

Tel: 563-886-2248

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse  
Tipton, Iowa 52772

December 6, 2011

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

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

**Have a great holiday season!!**

Sincerely,

*Phil LaRue/sl*

Phil La Rue  
Zoning Administrator

PL:sl

November 28, 2011

**LEGAL NOTICE**

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on December 8 and 12, 2011, at 8:30 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

**1. Paustian Construction, 118 Parkview Court, Tipton (Owner)-** Requesting approval of a Final Plat of Survey for a eight (8) lot subdivision, Secluded Ridge First Addition, located in the SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 10, and the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , and the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 11, T-80N, R-3W, in Center West Township consisting of 24.56 acres more or less. Said property is currently zoned R-1 Suburban Residential District.

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 11/30/11 to the following:

1. Paustian Construction, Inc. – Allen E. Paustian, 116 Parkview Ct., Tipton, IA 52772 –**Certified**
2. George & Jeanne Hein – 201 Pleasant View Drive, Tipton, Iowa 52772
3. Dennis & Janice Domer – 1077 Cedar Valley Road, Tipton, Iowa 52772
4. Ralph & Ann Billick – 406 E. 3<sup>rd</sup> Street, Tipton, Iowa 52772
5. Don Lamp – P.O. Box 422, Tipton, Iowa 52772
6. City of Tipton – 407 Lynn Street, Tipton, Iowa 52772
7. Douglas & Donna Moore – P.O. Box 429, Tipton, Iowa 52772
8. Rock Creek Family Farms, LLC – 18048 25<sup>th</sup> Street, Mechanicsville, Iowa 52306
9. Jerald O'Rourke – 101 W. 3<sup>rd</sup> Street, Tipton, Iowa 52772
10. William & Julie Williams – 103 Pleasant View Drive, Tipton, Iowa 52772
11. Jeffery & Christine Nantz – 213 Oak View Court, Tipton, Iowa 52772
12. Tim & Cassandra Petersen – 203 Sunrise Drive, Tipton, Iowa 52772
13. Ronald Dean Wood – 9941 Forest Chapel Road, Anamosa, Iowa 52205
14. John & Marsha Linder – 3736 Cottage Reserve Road, Solon, Iowa 52333
15. Bradley Goetz – 107 Pleasant View Drive, Tipton, Iowa 52772

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Copy taken to Tipton Conservative on 11/28/11 for Conservative  
Copy e-mailed to Board of Supervisors Secretary on 11/28/11  
Copy e-mailed to Rob Fangmann, County Engineer on 11/28/11  
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## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 19, 2011

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, October 19, 2011, 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, Schuett, Kohrt and Dornfeld. Members absent were Schroeder and Yutesler.

Chairperson Brown called the meeting to order at 6:30 p.m. Minutes from the last meeting held on August 17, 2011, were previously sent to the members. Moylan made a motion to approve the minutes as written. Kohrt seconded the motion. Ayes all. The members then reviewed the following petition:

**1. Cass Durgin, 301 Novak Road, Lisbon, IA (Contract Buyer) and Barbara Wallick Revocable Trust, 1201 Plum Street, Tipton, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District 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 NW  $\frac{1}{4}$ , Section 28, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 1.00 acres of a 7.75 acre tract.

Zoning Administrator La Rue advised the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance in making a recommendation to the Board of Supervisors. He informed the members there were two letters of concern on file and then read the letters received from Brandy Jennett and Vance Haesemeyer. The letter received from the Mechanicsville Fire and Ambulance Department stated they can and will provide fire protection and ambulance service to the proposed site. The letter from the Cedar County Engineer stated this property is located on paved 143<sup>rd</sup> Street/Charles Avenue and should have minimal impact on the existing infrastructure. However, the existing entrance off of 143<sup>rd</sup> is not approved for a single family dwelling due to sight limitations. An approved location can be utilized off of Charles Avenue in the northwest corner of the property as outlined in the original entrance permit application. If the zoning is approved, he recommends the additional requirement that the landowner remove the existing entrance from 143<sup>rd</sup> so that it may not be utilized in the future.

La Rue stated he had talked with the County Engineer who told him there is a possibility they could alter the property by blading down the site distance to improve visibility on 143<sup>rd</sup>. The soil inventory was then discussed. Limitations for septic systems are severe due to slow water permeability. Limitations for low buildings are moderate and limitations for agricultural crops are moderate. The CSR average on the property is above 75 points. La Rue stated the Comprehensive Land Use Plan discourages scattered residential development on prime ag land. He then pointed out on the future land use map that the petitioner's property is not in the area determined for future residential development. There is a large residential subdivision on Adams Avenue to the northwest without any homes built. However, La Rue informed the members there were ag residential uses in the area. The Wallick residence was split off the farm and Everett Ferguson had rezoned the farmstead across the road in 1995.

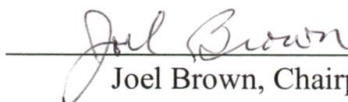
Chris Mottinger, Mottinger Real Estate Group, was present and informed the members he was a developer as well as a real estate broker. He stated he has been helping Mr. Durgin with this

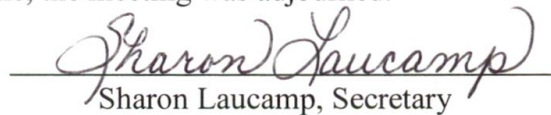


property. He stated his prospective buyer was interested in the property because they did not want to be in a development with covenant restrictions. They wanted the property because of the same reasons as the other two owners in the area. He stated they want a minimal amount of land rezoned for the construction of a house and the rest of the property to remain agricultural. Mr. Mottinger stated the prospective buyers would be meeting with the County Engineer the next morning regarding the visibility on 143<sup>rd</sup> Street. Commission member Moylan questioned why the Wallick driveway was allowed due to the limited visibility. La Rue stated he believes that driveway access regulations are different for agricultural use than residential use. Mr. Durgin stated they are willing to incur any added expense to keep their driveway off of 143<sup>rd</sup>. Chairperson Brown asked the petitioners if they were aware of the emergency response time needed to get to the property. Mr. Durgin stated they are willing to take responsibility for that and also stated Ashley Havlicek is EMT trained. He also stated he has been in the country his entire life and they are aware of farming operations. Dan Kohl was present and stated his concern regarding the CSR rating and dust issues on the road. Dave Ferguson, adjoining property owner stated he feels this property would generate more taxes for Cedar County. Chairperson Brown stated it is his understanding that for every \$1.00 generated for taxes in a rural setting, it takes approximately between \$1.13 and \$1.25 to service it. Mr. Ferguson stated he does not agree. Brandy Jeanett, owner of the Wallick farmstead, stated she feels this proposed site would be on top of her property and she is looking out for her assets. She also stated she had previously wanted to purchase the property. Brandy Jeanett then stated that from her understanding, Commission member Moylan works for Chris Mottinger, and therefore, believes there is a conflict of interest. Mr. Moylan stated he has his license from him but does not work for Mr. Mottinger. Mr. Mottinger stated he does not want to take anything away from the people who are expressing their concerns. He stated nobody likes change, especially when it is in their back yard, but Mr. Durgin is playing by the rules and regulations of the county. Mr. Kohl and Mrs. Jennett again expressed their concerns against the rezoning request. It was noted that of the 7.75 acres, approximately 50% of it is tillable. Commission member Moylan stated he was willing to refrain from voting since he is affiliated with Mottinger Real Estate. However, Chairperson Brown stated they would not have a quorum without Moylan's vote.

After further discussion, Dornfeld made a motion to approve the rezoning request. Motion failed due to the lack of a second. Moylan then seconded the motion to approve the request. Chairperson Brown stated the motion was declared dead due to the lack of a second. He requested another motion be made in favor or against the request. Schuett then made a motion to decline the rezoning request since there seemed to be enough opposition. Kohrt seconded the motion. Motion carried to deny the request with members Schuett, Kohrt & Brown voting aye and Dornfeld and Moylan voting nay. Mr. Mottinger stated a motion was made and seconded which was not recognized and then another motion was made and seconded which was recognized. He stated he felt this was in violation of all the rules. Mr. Mottinger was informed that the Zoning Commission only makes a recommendation to the Board of Supervisors who make the final decision.

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

  
Joel Brown, Chairperson

  
Sharon Laucamp, Secretary

### **LEGAL NOTICE**

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on November 3 & 7, 2011, at 9:30 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

**1. Cass Durgin, 301 Novak Road, Lisbon, IA (Contract Buyer) and Barbara Wallick Revocable Trust, 1201 Plum Street, Tipton, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District 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 NW  $\frac{1}{4}$ , Section 28, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 1.00 acres of a 7.75 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 10/12/11 to the following:

1. Barbara Wallick Revocable Trust – 1201 Plum Street, Tipton, Iowa 52772 – **Certified**
  2. Cass Durgin – 301 Novak Road, Lisbon, Iowa 52253
  3. Nancy Haesemeyer – 388 Charles Avenue, Mechanicsville, Iowa 52306
  4. Adam & Brandy Jennett – P.O. Box 474, Lisbon, Iowa 52253-0474
  5. David & Dorothy Ferguson – 210 W. 1<sup>st</sup> Street, Mechanicsville, Iowa 52306
  6. Lee Kurtenbach – 236 Highway 30 W., Mechanicsville, Iowa 52306
  7. Puffers, Inc. – 393 Echo Avenue, Mechanicsville, Iowa 52306
  8. Vance Haesemeyer – P.O. Box 627, Hudson, WI 54016
- 

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Copy e-mailed to Board of Supervisors Secretary on 10/24/11

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DATE \_\_\_\_\_

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M. 10/19/11

MEETING ATTENDANCE:

Phil LaRue

Bob

Chris Mottiger

Dan Kuy

Lee Kurland

CASS DURGIN

Ashley Havlicek

Marty Nyl

David A. Schmitt

Sharon Laucamp

Carl H. Lohs

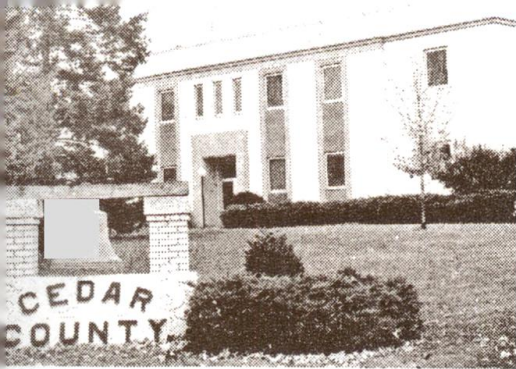
Joel Brown

Madam

Bruce Dwyer

Ed

Dane Ferguson



Tel: 563-886-2248

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

October 10, 2011

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 19, 2011, 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. Cass Durgin, 301 Novak Road, Lisbon, IA (Contract Buyer) and Barbara Wallick Revocable Trust, 1201 Plum Street, Tipton, IA (Owner) -** Requesting a change in zoning from A-1 Agricultural District 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 NW  $\frac{1}{4}$ , Section 28, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 1.00 acres of a 7.75 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 LaRue  
Zoning Administrator

Copies sent out on 10/12/11 to the following:

1. Barbara Wallick Revocable Trust – 1201 Plum Street, Tipton, Iowa 52772 – **Certified**
  2. Cass Durgin – 301 Novak Road, Lisbon, Iowa 52253
  3. Nancy Haesemeyer – 388 Charles Avenue, Mechanicsville, Iowa 52306
  4. Adam & Brandy Jennett – 450 Charles Avenue, Mechanicsville, Iowa 52306
  5. David & Dorothy Ferguson – 210 W. 1<sup>st</sup> Street, Mechanicsville, Iowa 52306
  6. Lee Kurtenbach – 236 Highway 30 W., Mechanicsville, Iowa 52306
  7. Puffers, Inc. – 393 Echo Avenue, Mechanicsville, Iowa 52306
- 

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Copy e-mailed to County Engineer on 10/12/11

7 Zoning Commission Members on 10/11/11

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Tel: 563-886-2248

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse  
Tipton, Iowa 52772

September 14, 2011

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Phil".

Phil La Rue  
Zoning Administrator

PL:sl

### **LEGAL NOTICE**

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on September 12 & 15, 2011, at 9:30 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

**1. Paustian Construction, 118 Parkview Court, Tipton (Owner)** - Requesting approval of a Preliminary Plat of Survey for a thirty four (34) lot subdivision, Secluded Ridge Addition, located in the SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 10, and the S  $\frac{1}{2}$ , NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  and SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , and the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 11, T-80N, R-3W, in Center West Township consisting of 73.85 acres more or less. Said property is currently zoned R-1 Suburban Residential District.

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 8/26/11 to the following:

1. Paustian Construction, Inc. – Allen E. Paustian, 116 Parkview Ct., Tipton, IA 52772 – **Certified**
  2. George & Jeanne Hein – 201 Pleasant View Drive, Tipton, Iowa 52772
  3. Dennis & Janice Domer – 1077 Cedar Valley Road, Tipton, Iowa 52772
  4. Ralph & Ann Billick – 406 E. 3<sup>rd</sup> Street, Tipton, Iowa 52772
  5. Don Lamp – P.O. Box 422, Tipton, Iowa 52772
  6. City of Tipton – 407 Lynn Street, Tipton, Iowa 52772
  7. Douglas & Donna Moore – P.O. Box 429, Tipton, Iowa 52772
  8. Rock Creek Family Farms, LLC – 18048 25<sup>th</sup> Street, Mechanicsville, Iowa 52306
  9. Jerald O'Rourke – 101 W. 3<sup>rd</sup> Street, Tipton, Iowa 52772
  10. William & Julie Williams – 103 Pleasant View Drive, Tipton, Iowa 52772
  11. Jeffery & Christine Nantz – 213 Oak View Court, Tipton, Iowa 52772
  12. Tim & Cassandra Petersen – 203 Sunrise Drive, Tipton, Iowa 52772
  13. Ronald Dean Wood – 9941 Forest Chapel Road, Anamosa, Iowa 52205
  14. John & Marsha Linder – 3736 Cottage Reserve Road, Solon, Iowa 52333
  15. Bradley Goetz – 107 Pleasant View Drive, Tipton, Iowa 52772
- 

Copy e-mailed to Tipton Conservative on 8/25/11

Copy e-mailed to Board of Supervisors Secretary on 8/18/11

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

August 17, 2011

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, August 17, 2011, 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, Yutesler, Schuett and Kohrt. Member absent was Schroeder.

Chairperson Brown called the meeting to order at 6:30 p.m. Minutes from the last meeting held on July 20, 2011, were previously sent to the members. Moylan made a motion to approve the minutes as written. Kohrt seconded the motion. Ayes all. The members then reviewed the following petition:


**1. Paustian Construction, 118 Parkview Court, Tipton (Owner)** - Requesting approval of a Preliminary Plat of Survey for a thirty four (34) lot subdivision, Secluded Ridge Addition, located in the SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 10, and the S  $\frac{1}{2}$ , NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  and SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , and the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 11, T-80N, R-3W, in Center West Township consisting of 73.85 acres more or less. Said property is currently zoned R-1 Suburban Residential District.

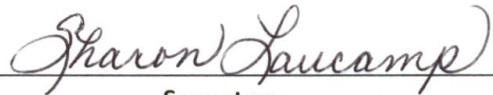
Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapters 3, 6, 7 and 8 of Cedar County Subdivision Ordinance #9. He also informed them there is a Resolution No. 081511A approving the Preliminary Plat, Secluded Ridge Addition, from the City of Tipton which was passed on August 15, 2011. The letter received from County Engineer, Rob Fangmann, stated this is located on paved route Cedar Valley Road and should have minimal impact on the existing infrastructure. From a road standpoint, he considered this an expansion of Oakridge Estates, which the access to Cedar Valley Road was approved as a major subdivision. The plat has a contour interval of 10 feet instead of 5 feet as outlined in the ordinance. It is his opinion that this will suffice. Five foot contours would be too dense on the plat and it would be very difficult to interpret other features in the plat. The crown of the road should be 2% as per ordinance instead of the listed 2.5%. Finally, he is waiting for further confirmation that the storm water detention plan will be sufficient. This will be confirmed before submission of the final plat. The cost estimate is acceptable for the work listed. He recommends approval of the Preliminary Plat of Secluded Ridge in Cedar County. La Rue stated there are five wells and distribution systems for the proposed project. He also stated he would remind the Zoning Commission that with Petition #2603, Mr. Dean Wood changed the zoning for a large portion of this property to R-1 Suburban Residential and then with Petition #1605, Oakridge Second Addition, Section 10, was also rezoned to R-1. He stated at that time it appeared to conform with the Cedar County Comprehensive Plan and does still appear to do so for the record. The soil evaluation done previously appears to still be valid. La Rue stated the 911 Coordinator, Tim Malott, requests that 911 street signs be placed before zoning permits are issued. Richard Kordick, Land Surveyor, was present and stated they did have an on-site wastewater treatment study done and the soils information for septic systems is still valid. He stated they did not change any of the lot layouts that were previously platted. The only thing different might be

some of the outlots. Mr. Kordick informed the members they plan to continue the present concrete street and each lot has two potential septic sites. Member Yutesler questioned where the pond sites are located. Mr. Kordick stated another pond was put in which was not part of the previous development. He stated he will add this pond to the Final Plat and will also show the existing ponds. Mr. Paustian stated he plans to keep as many trees as possible. He also stated the first eight lots he plans to develop are Lots 45, 46, 47, 44, 14, 15, 16 and 17. He informed the members the road will be privately owned and turned over to the Homeowner's Association. He also stated the homeowners in his subdivision will become homeowners in the Homeowner's Association of Dean Wood's subdivision. It was noted the area has a potential of 20 plus acres for development in the future, but Mr. Paustian stated it will not happen in his lifetime. A sign will be installed for Secluded Ridge. It was noted the response time for emergency vehicles is approximately 1 ½ miles. Mr. Paustian stated the road will be built to standards.

After a brief discussion, Yutesler made a motion to approve the Preliminary Plat of Survey for Secluded Ridge Addition with the map updates to be made by the surveyor. Dornfeld seconded the motion. Ayes all.

With no further business to be discussed at this time, Schuett made a motion for adjournment. Moyland seconded the motion. Ayes all. Meeting was adjourned at 6:55 p.m.

  
\_\_\_\_\_  
Chairperson  
Joel Brown

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



C O P Y

DATE 8/17/11

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. LaRue

Allen Paerstein

Alva Donnell

Marty Nyl

Joel Brown

Andy Guterle

Sharon Lucamp

David G. Schuett

Richard Kordick

Carl H. Kordick





Tel: 563-886-2248

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

August 5, 2011

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 17, 2011, 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. Paustian Construction, 118 Parkview Court, Tipton (Owner)-** Requesting approval of a Preliminary Plat of Survey for a thirty four (34) lot subdivision, Secluded Ridge Addition, located in the SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 10, and the S  $\frac{1}{2}$ , NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  and SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , and the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 11, T-80N, R-3W, in Center West Township consisting of 73.85 acres more or less. Said property is currently zoned R-1 Suburban Residential District.

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 LaRue  
Zoning Administrator

Copies sent out on 8/9/11 to the following:

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  2. George & Jeanne Hein – 201 Pleasant View Drive, Tipton, Iowa 52772
  3. Dennis & Janice Domer – 1077 Cedar Valley Road, Tipton, Iowa 52772
  4. Ralph & Ann Billick – 406 E. 3<sup>rd</sup> Street, Tipton, Iowa 52772
  5. Don Lamp – P.O. Box 422, Tipton, Iowa 52772
  6. City of Tipton – 407 Lynn Street, Tipton, Iowa 52772
  7. Douglas & Donna Moore – P.O. Box 429, Tipton, Iowa 52772
  8. Rock Creek Family Farms, LLC – 18048 25<sup>th</sup> Street, Mechanicsville, Iowa 52306
  9. Jerald O'Rourke – 101 W. 3<sup>rd</sup> Street, Tipton, Iowa 52772
  10. William & Julie Williams – 103 Pleasant View Drive, Tipton, Iowa 52772
  11. Jeffery & Christine Nantz – 213 Oak View Court, Tipton, Iowa 52772
  12. Tim & Cassandra Petersen – 203 Sunrise Drive, Tipton, Iowa 52772
- 

Copy e-mailed to Tipton Conservative on 8/8/11

7 Zoning Commission members on 8/9/11

Copy e-mailed to County Engineer

2 File Copies

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Copy sent out on 8/15/11 to:

1. Ronald Dean Wood – 9941 Forest Chapel Road, Anamosa, Iowa 52205
  2. John & Marsha Linder – 3736 Cottage Reserve Road, Solon, Iowa 52333
  3. Bradley Goetz – 107 Pleasant View Drive, Tipton, Iowa 52772
-



## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 20, 2011

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, July 20, 2011, 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, Kohrt, Moylan and Schroeder. Member absent was Yutesler.

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

**1. AgVantage Farm Service, 1600 8<sup>th</sup> Street SW, Waverly, IA (Lessee) and Murry and Renee Mente, 1309 Highway 130, Tipton, Iowa (Owners and Lessors) -** Requesting a Special Use Permit authorizing an Agricultural Service Business for a bulk farm chemical station on property located in the NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 7, T-79N, R-1W, in Farmington Township consisting of 4.00 acres more or less. Said property is currently zoned A-1 Agricultural District.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 17.18(2) in making a recommendation to the Cedar County Board of Adjustment.

Rod Platte, Operations Manager for AgVantage, was present and informed the members the reason for them requesting this S.U.P. is because their long term lease on property in Bennett ran out on July 1, 2011, and was not renewable with the current land owners. They are looking in this vicinity to service that trade area. He stated there is about 1,200 to 1,300 hundred tons of ammonia they service currently in Farmington Township and that area. Their plans are to put a 30,000 gallon ammonia tank there. He also informed the members the property will be fenced in and locked up. There will be a platform scale, bullet and a portable shed. The letter received from the Wilton Fire Department stated they will provide fire & emergency services to the site. La Rue stated he had not received a letter from the County Engineer but he did know that a driveway permit has been approved and issued. The soil inventory was then discussed. Limitations for building on the property are moderate. The CSR on the property is 86 points. La Rue stated he did not do an evaluation for septic systems since no office was planned. He stated this petition appears to be in compliance with the Comprehensive Plan and is located on a hard surface road. He also stated there are no adjoining farm buildings or homes within the radius under the ordinance. He informed the members the county has no jurisdiction over ag chemicals. The county must abide by the state regulations and the county can regulate this business by the S.U.P., but can not impose certain separation distances. It was noted that there is a distance of 823 feet to the nearest farmstead with no house. Mr. Platte stated they have security precautions which include all valves on the bullets being locked, the wagons have locks on them, a 10 foot high chain link fence will be installed which will surround the area and there




will be security lighting from dusk to dawn. He stated this site will serve the same trade area as the petition which was denied in the Durant area. Adjoining property owner, Robert Scott, asked exactly where the business will be located. He stated he is located on the corner of 290<sup>th</sup> Street and Spicer Avenue and his bedroom is about 41 feet from the edge of the blacktop. He stated he has a safety issue concern regarding possible leaks. La Rue stated this is not considered a safety issue since Mr. Scott's property is over a quarter mile away. Mr. Platte informed the members they currently have a 5 year lease with multiple renewals. Chairperson Brown explained to Mr. Platte the annual review process by the Board of Adjustment members who will make sure any issues are corrected if needed. Mr. Platte stated they will also be inspected by the Iowa Department of Agriculture annually. He informed the members they currently have 114 locations in Iowa with 5 of them in Cedar County.

After a brief discussion, Schuett made a motion to recommend approval of the requested Special Use Permit to the Board of Adjustment. Kohrt seconded the motion. Ayes all.

Minutes from the last meeting held on June 15, 2011, were previously sent to the members. Schroeder made a motion to approve the minutes as written. Moylan seconded the motion. Ayes all.

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

  
\_\_\_\_\_  
Chairperson  
Joel Brown

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

DATE 7/20/11

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

C O P Y

MEETING ATTENDANCE:

Phil LaRue

Russ Platt

Karl Stab

Bryan Healy

Joel Brown

Sharon Laucamp

Murray Menz

David A. Schmitt

Robert Lued

Madameau

Carl H. Lued

Marty Nye

Julie Schroeder

Waverly

Stanwood

Monroe

Tipton

Wilton

XIPTON

7/19/11

5011



Tel: 563-886-2248

OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT  
Cedar County Courthouse  
Tipton, Iowa 52772

July 1, 2011

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 20, 2011, 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. AgVantage Farm Service, 1600 8<sup>th</sup> Street SW, Waverly, IA (Lessee) and Murry and Renee Mente, 1309 Highway 130, Tipton, Iowa (Owners and Lessors) -** Requesting a Special Use Permit authorizing an Agricultural Service Business for a bulk farm chemical station on property located in the NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 7, T-79N, R-1W, in Farmington Township consisting of 4.00 acres more or less. Said property is currently zoned A-1 Agricultural District.

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 black ink, appearing to read "P.D. LaRue".

Phil LaRue  
Zoning Administrator



Copies sent out on 7/5/11 to the following:

1. Wade Mittelstadt –AgVantage FS, 1600 8<sup>th</sup> St., P.O. Box 828, Waverly, IA 50677 – **Certified**
2. Murry & Renee Mente – 1309 Highway 130, Tipton, Iowa 52772
3. Stacey & Rachel Allen – 1850 290<sup>th</sup> Street, Wilton, Iowa 52778
4. Robert M. Glenney – 1860 Spicer Avenue, Wilton, Iowa 52778
5. Steven & Trisha Gradert – 1794 290<sup>th</sup> Street, Wilton, Iowa 52778
6. Theresa A. Griggs Living Trust Agreement – 17450 Meredith Drive, Clive, Iowa 50325
7. Bryce & Charlotte Healey – 2311 Ocean Avenue, Moscow, Iowa 52760
8. Barry & Melanie Langley – 314 Maple Boulevard, Wilton, Iowa 52778
9. Fred P. Paul – 518 East 2<sup>nd</sup> Street, Wilton, Iowa 52778
10. Robin & Andrea Schmidt – 1944 Spicer Avenue, Wilton, Iowa 52778
11. Robert & Arlene Scott – 1805 290<sup>th</sup> Street, Wilton, Iowa 52778

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Copy e-mailed to Tipton Conservative on 7/1/11

Copy e-mailed to Advocate News on 7/1/11

7 Zoning Commission members on 7/5/11

Copy e-mailed to County Engineer on 7/6/11

2 File Copies

Bulletin Board Copy

### LEGAL NOTICE

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on June 30 & July 7, 2011, at 8:30 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

**1. Dean Gates, 199 W. Rochester Avenue, Atalissa, Iowa (Owner)** – Requesting a change in zoning from C-2, Highway Commercial District, to R-1, Suburban Residential District, for the purpose of eliminating a non-conforming permitted use on property located in the E ½, SE ¼, Section 12, T-79N, R-3W, in Rochester Township, consisting of 7.49 acres more or less.

**2. Wesley & Jodi Clemens, 1897 Fox Avenue, West Branch, Iowa (Owners)** – Requesting a change in zoning from C-1, Local Commercial District, to R-2, Urban Residential District, for the purpose of eliminating a non-conforming permitted use and allow replacement of the existing dwelling. Said property is located in the SE ¼, SE ¼, SW ¼, Section 1, T-79N, R-4W, in the unincorporated town of Springdale (Lots 2 & 3 of Lot 1).

**3. Anthony & Shawna Behal, 1003 5<sup>th</sup> St., Durant (Contract Buyers) & Kenneth & Joyce Lage, 2014 310<sup>th</sup> St., Wilton (Owners)** – Requesting a change in zoning from A-1, Agricultural District, to R-1, Suburban Residential District, for the purpose of constructing a single family dwelling on property located in the NW ¼, NW ¼, Section 21, T-79N, R-1W, in Farmington Township. Said petition is to rezone 1.99 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person 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 6/21/11 to the following:

1. Dean Gates – 199 W. Rochester Avenue, Atalissa, Iowa 52720 (Dean picked up notice on 6/20/11)
2. Robert Leyshon & Aaron Bossler – 200 Hidden River Drive, Tipton, Iowa 52772
3. Tom & Cathy Bates – 204 Hidden River Drive, Tipton, Iowa 52772
4. Brian Snyder – 149 Sand Run Road, Fruitland, Iowa 52749
5. Duane & Judy Bolton – 54 Hidden River Drive, Tipton, Iowa 52772
6. Bill & Judy Jensen – 52 Hidden River Drive, Tipton, Iowa 52772
7. Ryan & Dionea Daedlow – 50 Hidden River Drive, Tipton, Iowa 52772
8. Kent & Judy Kaeser – 48 Hidden River Drive, Tipton, Iowa 52772
9. Wilton Motors – P.O. Box 31, Tipton, Iowa 52772
10. Ray & Sharon Antisdell – 51 Hidden River Drive, Tipton, Iowa 52772
11. Lyle & Tanya Hermiston – 53 Hidden River Drive, Tipton, Iowa 52772
12. Wayne & Patricia Yarolem – 55 Hidden River Drive, Tipton, Iowa 52772
13. Marvin & Jane Jones – 57 Hidden River Court, Tipton, Iowa 52772
14. John & Nancy Blow – 62 Hidden River Court, Tipton, Iowa 52772
15. Sharon Snider – 58 Hidden River Court, Tipton, Iowa 52772
16. Dustin Marolf – 9 Hearst Drive, Tipton, Iowa 52772
17. Bill & Carolyn Kohl – 605 Inland Road, Tipton, Iowa 52772
18. Steve Simon & Keely Grage – 7 Hearst Drive, Tipton, Iowa 52772
19. Charlie & Caroline Frymoyer – 1232 300<sup>th</sup> Street, Tipton, Iowa 52772
20. Edward & Bev Reed – 11 Hearst Drive, Tipton, Iowa 52772
21. Hidden River Heights Homeowners Assoc. – 51 Hidden River Drive, Tipton, Iowa 52772
22. Marvin & Carol Irwin – 56 Hidden River Court, Tipton, Iowa 52772
23. Philip & Christine Madden – 317 Cedar Street, Tipton, Iowa 52772
24. John & Birgit Donahue – 152 S. Park Ridge Road, North Liberty, Iowa 52317
25. Maurice & Jan Krob – 705 E. 2<sup>nd</sup> Street, Tipton, Iowa 52772

- 
1. Wesley & Jodi Clemens – 1897 Fox Avenue, West Branch, Iowa 52358 – **Certified**
  2. AVM Evergreens LLC – 613 E. 6<sup>th</sup> Street, West Liberty, Iowa 52776
  3. Robert & Sheryl Bergmann – 544 290<sup>th</sup> Street, West Branch, Iowa 52358
  4. Linnia Campbell – Not sent because letter was returned previously for P & Z Meeting
  5. Jim & Ruth Farmer – 556 290<sup>th</sup> Street, West Branch, Iowa 52358
  6. John & Amanda Farmer – 557 290<sup>th</sup> Street, West Branch, Iowa 52358
  7. Dan & Penny Gafeller – 1885 Fox Avenue, West Branch, Iowa 52358
  8. Catherine Grace – 546 290<sup>th</sup> Street, West Branch, Iowa 52358
  9. Warren Hayslett – 559 290<sup>th</sup> Street, West Branch, Iowa 52358
  10. Richard & Carolyn Hinty – 552 290<sup>th</sup> Street, West Branch, Iowa 52358
  11. Christian & Renee Hogan – 558 290<sup>th</sup> Street, West Branch, Iowa 52358
  12. Kent & Lizbeth Kaufman – 536 290<sup>th</sup> Street, West Branch, Iowa 52358
  13. Timothy & Lisa Kilburg – 548 290<sup>th</sup> Street, West Branch, Iowa 52358
  14. Kevin & Rebecca Knoche – 1881 Fox Avenue, West Branch, Iowa 52358
  15. Russell & Mary Jo Leighty – 540 290<sup>th</sup> Street, West Branch, Iowa 52358
  16. Randy & Tammy Mather – 789 290<sup>th</sup> Street, West Branch, Iowa 52358
  17. Melinda Myers – 553 290<sup>th</sup> Street, West Branch, Iowa 52358
  18. Clara Oleson – 1888 Fox Avenue, West Branch, Iowa 52358
  19. Lori Paul – 1890 Fox Avenue, West Branch, Iowa 52358
  20. Herman D. Paulsen – 451 W. Orange Street, West Branch, Iowa 52358



21. Kenneth & Diane Phillips – 555 290<sup>th</sup> Street, West Branch, Iowa 52358
  22. Richard & Tana Sabourin – 541 290<sup>th</sup> Street, West Branch, Iowa 52358
  23. Tana Sabourin & Joe McMath – 541 290<sup>th</sup> Street, West Branch, Iowa 52358
  24. Lindsay Shultz & Randy Seydel – 538 290<sup>th</sup> Street, West Branch, Iowa 52358
  25. Bryan & Donna Sparks – 551 290<sup>th</sup> Street, West Branch, Iowa 52358
  26. Springdale Methodist Church – 554 290<sup>th</sup> Street, West Branch, Iowa 52358
  27. Patricia Ann Harpole – 561 290<sup>th</sup> Street, West Branch, Iowa 52358
  28. David Frederick – 510 290<sup>th</sup> Street, West Branch, Iowa 52358
  29. Reta Gruwell – 563 290<sup>th</sup> Street, West Branch, Iowa 52358
- 

1. Anthony & Shawna Behal – 1003 5<sup>th</sup> Street, Durant, Iowa 52747 – **Certified**
  2. Kenneth & Joyce Lage – 2014 310<sup>th</sup> Street, Wilton, Iowa 52778
  3. Tank Family Revocable Trust – 1945 335<sup>th</sup> Street, Wilton, Iowa 52778
  4. Schuett Farms, Inc., L.N.L., LLC – 15175 240<sup>th</sup> Street, Eldridge, Iowa 52748
  5. David & Marcia Schuett – 803 2<sup>nd</sup> Avenue, Durant, Iowa 52747
- 

Copy e-mailed to Tipton Conservative on 6/20/11 for Tipton Conservative & West Branch Times

Copy e-mailed to Wilton Durant Advocate News on 6/20/11

Copy e-mailed to B of S Secretary on 6/17/11

2 File Copies

Copy for Bulletin Board

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 15, 2011

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, June 15, 2011, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Moylan, Yutesler, Schroeder, Brown, Schuett and Kohrt. Member absent was Dornfeld.

Chairperson Brown called the meeting to order at 6:30 p.m. Minutes from the last meeting held on April 20, 2011, were previously sent to the members. Schroeder recommended to correct the spelling of Robert Dierks to Robert Dircks on page two. She then made a motion to approve the minutes with the correction to be made. Moylan seconded the motion. Ayes all. The members then reviewed the following petitions:

1. **Dean Gates, 199 W. Rochester Avenue, Atalissa, Iowa (Owner)** – Requesting a change in zoning from C-2, Highway Commercial District, to R-1, Suburban Residential District, for the purpose of eliminating a non-conforming permitted use on property located in the E ½, SE ¼, Section 12, T-79N, R-3W, in Rochester Township, consisting of 7.49 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance in making a recommendation to the Board of Supervisors. He then informed the members this property is contiguous with Hidden River Heights Part III & IV. The house is existing and the septic system was upgraded last year. The letter received from the Tipton Fire Department stated they expect the owners to maintain an adequate access. The letter from County Engineer, Rob Fangmann, stated this property is located on gravel route Cemetery Road and should have minimal impact on the existing infrastructure. From a road standpoint, he considered this an expansion of Hidden River Heights, which the access is approved as a major subdivision. The soil inventory was then discussed. The soils are Fayette Silt Loam. Limitations for building are slight to severe, septic limitations are severe and agricultural limitations are moderate to severe. The average CSR is 61 points. La Rue stated it appears to be in compliance with the Comprehensive Plan on the basis it is next door to other residential homes. He also stated it will need to be subdivided as part of the process but may or may not come before the Zoning Commission.

Mr. Gates was present and informed the members he purchased approximately 127 acres from Tom Hearst. He stated he did not want the house and the reason he changed the property lines was because the buyer of the house wanted more ground. Mr. Gates stated he agreed in a contract with the buyer that he would not build a house on the area between the buyer's property and the timber. He stated he will have the timber



area of approximately 40 acres for sale for someone to build a house on. Mr. Gates may eventually build a house for himself near the campground. It was noted that if there were any more divisions, they would come before the Zoning Commission. La Rue stated the intent of the change in zoning is to insure the buyer that if there should be any act of God, the owner could rebuild and not have to go through a delay of having to deal with the rezoning procedure at that time. Mr. Gates informed the members he owns Hidden River View, LLC and he is not in the association.

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

2. **Wesley & Jodi Clemens, 1897 Fox Avenue, West Branch, Iowa (Owners)** – Requesting a change in zoning from C-1, Local Commercial District, to R-2, Urban Residential District, for the purpose of eliminating a non-conforming permitted use and allow replacement of the existing dwelling. Said property is located in the SE ¼, SE ¼, SW ¼, Section 1, T-79N, R-4W, in the unincorporated town of Springdale (Lots 2 & 3 of Lot 1).

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance in making a recommendation to the Board of Supervisors. He informed the members that the purpose of this rezoning request was to allow the Clemens' to replace the house. He also informed the members there is already a well and septic system on the property. The letter received from County Engineer, Rob Fangmann, stated this property is located on gravel route Fox Avenue and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. The letter from the West Branch Fire Department stated they are willing and able to provide emergency services and stated the owner is responsible for making sure that fire trucks have full access to road/lane and to make sure there are no trees or overhangs in the road/lane. The soil maps were then discussed. Limitations for septic systems, low buildings and agricultural crops are all moderate.

Mr. and Mrs. Clemens were present and informed the members the existing house had been torn down on June 15<sup>th</sup>. They stated they had purchased the property which consists of two lots and the existing house was not livable. La Rue informed the members the septic system was installed in 1988 and was a compliant system at that time. He has not yet seen a Time of Transfer Inspection on the system. Mrs. Clemens stated the system was approved by the inspector and were told they would need to add another inspection port, modification made to the septic tank and another absorption line added.

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



3. **Anthony & Shawna Behal, 1003 5<sup>th</sup> St., Durant (Contract Buyers) & Kenneth & Joyce Lage, 2014 310<sup>th</sup> St., Wilton (Owners)** – Requesting a change in zoning from A-1, Agricultural District, to R-1, Suburban Residential District, for the purpose of constructing a single family dwelling on property located in the NW ¼, NW ¼, Section 21, T-79N, R-1W, in Farmington Township. Said petition is to rezone 1.99 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 their recommendation to the Board of Supervisors. The letter received from the Durant Fire Department stated they will be able to access said property for adequate fire protection. The letter received from County Engineer, Rob Fangmann, stated this property is located on gravel route 310<sup>th</sup> Street and should have minimal impact on the existing infrastructure. An approved entrance permit is filed in his office. The soil inventory was then discussed. Limitations for foundations are moderate, slight & severe with the severe limitations in the southwest corner. Limitations for septic systems are moderate to severe with severe limitations on the Muscatine Silt Loam and the Ely soils due to a high water table. Agricultural farm crop limitations are moderate. La Rue stated the property is prime farm land but there is a lot of concrete and a couple of grain bins on it. The CSR is 90 & 95 points. He stated the Cedar County Comprehensive Plan does discourage scattered residential development. He also stated precaution would need to be taken when removing the concrete slabs and grain bins to prevent compaction problems.

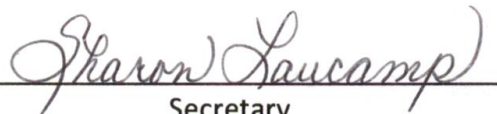
Anthony Behal informed the members they plan to build to the north of the higher water table. He stated the house and septic system will all be on the moderate soil limitation area. He stated they want to build there to be close, be able to help with aging grandparents and live in a rural setting. He stated the house would be angled to the northeast. Commission member Moylan suggested they put in some type of buffer between the two houses for future planning. La Rue stated he believed a conventional septic system can be installed with careful sighting of the house. It was noted the concrete slabs will eventually be taken out.

After further discussion, Schuett made a motion to approve the change of zoning from A-1 to R-1. Kohrt seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting adjourned at 7:00 p.m.



Chairperson  
Joel Brown



Secretary  
Sharon Laucamp

C O P Y

DATE 6/15/11

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil LaRue

Julie Khordou

Joel Brown

Ray R. Behal

Charles Frymoyer

Don Bates

Wesley J. Clemens

Jodi Clemens

Jody Guteske

Janey Nyl

David A. Schuett

Sharon Laucamp

Carl H. Kest

Stable





**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse  
Tipton, Iowa 52772

June 6, 2011

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 15, 2011, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Dean Gates, 199 W. Rochester Avenue, Atalissa, Iowa (Owner)** – Requesting a change in zoning from C-2, Highway Commercial District, to R-1, Suburban Residential District, for the purpose of eliminating a non-conforming permitted use on property located in the E  $\frac{1}{2}$ , SE  $\frac{1}{4}$ , Section 12, T-79N, R-3W, in Rochester Township, consisting of 7.49 acres more or less.
2. **Wesley & Jodi Clemens, 1897 Fox Avenue, West Branch, Iowa (Owners)** – Requesting a change in zoning from C-1, Local Commercial District, to R-2, Urban Residential District, for the purpose of eliminating a non-conforming permitted use and allow replacement of the existing dwelling. Said property is located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 1, T-79N, R-4W, in the unincorporated town of Springdale (Lots 2 & 3 of Lot 1).
3. **Anthony & Shawna Behal, 1003 5<sup>th</sup> St., Durant (Contract Buyers) & Kenneth & Joyce Lage, 2014 310<sup>th</sup> St., Wilton (Owners)** – Requesting a change in zoning from A-1, Agricultural District, to R-1, Suburban Residential District, for the purpose of constructing a single family dwelling on property located in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 21, T-79N, R-1W, in Farmington Township. Said petition is to rezone 1.99 acres more or less.

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

Phil La Rue  
Zoning Administrator



Copies sent out on 6/8/11 to the following:

1. Dean Gates – 199 W. Rochester Avenue, Atalissa, Iowa 52720
2. Robert Leyshon & Aaron Bossler – 200 Hidden River Drive, Tipton, Iowa 52772
3. Tom & Cathy Bates – 204 Hidden River Drive, Tipton, Iowa 52772
4. Brian Snyder – 149 Sand Run Road, Fruitland, Iowa 52749
5. Duane & Judy Bolton – 54 Hidden River Drive, Tipton, Iowa 52772
6. Bill & Judy Jensen – 52 Hidden River Drive, Tipton, Iowa 52772
7. Ryan & Dionea Daedlow – 50 Hidden River Drive, Tipton, Iowa 52772
8. Kent & Judy Kaeser – 48 Hidden River Drive, Tipton, Iowa 52772
9. Wilton Motors – P.O. Box 31, Tipton, Iowa 52772
10. Ray & Sharon Antisdell – 51 Hidden River Drive, Tipton, Iowa 52772
11. Lyle & Tanya Hermiston – 53 Hidden River Drive, Tipton, Iowa 52772
12. Wayne & Patricia Yarolem – 55 Hidden River Drive, Tipton, Iowa 52772
13. Marvin & Jane Jones – 57 Hidden River Court, Tipton, Iowa 52772
14. John & Nancy Blow – 62 Hidden River Court, Tipton, Iowa 52772
15. Sharon Snider – 58 Hidden River Court, Tipton, Iowa 52772
16. Dustin Marolf – 9 Hearst Drive, Tipton, Iowa 52772
17. Bill & Carolyn Kohl – 605 Inland Road, Tipton, Iowa 52772
18. Steve Simon & Keely Grage – 7 Hearst Drive, Tipton, Iowa 52772
19. Charlie & Caroline Frymoyer – 1232 300<sup>th</sup> Street, Tipton, Iowa 52772
20. Edward & Bev Reed – 11 Hearst Drive, Tipton, Iowa 52772
21. Hidden River Heights Homeowners Assoc. – 51 Hidden River Drive, Tipton, Iowa 52772
22. Marvin & Carol Irwin – 56 Hidden River Court, Tipton, Iowa 52772
23. Philip & Christine Madden – 317 Cedar Street, Tipton, Iowa 52772
24. John & Birgit Donahue – 152 S. Park Ridge Road, North Liberty, Iowa 52317
25. Maurice & Jan Krob – 705 E. 2<sup>nd</sup> Street, Tipton, Iowa 52772

- 
1. Wesley & Jodi Clemens – 1897 Fox Avenue, West Branch, Iowa 52358 – **Certified**
  2. AVM Evergreens LLC – 613 E. 6<sup>th</sup> Street, West Liberty, Iowa 52776
  3. Robert & Sheryl Bergmann – 544 290<sup>th</sup> Street, West Branch, Iowa 52358
  - ~~4.~~ Linnia Campbell – 1897 Fox Avenue, West Branch, Iowa 52358
  5. Jim & Ruth Farmer – 556 290<sup>th</sup> Street, West Branch, Iowa 52358
  6. John & Amanda Farmer – 557 290<sup>th</sup> Street, West Branch, Iowa 52358
  7. Dan & Penny Gafeller – 1885 Fox Avenue, West Branch, Iowa 52358
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  9. Warren Hayslett – 559 290<sup>th</sup> Street, West Branch, Iowa 52358
  10. Richard & Carolyn Hinty – 552 290<sup>th</sup> Street, West Branch, Iowa 52358
  11. Christian & Renee Hogan – 558 290<sup>th</sup> Street, West Branch, Iowa 52358
  12. Kent & Lizbeth Kaufman – 536 290<sup>th</sup> Street, West Branch, Iowa 52358
  13. Timothy & Lisa Kilburg – 548 290<sup>th</sup> Street, West Branch, Iowa 52358
  14. Kevin & Rebecca Knoche – 1881 Fox Avenue, West Branch, Iowa 52358
  15. Russell & Mary Jo Leighty – 540 290<sup>th</sup> Street, West Branch, Iowa 52358
  16. Randy & Tammy Mather – 789 290<sup>th</sup> Street, West Branch, Iowa 52358
  17. Melinda Myers – 553 290<sup>th</sup> Street, West Branch, Iowa 52358
  18. Clara Oleson – 1888 Fox Avenue, West Branch, Iowa 52358
  19. Lori Paul – 1890 Fox Avenue, West Branch, Iowa 52358
  20. Herman D. Paulsen – 451 W. Orange Street, West Branch, Iowa 52358

21. Kenneth & Diane Phillips – 555 290<sup>th</sup> Street, West Branch, Iowa 52358
  22. Richard & Tana Sabourin – 541 290<sup>th</sup> Street, West Branch, Iowa 52358
  23. Tana Sabourin & Joe McMath – 541 290<sup>th</sup> Street, West Branch, Iowa 52358
  24. Lindsay Shultz & Randy Seydel – 538 290<sup>th</sup> Street, West Branch, Iowa 52358
  25. Bryan & Donna Sparks – 551 290<sup>th</sup> Street, West Branch, Iowa 52358
  26. Springdale Methodist Church – 554 290<sup>th</sup> Street, West Branch, Iowa 52358
  27. Patricia Ann Harpole – 561 290<sup>th</sup> Street, West Branch, Iowa 52358
  28. David Frederick – 510 290<sup>th</sup> Street, West Branch, Iowa 52358
  29. Reta Gruwell – 563 290<sup>th</sup> Street, West Branch, Iowa 52358
- 

1. Anthony & Shawna Behal – 1003 5<sup>th</sup> Street, Durant, Iowa 52747 – **Certified**
  2. Kenneth & Joyce Lage – 2014 310<sup>th</sup> Street, Wilton, Iowa 52778
  3. Tank Family Revocable Trust – 1945 335<sup>th</sup> Street, Wilton, Iowa 52778
  4. Schuett Farms, Inc., L.N.L., LLC – 15175 240<sup>th</sup> Street, Eldridge, Iowa 52748
  5. David & Marcia Schuett – 803 2<sup>nd</sup> Avenue, Durant, Iowa 52747
- 

Copy e-mailed to Tipton Conservative on 6/6/11 for Tipton Conservative & West Branch Times  
Copy e-mailed to Wilton Durant Advocate News on 6/6/11  
7 Zoning Commission members on 6/8/11  
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Tel: 563-886-2248

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse  
Tipton, Iowa 52772

May 9, 2011

**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 May because no petitions were filed.

Sincerely,

A handwritten signature in dark ink, appearing to read "P.D. La Rue".

Phil La Rue  
Zoning Administrator

PL:sl





**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse  
Tipton, Iowa 52772

April 4, 2011

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, April 20, 2011, 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. William and Debbie Zerbe, 702 Old Lincoln Highway, Mechanicsville, IA (Owners)** - Requesting a change in zoning from M-2, Heavy Industrial District to R-1, Suburban Residential District for the purpose of eliminating a non-conforming permitted use on property described as Parcel "B", located in the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 20, T-82N, R-3W, in Fremont Township consisting of 1.00 acres more or less.
- 2. Scott and Lisa Mosier, d.b.a., Mosier Seed Supply, Inc., 110 Meadow Lane, Tipton, IA (Contract Buyers) and Donn and Karoline Kleppe, 1253 150<sup>th</sup> Street, Stanwood, IA (Owners)** - Requesting a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located at 462 Highway 38, Stanwood, IA, in the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 30, T-82N, R-2W, in Dayton Township consisting of 4.00 acres more or less. Said property is currently zoned A-1, Agricultural District.

At this time, the Commission will also be considering amendments to the following Cedar County Ordinance:

Ordinance Number 47, "An Ordinance regulating the placement of wind energy conversion systems (WECS) on property located in the unincorporated areas of Cedar County, Iowa."

Cedar County Ordinance Number 47 and the proposed amendments are on file in the Cedar County Auditor's Office and the Cedar County Zoning Office for public review.

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 LaRue  
Zoning Administrator

Copies sent out on 4/6/11 to the following:

1. William & Debbie Zerbe – 702 Old Lincoln Highway, Mechanicsville, IA 52306 – **Certified**
  2. Le Ru Farm, Inc. – 139 Tomahawk Trail SE, Cedar Rapids, Iowa 52402-2068
  3. Brent & Jody Montz – 736 Old Lincoln Highway, Mechanicsville, IA 52306-7600
  4. Beverly Weber – 728 Old Lincoln Highway, Mechanicsville, Iowa 52306-7600
- 

1. Scott & Lisa Mosier – 110 Meadow Lane, Tipton, Iowa 52772 – **Certified**
  2. Donn & Karoline Kleppe – 1253 150<sup>th</sup> Street, Stanwood, Iowa 52337
  3. Leonard R. Weiland Residuary Trust – 410 Highway 38, Stanwood, Iowa 52337
  4. Richard Tenley – 681 120<sup>th</sup> Street, Mechanicsville, Iowa 52306
- 

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Copy e-mailed to Wilton/Durant Advocate News on 4/4/11

7 Zoning Commission Members

Copy e-mailed to County Engineer on 4/6/11

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## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 20, 2011

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, April 20, 2011, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Kohrt, Moylan, Schroeder, Schuett and Yutesler. Member absent was Dornfeld.

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

**1. William and Debbie Zerbe, 702 Old Lincoln Highway, Mechanicsville, IA (Owners)-** Requesting a change in zoning from M-2, Heavy Industrial District to R-1, Suburban Residential District for the purpose of eliminating a non-conforming permitted use on property described as Parcel "B", located in the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 20, T-82N, R-3W, in Fremont Township consisting of 1.00 acres more or less.

Zoning Administrator LaRue 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 Cedar County Zoning Ordinance #10 in making a recommendation to the Board of Supervisors.

Mr. and Mrs. Zerbe were present and explained that they currently live at the property and wish to correct the zoning non-conformity so that they can construct a garage. They explained that Mr. Zerbe's grandmother had a mobile home at this site for many years prior to their replacing it, and the property shares a well with his mother to the east. They would also like to have their own well.

The letter received from County Engineer, Rob Fangmann, stated this property is located on gravel route and should have minimal impact on the existing infrastructure. The existing entrance has adequate sight distance for a single family dwelling. The letter received from the Mechanicsville Fire Department stated they can and will provide service to the location and require an adequate access so that in the event of an emergency, fire and or rescue vehicles can access the site.

The soils inventory was then discussed. LaRue stated the soil is a Tama Silt Loam. Limitations are moderate for septic systems. Building limitations are moderate. Limitations for agriculture are moderate. The CSR on the Tama soil is 95 points. LaRue stated the land is currently used for residential purposes and not as agricultural or industrial land. LaRue stated the Cedar County Comprehensive Plan does discourage scattered non-farm residential development, but that the Zerbe's are currently using the property for residential purposes. The property was zoned M-2, as part of the original zoning map in April 1959.

After further discussion, Schroeder made a motion to grant the change in zoning request from M-2 to R-1. Moylan seconded the motion. Ayes: all.



**2. Scott and Lisa Mosier, d.b.a., Mosier Seed Supply, Inc., 110 Meadow Lane, Tipton, IA (Contract Buyers) and Donn and Karolyn Kleppe, 1253 150<sup>th</sup> Street, Stanwood, IA (Owners) -** Requesting a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located at 462 Highway 38, Stanwood, IA, in the NW ¼, SW ¼, Section 30, T-82N, R-2W, in Dayton Township consisting of 4.00 acres more or less. Said property is currently zoned A-1, Agricultural District.

LaRue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 17.18(2) of Cedar County Zoning Ordinance #10, in making a recommendation to the Cedar County Board of Adjustment.

Scott and Lisa Mosier were present and explained that they are requesting a Special Use Permit to use the property as an Agricultural Service business selling Pioneer seed. The Mosier's have taken over the business operated by Robert Dircks, and would like to use this site for the business. The property has existing agricultural buildings, but the dwelling was removed many years ago after a fire. Mr. Mosier explained that seed grain will be delivered and chemically treated then stored in bins for sale from the site and delivery. The amount of chemical kept at the property will be minimal and no agricultural chemicals will be sold at the site. Because of the small quantity of chemicals used to treat soy beans and corn, no permit from the Iowa Department of Agriculture and Land Stewardship (IDALS) is required. The site is subject to storm water management regulations of the Iowa Department of Natural Resources (IDNR) and an application has been filed with the IDNR. The existing water well on the property will be used for the business. A septic system will also be constructed for the business staff at the office. The drive way and parking areas will be graveled.

The soil inventory was next discussed. The property has two soil types which are Tama Silt Loam and Colo-Ely soil complex. Limitations for septic systems on the Tama soil are moderate, and severe due to high water table and slow water movement on the Colo-Ely soil(s). Building limitations are moderate on the Tama soil, and severe on the Colo-Ely soil(s) due to saturated soil. LaRue stated the CSR on the Tama soil is 95 points and 85 points on the Colo-Ely soil(s). The letter from the Stanwood Fire Department was reviewed. It stated that their department can and will provide fire and rescue service to the property. The letter from Cedar County Engineer, Rob Fangmann, was reviewed. He anticipates minimal impact on existing infrastructure, but wrote that the access is under the jurisdiction of the Iowa Department of Transportation (IDOT). The application for access with the IDOT has been filed and is pending subject to approval by the Cedar County Board of Adjustment. The Comprehensive Plan was then reviewed. It encourages orderly, compact development on hard surface roads, and to avoid removing agricultural land from production.

After a brief discussion, Kohrt made a motion to recommend approval of the Special Use Permit to the Board of Adjustment. Yutesler seconded the motion. Ayes all.

At this time, the Commission considered amendments to the following Cedar County Ordinance:



Zoning Administrator LaRue, stated that there are no written or verbal objections on file for the proposed amendments to Ordinance #47. No one was in attendance from the public at the Public Hearing.


LaRue reported to the Commission the comments of the Cedar County Board of Supervisors on the proposed amendments which included the proposed change to Section 6,12(a) setbacks to inhabited structures. The Commission proposes amendment from two (2) times the C-WECS total height to three (3) times the C-WECS total height. The Board prefers not to amend this sub-section. The second comment from the Board concerns the amendment to add detailed language in a new sub-section, pertaining to shadow flicker. See Section 6(17). The Commission feels that the amendment is justified based upon the Public Hearings from September and October 2010, and the recommendation from the wind energy turbine industry to add language to the current ordinance. The numerous articles in the Cedar Rapids and Iowa City newspapers supports this amendment. Finally, the Board had expressed concern that the ordinance is being amended too soon after adoption (May 2010). The Commission members commented that the ordinance is good, but with all the new information on wind energy the regulations must be kept current as new information and local regulations become available.

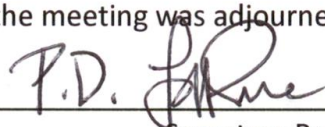
Following a brief review of Ordinance #47 and the proposed amendments, Kohrt made a motion to recommend approval of the amendments as written to the Board of Supervisors. Moylan seconded this motion. Ayes: all.

Chairperson Brown then led a discussion on the annual election of a new Chairperson for the Planning and Zoning Commission. There was brief discussion. The Commission members present felt that Chairperson Brown should retain his chair for 2011.

Minutes from the last meeting held on March 16, 2011, were previously sent to the members. Moylan made a motion to approve the minutes as presented. Schroeder seconded the motion. Ayes: all.

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

  
\_\_\_\_\_  
Chairperson  
Joel Brown

  
\_\_\_\_\_  
Secretary Pro-tem  
Philip LaRue

C O P Y

DATE April 20, 2011

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaK...

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Mike B...

Don S. L...

Joel Brown

Scott Mosier

Lisa Mosier

Marty M...

Julie K...

Daniel A. Schmitt

Jody Guteske

Carl H. Lohf



### LEGAL NOTICE

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on April 7 and 11, 2011, at 10:00 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. Robert Lorenz and Colleen Chapleau, 95 Vanello Drive, North Liberty, IA (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1, Suburban Residential District for the purpose of constructing a single family dwelling on property located in the NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.81 acres of a 26.00 acre tract.
- 2. Nicolette Dierks, 23 Oak Avenue, Clarence, IA, (Contract Buyer) and Randy and Kimberly Kay, P.O. Box 235, Wheatland, IA (Owners)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 35, T-82N, R-1W, in Massillon Township, consisting of 1.99 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard. However, the Board does request, but does not require, that any person 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 3/28/11 to the following:

1. Robert Lorenz & Colleen Chapleau – 95 Vanello Drive, North Liberty, IA 52317 – **Certified**
2. Rebecca Penningroth – 1110 Daybreak Ridge, Tipton, IA 52772
3. Randy & Linda Weaver – 1524 Highway 130, Tipton, IA 52772
4. Laverne Fogg – 206 W. 7<sup>th</sup> Street, Tipton, Iowa 52772
5. Richard & Linda Brennan – 755 Cedar Valley Road, Tipton, Iowa 52772
6. Linn Farms, Inc. – 767 Green Road, Tipton, Iowa 52772

- 
1. Nicolette Dierks – 23 Oak Avenue, Clarence, Iowa 52216 – **Certified**
  2. Randy & Kimberly Kay – P.O. Box 235, Wheatland, Iowa 52777
  3. Kevin & Pam Hartwig – 1076 Virginia Avenue, Bennett, Iowa 52721
  4. Melvin & Margery Wiebel – 2261 155<sup>th</sup> Street, Lowden, Iowa 52255
  5. Lowden Cemetery – 501 Main Street, Lowden, Iowa 52255
  6. Lutheran Cemetery – 805 Washington Avenue, Lowden, Iowa 52255
  7. Richard Schluter – 497 Walker Road, Lowden, Iowa 52255
  8. Cedar County PCS, LLC – 608 Lombard Street, Clarence, Iowa 52216

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Copy e-mailed to Board of Supervisors Secretary on 3/28/11

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

March 16, 2011

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, March 16, 2011, 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, Kohrt, Schroeder and Dornfeld. Members absent were Schuett and Yutesler.

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

1. Robert Lorenz and Colleen Chapleau, 95 Vanello Drive, North Liberty, IA (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton, IA (Owner) - Requesting a change in zoning from A-1 Agricultural District to R-1, Suburban Residential District for the purpose of constructing a single family dwelling on property located in the NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.81 acres of a 26.00 acre tract.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance #10 in making a recommendation to the Board of Supervisors. The letter received from the County Engineer stated this property is located on gravel route Green Road and should have minimal impact on the existing infrastructure. An approved entrance permit is located on file in the Engineer's Office. He also stated this entrance permit can only facilitate a single family dwelling. The letter received from the Tipton Fire Department stated it is the owner's responsibility to construct and maintain a suitable driveway so that in the event of an emergency, fire and or rescue vehicles can access the site to provide services. The soils inventory was then discussed. La Rue stated the soils are Fayette and Downs Silt Loam. Limitations are severe for septic systems due to reduced permeability and slope. Building limitations are moderate. Limitations for agriculture are severe. The CSR on the Downs soil is 63 points and 68 points on the Fayette soil. La Rue stated the Cedar County Comprehensive Plan does discourage scattered non-farm residential development. He then stated this property lies immediately east of the property where Randy and Linda Weaver rezoned to place the Buchanan house a couple of years ago. Linda Weaver questioned where the driveway entrance would be located. It was noted that the petitioners would have their own driveway and will not share the Weaver's driveway. Betty Linn, who owns property east of the proposed rezoning site, stated concern about her cattle and fences. Mrs. Linn stated she is responsible for one-half of the fence maintenance. Mr. Lorenz and Ms. Chapleau stated they agree to be responsible for one-half of the fence maintenance also. It was noted that fence agreements are controlled by township trustees. They also informed the members and audience that they plan to build a 1,200 to 1,400 square feet single family dwelling with a walkout basement.



After further discussion, Moylan made a motion to grant the change in zoning request from A-1 to R-1. Kohrt seconded the motion. Ayes all.

2. Nicolette Dierks, 23 Oak Avenue, Clarence, IA, (Contract Buyer) and Randy and Kimberly Kay, P.O. Box 235, Wheatland, IA (Owners) - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SE ¼, SE ¼, NW ¼, Section 35, T-82N, R-1W, in Massillon Township, consisting of 1.99 acres more or less.

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance #10. The letter on file from the Cedar County Engineer stated this property is located on gravel route 155<sup>th</sup> Street and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in the Engineer's Office. The letter received from the Lowden Fire and Rescue Department stated the location looks suitable for the Fire Department to make a reasonable response and suggested the driveway width be ten feet or more. The letter also stated the minimal height restrictions should be 13 feet or more and the driveway should be constructed of a suitable material and have suitable compaction as to not allow the trucks to become stuck. The soil inventory was next discussed. The property has two soil types which are Kenyon Loam and Bassett Loam. Limitations for septic systems are severe due to limited filtering capacity, seepage and slope. Building limitations are moderate. La Rue stated the CSR on the Kenyon soil is 83 points and 64 points on the Bassett soil. La Rue stated this property is immediately contiguous to the city limits of Lowden. He also suggested to request that the private well be located 200 feet from the boundary of the cemetery. He suggested the well be located on the eastern slope of the house location.

The petitioners informed the members they plan to build a one-story single family dwelling with a walkout basement.

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

Minutes from the last meeting held on October 20, 2010, were previously sent to the members. Schroeder made a motion to approve the minutes as presented. Moylan seconded the motion. Ayes all.


Discussion was then held on proposed amendments to Ordinance Number 47. LaRue presented to the Commission a revised draft of the ordinance with the proposed amendments in place. He reminded the Commission of their discussion(s) regarding the current version of Ordinance Number 47 after the conclusion of the Public Hearings for Acciona, West Branch, IA, in October 2010, including comments from Acciona, concerned citizens, and Sterling Benz, Cedar County Attorney. He explained to the Commission that the current State of Wisconsin wind energy conversion system regulations were utilized as a guide for the basis of the

proposed amendments. LaRue then reviewed the Ordinance Number 47 with the Commission and the proposed amendments. The discussion of the proposed amendments included the written comments of Acciona, both pro and con, and the comments from Assistant County Attorney, Tony Janney, and Cedar County Engineer, Rob Fangmann. A brief summary of the discussion with the Commission included the addition of definitions, expansion of procedure(s) for the Cedar County Board of Adjustment; modification to an approved WECS; change of ownership of a WECS; notification of the local emergency response departments and the emergency management administrator; clarification of setback requirements and noise levels, including compliance requirements; emergency procedures; shadow flicker as per Acciona's recommendation that requirements be included; a section on dealing with complaints; and finally, post construction requirements for C-WECS which references back to Section 6(13)c.

Following the review of the Ordinance and the proposed amendments, the Commission recommended to approve of this version of the Ordinance with only one change to Section 13, Post Construction Filing Requirements: that the owner of the C-WECS be allowed 120 days for the filing date for this section to complete and provide the documentation on the post construction noise study.

The draft of these amendments will be provided to the Cedar County Board of Supervisors, and the Commission will consider their approved version of the amendments to Ordinance Number 47, at the April 20, 2011, Public Hearing.

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

  
Chairperson  
Joel Brown

  
Secretary  
Sharon Laucamp



DATE 3/16/11

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. LaRue

Colleen Chapleau

B.B. Linn

Betty L Linn

Sharon Laucamp

Jul Brown

Janet Nye

Carl & Phil

Mallory Aernathay

Linda Wearn

Julie Scholde

John & Doreen

Nicolette Dierks

Scott Fink

C O P Y

DATE 3/16/11

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

PD. LaRue

Colleen Chapleau

B.B. Lunny

Betty L Linn

Sharon Laucamp

Jul Brown

Janet Myles

Carl & Phil

Mallory Abernethy

Linda Wearn

Julie Scholde

John a Dancer

Nicolette Dierks

Scott Parks





Tel: 563-886-2248

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse  
Tipton, Iowa 52772

March 7, 2011

### **LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 16, 2011, 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. Robert Lorenz and Colleen Chapleau, 95 Vanello Drive, North Liberty, IA (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1, Suburban Residential District for the purpose of constructing a single family dwelling on property located in the NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.81 acres of a 26.00 acre tract.
- 2. Nicolette Dierks, 23 Oak Avenue, Clarence, IA, (Contract Buyer) and Randy and Kimberly Kay, P.O. Box 235, Wheatland, IA (Owners)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 35, T-82N, R-1W, in Massillon Township, consisting of 1.99 acres more or less.

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

Phil LaRue  
Zoning Administrator

Copies sent out on 3/7/11 to the following:

1. Robert Lorenz & Colleen Chapleau – 95 Vanello Drive, North Liberty, IA 52317 – **Certified**
2. Rebecca Penningroth – 1110 Daybreak Ridge, Tipton, IA 52772
3. Randy & Linda Weaver – 1524 Highway 130, Tipton, IA 52772
4. Laverne Fogg – 206 W. 7<sup>th</sup> Street, Tipton, Iowa 52772
5. Richard & Linda Brennan – 755 Cedar Valley Road, Tipton, Iowa 52772
6. Linn Farms, Inc. – 767 Green Road, Tipton, Iowa 52772

- 
1. Nicolette Dierks – 23 Oak Avenue, Clarence, Iowa 52216 – **Certified**
  2. Randy & Kimberly Kay – P.O. Box 235, Wheatland, Iowa 52777
  3. Kevin & Pam Hartwig – 1076 Virginia Avenue, Bennett, Iowa 52721
  4. Melvin & Margery Wiebel – 2261 155<sup>th</sup> Street, Lowden, Iowa 52255
  5. Lowden Cemetery – 501 Main Street, Lowden, Iowa 52255
  6. Lutheran Cemetery – 805 Washington Avenue, Lowden, Iowa 52255
  7. Richard Schluter – 497 Walker Road, Lowden, Iowa 52255
  8. Cedar County PCS, LLC – 608 Lombard Street, Clarence, Iowa 52216

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Tel: 563-886-2248

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse  
Tipton, Iowa 52772

## **AGENDA**

### **Cedar County Planning and Zoning Commission**

**Wednesday, March 16, 2011, 6:30 p.m.**

**Cedar County Courthouse, Tipton, Iowa**

#### **I. Review of petitions:**

**1. Robert Lorenz and Colleen Chapleau, 95 Vanello Drive, North Liberty, IA (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton, IA (Owner)-** Requesting a change in zoning from A-1 Agricultural District to R-1, Suburban Residential District for the purpose of constructing a single family dwelling on property located in the NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.81 acres of a 26.00 acre tract.

**2. Nicolette Dierks, 23 Oak Avenue, Clarence, IA, (Contract Buyer) and Randy and Kimberly Kay, P.O. Box 235, Wheatland, IA (Owners)-** Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 35, T-82N, R-1W, in Massillon Township, consisting of 1.99 acres more or less.

#### **II. Discussion**

#### **III. Discussion on proposed amendments to Ordinance Number 47**

#### **IV. Approval of minutes from October 20, 2010 meeting**

#### **V. Conclusion**



Tel: 563-886-2248

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse  
Tipton, Iowa 52772

February 8, 2011

**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 February because no petitions were filed.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl





Tel: 563-886-2248

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse  
Tipton, Iowa 52772

January 11, 2011

**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 January because no petitions were filed.

Sincerely,

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

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**

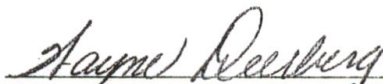
January 6, 2011

Joel Brown  
342 Delta Avenue  
Mechanicsville, Iowa 52306

Dear Mr. Brown:

Please be advised, that by motion of this Board on January 3, 2011, you were appointed to another three-year term on the Zoning Board. The term will expire 12-31-2013. Your willingness to serve on this Board is greatly appreciated.

Sincerely,

  
\_\_\_\_\_  
Wayne Deerberg, Chairperson

WD:bjp



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*Cedar County Courthouse*

*400 Cedar Street*

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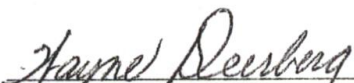
January 6, 2011

Carl Kohrt  
557 Quincy Avenue  
Clarence, Iowa 52216

Dear Carl:

Please be advised, that by motion of this Board on January 3, 2011, you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2013. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,

  
\_\_\_\_\_  
Wayne Deerberg, Chairperson

WD:bjp

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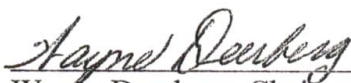
January 6, 2011

Jody Yutesler  
2217 Hoover Highway  
Lowden, Iowa 52255

Dear Mrs. Yutesler:

Please be advised, that by motion of this Board on January 3, 2011, you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2013. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,

  
\_\_\_\_\_  
Wayne Deerberg, Chairperson

WD:bjp