

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 17, 2008

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, December 17, 2008, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Dornfeld, Moylan and Kohrt. Members absent were Schuett, Schroeder and Yutesler.

Chairperson Brown called the meeting to order at 6:35 p.m. The members then considered the following petition:

1. **Jerry Lawrence, 2306 Baker Avenue, West Branch, Iowa (Owner)** – Requesting a change in zoning from M-2 Heavy Industrial to R-1 Suburban Residential for the purpose of adjusting a property line boundary 22 feet to create a compliant side yard on property located in Parcel B in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 32, T-79N, R-4W, in Springdale Township, consisting of 0.16 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance in making their recommendation to the Board of Supervisors. La Rue informed the members there is already a house on the property. He stated there was no soil inventory done since there was one done in 1997 when the Lawrence's rezoned the property for their house. The letter received from the County Engineer stated the property is located on Baker Avenue and will not have any effect on the road system. The entrance has been reviewed as part of the previous zoning change. It was noted that the existing residence crosses over into the M-1 Zoning District. For this reason, a boundary line adjustment of 22 feet on the north side of the property was done to comply with the 15' side yard requirement and a change in zoning from M-2 to R-1 was required.

Jerry and Linda Lawrence were present at the meeting. Mr. Lawrence stated he did not have the side yard he needed and wants to comply with the zoning regulations. He stated he had his engineer perform a boundary line adjustment and requested the zoning change in order to comply.


After a brief discussion, Dornfeld made a motion to approve the request. Kohrt seconded the motion. Ayes all

The minutes from the previous meeting held on November 19, 2008, were previously sent to the members. Moylan made a motion to approve the minutes as written. Kohrt seconded the motion. Ayes all.

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

A handwritten signature in cursive script, appearing to read "Joel Brown", is written over a horizontal line.

Chairperson  
Joel Brown

A horizontal line is drawn across the page, intended for a signature.

Secretary  
Sharon Laucamp

### **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on January 5 and 8, 2009, 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. Jerry Lawrence, 2306 Baker Avenue, West Branch, Iowa (Owner)** – Requesting a change in zoning from M-2 Heavy Industrial to R-1 Suburban Residential for the purpose of adjusting a property line boundary 22 feet to create a compliant side yard on property located in Parcel B in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 32, T-79N, R-4W, in Springdale Township, consisting of 0.16 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 12/18/08 to the following:

1. Jerry Lawrence - 2306 Baker Avenue, West Branch, Iowa 52358 - Certified
2. Douglas Reynolds - 2328 Baker Avenue, West Branch, Iowa 52358
3. Larry Streets/Karen Streets Trust - 2394 Baker Avenue, West Branch, Iowa 52358
4. Eleanor Secrest - 2303 Baker Avenue, West Branch, Iowa 52358
5. Patricia & William Secrest - 2303 Baker Avenue, West Branch, Iowa 52358
6. Dorothy Spencer - 2000 N. Dubuque Street, Iowa City, Iowa 52245-1623
7. Greg L. & Cheryl J. Edwards - 2316 Baker Avenue, West Branch, Iowa 52358
8. Tom Anthony - Lankmark Surveying & Engineering, 525 Southgate Ave., Iowa City, IA 52240

Copy to Tipton Conservative & West Branch Times on 12/18/08

Copy e-mailed to Board of Supervisors Secretary

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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**

**Wednesday, December 17, 2008 – 6:30 p.m.**

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
  - A. Jerry Lawrence, 2306 Baker Avenue, West Branch, IA. (Owner) –  
A change in zoning from M-2 to R-1 for the purpose of adjusting a  
property line boundary 22 feet to create a compliant side yard.
- III. Discussion
- IV. Conclusion



Tel: 563-886-2248

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

December 8, 2008

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on December 17, 2008, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Jerry Lawrence, 2306 Baker Avenue, West Branch, Iowa**  
**(Owner)**-requesting a change in zoning from M-2 Heavy Industrial to R-1 suburban Residential for the purpose of adjusting a property line boundary 22 feet to create a compliant side yard on property located in Parcel B in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  Section 32, T-79 N, R-4W, in Springdale Township consisting of 0.16 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 12-10-08 to the folling:

1. Jerry Lawrence - 2306 Baker Ave., West Branch 52358
2. Douglas Reynolds - 2328 Baker Ave. West Branch, Ia 52358
3. Larry Streets/- Karen Streets Trust 2394 Baker Ave., West Branch, Ia52358
4. Elenor Secrest - 2303 Baker Ave., west Branch, Ia 52358
5. Patricia & William Secrest - 2303 Baker Ave., West Branch, Ia. 52358
6. Dorthy Spencer - 2000 N. Dubuque St., Iowa City, Ia. 52245-1623
7. Greg L. & Cheryl J. Edwards - 2316 Baker Ave., West Branch, Ia 52358
8. Tom Anthony - Landmark Surveying & Engineering, 525 Southgate Ave. Iowa City, Ia 52240

Copy to the Tipton Conservative and West Branch Times on 12-08-08

Copies sent to the Planning & Zoning Commission on 12-10-08

2 File Copies

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### LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on December 11 and 15, 2008, at 11:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Gary Swart, P.O. Box 681, Sterling, IL (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed four (4) lot subdivision located in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 10, T-79N, R-4W, in Springdale Township, consisting of 5.78 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 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 11/24/08 to the following:

1. Gary Swart - P.O. Box 681, Sterling, IL 61081 - Certified
2. Dennis G. & Barbara E. Gerot - 316 290th Street, West Branch, Iowa 52358
3. Mark L. Boerjan - 1892 Delta Avenue, West Branch, Iowa 52358
4. Dan L. & Lynn M. Eggers - 311 290th Street, West Branch, Iowa 52358
5. Bryan D. Woody - 191 290th Street, West Branch, Iowa 52358-5871
6. Frank E. & Darlene A. Kabela - 225 290th Street, West Branch, Iowa 52358-8571
7. John D. & Linda F. Black - 292 290th Street, West Branch, Iowa 52358-8571
8. Broadview Acres, Inc. - 292 290th Street, West Branch, Iowa 52358-8571
9. Richard Kordick - 689 185th Street, Tipton, Iowa 52772

Copy to Tipton Conservative & West Branch Times on 11/24/08

Copy e-mailed to Board of Supervisors Secretary

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## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 19, 2008

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, November 19, 2008, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Schuett, Brown, Schroeder, Yutesler, Kohrt and Moylan. Member absent was Dornfeld.

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

1. **Gary Swart, P.O. Box 681, Sterling, IL (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed four (4) lot subdivision located in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 10, T-79N, R-4W, in Springdale Township, consisting of 5.78 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review of the petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance in making their recommendation to the Board of Supervisors. He reminded the Commission that Mr. Swart previously requested approval of a rezoning at this property for the purpose of a proposed twenty one (21) lot residential subdivision. This petition was denied by the Board of Supervisors on June 30, 2008. He stated he had a telephone conversation with West Branch Fire Chief, Kevin Stoolman, regarding his department's ability to provide service. Chief Stoolman stated that the letter written by the retired fire chief, Dick Stoolman, written on April 24, 2008, will be honored by his department. The letter from County Engineer, Rob Fangmann, states that permits are on file for the two driveways which will serve the four lots proposed onto 290<sup>th</sup> Street. He anticipates no concerns. The soil evaluation report was then reviewed. The limitations for building are moderate for both the Tama Silt Loam (120B & 120C2) and the Downs Silt Loam (162D2). Limitations for septic systems are slight to severe with slight to moderate limitations on the Tama soil and severe limitations on the Downs soil. The moderate to severe limitations are due to the degree of slope alone. Limitations for agriculture are slight to severe. The CSR average on the Tama soils is 86.5, while on the Downs soils, the CSR is 63. The average of the two soils is 75 points.

The Cedar County Land Use Plan 2006 was then reviewed. Planning Goals and Objectives: To discourage scattered residential development when the resulting density won't support a full range of services and to guide new growth into a



more compact and compatible growth pattern with adequate services. "1C – To maximize the effectiveness of development expenditures in areas changing from rural to urban by orderly extension of public utilities and community facilities; 1D – To preserve and enhance the quality of life in in Cedar County; Section 3 Residential Development Goal: 3B – To provide residential development with adequate community facilities and essential services, fire and police protection, water and sewer in the most economically efficient manner; 3D – To discourage non-farm development on prime agricultural land with a high CSR; Section 8 Preservation of Agricultural Land Goal – To maintain the ag economy and preserving productive farm land and conservation of prime ag land; 8A – To protect prime ag land from needless encroachment by incompatible land use; 8B – To discourage non-farm development on prime agricultural land with a high CSR; 8C – To support the rural life style and quality of life associated with agriculture." La Rue then explained that there are several residential properties in the immediate area.

Mr. Swart was present and explained his plan to develop four lots for residential development along 290<sup>th</sup> Street. Vice-chairperson Moylan asked if he planned to do further development to the east. Mr. Swart stated no, not at this time.

Ken Fawcett spoke about changes in land use in the West Branch area. In his case, the large industrial development is now within 300 feet of his home. He then spoke of his discussion with Gary Swart of residential development and development along 290<sup>th</sup> Street which appears to follow the future land use plan. He then continued with the need for orderly development suitable for residential development. This balance between the need to protect agricultural land and to allow residential development.

Michael Crane, neighbor to the east, expressed his concern with the proposed development and land use planning. He disagrees with the Future Land Use Maps proposed area for residential development. He objects to rural residential subdivisions. There may be no end to residential development -- anyone can do it. Barb Gerot, adjoining property owner adjacent to this property, stated she feels it will affect her quality of life. She presented two petitions in opposition to the proposal. John and Linda Black, neighbors to the west, explained their opposition to the proposed development and disagreed with the values presented by Mr. La Rue on the CSR. He feels there is no need for more residential development in the country. The City of West Branch has many lots proposed in its future land use plan. He, as are others (his opinion), object to a "leap frog effect" in the country. It should be closer to West Branch. Why create another Springdale? He is concerned about water quality and run off. The county should not

compete with the City of West Branch for residential development. Linda Black questioned Mr. La Rue on the 2006 Comprehensive Plan. She stated the plan has the goals and objectives and why aren't they followed? Mike Crowley requested Cedar County to follow the rules of the Land Use Plan and Zoning Regulations. La Rue then explained that Cedar County does not force landowners to submit to a change in zoning to allow residential development. The Zoning Ordinance and Land Use Plan are intended to promote safety, health and welfare of its citizens and to provide for a balance of interests as Cedar County evaluates rezoning and subdivision requests. Cedar County works with incorporated cities for mutual orderly planned developments. Cedar County will not force a property owner to change the zoning of their property in areas for which Cedar County has proposed zoning districts in their future land use maps. Instead, Cedar County works with landowners and cities in these areas for appropriate development. These landowners approach Cedar County for assistance with rezoning and subdivision requests and not the other way around. Denny Gerot, adjoining property owner, stated his opposition and that, although representatives from Scattergood School were not in attendance, they are opposed to the rezoning. Mark Boerjan, adjoining property owner, stated his opposition. He doesn't want the high CSR land to be lost, affect the quality of life in the neighborhood. Marty Moylan stated he supported Mr. La Rue's comments that they approach Cedar County first. Randy Peterson stated his opposition and concern with the effect on agriculture and his hog farm. The hog confinement is further than 1320 feet from the proposed site. Gary Swart then disputed Mr. Black's statements on his previous petition and the value of proposed homes, a mini mall. He continued that Mr. Black rezoned two parcels right across the road (C.S.R. above 75 points). Also, Cedar County approved a three lot subdivision on Baker Avenue north of West Branch. If approved, this development will be nice quality home with good families. There was then discussion about the definition of a farm and the required number of acres. Also, that some people have attempted to go around the rezoning requirement by building a home on a farm and then splitting the farmstead off for another person. Joel Brown stated that people will buy property, then have to sell land to pay for it. Property also is bought and the rough ground is sold for development. This is contrary to the intent of the plan. There was then further discussion about land division and the agricultural exemption.

With no additional discussion, Yutesler made a motion to deny the petition. It was seconded by Kohrt because of the CSR, its location, the opposition and the Comprehensive Plan. Ayes all.



The minutes from the previous meeting held on September 17, 2008, were previously sent to the members. Brown made a motion to approve the minutes as written. Schuett seconded the motion. Ayes all.

La Rue then lead a discussion on a possible zoning ordinance amendment to allow leased land cabins in the Ag Recreational District by Special Use Permit.

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



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Vice-Chairperson  
Marty Moylan



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Pro-tem Secretary  
Phil La Rue



Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

**Wednesday, November 19, 2008 – 6:30 p.m.**

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
  - A. Gary Swart, Sterling, IL (Owner) – A change in zoning from A-1 to R-1 for the purpose of constructing single family dwellings on a proposed four (4) lot subdivision
- III. Discussion
- IV. Conclusion



Tel: 563-886-2248

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

November 10, 2008

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, November 19, 2008, 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. **Gary Swart, P.O. Box 681, Sterling, IL (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed four (4) lot subdivision located in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 10, T-79N, R-4W, in Springdale Township, consisting of 5.78 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

Copies sent out on 11/10/08 to the following:

1. Gary Swart - P.O. Box 681, Sterling, IL 61081 - Certified
2. Dennis G. & Barbara E. Gerot - 316 290th Street, West Branch, Iowa 52358
3. Mark L. Boerjan - 1892 Delta Avenue, West Branch, Iowa 52358
4. Dan L. & Lynn M. Eggers - 311 290th Street, West Branch, Iowa 52358
5. Bryan D. Woody - 191 290th Street, West Branch, Iowa 52358-5871
6. Frank E. & Darlene A. Kabela - 225 290th Street, West Branch, Iowa 52358-8571
7. John D. & Linda F. Black - 292 290th Street, West Branch, Iowa 52358-8571
8. Broadview Acres, Inc. - 292 290th Street, West Branch, Iowa 52358-8571
9. Richard Kordick - 689 185th Street, Tipton, Iowa 52772

7 Zoning Commission members on 11/10/08

Copy to Tipton Conservative & West Branch Times on 11/10/08

Copy e-mailed to County Engineer on 11/10/08

2 File Copies

~~Bulletin Board~~ Bulletin Board Copy





Tel: 563-886-2248

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

October 8, 2008

**TO: CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS**

I am writing to inform you that there will not be a meeting of the Planning and Zoning Commission during the month of October because no petitions were filed.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

### LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on October 2 and 6, 2008, 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. **Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 110 Daybreak Ridge, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of relocating the Buchanan House to the property located in the NW ¼, NW ¼, Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.99 acres of a 9.1 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 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 9/19/08 to the following:

1. Randy & Linda Weaver - 1524 Highway 130, Tipton, Iowa 52772 - Certified
2. Rebecca Penningroth - 1110 Daybreak Ridge, Tipton, Iowa 52772
3. Lavern Fogg - 1046 Eureka Avenue, Tipton, Iowa 52772
4. Ronald J. Wiechert - 710 Green Road, Tipton, Iowa 52772

Copy to Tipton Conservative on 9/19/08

Copy to Board of Supervisors Secretary

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## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

September 17, 2008

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, September 17, 2008, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Dornfeld, Schuett, Brown, Kohrt and Moylan. Members absent were Schroeder and Yutesler.

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

1. **Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 110 Daybreak Ridge, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of relocating the Buchanan House to the property located in the NW ¼, NW ¼, Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.99 acres of a 9.1 acre tract.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review of the petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance in making their recommendation to the Board of Supervisors. The letter from the Tipton Fire Department stated they can provide service but it must be the owner's responsibility to construct and maintain a suitable driveway so emergency, fire and or rescue vehicles can access the site. The letter from County Engineer Rob Fangmann stated this property is located on gravel route Green Road. An approved entrance permit is on file in the Engineer's Office. The soil inventory was then reviewed. The soils are Fayette Silt Loam. Limitations for buildings are moderate. Limitations for septic system are slight to severe with severe limitations due to slope alone. Limitations for agricultural crops are slight to severe. The CSR varies from 45 to 85 points with the average being 66 points. La Rue stated there are at least five residential homes to the west of this property. La Rue stated a minor subdivision will be required if approved by the Board of Supervisors. He stated the Comprehensive Plan does discourage scattered residential development when it will not support a whole broad range of services.

Randy, Linda and Jessica Weaver were present at the meeting. Linda then informed the members of their intent to move the Buchanan house to the proposed site. She stated the house has been in the Miller family for 70 years. She also stated that Terri Jo Miller Griebat, current owner,



has never registered this building on the historical registry. Therefore, when she was talking about taking it down, the Weaver's felt they would like to save it and relocate the home. She informed the members she negotiated with Terri Jo to purchase the home contingent on the Weaver's finding a place to move it to. She stated this is the best location she could come up with. She informed the members she wanted to find a location that was not farmable ground. She stated they could get to this property with a little modification on the road. She also stated they would have to widen a small stretch to get the house into the lot. She informed the members she had discussed this with the County Engineer. She stated it is very important to her to save this house because it is a part of history. The Weaver's stated they will eventually live in the home. Their daughter, Jessica, is an architect and will assist with the future plans. Jessica stated they plan to find a way to economically and ego friendly heat the house. She also stated there will be a lot of restoration involved. Linda briefly explained some of the history of the house. The Weaver's stated they will be able to move the house all in one piece. The house will not go over any bridges, just box culverts. They explained that dollies will be placed under the house to distribute the weight evenly. The mover of the house will be Jeremy Patterson from Washington, Iowa. Approximately six utility lines will be involved in the move.

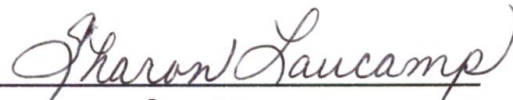
After further discussion, Moylan made a motion to recommend approval of the rezoning request from A-1 to R-1 to the Board of Supervisors. Kohrt seconded the motion. Ayes all.

The minutes from the previous meeting held on August 20, 2008, were previously sent to the members. Schuett made a motion to approve the minutes as written. Dornfeld seconded the motion. Ayes all.

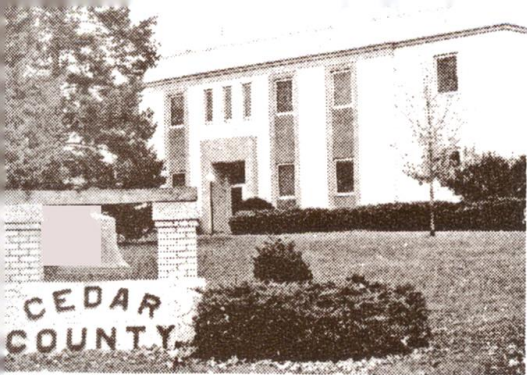
With no additional business to be discussed at this time, the meeting was adjourned.



Chairperson  
Joel Brown



Secretary  
Sharon Laucamp



Tel: 563-886-2248

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

September 8, 2008

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, September 17, 2008, 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. **Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 110 Daybreak Ridge, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of relocating the Buchanan House to the property located in the NW ¼, NW ¼, Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.99 acres of a 9.1 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 9/9/08 to the following:

1. Randy & Linda Weaver - 1524 Highway 130, Tipton, Iowa 52772 - Certified
2. Rebecca Penningroth - 1110 Daybreak Ridge, Tipton, Iowa 52772
3. Lavern Fogg - 1046 Eureka Avenue, Tipton, Iowa 52772
4. Ronald J. Wiechert - 710 Green Road, Tipton, Iowa 52772

7 Zoning Commission members on 9/9/08

Copy to Tipton Conservative on 9/8/08

Copy e-mailed to County Engineer on 9/9/08

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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**

**Wednesday, September 17, 2008 – 6:30 p.m.**

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
  - A. Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 110 Daybreak Ridge, Tipton (Owner) – A change in zoning from A-1 to R-1 for the purpose of relocating an existing house.
- III. Discussion
- IV. Conclusion



## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on September 8 and 11, 2008, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Dennis Ray, 1418 Hayes Road, 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 at 1418 Hayes Road, Tipton, in the SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 17, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.00 acre of a 5.00 acre tract.
2. **James and Maureen Bowie, 1595 Logan Avenue, 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 NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 16, T-80N, R-4W, in Gower Township, consisting of 2.70 acres more or less.
3. **Michael Walter, 376 210<sup>th</sup> 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 NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 22, T-81N, R-4W, in Cass Township, consisting of 4.1 acres more or less.
4. **Pondview Acres, LLC, 319 Cedar Street, Tipton (Owners)** – Requesting approval of a Preliminary Plat of Survey for Pondview Acres, Fifth Addition, an eight (8) lot subdivision located in the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 13.88 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 8/22/08 to the following:

1. Dennis Ray - 1418 Hayes Road, Tipton, Iowa 52772 - Certified
  2. Bessie, Robert & Richard Brennan - 1128 220th Street, Tipton, Iowa 52772
  3. Linn Farms, Inc. - 767 Green Road, Tipton, Iowa 52772-9254
  4. John & Sherrie Fakers - 990 Cedar Valley Road, Tipton, Iowa 52772
- 

1. James & Maureen Bowie - 1595 Logan Avenue, Tipton, Iowa 52772 - Certified
  2. Bonnie Joyce Conner - 1415 Charles Avenue, West Branch, Iowa 52358-8658
  3. Carol & Lyle Seydel Family Trust - 445 Garden Street, Iowa City, Iowa 52245-4558
  4. Brent & Deborah Donohoe - 1453 Plato Road, West Branch, Iowa 52358-8542
  5. Charles F. Krall Family Trust - 163 250th Street, West Branch, Iowa 52358-8659
  6. Mary Catherine English - 1444 Charles Avenue, West Branch, Iowa 52358
  7. United Brethern Cemetary - Walter Hansen, Township Clerk, 1233 Eureka Ave., West Branch 52358
- 

1. Michael Walter - 376 210th Street, Tipton, Iowa 52772 - Certified
  2. Jason Walter - 615 Arlington Lane, South Elgin, IL 60177
  3. Kathy L. Walter - 357 210th Street, Tipton, Iowa 52772
  4. Fobian Farms, Inc. - 3639 Oasis Road NE, West Branch, Iowa 52358-9545
- 

1. Pond View Acres, LLC - 319 Cedar Street, Tipton, Iowa 52772 - Certified
  2. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
  3. Neal & Barbara Nelson - 318 Maple Boulevard, Wilton, Iowa 52778
  4. William & Crystal Vetter - 1987 Sabbath Drive, Muscatine, Iowa 52761
  5. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
  6. William & Dawn Yohe - 316 Maple Boulevard, Wilton, Iowa 52778
  7. Brett & Nicole Jackson - 314 Maple Boulevard, Wilton, Iowa 52778
  8. Mark & Kimberly Washburn - 519 Walnut Street, Wilton, Iowa 52778
  9. Charles H. Frymoyer - 1232 300th Street, Tipton, Iowa 52772
  10. Michael & Melissa Coss - P.O. Box 1225, Wilton, Iowa 52778-0021
  11. Thomas & Dawn Luethye - 2225 Taylor Avenue, Wilton, Iowa 52778-9207
  12. Jason & Jennifer Ferguson - 308 Pondview Drive, Wilton, Iowa 52778
  13. Miracles Can Happen Boys Ranch - 1614 300th Street, Wilton, Iowa 52778-9254
  14. Chad & Michele Christensen - 310 Maple Blvd., Wilton, Iowa 52778-9355
- 

Copy to Tipton Conservative & West Branch Times on 8/22/08

Copy e-mailed to Board of Supervisors Secretary

2 File Copies

Bulletin Board Copy



## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 20, 2008

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 20, 2008, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Schuett, Dornfeld, Schroeder, Yutesler and Kohrt. Member absent was Moylan. Minutes from the last meeting held on July 16, 2008, were previously sent to the members. Dornfeld made a motion to approve the minutes as written. Yutesler seconded the motion. Ayes all.

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

- 1. Dennis Ray, 1418 Hayes Road, 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 at 1418 Hayes Road, Tipton, in the SW ¼, NE ¼, NE ¼, Section 17, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.00 acre of a 5.00 acre tract.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review of this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance in making their recommendation to the Board of Supervisors. He stated the Comprehensive Plan does discourage scattered residential development when it will not support a broad range of services. He then read several excerpts from the Comprehensive Land Use Plan. La Rue explained that there was a home at this site after 1996, and Mr. Ray will be able to build without a change in zoning. Also, there are two rezoned residential properties on this road. The letter received from Tipton Fire Chief Curt Woode stated they can provide service but there must be an adequate access. The letter from County Engineer Rob Fangmann stated there is an approved entrance permit on file using the existing driveway. He has no objections. The soil inventory was then reviewed. Limitations for low buildings are moderate. Limitations for septic systems are slight. The soil is Fayette Silt Loam and has a CSR of 85 points. It was noted the land is not in production since it is a farmstead. There are no livestock operations within one-quarter mile.

Owner Dennis Ray was present and explained his plan that because of the June 2008 flood, he would like to give his daughter an acre for them to build their homes as their home in Rochester was lost in the flood. He will build in the future. The Commission discussed the case.

With no additional discussion, Yutesler recommended approval of the rezoning request. Schroeder seconded the motion. Ayes all.

- 2. James and Maureen Bowie, 1595 Logan Avenue, 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 NW ¼, NW ¼, Section 16, T-80N, R-4W, in Gower Township, consisting of 2.70 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 18.2(3) of the Zoning Ordinance in making their recommendation to the Board of Supervisors. He stated the Comprehensive Plan does discourage scattered residential development when it will not support a broad range of services. He then read several excerpts from the Comprehensive Land Use Plan. The letter from West Branch Fire Chief Kevin Stoolman stated they can provide emergency service. The letter from the County Engineer stated there is an approved entrance permit on file and they may use the existing drive. He has no objections. The soil evaluation was then discussed. Limitations for building are moderate (Fayette) to severe (Nodaway-Arenzville) which is subject to flooding and high water table. Limitations for septic systems are severe due to slope on Fayette soil and severe on the Nodaway-Arenzville soil due to frequent flooding and high water table. Limitations for agricultural farm crops are moderate. The CSR average is 71 points.

Mr. & Mrs. Bowie were present and explained that Justin Worrell lost his home during the June 2008 flood and would like to build a home on the property. He explained that they will not add to road traffic as they already use the road (Charles Avenue). Commission member Yutesler questioned the limitations and options for septic. Mr. Worrell explained that a percolation test was done and a conventional system can be used. Commission member Schuett asked how far to the West Branch Fire Department. It is six miles. Commission member Brown asked Mr. Worrell if he is aware of the limitations. There are no livestock operations in the area other than open pastures. Neighbor Bonnie Conner expressed concerns about all of the residential development on the farm lands of Cedar County. She asked the Commission to look to the future and the affect this policy of allowing residential encroachment will have on agriculture. She also expressed concerns about the amount of traffic on Charles Avenue. Yutesler asked if this will be the first division on this farm. Mr. Bowie stated yes for this parcel, but the farmstead located to the south was divided off years ago. Discussion on land division and the trend from agricultural to residential continued. Mr. Conner explained that she understands the Worrell's desire to live



in the country and stated she is just very concerned about the pattern of agricultural to residential land use. Yutesler asked Mr. Worrell if he has looked at other locations and properties. Mr. Worrell explained that they have and this is not prime land. He stated he has looked at several sites and this is the site that would best meet their plans for a home.

After further discussion, Schuett made a motion to recommend the change in zoning to the Board of Supervisors. Kohrt seconded the motion. Ayes all.

- 3. Al and Melany Reinboldt, 809 Hill Ridge Dr., Lisbon (Owners) –** Requesting a Special Use Permit authorizing a private horse barn on Lot 11, Buffalo Ridge Second Addition, located in the NW ¼, NW ¼ and SW ¼, NW ¼, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 20.52 acres more or less. Said property is currently zoned R-1 Suburban Residential.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to review this petition in accordance with Chapter 17.18(2) in making their recommendation to the Cedar County Board of Adjustment. La Rue explained that Chapter 7, R-1 Suburban Residential District (D3) of the Zoning Ordinance allows horses (and livestock) by Special Use Permit in residential districts. The letter from County Engineer Rob Fangmann stated an approved entrance permit is on file as part of the Buffalo Ridge Addition. The barn will not be located close to Adams Avenue and he has no concerns.

Al Reinboldt was present and explained their plan to erect a 40' x 60' barn and a home. They would like to have a hobby farm with four horses and perhaps a steer. The proposed location will keep the barn and pasture area as far as possible from the residential neighboring properties. They will keep a hay ground as a buffer. Chairperson Brown asked if they would be "showing" horses. Mr. Reinboldt stated this would be a hobby farm for themselves only. The Commission members discussed the location of this property in relation to other area residential subdivisions. Regarding fencing, Mr. Reinboldt will fence his livestock area and this will not be on their common property line. Tom Steffenson, home owner in Buffalo Ridge, wanted to know how far the fenced area will be from his south property line. The barn will be 350 feet and the north edge of the fenced animal enclosure about 200 feet to their property line.

Following discussion, Dornfeld made a motion, with Yutesler seconding, to allow the request subject to six head of livestock (4 horses, 1 donkey and 1 cow). Ayes all.

- 4. Michael Walter, 376 210<sup>th</sup> 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 NE ¼, SE ¼, Section 22, T-81N, R-4W, in Cass Township, consisting of 4.1 acres more or less.

La Rue informed the members that there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 18.2(3) of the Zoning Ordinance in making their recommendation to the Board of Supervisors. He stated the Comprehensive Plan does discourage scattered residential development when it will not support a broad range of services. He then read several excerpts from the Comprehensive Land Use Plan. The letter from Tipton Fire Chief Curt Woode stated they can provide emergency service but there must be an adequate access. The letter from County Engineer Rob Fangmann stated that there is an approved entrance permit on file and he has no objections. There are two or three residential properties on this road. There are no livestock operations in the area. The soil evaluation was reviewed. Limitations for building are slight. Limitations for septic are slight on Sparta Loamy Fine Sand and Waukegan Silt Loam, but there is a hazard of ground-water contamination. It is moderate on Chelsea Loamy Fine Sand but there is also a hazard of groundwater contamination. Limitations for agricultural farm crops are severe on the Sparta (25 CSR) and Chelsea Loamy soils (13 CSR average) and moderate on the Waukegan soils (68 CSR)

Owner Mike Walter was present and explained that he would like his son to build a home on the property. He plans to bring soil in to establish a lawn as the soils otherwise are droughty. La Rue explained that there are three residential zoned parcels north on Eureka. Discussion was held including the length of the access.

Following further discussion, Schuett made a motion to recommend approval of the rezoning request to the Board of Supervisors. Kohrt seconded the motion. Ayes all.

- 5. Jason Smith, 1051 Garfield Avenue, Tipton (Owner)** – Requesting a Special Use Permit authorizing an Agricultural Service Business, a communication cable installation business at 1051 Garfield Avenue, Tipton, on property located in the SE ¼, NE ¼, Section 25, T-81N, R-4W, in Cass Township, consisting of 5.9 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 review this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance in making their recommendation to the Cedar County Board of Adjustment. La Rue explained that Chapter 5, A-1 Agricultural District (D1) of the Zoning Ordinance allows agriculture service businesses by a Special Use Permit. The letter from County Engineer Rob Fangmann stated that this is on a paved road and the site is 300 yards from the road. He has no concerns.

Owner Jason Smith was present and explained his plan to build and re-locate his business due to the destruction of his business in Cedar Rapids from the flood. He explained the proposed building will have an office with storage. He has five employees with his business and there will be no customers coming to the site. The building would be 62' x 70' if approved. Discussion was held including the S.U.P. versus M-1 zoning and signage. Mr. Smith stated there will be no on-site advertisement signing.

After a brief discussion, Yutesler made a motion to recommend approval to the Cedar County Board of Adjustment. Dornfeld seconded the motion. Ayes all.

- 6. Pondview Acres, LLC, 319 Cedar Street, Tipton (Owners) –** Requesting approval of a Preliminary Plat of Survey for Pondview Acres, Fifth Addition, an eight (8) lot subdivision located in the NW ¼, SW ¼, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 13.88 acres more or less.

Zoning Administrator La Rue advised the members to consider this petition in accordance with Chapters 3, 6, 7 & 8 of the Cedar County Subdivision Ordinance when making a recommendation to the Board of Supervisors. He informed the members that there is a petition on file from fourteen property owners concerned about the affect on the existing road by more traffic. La Rue stated that the Board of Supervisors approved a rezoning to R-1 for Pondview Acres 5<sup>th</sup> Addition on September 8, 2005. He advised the petition appears complete and includes the required report on on-site wastewater treatment options. The letter from County Engineer Rob Fangmann wrote his recommendation on road cross section minimum requirements and is off a hard surface road.

Stuart Werling, property manager, Merv Pasvogel & Richard Kordick were present. Mr. Werling viewed the petition pertaining to the road maintenance. He explained the road design and maintenance policies and covenants. Cedar County has not accepted the road system into

their road system. Mr. Werling did not feel the petition was an objection to the proposed development, only concern about the road. He continued by describing to the Commission the history of the development and the maintenance issues of the homeowner and road association. Discussion about the development was held, including why this development when Part IV only one lot has been sold and not built upon. The Commissioners expressed some concerns pertaining to maintenance issues (i.e. potholes) after driving the development prior to the hearing. Mr. Werling felt the private drive is in good condition. Discussion was held at length on resolving the situation. The Commission requested an explanation on the Road Association, how it was formed, maintained, funded and functions. Mr. Pasvogel has been doing this work. The petitioners stated they were surprised by the petition and have not been in discussion with the petitioners and the associations. The homeowner/road association pay into an account for road maintenance and snow removal. The association board ensure that the maintenance is performed regularly and properly. Dean Challis stated the property owners are aware of the association and how the road system is to be maintained. He explained that some of the property owners feel the road was not finished. There was discussion on Cedar County taking over the maintenance of this road. County Engineer Rob Fangmann then spoke and explained the county's history of taking in dead end roads and subdivision roads. The Board of Supervisors then established a policy of road design in these subdivisions, road surfacing and under what terms Cedar County will accept additional roads. At this time, Cedar County is not accepting additional roads. Engineer Fangmann then explained his recommendation on modifying the road design cross section. Mr. Kordick explained that a seal-coat road is better than a gravel road, but it requires regular maintenance. Commission member Brown requested an explanation of the road design (seal coat) for the first subdivision phase. Mr. Challis asked Engineer Fangmann why the change in the Mcadam base and who inspects the road that it is built right. The developer's engineer is responsible to ensure the approved design is properly built. It was stressed that the seal coat road must be maintained. Both Mr. Kordick and Mr. Pasvogel review the road. Discussion on road maintenance continued. Barb Nelson, property owner, expressed an opinion that when people purchase a property, they do not carefully read and consider the road association policies and maintenance. She explained that road maintenance will be required when homes are being built due to the construction traffic. La Rue explained the questions he has received about road surfacing. Mr. Werling explained that they will work on better communication and expectations (about road concerns) at the upcoming annual meeting. Mr. Challis then explained




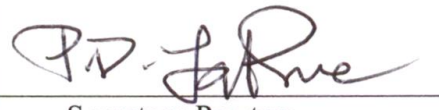
that the homeowners were expecting a harder, more durable road surface. Further discussion followed about road maintenance and the responsibility of the individual property owners. They have had some problems caused by heavy construction equipment moving on the road. It is in the best interest of the homeowners to communicate and work together to resolve the road issues. It was noted by the Commission that one water well will serve this phase of proposed development. Also discussed was the type of on-site wastewater treatment and disposal due to the perched water table.

Following additional discussion, Dornfeld made a motion to recommend approval to the Board of Supervisors. Schuett seconded the motion. Members voting aye were Dornfeld, Schuett, Schroeder and Brown. Member Yutesler abstained from voting and Kohrt voted nay.

In other business, La Rue updated the Commission on the flood recovery and residential damage assessment.

With no additional business to be discussed, the meeting was adjourned at 9:25 p.m.

  
Chairperson  
Joel Brown

  
Secretary Pro-tem  
Phil La Rue



Tel: 563-886-2248

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

August 7, 2008

Carl Kohrt  
557 Quincy Avenue  
Clarence, Iowa 52216

Dear Carl:

I am writing this letter to welcome you to the Cedar County Planning and Zoning Commission. As you can see, I have provided you with a lot of materials to assist you as one of the County Zoning Commissioners. Enclosed please find a copy of the Public Notice and Agenda for the August 20, 2008, meeting, informational documents prepared by Iowa State University pertaining to the comprehensive nature of zoning in Cedar County and the State of Iowa, and a copy of the Cedar County Comprehensive Plan, Zoning and Subdivision Ordinances. I have also included a list of contacts for you of the other Zoning Commission members, Board of Adjustment members and the Board of Health. Copies of all documents and ordinances are available on line at the county website ([cedarcountry.org](http://cedarcountry.org)).

As your zoning staff, Sharon Laucamp and I will assist you with any questions you may have. We will prepare all applicable documentation that the Commission will be needing for the Public Hearings. I will not expect that you become familiar with all of this information by August 20<sup>th</sup>, so please feel free to contact me with any questions you may have. If you would like to meet with me prior to or after the August 20<sup>th</sup> meeting, I will be happy to do so.

Again, thank you very much for your willingness to serve on the Zoning Commission, and I look forward to working with you.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl  
Encls.



Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

**Wednesday, July 16, 2008** – 6:30 p.m.

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

- A. Bill & Cheryl Kofron, 276 West Rochester Avenue, Atalissa (Owners) – A change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling. Also a change in zoning from AR-1 Agricultural Residential for the purpose of eliminating this zoning class
- B. Jack Wonick, 257 West Rochester Avenue, Atalissa (Owner) – Requesting a change in zoning from A-1 to R-1 for the Purpose of constructing a single family dwelling
- C. Alan and Simone Hansen, P.O. Box 294, Olin (Owners) – Requesting a change in zoning from A-1 to R-1 for the purpose of constructing two single family dwellings on one acre parcels of a 38.00 acre tract

III. Discussion

- A. Discussion of the Cedar River Flood event June 10-21, 2008
- B. IDNR flood plain management requirements for significantly damaged dwellings and Cedar County Flood Plain Ordinance, Chapter 20, Cedar County Zoning Ordinance.
- C. Non-conforming structures and uses, Chapter 16, Cedar County Zoning Ordinance

IV. Conclusion





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

**AGENDA**

**Cedar County Planning & Zoning Commission**

**Wednesday, August 20, 2008** – 6:30 p.m.

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Dennis Ray, 1418 Hayes Road, Tipton (Owner) –  
A change in zoning from A-1 to R-1 for the purpose  
of constructing a single family dwelling
- B. James and Maureen Bowie, 1595 Logan Avenue,  
Tipton (Owners) – A change in zoning from A-1 to  
R-1 for the purpose of constructing a single family  
dwelling
- C. Al and Melany Reinboldt, 809 Hill Ridge Drive,  
Lisbon (Owners) – A Special Use Permit authorizing  
a private horse barn on Lot 11, Buffalo Ridge Second  
Addition. Said property is currently zoned R-1.
- D. Michael Walter, 376 210<sup>th</sup> Street, Tipton (Owner) –  
A change in zoning from A-1 to R-1 for the purpose  
of constructing a single family dwelling
- E. Jason Smith, 1051 Garfield Avenue, Tipton (Owner) –  
A Special Use Permit authorizing an Agricultural Service  
Business, a communication cable installation business.  
Said property is currently zoned A-1.
- F. Pondview Acres, LLC, 319 Cedar Street, Tipton (Owners) –  
Approval of a Preliminary Plat of Survey for Pondview  
Acres, Fifth Addition, an eight (8) lot subdivision. Said  
property consists of 13.88 acres more or less.

III. Discussion

IV. Conclusion





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

August 4, 2008

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 20, 2008, 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. **Dennis Ray, 1418 Hayes Road, 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 at 1418 Hayes Road, Tipton, in the SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 17, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.00 acre of a 5.00 acre tract.
2. **James and Maureen Bowie, 1595 Logan Avenue, 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 NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 16, T-80N, R-4W, in Gower Township, consisting of 2.70 acres more or less.
3. **Al and Melany Reinboldt, 809 Hill Ridge Dr., Lisbon (Owners)** – Requesting a Special Use Permit authorizing a private horse barn on Lot 11, Buffalo Ridge Second Addition, located in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  and SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 19, T-82N, R-4W, in Pioneer Township, consisting of 20.52 acres more or less. Said property is currently zoned R-1 Suburban Residential.
4. **Michael Walter, 376 210<sup>th</sup> 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 NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 22, T-81N, R-4W, in Cass Township, consisting of 4.1 acres more or less.

5. **Jason Smith, 1051 Garfield Avenue, Tipton (Owner)** – Requesting a Special Use Permit authorizing an Agricultural Service Business, a communication cable installation business at 1051 Garfield Avenue, Tipton, on property located in the SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 25, T-81N, R-4W, in Cass Township, consisting of 5.9 acres more or less. Said property is currently zoned A-1 Agricultural.
6. **Pondview Acres, LLC, 319 Cedar Street, Tipton (Owners)** – Requesting approval of a Preliminary Plat of Survey for Pondview Acres, Fifth Addition, an eight (8) lot subdivision located in the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 13.88 acres more or less.

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



Phil La Rue  
Zoning Administrator

PL:sl



Copies sent out on 8/6/08 to the following:

1. Dennis Ray - 1418 Hayes Road, Tipton, Iowa 52772 - Certified
  2. Bessie, Robert & Richard Brennan - 1128 220th Street, Tipton, Iowa 52772
  3. Linn Farms, Inc. - 767 Green Road, Tipton, Iowa 52772-9254
  4. John & Sherrie Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772-9240
- 

1. James & Maureen Bowie - 1595 Logan Avenue, Tipton, Iowa 52772 - Certified
  2. Bonnie Joyce Conner - 1415 Charles Avenue, West Branch, Iowa 52358-8658
  3. Carol & Lyle Seydel Family Trust - 445 Garden Street, Iowa City, Iowa 52245-4558
  4. Brent & Deborah Donohoe - 1453 Plato Road, West Branch, Iowa 52358-8542
  5. Charles F. Krall Family Trust - 163 250th Street, West Branch, Iowa 52358-8659
  6. Mary Catherine English - 1444 Charles Avenue, West Branch, Iowa 52358
  7. United Brethern Cemetary - Walter Hansen, Township Cler, 1233 Eureka Ave., West Branch 52358
- 

1. Al & Melany Reinboldt - 809 Hill Ridge Drive, Lisbon, Iowa 52253 - Certified
  2. Jeremy & Brenda Brimeyer - 60 Everett Court, Lisbon, Iowa 52253
  3. Cory & Jaime Townsend - 2429 Handley Dr. SW, Cedar Rapids, Iowa 52404
  4. Nicholas & Kim Thurn - 80 Everett Court, Lisbon, Iowa 52253
  5. Thomas & Kellie Steffenson - 90 Everett Court, Lisbon, Iowa 52253-7600
  6. Jeremy & Deanna Kulbartz - 2032 77th Street, Blainstow, Iowa 52209-9502
  7. C. K. Alexander Irrevocable Trust - P.O. Box 50, Mt. Vernon, Iowa 52314
  8. Ruth Young - 1115 Scramblers Knob, Franklin, TN 37069
  9. Mark & Audrey Graver - 555 Green Ridge Road, Lisbon, Iowa 52253-9758
  10. Andrew & Michelle Kiesey - 10 Everett Court, Lisbon, Iowa 52253
  11. Best of Iowa Community Credit Union - 405 S. Blairsferry Crossing, Hiawatha, IA 52233-7942
  12. Bradley & Kristina Dvorak - 40 Everett Court, Lisbon, Iowa 52253
  13. Tracy & Shannon Bergmann - 50 Everett Court, Lisbon, Iowa 52253
- 

1. Michael Walter - 376 210th Street, Tipton, Iowa 52772 - Certified
  2. Jason Walter - 615 Arlington Lane, South Elgin, IL 60177
  3. Kathy L. Walter - 357 210th Street, Tipton, Iowa 52772
  4. Fobian Farms, Inc. - 3639 Oasis Rd. NE, West Branch, Iowa 52358-9545
- 

1. Jason Smith - 1051 Garfield Avenue, Tipton, Iowa 52772 - Certified
  2. Joseph & Sandra Pennington - 571 210th Street, Tipton, Iowa 52772
  3. Janis Meier - 1324 J Springbrook Lane, DeWitt, Iowa 52742-1078
  4. Hornfield Iowa Farms Associates LP - P.O. Box 500, Nevada, IA 50201-0500
  5. Geneva Wood - 219 S. Cedar St., Apt. 304, Tipton, Iowa 52772
  6. Jephtha Randolph - 422 North Elm, Mechanicsville, Iowa 52306
- 

1. Pond View Acres, LLC - 319 Cedar Street, Tipton, Iowa 52772 - Certified
  2. Richard Kordick - 689 185th Street, Tipton, Iowa 52772
  3. Neal & Barbara Nelson - 318 Maple Boulevard, Wilton, Iowa 52778
  4. William & Crystal Vetter - 1987 Sabbath Drive, Muscatine, Iowa 52761
  5. Leona H. Wilkins Revocable Trust - 1407 Washington Avenue, Bennett, Iowa 52721
  6. William & Dawn Yohe - 316 Maple Boulevard, Wilton, Iowa 52778
  7. Brett & Nicole Jackson - 314 Maple Boulevard, Wilton, Iowa 52778
  8. Mark & Kimberly Washburn - 519 Walnut Street, Wilton, Iowa 52772
  9. Charles H. Frymoyer - 1232 300th Street, Tipton, Iowa 52772
  10. Michael & Melissa Coss - P.O. Box 1225, Wilton, Iowa 52778-0021
  11. Thomas & Dawn Luethye - 2225 Taylor Avenue, Wilton, Iowa 52778-9207
  12. Jason & Jennifer Ferguson - 308 Pondview Drive, Wilton, Iowa 52778
  13. Miracles Can Happen Boys Ranch - 1614 300th Street, Wilton, Iowa 52778-9254
  14. Chad & Michele Christensen - 310 Maple Blvd., Wilton, Iowa 52778-9355
- 

Copy to Tipton Conservative & Wilton-Durant Advocate News on 8/4/08, e-mailed to County Eng. on 8/5/08, 7 Zoning Commission members, 2 File Copies & Bulletin Board Copy



## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 16, 2008

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 16, 2008, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Moylan, Schroeder, Dornfeld, Schuett and Yutesler.

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

**1. Bill and Cheryl Kofron, 276 West 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 1.00 acre in Lot 3, Marners Addition. Also, a change in zoning from AR-1 Agricultural Recreational to A-1 Agricultural for the purpose of eliminating this zoning class on Lots 12 and 13, Rainbow Valley Addition, consisting of 0.76 acres more or less. Said properties are located in the NE ¼ of the SW ¼, Section 34, T-80N, R-3W, in Iowa Township.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 18.2(3) of the Zoning Ordinance in making their recommendation to the Board of Supervisors. He stated the Comprehensive Plan does discourage scattered residential development when it will not support a broad range of services. He then read several excerpts from the Comprehensive Land Use Plan. The letter received from the County Engineer stated this property is off of a private road, and therefore, he does not have jurisdiction on the location of the driveway. However, West Rochester Avenue can become inundated with water if the Cedar River reaches high flows. He stated the petitioners must accept the fact that access may be limited at any point in time due to high water in order to gain his recommendation of approval of the rezoning request. The letter from the Atalissa Fire Department stated they provide fire and EMS protection to the Kofron's and the location and any property owned by them which is in their fire district. The soil inventory was then reviewed. Limitations for building are slight and moderate. Septic limitations are slight to severe with severe due to slope alone. The ag CSR average is 48 with a range of 30 to 63. La Rue stated that the second part of this petition is to remove the Agricultural-Recreational zoning on two of the lots, taking it back to A-1, for the purpose of being further reviewed should someone wish to build on the property.



Bill Kofron then explained to the members that they were flood victims and had about seven feet of water in their home. He stated they want to rebuild about 100 feet back from the current home and 14 feet higher than the water was. He stated they have never had problems with the water getting into the house in the past and never had any problems getting out when the road flooded. He stated he has verbal permission from the neighbors to go on their property if they need to get out. La Rue stated the property appears to be out of Zone A on the flood insurance rate map. He stated the maps lack sufficient details and have no elevation data. The members questioned Mr. Kofron about emergency service. Mr. Kofron stated they will be in the same situation as they have been in the past and they are willing to take the chance if emergency service can not get to them. Mr. Kofron then stated that he owns Lots 11 through 15 and would like all of the lots rezoned back to A-1 so no one would be able to build on them. Tim Hamer, adjoining property owner, stated that there is an easement that comes into his gate. He would like to see the easement maintained. The easement goes back to a trailer on Lot 17. Mr. Hamer is just beyond Lot 17. The rezoning would not change the recorded easement.

After further discussion, Moylan made a motion to grant the change in zoning from A-1 to R-1 on the property where he plans to build. Schuett seconded the motion. Ayes all. Schuett then made a motion for an amendment that Lots 11 through 15 be changed from AR-1 to A-1. Dornfeld seconded the motion. Ayes all.

- 2. Jack Wonick, 257 West Rochester Avenue, 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 SW  $\frac{1}{4}$ , Section 34, T-80N, R-3W, in Iowa Township, consisting of 2.37 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 18.2(3) of the Zoning Ordinance. The letter from the County Engineer read the same as for Petitioner #1. The letter from the Atalissa Fire Department also read the same as for Petitioner #1. The soil inventory was then discussed. Building limitations are slight to moderate. The limitations for septic are slight to severe with severe limitations due to slope alone. The CSR average is 54 with a range of 45 to 63.

Mr. Wonick informed the members he wishes to build a new home because his current home was flooded. He plans on building up the hill and will be 4 feet higher. The current home sits on Lots 1 & 2. He stated he had 5  $\frac{1}{2}$  feet of water in his home. He stated he would like to keep the current zoning classification on Lots 1 & 2 because

he has a garage and shop on the property which he would like to keep. They will be non-residential buildings.

After a brief discussion, Moylan made a motion to grant the change in zoning from A-1 to R-1 for the purpose of building a new home. Dornfeld seconded the motion. Ayes all.

**3. Alan and Simone Hansen, P.O. Box 294, Olin (Owners) –**

Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing two single family dwellings on property located in the SE ¼ of the NW ¼, Section 15, T-80N, R-3W, in Center West Township. Said petition is to rezone two, one acre parcels on a 38.00 acre tract.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. He informed them there is recreational hunting to the north of the property owned by the Cedar County Conservation Board. He stated under Chapter 3, Section 7 of Zoning Ordinance, states that under no conditions shall a residential dwelling, building or structure be erected or moved within 200 yards of a designated public hunting area. Mr. Hansen's property is more than 200 yards away. The letter from the County Engineer stated that this property is located on gravel route Snaggy Ridge Road and should not cause any road concerns. Two approved entrance permits are on file. The Tipton Fire Department recommended approval subject to being able to get emergency equipment in. The soil evaluation was then discussed. Limitations for building are moderate. Septic limitations are moderate to severe with slope being the limiting factor. The CSR on both properties is from 58 to 70 with an average of 64. La Rue stated there is a large residential area one-quarter mile to the west (Cedar Valley Heights). There are no large livestock operations in the area. John and Sherrie Falkers, adjoining property owners, stated they have 80 cows with calves to the east of the property and there are horses across the road.

Alan Hansen was present and explained that they recently purchased 38 acres which is split by a gravel road. He stated 26 acres lays to the east side and 10 acres on the west. He informed the members they marked out an acre on each side for building single family dwellings. He stated they are looking at splitting off 10 acres on the west side of the gravel. Their plan is to build on the 26 acre parcel. It was noted that any additional building is limited due to the 600 feet setback from the public hunting area. The crop ground is currently in CRP. John and Sherrie Falkers expressed their concern about future development. They understood that when the 38 acres was auctioned off, there would



only be one home built. They are concerned because they own 300 acres next to the sites. They also stated there are subdivisions in the area which are not filled. Dave Schultz, another adjoining property owner, stated he is concerned about water quality and quantity since more people are moving into the area. La Rue then read Chapter 18.2(3) of the Zoning Ordinance.

Alan Hansen stated the building sites will stay 600 feet from the county ground to the north. On the ten acre parcel, there is a ravine so there is only room for one home. On the other side, it is on top of a ridge, and there is also a ravine to the south on this property. He stated he feels it is not feasible to rezone any more of the property. He is aware of the truck traffic and stated he is a hunter himself. La Rue then read Mr. Hansen's answers to the rezoning questionnaire. Mr. Hansen stated they decided to have two lots rezoned at the same time. It was noted that the second house is the issue by the objectors. David Schultz stated he is opposed to additional neighbors. La Rue stated he felt Mr. Hansen's plan of rezoning both lots at the same time was showing good faith to the Zoning Commission and the neighbors, rather than him building on the 38 acres and then selling 10 acres off for a building site. La Rue stated that the lay of the land does not lend itself to more houses.

After further discussion, Dornfeld then made a recommendation to grant the change in zoning for the two lots from A-1 to R-1, with the restriction that there be only one home on each parcel. Schroeder seconded the motion. Ayes all.

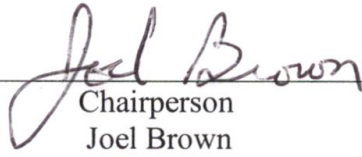
The minutes from the previous meeting held on June 18, 2008, were previously sent to the members. Moylan made a motion to approve the minutes as presented. Yutesler seconded the motion. Ayes all.

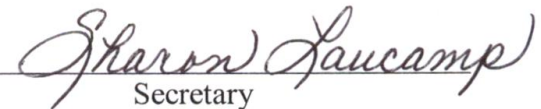
The members then appointed Joel Brown to serve as Chairperson after the loss of Dennis Pruess. Marty Moylan agreed to serve as Co-Chairperson.

Discussion then followed regarding the flood of 2008. La Rue wanted the members to be aware that some of the cabins destroyed were on leased land and were non-conforming structures. He stated it will be his job to determine substantially damaged homes. He stated Cedar County needs to be in compliance with the national flood insurance program or no one will be able to get flood insurance. He briefly discussed the Hein's & Werling's properties (cabins) regarding changing ownership and then have a change in zoning to AR-1. He would like the non-conforming lots to become conforming and be in compliance with the flood insurance program. La Rue stated there are quite a few owners who want their homes condemned. He stated he will need some help from building contractors. He also stated if the owners want to rebuild, they will have to comply with the flood program. He wants an elevation certificate if people say they are not in the flood plain. He stated the current flood maps are vague.



After further discussion, the meeting was adjourned.

  
Chairperson  
Joel Brown

  
Secretary  
Sharon Laucamp

Phil

*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**

July 24, 2008

Carl Kohrt  
557 Quincy Avenue  
Clarence, Iowa 52216

(563) 452-3477

Dear Carl:

Please be advised, that by motion of this Board on July 21, 2008, you were appointed to fill a three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2010. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,



Dennis L. Weih

DLW:bjp

## **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on July 31 & August 4, 2008 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. Bill and Cheryl Kofron, 276 West 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 1.00 acre in Lot 3, Marners Addition. Also, a change in zoning from AR-1 Agricultural Recreational to A-1 Agricultural for the purpose of eliminating this zoning class on Lots 11 - 15, Rainbow Valley Addition, consisting of 1.82 acres more or less. Said properties are located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 34, T-80N, R-3W, in Iowa Township.
- 2. Jack Wonick, 257 West Rochester Avenue, 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 SW  $\frac{1}{4}$ , Section 34, T-80N, R-3W, in Iowa Township, consisting of 2.37 acres more or less.
- 3. Alan and Simone Hansen, P.O. Box 294, Olin (Owners) –**  
Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing two single family dwellings on property located in the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 15, T-80N, R-3W, in Center West Township. Said petition is to rezone two, one acre parcels on a 38.00 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 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 7/22/08 to the following:

1. Bill & Cheryl Kofron - 276 West Rochester Avenue, Atalissa, Iowa 52720 - Certified
  2. Dennis & Patti Ray - 274 Rochester Avenue, Atalissa, Iowa 52720
  3. David Hitch - 271 W. Rochester Avenue, Atalissa, Iowa 52720
  4. Wally & Carol Axberg - 264 W. Rochester Avenue, Atalissa, Iowa 52720
  5. Stephen Courtney - 262 W. Rochester Avenue, Atalissa, Iowa 52720
  6. Norman & Gracie Gritton - 260 W. Rochester Avenue, Atalissa, Iowa 52720
  7. David & Julie Bridges - 39 Greenview Dr., West Branch, Iowa 52358
  - Tim & Tammi Hamer - 891 275th Street, West Branch, Iowa 52358
  9. Kenneth & Jane Rarick - 5003 American Legion Rd. SE, Iowa City, Iowa 52240-9071
- 

1. Jack Wonick - 257 W. Rochester Avenue, Atalissa, Iowa 52720 - Certified
  2. Dennis & Patti Ray - 274 W. Rochester Ave., Atalissa, Iowa 52720
  3. David Hitch - 271 W. Rochester Avenue, Atalissa, Iowa 52720
  4. Wally & Carol Axberg - 264 W. Rochester Avenue, Atalissa, Iowa 52720
  5. Stephen Courtney - 262 W. Rochester Avenue, Atalissa, Iowa 52720
  6. Norman & Gracie Gritton - 260 W. Rochester Avenue, Atalissa, Iowa 52720
  7. David & Julie Bridges - 39 Greenview Dr., West Branch, Iowa 52358
  8. Tim & Tammi Hamer - 891 275th Street, West Branch, Iowa 52358
  9. Anthony & Jennifer Sotelo - 249 W. Rochester Avenue, Atalissa, Iowa 52720
  10. Virgil & Maureen Fountain - 251 W. Rochester Avenue, Atalissa, Iowa 52720
  11. Kayleen Latta - 241 W. Rochester Avenue, Atalissa, Iowa 52720
  12. Thomas R. Wessel - 258 W. Rochester Avenue, Atalissa, Iowa 52720
  13. Dennis & Charlotte Parrott - 256 W. Rochester Avenue, Atalissa, Iowa 52720
  14. Andrew K. & Barbara Elliott - 247 W. Rochester Avenue, Atalissa, Iowa 52720
- 

1. Alan & Simone Hansen - P.O. Box 294, Olin, Iowa 52320 - Certified
  2. Rock Creek Family Farms LLC - 547 Badger Road, Mechanisville, Iowa 52306
  3. Stephen & Cheryl Person - 1402 Jackson Avenue, Tipton, Iowa 52772
  4. Fred & Arlene Kaefting - 410 E. 10th Street, Tipton, Iowa 52772
  5. Cedar County Conservation Department
  6. Michael & Julie Kaefting - P.O. Box 387
  7. Ronald Anderson - 956 Cedar Valley Road, Tipton, Iowa 52772
  8. John & Sherri Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772
  9. David & Tryeann Schultz - 1467 Snaggy Ridge Road, Tipton, Iowa 52772
  10. Frank Kintzle - 11516 Nicolas Street, Omaha, NE 68154
  11. Charles & Caroline Frymoyer - 1232 300th Street, Tipton, Iowa 52772
  12. Eldon & Margaret Beers - 1465 Snaggy Ridge Road, Tipton, Iowa 52772
- 

Copy to Tipton Conservative on 7/21/08

Copy e-mailed to B of S Secretary

2 File Copies

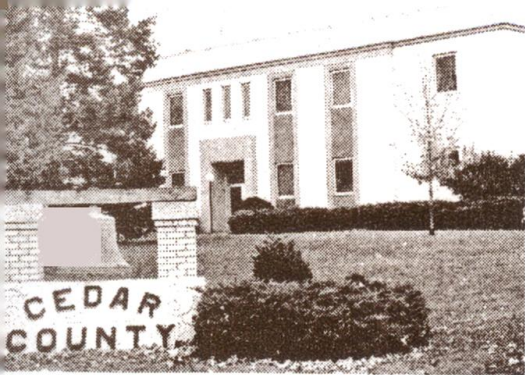
Bulletin Board Copy

DATE 7-16-08  
ORGANIZATION 7th Hearing  
CONTACT PERSON Phil LaRue  
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

<u>Phil LaRue</u>	<u>Julie Schroeder</u>
<u>Don Selth</u>	<u>Joey Guteser</u>
<u>Charles Frymoyer</u>	<u>Karen Howe</u>
<u>Phil Canick</u>	<u>Shirley Jansen</u>
<u>Carolyn Hutchinson</u>	
<u>Simone Hansen</u>	
<u>Alan Hansen</u>	
<u>Sharon Laucamp</u>	
<u>Jammi Hamer</u>	
<u>Jim Warner</u>	
<u>Joel Brown</u>	
<u>John A. Danall</u>	
<u>Anty Myle</u>	
<u>Chris</u>	
<u>Bob King</u>	
<u>Dave Schulz</u>	





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

July 7, 2008

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 16, 2008, 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. Bill and Cheryl Kofron, 276 West 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 1.00 acre in Lot 3, Marners Addition. Also, a change in zoning from AR-1 Agricultural Recreational to A-1 Agricultural for the purpose of eliminating this zoning class on Lots 12 and 13, Rainbow Valley Addition, consisting of 0.76 acres more or less. Said properties are located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 34, T-80N, R-3W, in Iowa Township.
- 2. Jack Wonick, 257 West Rochester Avenue, 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 SW  $\frac{1}{4}$ , Section 34, T-80N, R-3W, in Iowa Township, consisting of 2.37 acres more or less.
- 3. Alan and Simone Hansen, P.O. Box 294, Olin (Owners) –**  
Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing two single family dwellings on property located in the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 15, T-80N, R-3W, in Center West Township. Said petition is to rezone two, one acre parcels on a 38.00 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 7/10/08 to the following:

1. Bill & Cheryl Kofron - 276 West Rochester Avenue, Atalissa, Iowa 52727 - Certified
  2. Dennis & Patti Ray - 274 Rochester Ave., Atalissa, Iowa 52720
  3. David Hitch - 271 W. Rochester Ave., Atalissa, Iowa 52720
  4. Wallace & Carol Axberg - 264 W. Rochester Ave., Atalissa, Iowa 52720
  5. Stephen Courtney - 262 W. Rochester Ave., Atalissa, Iowa 52720
  6. Norman & Gracie Gritton - 260 W. Rochester Ave., Atalissa, Iowa 52720
  7. David & Julie Bridges - 39 Greenview Dr., West Branch, Iowa 52358
  8. Tim & Tammi Hamer - 891 275th Street, West Branch, Iowa 52358
  9. Kenneth & Jane Rarick - 5003 American Legion Rd. SE, Iowa City, Iowa 52240-9071
- 

1. Jack Wonick - 257 W. Rochester Avenue, Atalissa, Iowa 52720 - Certified
  2. Dennis & Patti Ray - 274 W. Rochester Ave., Atalissa, Iowa 52720
  3. David Hitch - 271 W. Rochester Ave., Atalissa, Iowa 52720
  4. Wallace & Carol Axberg - 264 W. Rochester Avenue, Atalissa, Iowa 52720
  5. Stephen Courtney - 262 W. Rochester Ave., Atalissa, Iowa 52720
  6. Norman & Gracie Gritton - 260 W. Rochester Ave., Atalissa, Iowa 52720
  7. David & Julie Bridges - 39 Greenview Dr., West Branch, Iowa 52358
  8. Tim & Tammi Hamer - 891 275th Street, West Branch, Iowa 52358
  9. Anthony & Jennifer Sotelo - 249 W. Rochester Ave., Atalissa, Iowa 52720
  10. Virgil & Maureen Fountain - 251 W. Rochester Avenue, Atalissa, Iowa 52720
  11. Kayleen Latta - 241 W. Rochester Ave., Atalissa, Iowa 52720
  12. Thomas R. Wessel - 258 W. Rochester Avenue, Atalissa, Iowa 52720
  13. Dennis & Charlotte Parrott - 256 W. Rochester Avenue, Atalissa, Iowa 52720
  14. Andrew K. & Barbara Elliott - 247 W. Rochester Avenue, Atalissa, Iowa 52720
- 

1. Alan & Simone Hansen - P.O. Box 294, Olin, Iowa 52320 - Certified
  2. Rock Creek Family Farms LLC - 547 Badger Road, Mechanicsville, Iowa 52306
  3. Stephen & Cheryl Person - 1402 Jackson Ave., Tipton, Iowa 52772
  4. Fred & Arlene Kaefting - 410 E. 10th Street, Tipton, Iowa 52772
  5. Cedar County Conservation Dept.
  6. Michael and Julie Kaefting - P.O. Box 387, Tipton, Iowa 52772
  7. Ronald Anderson - 956 Cedar Valley Road, Tipton, Iowa 52772
  8. John & Sherri Falkers - 990 Cedar Valley Road, Tipton, Iowa 52772
  9. David & Tryeann Schultz - 1467 Snaggy Ridge Road, Tipton, Iowa 52772
  10. Frank Kintzle - 11516 Nicholas Street, Omaha, NE 68154
  11. Charles & Caroline Frymoyer - 1232 300th Street, Tipton, Iowa 52772
  12. Eldon & Margaret Beers - 1465 Snaggy Ridge Road, Tipton, Iowa 52772
- 

Copy to Tipton Conservative on 7/7/08  
6 Zoning Commission Members  
2 File Copies  
Bulletin Board Copy  
Copy e-mailed to County Engineer

Phil

*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**

July 3, 2008

Julie Schroeder  
1119 Vermont Avenue  
Bennett, Iowa 52721

893 2595

Dear Mrs. Schroeder:

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

Sincerely,



Dennis L. Weih

DLW:bjp

### **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on July 3 & 7, 2008, at 9:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. Larry and Sharon Hodgden, 1645 D Ave. NE, Cedar Rapids, IA (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 NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 35, T-80N, R-3W, in Rochester Township, consisting of 3.50 acres more or less.

At said Public Hearing, any person present and so wishing will be given the opportunity to be heard. However, the Board does request, but does not require, that any person 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 6/23/08 to the following:

1. Larry & Sharon Hodgden - 1645 D Ave. NE, Cedar Rapids, Iowa 52402-5231 - Certified
2. Rick & Darlene Ehlers - 1692 Snaggy Ridge Road, Tipton, Iowa 52772
3. Randall & Kimberly Siders - 1086 273rd Street, Tipton, Iowa 52772
4. Janet Nelson - 2408 Crestview Drive, Iowa City, Iowa 52245
5. Mildred Eiler - 1664 Snaggy Ridge Road, Tipton, Iowa 52772

Copy to Tipton Conservative on 6/23/08

Copy e-mailed to Board of Supervisors on 6/23/08

2 File Copies

Bulletin Board Copy

DATE 6/18/08  
ORGANIZATION Px 3  
CONTACT PERSON \_\_\_\_\_  
MEETING TIME \_\_\_\_\_

MEETING ATTENDANCE:

Julie Schroeder

Larry + Sharon Hodgden

Phil Farn

in Jerry Nyle

Ken a Darnell

Joel Brown

Sharon Laucamp

Jody Guteske



Tel: 563-886-2248

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

June 9, 2008

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 18, 2008, 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. Larry and Sharon Hodgden, 1645 D Ave. NE, Cedar Rapids, IA (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 NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 35, T-80N, R-3W, in Rochester Township, consisting of 3.50 acres more or less.

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

Phil La Rue  
Zoning Administrator

PL:sl



Copies sent out on 6/9/08 to the following:

1. Larry & Sharon Hodgden - 1645 D Ave. NE, Cedar Rapids, Iowa 52402-5231 - Certified
2. Rick & Darlene Ehlers - 1692 Snaggy Ridge Road, Tipton, Iowa 52772
3. Randall & Kimberly Siders - 1086 273rd Street, Tipton, Iowa 52772
4. Janet Nelson - 2408 Crestview Drive, Iowa City, Iowa 52245
5. Mildred Eiler - 1664 Snaggy Ridge Road, Tipton, Iowa 52772

Copy to Tipton Conservative on 6/9/08

5 Zoning Commission Members on 6/9/08

2 File Copies

Bulletin Board Copy

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 18, 2008

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, June 18, 2008, at 6:30 p.m., in the Blue Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Yutesler, Brown, Dornfeld and Moylan. Member absent was Schuett.

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

- 1. Larry and Sharon Hodgden, 1645 D Ave. NE, Cedar Rapids, IA (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 NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 35, T-80N, R-3W, in Rochester Township, consisting of 3.50 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 18.2(3) of the Zoning Ordinance. The letter received from the Tipton Fire Department stated they can provide emergency service and it is the owner's responsibility to maintain a suitable driveway for access. The letter from the County Engineer, Rob Fangmann, stated this property is located on grave route 273<sup>rd</sup> Street and an approved entrance permit is on file. The existing entrance may be utilized if moved to the north approximately 20 feet. The soil evaluation was then reviewed. Limitations for building are moderate. Limitations for septic systems are severe due to the slope. An alternative septic system will probably be needed. Agricultural farm crop limitations are moderate to severe. The CSR is 58 and 28. La Rue stated the Comprehensive Plan does discourage scattered residential development when it will not support a broad range of services. However, there are a number of residential homes in the area.


Larry Hodgden then informed the members that there will be a shared entrance for visibility purposes which will split to go to each property. There are no livestock operations within one-quarter to one-half mile. Mr. Hodgden stated the new house will be south of the existing house. He informed the members that his daughter and her husband would like to move back to the Tipton school district to raise their children. He stated they own the property and his son currently lives on it next to where the new house will be located. He stated he owns a total of 80 acres which is in two separate parcels (65 acres and 14.75 acres). This proposed rezoning site will be coming off the 14.75 acre parcel. He stated his daughter will be placing a double wide manufactured home going on the site with a foundation but no basement. The members

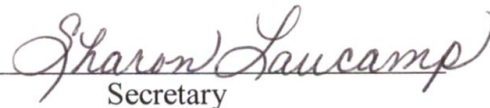
expressed their concern regarding future owners stating that subsequent owners can be a problem. The members also expressed concern about the shared driveway. They suggested that an easement be recorded.

After further discussion, Moylan made a motion to grant the change in zoning from A-1 to R-1 with a contingency of an access easement. Dornfeld seconded the motion. Ayes all.

The minutes from the previous meeting held on June 4, 2008, were previously sent to the members. Moylan made a motion to approve the minutes as presented. Yutesler seconded the motion. Ayes all.

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

  
Chairperson Pro-tem  
Joel Brown

  
Secretary  
Sharon Laucamp



### LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on June 26 & 30, 2008, at 9:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Gary Swart, P.O. Box 681, Sterling, IL (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed twenty one (21) lot subdivision on property located in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 10, T-79N, R-4W, in Springdale Township, consisting of 31.8 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 6/9/08 to the following:

- ✓1. Gary Swart - P.O. Box 681, Sterling, IL 61081 - Certified
- ✓2. Dennis G. & Barbara E. Gerot - 316 290th Street, West Branch, Iowa 52358
- 3. Michael J. Crane - 334 290th Street, West Branch, Iowa 52358
- 4. Iowa Yearly Meeting of Friends - 1951 Delta Avenue, West Branch, Iowa 52358
- ✓5. Dan L. & Lynn M. Eggers - 311 290th Street, West Branch, Iowa 52358
- ✓6. Mark L. Boerjan - 1892 Delta Avenue, West Branch, Iowa 52358
- 7. David H. Sickles - P.O. Box 179, West Branch, Iowa 52358
- 8. Randy G. & Kathy L. Pedersen - 1841 Delta Avenue, West Branch, Iowa 52358
- ✓9. Bryan D. Woody - 191 290th Street, West Branch, Iowa 52358
- ✓10. Frank E. & Darlene A. Kabela - 225 290th Street, West Branch, Iowa 52358
- ✓11. John D. & Linda F. Black - 292 290th Street, West Branch, Iowa 52358
- ✓12. Broadview Acres, Inc. - 292 290th Street, West Branch, Iowa 52358

Copy to Tipton Conservative and West Branch Times on 6/9/08

5 Zoning Commission Members

Copy e-mailed to B of S Secretary on 6/9/08

File Copies

DATE 6/4/08  
ORGANIZATION C.C.O. # 3  
CONTACT PERSON Phil LaRue  
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

Phil LaRue	Irving Treadway
Kirk Anderson	Frank Kabelo
Joan Damsell	Richard M. Koppick
John Black	Judy Guter
Linda Black	Ken Fawcett
Bark Lerot	Gary Sward
David Kabelo	David Schell
Joan Kabelo	Nichol Crane
Hatley Pedersen	Mark Boenja
Larry Laurus	Cyl Linn
Margie Figgins	Lance Schole
Nan Fawcett	Judy Cottingham
Jo Zuch	
Nichol Butler	
Nichol Lupton	
Riley Lark	



## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 4, 2008

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, June 4, 2008, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. This meeting was previously scheduled for May 21, 2008, but was rescheduled due to the lack of a quorum. Members present were Dornfeld, Moylan, Schuett, Yutesler and Brown. Member absent was Pruess.

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

- 1. Gary Swart, P.O. Box 681, Sterling, IL (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed twenty one (21) lot subdivision on property located in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 10, T-79N, R-4W, in Springdale Township, consisting of 31.8 acres more or less.

Zoning Administrator La Rue advised the members to do their review as a map amendment only from A-1 to R-1. He stated they will be doing their review in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance in making a recommendation to the Board of Supervisors. He then read one letter of objection received from Alton Larson. The letter from the County Engineer stated this property is located on paved route 290<sup>th</sup> Street and gravel route Delta Avenue. Approved entrance permits are located on file in the Engineer's Office. Three entrances are approved along 290<sup>th</sup> Street and one entrance is approved along Delta Avenue. The letter received from the West Branch Fire & Rescue Department stated they are willing and able to provide emergency fire and rescue response to the proposed residential rezoning site. The soil evaluation was then reviewed. Limitations for building are moderate to severe with the severe limitations due to the Colo-Ely soil complex and the high water table with potential for flooding. Limitations for septic systems are slight to severe with severe limitations due to the high seasonal water table and flooding. Limitations for agricultural farm crops are slight to moderate with a CSR average in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 10, T-79N, R-4W of 73.1 points. The SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  has a CSR of 68. La Rue stated that the Cedar County Comprehensive Land Use Plan and maps 2006, under residential development goal, Section A.3, page 4, discourages development on prime agricultural farm land. The trend in the past is to develop property with much lower CSR ground. He stated, under development policies of Comprehensive Plan under B.3, page 7, does discourage scattered residential development. La Rue stated the zoning and subdivision regulations require community water supplies, rather than individual wells, to reduce the

possibility of ground water contamination. Engineering work will need to be done to determine the feasibility for septic systems which will also indicate the number of lots in the proposed development. La Rue then stated there are a number of residential properties on this route, both zoned residential and farmsteads which have been divided off. There are no livestock operations within one-quarter of a mile of this site over 500 head. He informed the public that the Board of Supervisors will have the final say for a change in zoning and the status for the subdivision. The site is within 2 miles for the extraterritorial review of the City of West Branch.

Gary Swart was then requested to inform the members and audience of his intentions. Mr. Swart stated that his parents owned the farm and he bought it from the estate. His plans are to put some residential housing on the property. He stated it is on a hard surface road and he feels it follows the county's planning. He also stated he will provide whatever meets the county's requirement for the road system. La Rue stated the proposed subdivision will have to comply with the design requirements for roads under the county subdivision ordinance. He also stated they should be able to use on-site sub-surface absorption fields. Evaluation of the lots will be needed to determine the feasibility for the septic systems. Mr. Swart stated the size of the lots will have a 150 foot frontage and will be a minimum of one acre. He also stated a community well will be drilled for every five or six houses. La Rue stated that each lot will need to be large enough to support two septic systems. The members inquired what type of houses will be built. Mr. Swart informed them the homes will be of an upper end. A certain percentage of the house will be brick. He estimated the value of the houses will be between \$150,000 to \$200,000 and on up. He stated the proposed subdivision will not be low key.

Chairperson Pro-tem Brown then opened up the meeting to the public. John Black, property owner to the west, stated he enjoys living in the country and enjoys having their own solitude. He stated he does not want to live in the middle of a suburb. He also stated a concern about his well, upkeep of the waterways and farm ground being taken out of production. He stated there are approximately 300 lots around West Branch for sale. Mr. Black stated that all of the people who own property within 500 feet of the proposed site are against it. He then brought up the article published in the West Branch Times which stated Mr. Swart is considering building high-rise condominiums. Mr. Swart stated it may be possible but not in the near future. Mike Crane, adjoining property owner to the east, stated Mr. Swart came to him and stated he plans to build \$300,000 homes, provide a paved road, have the city of West Branch bring out gas and have the county pave the road down to Scattergood Schools. He stated he obtained a



copy of the 2006 Comprehensive Plan and said none of them in the area had been contacted regarding their input. He stated the Comprehensive Plan discourages scattered residential development. He also said the Plan discourages non-farm development on prime agricultural land. He stated that in the last few years the average yield has been 140-150 bushels per acre. He then read additional excerpts from the Comprehensive Land Use Plan. He stated the proposed site is not contiguous with West Branch or Springdale and is only on a paved road. He expressed his concern regarding soil and water quality. Barb Gerot stated their property would be totally surrounded by the proposed subdivision. She feels their value in life would be taken away and very productive land would be taken out of operation. She also expressed concern regarding the traffic increase. Randy Petersen, adjoining property owner to the north, stated he has 500 acres and has a couple of hog confinement operations located there. He stated he is concerned about the dirt, noise and smell from his hog confinements. He feels this rezoning request is encroaching on their lifestyle. A representative from Scattergood School stated her concern about water drainage and walkways for the school. She stated the rural environment attracts students to their school and this will be greatly disturbed if the rezoning is allowed. Michelle Lynch, Scattergood School, questioned if there is a high demand for housing and does not see a need for a development in the area. She stated their school program is based on outdoor education and they have improved the native prairie. She also stated they need to burn the prairie grasses several times a year and having a subdivision nearby would reduce the number of days when they could burn. Mark Boerjan, property owner to the north, stated he is opposed to the rezoning request because he does not want prime ag ground used for a subdivision and expressed concern about road traffic on Delta Avenue. Richard Kordick, engineer for the proposed subdivision, then addressed the water runoff concern. He stated that Cedar County requires they provide stormwater detention. He stated there should not be any water runoff. He stated there will be shared wells and the proposed property is about 1 ½ miles to the corporate limits of West Branch. He stated there will be two sites for septic systems for each of the lots. David Sickles, who lives north of the proposed subdivision, stated he has a shallow well and questioned if Gary Swart is willing to drill their wells deeper. He stated he is opposed to the request and does not feel the subdivision would increase the value of his property. Judy Cottingham, who lives one mile south of the property, stated her concern about the value of the homes and kinds of jobs where the people will work. She feels there are several developments in the area and there are lots available. Sheryl Fisher, who lives north of the proposed development, stated she feels they need to protect future farm land. She questioned whether there would be covenants and how they would be enforced when Mr. Swart lives in Illinois. Mr. Swart stated he is considering on moving back to West Branch and in the subdivision.



Dave Kabela, who lives west of the site, stated he wants building to go from the city out and stated his concern regarding water runoff. Additional comments were made by the previously mentioned property owners reiterating the same reasons for opposition. Kurt Anderson, Cedar County Farm Bureau, was present and stated he does not support or oppose the petition. He did express concern of property rights of owners in the area, county embargoes and effects on future farmers.


The commission members questioned how many lots Mr. Swart plans to begin with. Mr. Swart stated he will develop as lots are sold off and plans on selling four lots along the hard surface road first. In regard to the water runoff, Mr. Swart stated it will be seeded down and there will be a catch pond to catch the runoff. He stated most people will use the hard surface road and he will do everything to work with the neighbors and assured that he will put in a good road. Commission member Brown stated he is in favor to protect the farmers ability to produce food and do it safely. Commission member Moylan questioned what grounds the Zoning Board has to deny the request. Administrator La Rue read from Chapter 18.2(3) of the Zoning Ordinance the determination to be made by the Commission in making a recommendation to the Board of Supervisors.

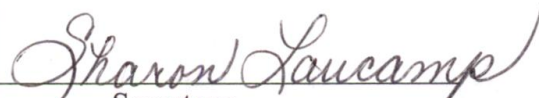
After further discussion, Pro-tem Chairperson Brown asked the members for a motion. Dornfeld made a motion to deny the rezoning request. Schuett seconded the motion. Ayes all.

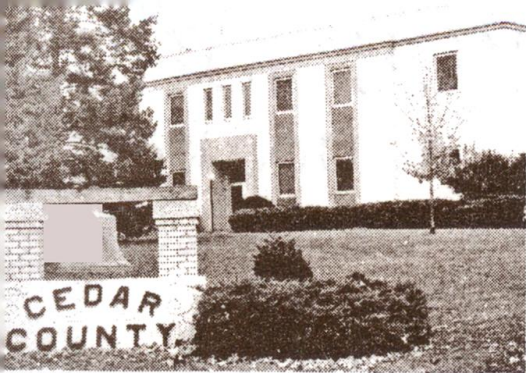
The minutes from the previous meeting held on March 19, 2008, were previously sent to the members. Moylan made a motion to approve the minutes as presented. Dornfeld seconded the motion.

The members then held a brief discussion on requirements for roads in future developments. Member Moylan would like to see a concrete road surface if coming off a main arterial. The members may work on a resolution regarding same. The Board of Supervisors will have the final say.

With no further business to be discussed at this time, the meeting adjourned at 8:45 p.m.

  
Chairperson Pro-tem  
Joel Brown

  
Secretary  
Sharon Laucamp



Tel: 563-886-2248

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

May 23, 2008

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 4, 2008, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. This meeting was originally scheduled for May 21, 2008, but was postponed due to the lack of a quorum.

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

1. **Gary Swart, P.O. Box 681, Sterling, IL (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed twenty one (21) lot subdivision on property located in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 10, T-79N, R-4W, in Springdale Township, consisting of 31.8 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 5/22/08 to the following:

1. Gary Swart - P.O. Box 681, Sterling, IL 61081 - Certified
2. Dennis G. & Barbara E. Gerot - 316 290th Street, West Branch, Iowa 52358
3. Michael J. Crane - 334 290th Street, West Branch, Iowa 52358-8508
4. Iowa Yearly Meeting of Friends - 1951 Delta Avenue, West Branch, Iowa 52358
5. Dan L. & Lynn M. Eggers - 311 290th Street, West Branch, Iowa 52358
6. Mark L. Boerjan - 1892 Delta Avenue, West Branch, Iowa 52358
7. David H. Sickles - P.O. Box 179, West Branch, Iowa 52358
8. Randy G. & Kathy L. Pedersen - 1841 Delta Avenue, West Branch, Iowa 52358
9. Bryan D. Woody - 191 290th Street, West Branch, Iowa 52358
10. Frank E. & Darlene A. Kabela - 225 290th Street, West Branch, Iowa 52358-8571
11. John D. & Linda F. Black - 292 290th Street, West Branch, Iowa 52358-8571
12. Broadview Acres, Inc. - 292 290th Street, West Branch, Iowa 52358-8571

6 Zoning Commission members on 5/23/08

Copy to Tipton Conservative and West Branch Times on 5/23/08

Copy e-mailed to Rob Fangmann on 5/23/08

2 File Copies

Bulletin Board Copy





Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

**Wednesday, May 21, 2008** – 6:30 p.m.

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petition received from:

- A. Gary Swart, P.O. Box 681, Sterling, IL (Owner) –  
A change in zoning from A-1 to R-1 for the  
purpose of constructing single family dwellings  
on a proposed twenty one (21) lot subdivision

III. Discussion

IV. Conclusion



Tel: 563-886-2248

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

May 5, 2008

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 21, 2008, 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. **Gary Swart, P.O. Box 681, Sterling, IL (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed twenty one (21) lot subdivision on property located in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 10, T-79N, R-4W, in Springdale Township, consisting of 31.8 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 5/6/08 to the following:

1. Gary Swart - P.O. Box 681, Sterling, IL 61081 - Certified
2. Dennis G. & Barbara E. Gerot - 316 290th Street, West Branch, Iowa 52358
3. Michael J. Crane - 334 290th Street, West Branch, Iowa 52358-8508
4. Iowa Yearly Meeting of Friends - 1951 Delta Avenue, West Branch, Iowa 52358
5. Dan L. & Lynn M. Eggers - 311 290th Street, West Branch, Iowa 52358
6. Mark L. Boerjan - 1892 Delta Avenue, West Branch, Iowa 52358
7. David H. Sickles - P.O. Box 179, West Branch, Iowa 52358
8. Randy G. & Kathy L. Pedersen - 1841 Delta Avenue, West Branch, Iowa 52358
9. Bryan D. Woody - 191 290th Street, West Branch, Iowa 52358
10. Frank E. & Darlene A. Kabela - 225 290th Street, West Branch, Iowa 52358-8571
11. John D. & Linda F. Black - 292 290th Street, West Branch, Iowa 52358-8571
12. Broadview Acres, Inc. - 292 290th Street, West Branch, Iowa 52358-8571

7 Zoning Commission members on 5/5/08

Copy to Tipton Conservative and West Branch Times on 5/5/08

Copy e-mailed to Rob Fangmann on 5/6/08

2 File Copies

Copy for Bulletin Board





Tel: 563-886-2248

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

April 9, 2008

**TO: CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS**

I am writing to inform you that there will not be a meeting of the Planning and Zoning Commission during the month of April because no petitions were filed.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

*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**

March 24, 2008

Jody Yutesler  
2217 Hoover Highway  
Lowden, Iowa 52255

Dear Mrs. Yutesler:

Please be advised, that by motion of this Board on March 20, 2008, you were appointed to fill a three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2010. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,



Dennis L. Weih

DLW:bjp

### **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on April 7 & 10, 2008, 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. Bill and Hilda Bowers, 164 280<sup>th</sup> Street, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling at 2025 Garfield Avenue, West Liberty, located in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 13, T-79N, R-4, in Springdale Township, consisting of 2.19 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 3/24/08 to the following:

1. Bill & Hilda Bowers - 164 280th Street, West Branch, Iowa 52358 - Certified
2. Hilhurst Farms, Inc. - 135 Scott Drive, West Branch, Iowa 52358
3. Shirley J. Lehman - 102 E. 14th Street, West Liberty, Iowa 52776-1019

Copy to Tipton Conservative and West Branch Times on 3/24/08

Copy to Board of Supervisors

2 File Copies

Bulletin Board Copy

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 19, 2008

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, March 19, 2008, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Dornfeld and Moylan. Members absent were Schuett and Pruess.

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

1. **Bill and Hilda Bowers, 164 280<sup>th</sup> Street, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling at 2025 Garfield Avenue, West Liberty, located in the NE ¼ of the SE ¼ of the NE ¼, Section 13, T-79N, R-4, in Springdale Township, consisting of 2.19 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 stated the Comprehensive Plan discourages scattered residential development when the resulting density will not support a broad range of services. He stated that in this case, there is a farm house immediately adjacent to this property. The soil evaluation was then reviewed. Limitations for septic systems are slight to moderate. La Rue stated a conventional septic system can be installed. Limitations for foundations for low buildings are moderate and limitations for agricultural farm crops are slight to moderate. There is one soil type on the property which is Tama Silt Loam with a CSR of 95 & 78 points. The letter from the Cedar County Engineer stated this property is located on paved route Garfield Avenue and should not cause any road concerns. An approved entrance permit is on file. The letter from the West Liberty Fire Department stated they will provide fire and ambulance service to the property. La Rue stated the Bowers' did an excellent job on explaining as to why this is the highest and best use of the property. A survey is on file.

Mr. and Mrs. Bowers were present and informed the members they would like to build a new house south of the current house on the property. She stated they felt this was the best place to put the house so less land would be taken out of production. She also stated there was an old farm site there. Mrs. Bowers informed the members she owns shares in the corporation. La Rue then stated that the Cedar County Zoning Ordinance does state that if there is a dwelling existing on the farm, it can be divided off. The Ordinance also states that if a house was on the tax records as

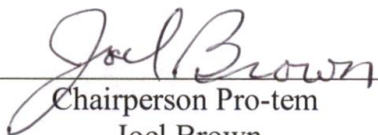


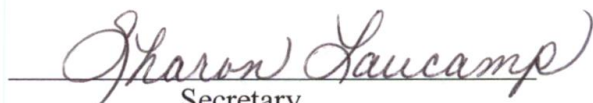
of 1996, it could be replaced without a change in zoning. La Rue stated if a new house is built where an old house was located, the survey must capture the area where the old home sat. He stated that the survey submitted by the Bowers' did not capture the area where the old home was located. Therefore, La Rue stated he then consulted County Attorney Sterling Benz. He stated that in a case where someone owns shares and they receive payments or profits from products raised on the property, (for example, purchases the seed to be planted and then receives a portion of the crop as payment, this person is taking a risk that a crop will be raised), they would be considered a farm and a farmer. If however, they receive only cash rent, they would not be a farmer. Therefore, Attorney Benz recommended that a change in zoning be requested. There are no livestock operations within one-quarter mile of the property. La Rue stated he has no objections regarding the Bowers' request. Commission member Brown stated his concern regarding possible problems with subsequent owners. The other members agreed with his concern. Brown also emphasized he wants the farmers ability to farm be protected.

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

Time was then allowed for the members to read the minutes from the last meeting held on February 20, 2008. Dornfeld 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, Moylan made a motion for adjournment. Dornfeld seconded the motion. Meeting adjourned at 7:15 p.m.

  
Chairperson Pro-tem  
Joel Brown

  
Secretary  
Sharon Laucamp



DATE 3-19-08  
ORGANIZATION Pizz Commission P.H  
CONTACT PERSON P. L. Kne  
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

P. L. Kne

Bill Bowers

Ryan Bowers

Richard W. Bowers

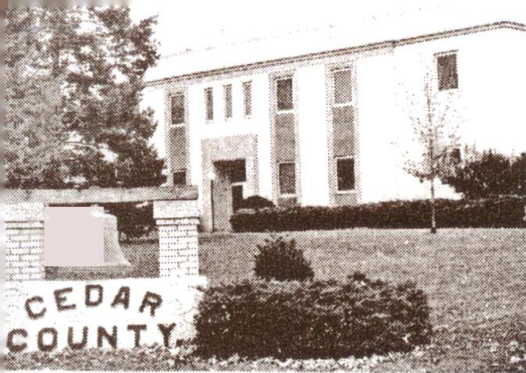
Shida Bowers

Joel Bowers

John D. Campbell

John D. Campbell

Sharon Laucamp



Tel: 563-886-2248

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

March 10, 2008

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 19, 2008, 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. Bill and Hilda Bowers, 164 280<sup>th</sup> Street, West Branch (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling at 2025 Garfield Avenue, West Liberty, located in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , Section 13, T-79N, R-4, in Springdale Township, consisting of 2.19 acres more or less.

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

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 3/10/08 to the following:

1. Bill & Hilda Bowers - 164 280th Street, West Branch, Iowa 52358 - Certified
2. Hilhurst Farms, Inc. - 135 Scott Drive, West Branch, Iowa 52358
3. Shirley J. Lehman - 102 E. 14th Street, West Liberty, Iowa 52776-1019

Copy to Tipton Conservative & West Branch Times on 3/7/08  
6 P & Z Commission members  
2 File Copies  
Bulletin Board Copy



DATE 3-19-08  
ORGANIZATION P.E. Commission P.H  
CONTACT PERSON P. V. Kne  
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

P. V. Kne

Bill Bowers

Ryan Bowers

Richard Whitbourn

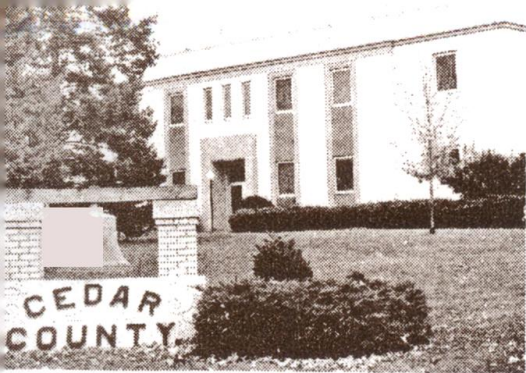
Shida Bowers

Joel Brown

John Dampell

Greg Nyle

Sharon Laucamp



Tel: 563-886-2248

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

**AGENDA**

**Cedar County Planning & Zoning Commission**

**Wednesday, March 19, 2008** – 6:30 p.m.

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
  - A. Bill and Hilda Bowers, 164 280<sup>th</sup> Street, West Branch (Owners) – A change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling
- III. Discussion
- IV. Conclusion

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 20, 2008

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, February 20, 2008, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Schuett, Moylan, Pruess and Dornfeld. Member absent was Brown.

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

1. **Noah and Jessica Coppess, 203 South Elm Street, Stanwood (Contract Buyers) and Robert Jr. and Patricia Coppess, 303 2<sup>nd</sup> Avenue, Stanwood (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW ¼ of the SW ¼, Section 23, T-82N, R-3W, in Fremont Township, consisting of 1.00 acre 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. 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 farm crops are also slight to moderate. The CSR is 95 points on the Tama Silt Loam soil and 32 points on the Lamont Fine Sandy Loam soil, with an average of below 75 points. It was noted that this property is located on Highway 30 so the I.D.O.T. will have jurisdiction on the entrance permit instead of the county. The letter received from Sheila Lee, I.D.O.T., stated that an access is possible if all the requirements of the I.D.O.T. are met. The letter also stated the Cedar County Zoning Administrator will also need to sign the permit to allow this residential use. The letter from the Stanwood Fire Department stated the area will be adequately accessible for fire protection as long as the owners follow the recommendations of the DOT when building the driveway for the property. Noah Coppess stated they are planning on constructing a 100 foot in width access. La Rue stated the Comprehensive Plan does discourage scattered residential development when it won't support a full range of services. He also stated there are no environmental or health concerns and there are no livestock operations in the area. It was noted that either a conventional or sand filter septic system will be installed. Mr. Coppess stated they will keep the sandy soil in the front of the house and it will be 335 feet back from the road. He also stated he plans to purchase additional ground from his grandfather which includes a grain bin on the property.

After a brief discussion, Schuett made a motion to approve the request in zoning A-1 to R-1 for construction of a single family dwelling. Moylan seconded the motion. Ayes all.



**2. Daniel and Teresa Kohl, 0231 Charles Avenue, Mechanicsville (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 thirteen (13) lots of a proposed seventeen (17) lot subdivision on property located immediately east of the D-Del Subdivision and the Hubler Hollow Second Addition Subdivision in the NE ¼ of the SW ¼, Section 19, T-82N, R-4W, in Pioneer Township. Said A-1 zoned property consists of 10.00 acres more or less.

A brief discussion was held regarding whether to consider both rezoning requests together or separately. The members decided to consider each rezoning request as separate petitions. La Rue informed the members he had received several verbal concerns and objections. Letters of concern which were received from Karen & Richard Russett and Commission member Joel Brown were read. La Rue then instructed the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. The letter from the Lisbon Fire Department Chief stated he had reviewed the Preliminary Plat and has determined there is adequate access to the subdivision, and the Lisbon Fire Department will be able to provide service. Notification from Alliant Energy and Iowa Telecommunication Services stated they had reviewed the Preliminary Plat and have determined there is adequate capacity to provide service to the proposed subdivision. Glen Meisner, MMS Consultants, informed the members and public that he had requested a letter from the Magellan Pipeline but they have not yet responded.

This petition for rezoning is for single family dwellings with community water supply and individual septic systems. It was noted there is an increasing demand for residential development and this area is located within the Future Land Use Map area. The CSR on the property is between 30 and 85 points and is currently a timber/pasture site. The soil inventory was reviewed. Limitations for septic systems are slight to severe, with severe limitations due to slope. Limitations for low buildings are moderate and limitations for agricultural farm crops are slight to severe. All soils appear to be Fayette Silt Loam.

Zoning Administrator La Rue then presented a brief history on the property. He explained that Charles Hubler and Delmar Kohl rezoned from A-1 to R-1 in 1975 (30.23 acres and 29.60 acres) for a residential subdivision. The Board of Supervisors approved the request on October 21, 1975. Mr. Hubler's rezoning created the D-Del Subdivision. There has been no residential development on Mr. Kohl's 29.60 acres. In 1995, Charles & Judy Franks received approval of a 3 lot subdivision (Hubler Hollow 1<sup>st</sup> Addition) and approval of a change in zoning from R-1 to A-1 to allow for a horse stable and livestock. The 1975 Zoning Ordinance did not allow this in the R-1 district. The current Zoning Ordinance was adopted by the Board of Supervisors in April of 1996. In 1997, the Franks' petitioned for approval of Hubler Hollow 2<sup>nd</sup> Addition, and to rezone 4.44 acres m/l of the property they had rezoned back to R-1 to allow for two additional lots to allow the sale of the home they had built and allow them to build another one on Lot 4. Lot 3, Hubler Hollow 2<sup>nd</sup> Addition, has a community well on it, and if the subdivision petition is approved by the Board of Supervisors, it will be replatted as Lot 17.



Glen Meisner, MMS Consultants, was present and informed the members that this petition, if approved, would create 17 new building sites in the area. He stated that this area has already been partially zoned and subdivided and residential development is encouraged in this area according to the county's plan for residential growth. He stated he has had numerous meetings with La Rue and County Engineer Fangmann. Some soil tests have been done and more will be done later on. He stated the soil is conducive to conventional septic systems. He also stated they will go by the rules of Magellan Pipeline with 4 feet of cover and no more than 8 feet of fill. A permit will be needed from them. Dan Kohl stated he wants the development to be done first class.

County Engineer, Rob Fangmann, was present and stated the proposed site is located on a Level A road (Adams Avenue) which has a design capacity of 400 to 500 cars/day. The last traffic count done on this road in 2006 averaged 250 to 260 cars/day. Mr. Kohl has agreed to provide a dust control agent from the existing pavement to the entrance of the subdivision. Engineer Fangmann stated the property lies beyond the assessment district. He would like Adams Avenue to be paved. Mr. Meisner stated 135<sup>th</sup> Street will be paved by private funds. He stated that a solution could possibly be worked out with the Board of Supervisors for Adams Avenue.

The meeting was then opened for comments from the public. Adjoining property owners stated their concerns regarding water runoff, increase in property taxes, wildlife in the area and additional traffic on Adams Avenue. The people who spoke about their concerns at the meeting were Dan & Donna Nevins, Kyle Woltman, Michael Gould and Allan Reyhons. Eric Krob spoke in support of the petition.

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

- 3. Daniel and Teresa Kohl, 0231 Charles Avenue, Mechanicsville (Owners) –**  
Requesting a change in zoning from A-1 Agricultural and R-1 Suburban Residential to R-3 Multi-Family Residential for the purpose of allowing construction of two family dwellings on four (4) lots of a proposed seventeen (17) lot subdivision on property located immediately east of the D-Del Subdivision in the NE ¼ of the SW ¼, Section 19, T-82N, R-4W, in Pioneer Township. Said A-1 and R-1 zoned property consists of 4.045 acres more or less.

Zoning Administrator La Rue informed the members he had received two written letters of concern from Richard & Karen Russett and Commissioner Joel Brown. La Rue advised them to consider this petition in accordance with Chapter 18.2(3) and Chapter 9 of the Zoning Ordinance in making their recommendation to the Board of Supervisors. He stated Multi-Family Zoning will require community water and sewer. He again stated the letter received from the Lisbon Fire Department stated there is an adequate access to the subdivision to provide service. The letter received from Alliant Energy state there is adequate capacity to provide service to



the proposed subdivision. The letter from Iowa Telecommunication Services also stated there is adequate capacity to provide service. MMS Consultants have requested requested input from Magellan Pipeline but they have not yet responded. The subdivision will use an out lot easement. Soil limitations are the same as for Petition #2. The letter received from the County Engineer stated this property is located on gravel route Adams Avenue. An approved entrance permit is on file. An existing entrance shall be utilized for access with minor modifications. The subdivision owner has agreed to provide dust control from existing paving to the subdivision entrance. La Rue stated, as per Chapter 6 of the Cedar County Subdivision Ordinance, Required Improvements, a soil evaluation has been prepared by MMS Consultants to provide adequate area for two on-site septic systems. He also stated, as per Chapter 9 of the Zoning Ordinance, the intent for allowing Multi-Family Zoning is community (common) water supply and sewage collection. La Rue also stated this area is located in the area for future residential growth. He informed the members and public that this area, already being partially zoned and subdivided would be a suitable area for additional clustered development to comply with the county's plan for orderly compact, residential growth. He stated current trends have indicated an increasing demand for residential zoned properties in this area, both along the paved portion of Adams Avenue and the unpaved portions.

The petitioner, Dan Kohl, stated he wants to provide affordable housing in the Lisbon area. He stated numerous people have contacted him regarding duplexes. Mr. Kohl stated there will be no condos or manufactured homes allowed. Eric Krob expressed there is interest from the elderly who are looking to downsize to smaller residences. Mr. Kohl stated the duplexes will not be rental properties.

Comments and concerns were voiced by the public regarding trees, the road and water runoff. County Engineer Fangmann stated the detention ponds are to be designed to hold a 25 year rain event and discharge at a 5 year event.

After further discussion, Moylan made a motion to approve the rezoning request from A-1 and R-1 to R-3 and forward it to the Board of Supervisors. Schuett seconded the motion. Ayes all.

- 4. Daniel and Teresa Kohl, 0231 Charles Avenue, Mechanicsville (Owners) – Requesting approval of a Preliminary Plat of Survey for Cedar View Heights, a seventeen (17) lot subdivision located immediately east of the D-Del Subdivision and the Hubler Hollow Second Addition Subdivision, in the NE ¼ of the SW ¼, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 25.89 acres more or less.**

Zoning Administrator La Rue again mentioned the letters of concern he had received. He informed the members to consider this request in accordance with Chapters 3, 6, 7 and 8 of the Zoning Ordinance. La Rue stated the Comprehensive Land Use Plan does encourage a compact and compatible growth pattern in which development can be adequately served by transportation facilities, public utilities and other services and amenities. He stated the Preliminary Plat submitted is fairly detailed lot by lot



and a perimeter fence agreement and road resolution are on file. He stated the current Lot #3 will become Lot #17 of the subdivision. It was noted that Lots A and B (the out lots) will be maintained by the homeowner's association. There will be grass only on the out lots. There will also be an out lot for the pipeline. It was noted that all utility companies have sent letters of approval except Magellan Pipeline. The letter received from the County Engineer stated this is located on gravel route Adams Avenue. An approved entrance permit is on file. An existing entrance shall be utilized for access with minor modifications. The subdivision owner has agreed to provide dust control from existing paving to the subdivision entrance. It was again noted that either conventional, sand filters or at grade septic systems will be installed. Glen Meisner, MMS Consultants, stated a soil erosion control and grading plan will be provided at the time the construction plans are prepared for the roadways within this subdivision. The developer will apply for the NPDES permit from the IDNR. Donna Nevins expressed concern regarding duplexes being located behind her property. Mr. Kohl stated he would like to leave the current trees on the property.

After a brief discussion, Dornfeld made a motion that the Preliminary Plat be approved and forwarded to the Board of Supervisors. Moylan seconded the motion. Ayes all.

The minutes from the previous meeting held on December 19, 2007, were previously sent to the members. Schuett 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 at 8:15 p.m.

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Chairperson  
Dennis Pruess

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Secretary  
Sharon Laucamp

DATE 2/20/08  
ORGANIZATION Cedar Co. Planning & Zoning  
CONTACT PERSON Phil LaRue  
MEETING TIME 6:30 p.m.

MEETING ATTENDANCE:

<u>Phil LaRue</u>	<u>Jessica Corress</u>
<u>Dennis Proess</u>	<u>Marilyn Wachtman</u>
<u>Eric Krob</u>	<u>Kyle Bluff</u>
<u>Dan Kue</u>	<u>P. J. Reynolds</u>
<u>Deresa Kuhl</u>	
<u>Glen Meisner</u>	
<u>Sharon Lucamp</u>	
<u>Daniel A. Schmitt</u>	
<u>Jon O'Donnell</u>	
<u>Dan M. Jones</u>	
<u>Mike Gould</u>	
<u>Donna Peters</u>	
<u>Gordy Gutesda</u>	
<u>Robert A. Farg</u>	
<u>1) Cathy Taylor</u>	
<u>Paula G. Gye</u>	



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

**AGENDA**

**Cedar County Planning & Zoning Commission**

**Wednesday, February 20, 2008** – 6:30 p.m.

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

I. Introduction

II. Review of the petitions received from:

- A. Noah & Jessica Coppess, 203 South Elm Street, Stanwood (Contract Buyers) & Robert Jr. & Patricia Coppess, 303 2<sup>nd</sup> Ave., Stanwood (Owners) – A change in zoning from A-1 to R-1 for the purpose of constructing a single family dwelling
- B. Daniel & Teresa Kohl, 0231 Charles Avenue, Mechanicsville (Owners) – A change in zoning from A-1 to R-1 for the purpose of constructing single family dwellings on 13 lots of a proposed 17 lot subdivision
- C. Daniel & Teresa Kohl, 0231 Charles Avenue, Mechanicsville (Owners) – A change in zoning from A-1 and R-1 to R-3 for the purpose of allowing construction of 2 family dwelling on 4 lots of a proposed 17 lot subdivision
- D. Daniel & Teresa Kohl, 0231 Charles Avenue, Mechanicsville (Owners) – Approval of a Preliminary Plat of Survey for Cedar View Heights, a proposed 17 lot subdivision

III. Discussion

IV. Conclusion





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

February 4, 2008

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, February 20, 2008, 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. **Noah and Jessica Coppess, 203 South Elm Street, Stanwood (Contract Buyers) and Robert Jr. and Patricia Coppess, 303 2<sup>nd</sup> Avenue, Stanwood (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 23, T-82N, R-3W, in Fremont Township, consisting of 1.00 acre more or less.
2. **Daniel and Teresa Kohl, 0231 Charles Avenue, Mechanicsville (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 thirteen (13) lots of a proposed seventeen (17) lot subdivision on property located immediately east of the D-Del Subdivision and the Hubler Hollow Second Addition Subdivision in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 19, T-82N, R-4W, in Pioneer Township. Said A-1 zoned property consists of 10.00 acres more or less.
3. **Daniel and Teresa Kohl, 0231 Charles Avenue, Mechanicsville (Owners)** – Requesting a change in zoning from A-1 Agricultural and R-1 Suburban Residential to R-3 Multi-Family Residential for the purpose of allowing construction of two family dwellings on four (4) lots of a proposed seventeen (17) lot subdivision on property located immediately east of the D-Del Subdivision in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 19, T-82N, R-4W, in Pioneer Township. Said A-1 and R-1 zoned property consists of 4.045 acres more or less.
4. **Daniel and Teresa Kohl, 0231 Charles Avenue, Mechanicsville (Owners)** – Requesting approval of a Preliminary Plat of Survey for Cedar View Heights, a seventeen (17) lot subdivision located immediately east of the D-Del Subdivision and the Hubler Hollow Second Addition Subdivision, in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Section 19, T-82N, R-4W, in Pioneer Township, consisting of 25.89 acres more or less.

Copies sent out on 2/5/08 to the following:

1. Noah & Jessica Coppess - 203 E. Elm Street, Stanwood, Iowa 52337 - Certified
  2. Robert Jr. & Patricia Coppess - 303 2nd Avenue, Stanwood, Iowa 52337
  3. Showalter Family LLC - 7891 S. Valentia Way, Centennial, CO 80112-2729
  4. David & Neva Litscher - P.O. Box 99, Stanwood, Iowa 52337
  5. Kenneth Boyle - 1111 Bonforte Blvd. #1303, Pueblo, CO 81001-1824
- 

1. Dan & Teresa Kohl - 334 Hubler Lane, Lisbon, Iowa 52253-7532 - Certified
  2. Kyle & Jamy Schumacher - 338 Hubler Lane, Lisbon, Iowa 52253
  3. Tim & Lois Cahill - 354 Adams Court, Lisbon, Iowa 52253
  4. Richard & Karen Russett - 362 Adams Court, Lisbon, Iowa 52253
  5. Kyle & Mindy Woltman - 332 Hubler Lane, Lisbon, Iowa 52253
  6. C. K. Alexander Irrevocable Trust - c/o Hertz Farm Management, P.O. Box 500, Nevada, IA 50201
  7. Ronald & Rebecca Schultz - 330 Hubler Lane, Lisbon, Iowa 52253
  8. Dan & Donna Nevins - 385 Adams Court, Lisbon, Iowa 52253-8501
  9. Michael & Ronda Gould - 350 Adams Court, Lisbon, Iowa 52253
  10. Marilyn J. Kohl Trust - 104 Hill Drive, Windsor, MO 65360-1206
  11. Mark Graver - 555 Green Ridge Road, Lisbon, Iowa 52253
  12. Jon & Florence Akers - 359 Adams Court, Lisbon, Iowa 52253
  13. Steve & Teresa Weets - 612 160th Street, Mechanicsville, Iowa 52306-7605
  14. Allan Eugene Reyhons - 413 Adams Avenue, Lisbon, Iowa 52253
  15. Ruth Young - 1115 Scramblers Knob - Franklin, TN 37069
- 

5 Zoning Commission members on 2/4/08  
Copy to Tipton Conservative and Sun News on 2/4/08  
2 File Copies  
Bulletin Board  
Copy sent to Richard Kordick on 2/5/08  
Copy e-mailed to County Engineer on 2/5/08

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

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

Phil La Rue  
Zoning Administrator

PL:sl





Tel: 563-886-2248

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

January 9, 2008

**TO: CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS**

I am writing to remind you that there will not be a meeting of the Planning and Zoning Commission during the month of January.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

**CEDAR COUNTY BOARD OF SUPERVISORS**

**Cedar County Courthouse**

**400 Cedar Street**

**Tipton, Iowa 52772-1750**

Telephone: 563-886-3168

Fax: 563-886-3339

E-Mail: [bos@cedarcountry.org](mailto:bos@cedarcountry.org)

**COPY**

January 3, 2008

Joel Brown  
342 Delta Avenue  
Mechanicsville, Iowa 52306

Dear Mr. Brown:

Please be advised, that by motion of this Board on January 2, 2008, you were appointed to another three-year term on the Zoning Board. The term will expire 12-31-2010. Your willingness to serve on this Board is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis L. Weih", is written over a horizontal line.

Dennis L. Weih, Chairperson

DLW:bjp

**CEDAR COUNTY BOARD OF SUPERVISORS**

**Cedar County Courthouse**

**400 Cedar Street**

**Tipton, Iowa 52772-1750**

Telephone: 563-886-3168

Fax: 563-886-3339

E-Mail: [bos@cedarcountry.org](mailto:bos@cedarcountry.org)

**COPY**

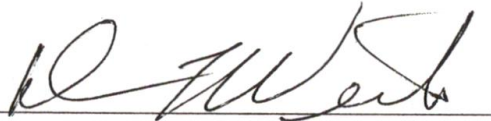
January 3, 2008

Larry Quinn  
1978 – 195<sup>th</sup> Street  
Lowden, Iowa 52255

Dear Larry:

Please be advised, that by motion of this Board on January 2, 2008, you were appointed to a three-year term on the Zoning Board. The term will expire 12-31-2010. Your willingness to serve on this Board is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis L. Weih", is written over a horizontal line.

Dennis L. Weih, Chairperson

DLW:bjp



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

**COPY**

January 3, 2008

Kurtis Voparil  
82 – 210<sup>th</sup> Street  
Solon, Iowa 52333

Dear Mr. Voparil:

We would like to thank you for your service on the Zoning Board. Your willingness to serve on this Board was appreciated.

Sincerely,

  
Dennis L. Weih, Chairperson

DLW:bjp

### LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on January 10 and 14, 2008, at 11:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **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 8<sup>th</sup> 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 140<sup>th</sup> 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. 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 12/21/07 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
- 

1. Brett Esbaum - P.O. Box 253, Lowden, Iowa 52255 - Certified
  2. Kroemer Five Star Farm, Inc. - P.O. Box 477, Lowden, Iowa 52255
  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 12/20/07

2 Copies for Files

Copy e-mailed to Board of Supervisors Secretary

Bulletin Board Copy

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