, 711 210th Street, Tipton (Owner) –** Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 29, T-81N, R-3W, in Center West Township, consisting of 1.00 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 in making a recommendation to the Cedar County Board of Supervisors.

Kyle Johnston was present and informed the members he wants to place a manufactured home on his family's acreage. He stated there will be no agricultural ground taken out of production. He informed the members he would like to reside where he grew up.

The letter on file from the County Engineer stated this is located on paved route 210th Street (F28) and should not cause any road concerns. An approved entrance permit is on file to utilize the existing drive with the owner's responsibility to upgrade the slopes to current standards. The letter received from the Tipton Fire Department stated they can provide services to the property. The soil evaluation was then discussed. The C.S.R. is high but this property is a farmstead site and is not currently in production. Limitations for building are moderate to severe. A couple of the soils on the south end are not very good for building which will not support foundations and have a high seasonal water table. La Rue stated the septic system will be a challenge because the majority of the soils have a high seasonal water table. More will be known after soil probing is done. La Rue also stated that Robert Johnston's home lies in the center of the property and his septic tank lies due west in the center of the lot and the drain field lies on the adjacent property owner's land to the west. He also stated Robert Johnston's current system is undersized by current requirements but is operating and will be allowed to

operate, but it's location will make the location for Kyle's septic system a challenge. Robert Johnston's well lies to the northeast of his existing house which would prohibit a drain field being placed east of the location where Kyle would like to place his house. La Rue also informed the members that Robert Johnston would need a 30 foot side yard requirement. The existing driveway will be shared and Kyle's would then run around the back side of his property. It was noted there are no livestock operations in the area. Bob Wilkins was present and stated he manages the adjoining farm ground owned by Charles Youngker. Mr. Wilkins expressed concerns about the existing homestead site and the placement of a second dwelling on the property. He stated the Youngker's are difficult to deal with due to past experiences with rural residential neighbors. The Comprehensive Plan does discourage scattered residential development when the resulting density of homes won't support a full range of services. La Rue stated this is a clustered residential use, is located on a hard surface road and no agricultural land will be taken out of production. The Commission members continued their discussion regarding this proposed residential use and its difficulties. The members expressed concern about future owners of this lot and whether or not a conditional zoning agreement would be an option regarding splitting the property. La Rue informed the members that the County Attorney advises against a conditional rezoning agreement.

Chairperson Pruess stated he would not want the second home to ever be sold off the property. Kyle Johnston informed the members of his intention to remove the manufactured home when his parents are gone. He stated the property will never be sold as he is the only inheritor. The Commission members stated they felt it would be a good idea if Mr. Johnston's attorney and the County Attorney could have something in writing regarding same.

After further discussion, Quinn made a motion to deny the request as currently presented. Motion died due to the lack of a second. They then discussed moving the location of Kyle's proposed home further east to have a greater setback from the west property line. Alternative areas for the septic system was discussed and it was decided that a soil evaluation will be needed. One of the main concerns is that the septic system is to stay 100 feet from the existing well. After more discussion, Schuett made a motion to recommend to the Board of Supervisors that the proposed house be placed in the center of the property creating a setback minimum of 70 feet on the east and west side and a 50 foot setback on the north side. The motion also stated that it be put in writing to remove the manufactured home when Kyle takes possession of the rest of the property and provide some sort of assurance that the lot where he is placing the manufactured home will never be sold (or transferred). Four ayes with Quinn voting nay.

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

Chairperson Pruess then asked the other members if they would to hold an election of officers for the new year. Schuett made a motion that Chairperson Pruess retain his office for another year. Moylan seconded the motion. Ayes all. The position of Co-Chairman was next discussed. Moylan stated he would be willing to serve as Co-Chairman.

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

Chairperson
Dennis Pruess

Sharon Laucamp
Secretary
Sharon Laucamp

DATE 1/17/07
ORGANIZATION C.C. Planning and Zoning
CONTACT PERSON Phil LaRue
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

Kyle Johnston

Dennis Proess

Lawrence L. Young

Phil LaRue

David A. Schuett

Marty Myler

John A. Darrell

R.K. Wilkins Sr.

Sharon Laucamp

Kyle Johnston

Bennett



Tel: 563-886-2248

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

January 8, 2007

LEGAL NOTICE

The Cedar County Planning & Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, January 17, 2007, 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. **Kyle Johnston, Tipton (Contract Buyer) and Robert Johnston, 711 210th Street, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 29, T-81N, R-3W, in Center West Township, consisting of 1.00 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said 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 1/9/07 to the following:

1. Kyle M. Johnston - 707 W. 9th St., Lot 51, Tipton, Iowa 52772 - Certified
2. Robert C. Johnston - 711 210th Street, Tipton, Iowa 52772
3. C & S Iowa Land Llc - Box 1131, Buckeye, AZ 85326
4. Cornell College - P.O. Box 500, Nevada, Iowa 50201-0500
5. Charles Youngker - Box 1131, Buckeye, AZ 85326
6. Robert & Evelyn Wethington - 644 185th Street, Tipton, Iowa 52772
7. Robert K. Wilkins - P.O. Box 327, Bennett, Iowa 52721

1 Copy to Tipton Conservative on 1/8/07

2 File Copies

1 Copy e-mailed to County Engineer

Bulletin Board Copy

7 Zoning Commission Members on 1/9/07



Tel: 563-886-2248

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

AGENDA

Cedar County Planning & Zoning Commission

January 17, 2007 – 6:30 p.m.

Basement, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

- A. Kyle Johnston, Tipton (Contract Buyer) and Robert Johnston, 711 210th Street, Tipton (Owner) – A change in zoning from A-1 to R-1 to allow construction of a single family dwelling

III. Discussion

IV. Conclusion

Phil L.

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

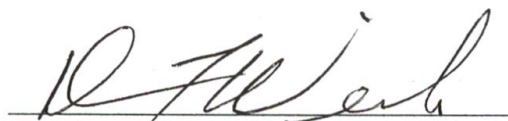
January 4, 2007

Don Lamp
1004 Mulberry Street
Tipton, Iowa 52772

Dear Don:

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 L. Weih, Chairperson

DLW:bjp

Phil LaRue

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 4, 2007

Marty Moylan
1549 King Avenue
Tipton, Iowa 52772

Dear Marty:

Please be advised, that by motion of this Board on January 2, 2007, you were appointed to a three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2009. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,


Dennis L. Weih, Chairperson

DLW:bjp

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on January 4 and 8, 2007, at 8:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. 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 $\frac{1}{4}$ of the SW $\frac{1}{4}$, 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. 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 12/22/06 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

Copy to Tipton Conservative on 12/22/06

Copy e-mail to Board of Supervisors Secretary on 12/21/06

2 File Copies

Bulletin Board Copy