

Tel: 563-886-2248

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse

Tipton, Iowa 52772

December 8, 2014

**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.  
**HAPPY HOLIDAYS!!**

Sincerely,

A handwritten signature in black ink that reads "Phil".

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

November 12, 2014

**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 November because no petitions were filed.  
**HAPPY THANKSGIVING!!**

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

October 9, 2014

**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

DATE 9-17-14

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. LaRue

Joel Bergs

Julie Schroeder

Devin Schroeder

Laura Schroeder

David A. Schuett

Andy Kroe

Mia Damrell

Darby M. J.  
D. J.

Sally Kruse

Carl & Robert

Sharon Lucamp

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

September 17, 2014

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, September 17, 2014, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Dornfeld, Moylan, Schroeder, Schuett, Brown and Kohrt. Member absent was Yutesler.

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

1. **Dave Kruse, 501 Horizon Drive, 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 NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 28, T-80N, R-2W, in Center East Township. Said petition is to rezone 1.67 acres of a 4.00 acre tract.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition and advised them to do their review in accordance with Chapter 18.2(3) of the Zoning Ordinance in making their recommendation to the Cedar County Board of Supervisors. The letter received from County Engineer, Rob Fangmann, stated this property is located on gravel route Old Muscatine Road and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with his office. He also stated the access is only approved for one single family dwelling. The letter from the Tipton Fire Department stated they can and will provide emergency service to the site as long as sufficient access is provided. The soil inventory was then reviewed. There is one type of soil (Fayette Silt Loam) and the CSR varies from 48 to 85 based on slope. Limitations are slight to severe for building. Limitations for septic systems are severe due to slope. La Rue stated he didn't see a problem getting a septic system installed on the property.

Dave Kruse was present and informed the members he would like to build a house for his son on property which the family has owned for 20 years. It was noted there are no livestock confinements nearby. Mr. Kruse stated they are requesting 1.6 acres be rezoned in the area which has never been farmed and will be back about 300 feet from the road. Member Moylan asked if the Kruse's are aware of farming operations in the country. Andy Kruse was present and stated his wife grew up in the country and they are well aware of farming activities. La Rue stated the Cedar County Comprehensive Plan does discourage scattered residential development.

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

2. **Devin & Laura Schroeder, 1647 180<sup>th</sup> St., Clarence, IA (Owners)** – Requesting approval of a Special Use Permit authorizing the location of an Agricultural Service

Business for the sale of seed grains on property located in the SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 11, T-81N, R-2W, in Fairfield Township.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition and advised them to make their recommendation to the Cedar County Board of Adjustment in accordance with Chapter 17.18(2). The letter on file from the Cedar County Engineer stated this property is located on gravel route 180<sup>th</sup> Street and should have minimal impact on the existing infrastructure. He also stated the petitioner shall be responsible for having dust control applied to county roads if thresholds are exceeded as per Iowa DNR guidelines. La Rue noted there are currently buildings on the site and there is also a well but no septic system.

Devin Schroeder was present and explained to the members they will be taking approximately 8 acres of tillable ground out of production for the proposed facility. He stated they will do seed treatments and will be regulated by IDOLS. No agricultural chemicals will be sold out of the building. It was noted their business will be comparable to Mosier Seed Supply located on Highway 38. Mr. Schroeder stated the business will be manned all of the time by himself or someone else. It was also noted there will be plenty of off road parking and plenty of clearance. The business will utilize the existing driveway and will widen the top of it. Another driveway will be put in farther to the east making better maneuvering for the trucks off the road. Mr. Schroeder stated the Clarence Fire Department did not have any problem with the proposed site. The site will be approximately 140 feet back off the road. Mr. Schroeder stated they are backing the building up to stay away from the existing well so the trucks have plenty of turn around space. La Rue stated he will have to maximize the separation distance between the chemicals and existing well.

After further discussion, Schroeder made a motion to recommend approval of the Special Use Permit for the agricultural service business request to the Cedar County Board of Adjustment. Kohrt seconded the motion. Ayes all.

Minutes from the last meeting held on August 20, 2014, were previously sent to the members. Schuett made a motion to approve the minutes as presented. Kohrt seconded the motion. Ayes all.

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

Joel Brown  
Chairman  
Joel Brown

Sharon Laucamp  
Secretary  
Sharon Laucamp

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

September 8, 2014

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, September 17, 2014, 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. **Dave Kruse, 501 Horizon Drive, 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 NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 28, T-80N, R-2W, in Center East Township. Said petition is to rezone 1.67 acres of a 4.00 acre tract.
2. **Devin & Laura Schroeder, 1647 180<sup>th</sup> St., Clarence, IA (Owners)** - Requesting approval of a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located in the SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 11, T-81N, R-2W, in Fairfield Township.

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



Phil La Rue  
Zoning Administrator

Copies sent out on 9/9/14 to the following:

1. Dave Kruse – 501 Horizon Drive, Tipton, IA 52772 – **Certified letter sent 9/8/14**
  2. Mente Farms, Inc. – 1507 260<sup>th</sup> Street, Tipton, Iowa 52772
  3. Gene Mueller – 2228 Hickory Grove Rd., Davenport, IA 52804-2353
  4. Phillip & Patricia Seydel – 1624 Old Muscatine Rd., Tipton, Iowa 52772
  5. Marvin Koch Trust – 1617 Old Muscatine Rd., Tipton, Iowa 52772
- 

1. Devin & Laura Schroeder – 1785 180<sup>th</sup> St., Lowden, IA 52255 – **Certified letter sent 9/8/14**
  2. Nikolic Family Trust – 13080 Mindanao Way #74, Marina Del Rey, CA 90292-8723
  3. Duane & Karen Stonerook – 1663 180<sup>th</sup> Street, Clarence, Iowa 52216
  4. Robert & Cheryl Schmidt – 826 Quincy Avenue, Clarence, Iowa 52216
- 

Copy e-mailed to Tipton Conservative on 9/8/14 for T.C. and Sun News

Copies sent to 7 Zoning Commission Members on 9/9/14

Copy e-mailed to County Engineer on 9/5/14

2 File Copies

1 Bulletin Board Copy

DATE 9-17-14

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. LaRue

Joel Bragg

Julie Schroeder

Devin Schroeder

Laura Schroeder

David A. Schmitt

Andy Kroe

Anna Daniels

Darby M. P.

Sally Kruse

Carl & Robert

Sharon Lucamp

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

August 20, 2014

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, August 20, 2014, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Schuett, Brown, Schroeder, Yutesler, Moylan, Dornfeld and Kohrt.

Chairperson Brown called the meeting to order at 6:30 p.m. Minutes from the last meeting held on July 16, 2014, were previously sent to the members. They were approved as presented with one correction to be made regarding the time that the meeting was called to order. The members then reviewed the following petition:

- 1. SBA Towers IV, LLC 5900 Broken Sound Parkway NW, Boca Raton, FL (Verizon Wireless, Lessee) and David Shinker, 1276 Hwy. 30, Stanwood, IA (Owner)** - Requesting approval of a Special Use Permit authorizing the location of a wireless communication tower on property located in Parcel A, in the NW ¼, NE ¼, NE ¼, Section 30, T-82N, R-2W, in Dayton Township. Said property is currently zoned A-1 Agricultural District.

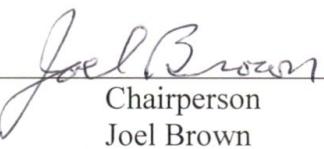
Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition and advised them to do their review in accordance with Chapter 17.18(2) of the Zoning Ordinance and Cedar County Telecommunications Ordinance #30 in making their recommendation to the Cedar County Board of Adjustment. The letter received from County Engineer, Rob Fangmann, stated this property is located on paved route State Highway 30 and falls under the jurisdiction of the Iowa Department of Transportation. The e-mail received from Sheila Lee, IDOT, stated it does not appear that any work will be performed in the highway right-of-way, so no permits will be required. She also stated as far as the future of US30 four lane expansion, this is just under a planning study at this time and there is no information to share.

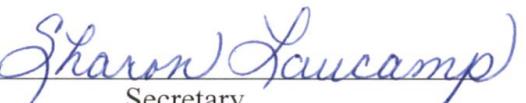
Nathan Ward and Tom Ferry from SBA Towers IV, LLC, were present and informed the members of their company's request for permission to build a new communications tower. Mr. Ward stated the owner of the tower will be SBA Towers out of Florida which is primarily in the business of owning and operating cellphone towers nationwide. He stated this particular site is designed and to be constructed to benefit the network of Verizon Wireless which is a prominent carrier in Iowa who have expressed a need to improve their service along the highway in this area. They currently have two existing facilities along the highway on either end of this proposed tower at Mechanicsville and Lowden. He also stated this site is essentially right in the middle of the two existing facilities. Mr. Ward stated this will improve both coverage and capacity of performance of the network along the highway as well as to benefit the community of Clarence. He stated the need for capacity within any wireless network has grown within the last five years. He also stated this site is designed to provide better service in the area and provide additional capacity.

He stated the proposed height of 250 feet instead of 190 feet is designed to fit in between the two existing tower sites. He informed the members there were no existing towers on which they could co-locate in the area. Mr. Ward stated no land would be taken out of production. The tower is designed to have access from a current driveway off the highway and will be constructed with 800 amps of power. SBA Towers will then market this location for additional co-locations. It was noted that the tower setback requirement for a self-standing tower is one-half the tower height. Mr. Ward stated the proposed site meets this requirement. He then presented pictures of very similar tower sites and design in Illinois. If a tower were to come down, there would be nothing for them to come down on. Mr. Ward stated the design criteria is to withstand wind speeds up to 95 mph in addition to a half inch radial ice buildup on the entire tower structure. La Rue then stated that Ordinance #30 states that an inspection of the tower shall be performed at least every two years. Mr. Ward stated they will address specific items listed in Ordinance #30 in a letter. Chairperson Brown inquired about the collapse factor. Mr. Ward stated if the tower ever fails, it will fold over onto itself. Member Moylan asked how many towers are located in Iowa. Mr. Ward stated between 400 and 600 due to the advance of cell phones. He also stated there is too much signal overlap which prevents them from co-locating on another tower site in the area. Lighting of the tower was then discussed. Mr. Ward informed the members there will be a white strobe light in the daytime changing to a red incandescent light at dusk. Mr. Shinker stated the location of the tower will not bother his livestock operation. The driveway to the tower site will be to the west of Shinker's buildings. Mr. Ward then stated that construction of the tower from start to finish will be about 45 days. He also stated the radiation generated from the tower is not a health hazard. It was noted that Cedar County Ordinance #30 requires the petitioner to provide a written agreement agreeing to the removal of the tower within 180 days after cessation of use. Mr. Ward stated a letter would be sent to be placed in their file prior to the Board of Adjustment meeting stating they will abide by all requirements of the Cedar County Zoning Ordinance and Ordinance #30 and will specifically list certain items.

After further discussion Moylan made a motion to recommend approval of the Special Use Permit to the Board of Adjustment with the stipulation of compliance with Ordinance #30. Dornfeld seconded the motion. Ayes all.

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

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

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

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

August 4, 2014

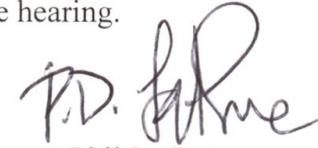
**PUBLIC NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 20, 2014, 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. SBA Towers IV, LLC 5900 Broken Sound Parkway NW, Boca Raton, FL (Verizon Wireless, Lessee) and David Shinker, 1276 Hwy. 30, Stanwood, IA (Owner)** - Requesting approval of a Special Use Permit authorizing the location of a wireless communication tower on property located in Parcel A, in the NW ¼, NE ¼, NE ¼, Section 30, T-82N, R-2W, in Dayton Township. 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.



Phil La Rue  
Zoning Administrator

Copies sent out on 8/5/14 to the following:

1. SBA Towers IV, LLC – Attn: Zoning, 5900 Broken Sound Pkwy. NW, Boca Raton, FL 33487 – **Certified**
  2. David Shinker – 1276 Highway 30, Stanwood, IA 52337 – **Certified**
  3. Dow Farms – P.O. Box 500, Nevada, IA 50201
  4. Dows Real Estate Co. – P.O. Box 500, Nevada, IA 50201
- 

Copy e-mailed to Tipton Conservative on 8/4/14 for T.C. and Sun News

Copies sent to 7 Planning & Zoning Commission members on 8/5/14

Copy e-mailed to County Engineer on 8/5/14

2 File Copies

1 Bulletin Board Copy

DATE 7-16-14

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRose

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. LaRose

Mickey Thornton

Alicia Garcia

Joel Brown

Liz O'Donnell

Julie Schaefer

Linda Deam

Randell Deam

RON WIECKERT

Jody Gotsler

Rob Langman

Sharon Saucamp

Carl H. Kehrt

## **LEGAL NOTICE**

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on August 7 & 12, 2014, 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 petition:

1. **Mickey Thurston, 1711 165<sup>th</sup> Street, Clarence, IA (Contract Buyer) and Donald & Rosalie Ortner, 1814 127<sup>th</sup> Street, Elwood, IA (Owners)** - Requesting a change in zoning from A-1 Agricultural District to C-2 Highway Commercial for the purpose of operating a tavern in an existing building on property located in the SW ¼, SW ¼, Section 1, T-80N, R-2W, in Fairfield Township. Said petition is to rezone 1.00 acre of an 18.50 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 7/28/14 to the following:

1. Mickey Thurston – 1711 165<sup>th</sup> Street, Clarence, Iowa 52216 – Certified on 7/28/14
  2. Donald & Rosalie Ortner – 1814 127<sup>th</sup> Street, Elwood, Iowa 52254
  3. Pruess Farms, Inc. – 575 Spicer Avenue, Clarence, Iowa 52216
  4. J D B Investments, LLC – P.O. Box 403 , Clarence, Iowa 52216
  5. Jason & Jessica Schroeder – 711 Rose Avenue, Clarence, Iowa 52216
  6. Donnie & Beverly Dawson – 1726 165<sup>th</sup> Street, Clarence, Iowa 52216
  7. Marilyn Heimdal – 8659 Rusty Lane, Lancaster, WI 53813-9792
  8. Ronald & Kathryn Robinson – P.O. Box 56, Clarence, Iowa 52216
  9. Kay Marie Bentley – 994 Johnson Road, Atalissa, Iowa 52720
- 

Copy e-mailed to Tipton Conservative on 7/28/14 for T.C. and Sun News

Copy e-mailed to B of S Secretary on 7/25/14

2 File Copies

1 Bulletin Board Copy

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

July 16, 2014

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, July 16, 2014, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Yutesler, Schroeder and Kohrt. Members absent were Moylan, Dornfeld & Schuett.

Chairperson Brown called the meeting to order at 6:42 p.m. The members then reviewed the following petitions:

1. **Mickey Thurston, 1711 165<sup>th</sup> Street, Clarence, IA (Contract Buyer) and Donald & Rosalie Ortner, 1814 127<sup>th</sup> Street, Elwood, IA (Owners)** - Requesting a change in zoning from A-1 Agricultural District to C-1 Highway Commercial for the purpose of operating a tavern in an existing building on property located in the SW ¼, SW ¼, Section 1, T-80N, R-2W, in Fairfield Township. Said petition is to rezone 1.00 acre of an 18.50 acre tract.

Zoning Administrator La Rue informed the members that his office had received one verbal objection who will write a letter to the Cedar County Board of Supervisors stating her concerns. He then advised the members 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. He stated there are seven letters on file in support of the petition. The letter received from the Clarence Fire Chief stated they will provide service to the proposed new business. The soil inventory was then reviewed. La Rue stated there are two soil types on the property (Downs Silt Loam and Fayette Silt Loam). Limitations for commercial structures are moderate on the Downs and severe on the Fayette soil. The septic system was installed in 2013 under permit #61-13 for a shop and recreational room. The CSR average on the property is 74.

Mickey Thurston was present and informed the members that his intention is to open the business as a tavern for now and six months down the road open up a kitchen facility similar to Bluff Lake. He then presented pictures showing the inside of the building. The letter received from County Engineer, Rob Fangmann, stated this property is located on gravel route 165<sup>th</sup> Street. An approved entrance permit is on file and access for the site is only available on top of the hill west of the barn and on top of the hill near the east property line. The existing entrance located in front of the barn must be removed as part of the zoning request. The letter also stated the petitioner shall be responsible for having dust control applied to county roads if thresholds are exceeded as per Iowa DNR guidelines. La Rue then read from the Zoning Ordinance the statement of intent in the C-2 Highway Commercial District is intended to accommodate commercial development which primarily serves the traveling public and shall be located on roads capable of handling increased traffic. He then stated that under the Cedar County Comprehensive Land Use Plan, the commercial development goal objectives are to encourage retention and strengthening of commercial districts within various communities and to encourage the planning and construction of compact commercial cluster developments, thereby reducing the potential amount of strip development along the major transportation arteries in the County. He then read the objectives regarding the Preservation Of Agricultural Land Goal and Commercial

Development Policies. He stated the Future Land Use Map shows areas where suitable locations are found and development is encouraged. He also stated that the Ag Policy is to preserve ag land for ag uses. La Rue stated he wished there was another way other than a change in zoning to allow this type of business and explained why it could not be handled by a Special Use Permit. He stated a tavern which is open day after day needs to be in a commercial zoned district. Chairperson Brown stated he feels that a commercial zoning in the country presents a red flag. Mr. Thurston stated it is located only one mile off a hard surface road. Rob Fangmann, Cedar County Engineer, was present and stated if the rezoning request is approved, the current entrance located in front of the barn must be removed and dust control cost is the petitioner's responsibility.

After further discussion, Kohrt made a motion to recommend approval of the rezoning request with the stipulation that the County Engineer's criteria be met. Yutesler seconded the motion. Yutesler, Schroeder and Kohrt voted aye with Chairperson Brown voting nay.

2. **Randall and Linda Weaver, 726 Green Road, Tipton, IA (Owners)** – Requesting approval of a Special Use Permit for the purpose of authorizing a winery with exposition grounds on property located on Lot 1, Buchanan House Addition and Parcel B, in the NW ¼, NW ¼, and the NE ¼, NW ¼, Section 8, T-80N, R-3W, in Center West Township consisting of 25.01 acres more or less. Said property is currently zoned A-1 Agricultural District and 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 do their review in accordance with Chapter 17.18(2) of the Zoning Ordinance in making their recommendation to the Cedar County Board of Adjustment. La Rue stated the vineyard and winery is allowed as an agricultural business. He stated the Special Use Permit is needed for the exposition grounds. He also stated the Weaver's rezoned the area where the Buchanan House was moved to in 2009.

Liz O'Donnell, attorney representing the Weaver's, was present and stated the Weaver's business is already growing. She informed the members that the Weaver's intention is to sell wine and host events such as weddings, anniversaries, family reunions, etc. Randy Weaver then informed the members of their plans for a 24' x 48' tasting room which will sit over an underground 72' x 96' tank room. He stated they plan to sell wine and host events which will take place on the winery grounds outdoors and/or in a future building on the property. The exhibition areas will not be taking land out of agricultural production. He stated they will have adequate parking and have an overflow area on the property. There is a 24' wide driveway. He informed the members and audience that they do not want to disrupt the neighborhood and will take measures to reduce dust concerns. They also plan to close down around 10 and 11 p.m. The Weaver's stated they will have adequate staff to supervise and will get extra security for events. The letter received from County Engineer Rob Fangmann stated the property is located on gravel route Green Road and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. It also stated the petitioner shall be responsible for having dust control applied to county roads if thresholds are exceeded as per Iowa DNR guidelines. La Rue stated the Cedar County Land Use Plan is to preserve prime ag land for agriculture. However, he stated wineries/vineyards are considered an agricultural use. He also stated the Special Use Permit will be regulated by the Board of Adjustment versus a map amendment. Mr. Weaver stated they already have approval from the State of Iowa Alcoholic Beverages Division to serve wine.

Ron Weichert, adjacent property owner to the west of the property, stated he has concerns about dust, the narrow gravel road, large volume of people coming to property close to him, alcohol consumption and noise. He feels it is going to have an impact on his use of his land. He stated he is also concerned about the effect the winery will have on the ground water aquifer and chemicals used to produce the wine. He also is concerned about the processed water from the winery, odor and sulfates. Mr. Weaver stated Shive Hattery, his engineering firm, designed the system and has been approved by the DNR. The waste water from the wine making process will go into a 1,000 gallon catch tank and the solids will go into the compost pile. There are two 4,800 gallon mixing tanks. The processed water will go to storage ponds (lagoons) which have been approved by the IDNR. They will be aerated and are more than 1,000 feet away from any residences. The processed waste water will also be used for irrigation at the property. Mr. Weaver stated the grape vines are 10 to 12 feet high and there are 24 rows on top of the hill. He also stated the vines will muffle sounds. Mr. Weaver stated the process is highly regulated and they have been approved and inspected by each of the appropriate authorities. The ponds (lagoons) are highly regulated by several government entities. Events would not likely exceed 300 persons. Commission member Kohrt then asked Mr. Weichert what his main concern was at this point. Mr. Weichert stated it was the volume of traffic and people going past his residence who are intoxicated. Another concern of his was dust control. It was noted that the DNR sets guidelines for dust control. The DNR will do an assessment on it if a complaint is filed.

After a lengthy discussion, Schroeder made a motion to recommend approval of the Special Use Permit for the exposition grounds to the Cedar County Board of Adjustment. Yutesler seconded the motion. Ayes all. It was noted the Board of Adjustment will conduct an annual review of the S.U.P. Mr. Weichert then requested that the Board of Adjustment meeting be rescheduled because he would not be able to attend on the meeting date of July 24<sup>th</sup>. Chairperson Brown suggested he send a letter or a representative to attend the meeting for him.

Minutes from the last meeting held on May 21, 2014, were previously sent to the members. Schroeder made a motion, with Kohrt seconding, to approved the minutes as presented. Ayes all.

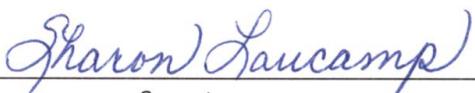
With no further business to be discussed at this time, the meeting adjourned at 8:15 p.m.

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Chairperson  
Joel Brown

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Secretary  
Sharon Laucamp

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

July 7, 2014

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission have been petitioned to conduct a Public Hearing on Wednesday, July 16, 2014, 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. Mickey Thurston, 1711 165<sup>th</sup> Street, Clarence, IA (Contract Buyer) and Donald & Rosalie Ortner, 1814 127<sup>th</sup> Street, Elwood, IA (Owners)** – Requesting a change in zoning from A-1 Agricultural District to C-1 Highway Commercial for the purpose of operating a tavern in an existing building on property located in the SW ¼, SW ¼, Section 1, T-80N, R-2W, in Fairfield Township. Said petition is to rezone 1.00 acre of an 18.50 acre tract.
- 2. Randall and Linda Weaver, 726 Green Road, Tipton, IA (Owners)** – Requesting approval of a Special Use Permit for the purpose of authorizing a winery with exposition grounds on property located on Lot 1, Buchanan House Addition and Parcel B, in the NW ¼, NW ¼, and the NE ¼, NW ¼, Section 8, T-80N, R-3W, in Center West Township consisting of 25.01 acres more or less. Said property is currently zoned A-1 Agricultural District and 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 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 7/9/14 to the following:

1. Mickey Thurston – 1711 165<sup>th</sup> Street, Clarence, Iowa 52216 – **Certified on 7/8/14**
  2. Donald & Rosalie Ortner – 1814 127<sup>th</sup> Street, Elwood, Iowa 52254
  3. Pruess Farms, Inc. – 575 Spicer Avenue, Clarence, Iowa 52216
  4. J D B Investments, LLC – 1629 140<sup>th</sup> Street, Clarence, Iowa 52216
  5. Jason & Jessica Schroeder – 711 Rose Avenue, Clarence, Iowa 52216
  6. Donnie & Beverly Dawson – 1726 165<sup>th</sup> Street, Clarence, Iowa 52216
  7. Marilyn Heimdal – 8659 Rusty Lane, Lancaster, WI 53813-9792
  8. Ronald & Kathryn Robinson – P.O. Box 56, Clarence, Iowa 52216
  9. Kay Marie Bentley – 994 Johnson Road, Atalissa, Iowa 52720
- 

1. Randall & Linda Weaver – 1524 Highway 130, Tipton, Iowa 52358 – **Certified on 7/8/14**
  2. Carey & Lori Howard – P.O. Box 630, Walcott, Iowa 52773
  3. Robert Lorenz & Coleen Chapleau – 740 Green Road, Tipton, Iowa 52772
  4. Richard & Linda Brennan – 742 Cedar Valley Road, Tipton, Iowa 52772
  5. Ronald Wiechert – 710 Green Road, Tipton, Iowa 52772
  6. Laverne Fogg – P.O. Box 207, Tipton, Iowa 52772
- 

Copy e-mailed to Tipton Conservative on 7/7/14 for T.C. and Sun News

Copies to Planning & Zoning Members on 7/8/14

Copy e-mailed to County Engineer on 7/7/14

2 File Copies

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Tel: 563-886-2248

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse

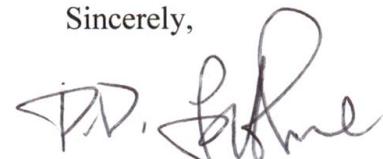
Tipton, Iowa 52772

June 10, 2014

**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 June because no petitions were filed.

Sincerely,



Phil La Rue  
Zoning Administrator

PL:sl

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

May 21, 2014

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, May 21, 2014, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Moylan, Yutesler, Schroeder and Kohrt. Members absent were Schuett and Dornfeld.

Chairperson Brown called the meeting to order at 6:35 p.m. Minutes from the last meeting held on February 19, 2014, were previously sent to the members. Schroeder made a motion, with Moylan seconding, to approve the minutes as presented. Ayes all.

The members then reviewed the following petition:

1. **Carey and Lori Howard, P.O. Box 630, Walcott, 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 allowing construction of a single family dwelling on property located in the NW ¼, NW ¼, Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.00 acres of a 10.66 acre tract.

In the absence of Zoning Administrator La Rue, Chairperson Brown informed the members there were no written or verbal objections on file for this petition 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 Cedar County Board of Supervisors. The letter received from County Engineer, Rob Fangmann, stated this property is located on paved route Harding Avenue and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. The letter received from Tipton Fire Chief, Curt Woode, stated that the area lies outside the 5-mile radius of the fire station and it is the owner's responsibility to construct and maintain a suitable access to the site for services. The soil inventory was then reviewed. There is one principle soil type on the property (Fayette Silt Loam). Limitations for building are moderate and limitation for septic systems are severe due to limited seepage and slow water movement. However, Cedar County has many septic systems which function well in these soils with good design, construction and maintenance by the property owner. Limitations for agricultural farm crops are moderate to severe for erosion. The CSR average is 70.3 points. Chairperson Brown then read the Comprehensive Plan's Goals and Objectives which is to discourage scattered residential development when the resulting densities will not support a full range of services and to guide new growth into a more compact and compatible growth pattern. The Residential Development Goal is to discourage non-farm development on prime ag land with high CSR. The Ag Preservation Goal is to protect prime ag land from needless encroachment by incompatible land uses, preserving it for agricultural use and to discourage non-farm development on prime ag land with high CSR. It was noted that in

this area there are several residentially zoned or residentially used properties to the north, west and east.

The Howard's were present and informed the members they would like to rezone one acre of a 10.66 acre tract, build their family home and garage and leave the rest in CRP. They stated they are not ready to build now and will probably wait until 2017 when the ground comes out of CRP. Member Kohrt stated there would be no problem buying out the CRP ground. Chairperson Brown then asked the Howard's if they would have an objection if the Commission limited them to having only one house on the property. The Howard's agreed. Adjoining property owners, Randy and Linda Weaver, were present and discussed the drainage situation. The Weaver's have a grape vineyard so they are concerned about chemical spraying. The Howard's stated they do not want to do anything that would hurt the Weaver's business and are aware of the sensitivity of their business. The Howard's also stated they have previously lived in the country and understand the consequences of living outside of the 5 mile radius for emergency services.

After a brief discussion, Moylan made a motion to approve the rezoning request from A-1 to R-1 with the stipulation that it is for only one home, have awareness of chemical cautions for the neighbors and provide adequate driveway access. Yutesler seconded the motion. Ayes all.

With no further business to be discussed at this time, Yutesler made a motion to adjourn. Schroeder seconded the motion. Meeting adjourned at 7:00 p.m.

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Chairperson  
Joel Brown

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Secretary  
Sharon Laucamp



Tel: 563-886-2248

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

Tipton, Iowa 52772

May 5, 2014

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission have been petitioned to conduct a Public Hearing on Wednesday, May 21, 2014, 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. **Carey and Lori Howard, P.O. Box 630, Walcott, 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 allowing construction of a single family dwelling on property located in the NW ¼, NW ¼, Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 1.00 acres of a 10.66 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 5/7/14 to the following:

1. Carey & Lori Howard – P.O. Box 630, Walcott, IA 52773 – **Certified**
  2. Rebecca Penningroth – 1110 Daybreak Ridge, Tipton, IA 52772-2016
  3. Ronald J. Wiechert – 710 Green Road, Tipton, IA 52772
  4. Russell D. & Teresa E. Voss – 1317 Harding Avenue, Tipton, IA 52772
  5. Randall A. & Linda K. Weaver – 1524 Highway 130, Tipton, IA 52772
  6. Craig & Lesley Puffer – 100 Commerce Blvd., Tipton, IA 52772
  7. Richard & Linda Brennan – 742 Cedar Valley Road, Tipton, IA 52772
  8. Elaine Lieser – 1313 Harding Avenue, Tipton, IA 52772
- 

Copy e-mailed to Tipton Conservative on 5/5/14

Copy e-mailed to Cedar County Engineer on 5/7/14

2 File Copies

1 Bulletin Board Copy



Tel: 563-886-2248

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

April 14, 2014

**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



Tel: 563-886-2248

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

March 18, 2014

**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 March because no petitions were filed.

Sincerely,



*Phil La Rue /SL*

Phil La Rue  
Zoning Administrator

PL:sl

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 19, 2014

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, February 19, 2014, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Moylan, Schroeder, Yutesler and Kohrt. Members absent were Dornfeld and Schuett.

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

1. **Ricky and Joann Meade, 666 330<sup>th</sup> St., West Liberty, IA (Owners)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the NE ¼, NW ¼, NE ¼, Section 31, T-79N, R-3W, in Iowa Township, consisting of 3.07 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition 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 Cedar County Board of Supervisors.

Ricky and Joann Meade and their son Jerry were present and they explained they would like their son to have a piece of their property on which to build a home. They explained that they have owned the 10 acres since 1979 and the original home was built long ago. They stated they do not farm the rezoning site and only spray for weeds. They explained that they had wanted Jerry to have his own access onto the county road but this is not possible due to a sight distance problem. The County Engineer would not approve a driveway permit for this site. They agreed that an easement would have to be recorded with their deed to share the current driveway access.

The letter received from the West Liberty Fire Department stated emergency vehicles would have no issues gaining access to the driveway. The property is located approximately three miles from West Liberty. The letter received from County Engineer, Rob Fangmann, was reviewed which stated this property is located on gravel route 330<sup>th</sup> Street and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. He also stated the original entrance request does not have sufficient sight distance. Therefore, the existing entrance accessing the house must be utilized for access to the new dwelling. The existing entrance meets sight distance requirements for a minor subdivision. The soil inventory was then reviewed. There is one principle soil type on the property (Downs Silt Loam). Limitations for dwellings are moderate and limitations for septic systems are severe due to slow water movement. Limitations for agricultural farm crops are slight with a CSR of 90 points.

The Cedar County Land Use Plan 2006 was then reviewed. The Overall County Growth and Development Goal and objective is to discourage scattered residential development when the resulting density won't support a full range of services, and to guide new growth into more compact and compatible growth patterns. The Residential Development Goal and objective is to discourage non-farm development on prime agricultural land with a high Corn Suitability Rating. The Preservation of Agricultural Land Goal and objective is to protect prime agricultural lands from needless encroachment by incompatible land uses, preserving it for farming, and to discourage non-farm development on prime agricultural land. The concern for the loss of prime agricultural ground was discussed, but it was also understood that none of the Meade's property is being farmed and their parcel is only 10 acres.

The Commission members discussed with the Meade's how their son will cross the property to use this access and the fact this may reduce the salability of the property in the future. The petitioner stated that the sale of the property will not happen. Both properties will be staying in the family. The shared access will limit future residential development on the parcel. The Commission members asked if there are other residential zoned properties in this area. La Rue stated there has not been a lot of residential development on the gravel roads in that area other than farmstead splits, but there are a couple of residential zoned properties along Garfield Avenue to the west. He also stated there are no major livestock facilities in the area. La Rue stated there is sufficient room for both a septic and well, and there was then discussion on septic options for the Downs Silt Loam soils. With no additional discussion, Moylan moved to recommend approval of the change in zoning from A-1 to R-1 to the Board of Supervisors subject to the requirement for a shared access and only one single family dwelling. Motion seconded by Yutesler. Ayes: all.

2. **Mike Moore, 1110 Cedar Valley Rd., Tipton, IA (Owner)** - Requesting approval of a Special Use Permit for the purpose of authorizing the use of an existing gun range for the purpose of providing specialized firearms training, and the use of an adjoining building for both classroom instruction, and a firearms sales and repair business at the above address. The petitioner is also requesting approval of a variance of the required separation distance between the gun range boundary and a non residential building on an adjoining property to the north as part of the Special Use Permit request. Said property is located in the SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section1, T-80N, R-3W, in Center West Township, and is zoned A-1 Agricultural District.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition and advised them to do their review in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance in making their recommendation to the Cedar County Board of Adjustment. There is also a request for approval of a variance of the required minimum separation distance of 750 feet for firing range to the closest building (a structure at the Masonic Cemetery to the northwest) to be considered by the Board of Adjustment. La Rue then explained the recommendation he gave Mr. Moore to request a Special Use Permit under Chapter 5D(9), A-1, Agricultural

District regulations, rather than a Home Industry Permit, under Chapter 15, of the Zoning Ordinance. A Home Industry Permit cannot authorize the use of a firing range or the use of multiple non-resident assistants or partners for the operation of a firearms training facility and firearms sales, under Chapter 15, in any zoning district. The letter from County Engineer Rob Fangmann was reviewed. It stated the existing entrance was upgraded as part of a prior zoning request and has adequate sight distance.

Mr. Moore was present along with one of his instructors, Tipton Police Chief, Heath Holub. Mr. Moore explained his proposal to have a business known as GreenTip Tactical, which specializes in firearms safety and training for the general public, corporate business personnel and law enforcement personnel at his property. At the property, he proposes to use an existing agricultural building which he has converted in to a classroom in which to conduct the various training classes and firearm sales and repair in an adjoining area. This component of the business requires the approval of the Board of Adjustment in order to secure a federal firearms permit from the Bureau of Alcohol, Tobacco and Firearms (A.T.F.). The proposed site has plenty of parking spaces for customers attending training sessions or visiting their store. An on-site wastewater system will be constructed for their business. Mr. Moore then explained that a critical aspect of GreenTip Tactical's proposal for a firearms training organization at this site is to have approval to utilize the existing private small gun range which is located just south of the building where the classroom training and firearm sales business would be located. He explained that the existing range is being used by the Tipton Police Department for firearms training and his private use. To date Mr. Moore said there have been no complaints about the use of this range to anyone's knowledge. It is the firing range which requires the approval of the Board of Adjustment, and because the existing range is closer than 750 feet to a building owned by another property owner, the Tipton Masonic Cemetery, a variance is requested of about 294 feet. He estimates the distance from the firing line to the closest side of the building to be 547 feet. He added that the firing line is directed toward the earthen berm to the south east and away from this closest neighboring property. All shots into the soil berm/backstop will be away from the closest property line. Down range, the nearest property line is well over one-quarter mile. In support of this request he has filed, as part of the petition, a letter of acknowledgement from the Masonic Cemetery Board of Directors of GreenTip Tactical's proposal to use the existing firing range for their training activities and their action plan. He then said the City of Tipton Manager is also aware of this proposal as is Police Chief (Mr. Holub). He stated that there will be no live-firing training at the range during funeral services. Chairperson Joel Brown stated that, as a township trustee, the peacefulness of the cemetery is important to the visitors, and questioned about holidays such as Memorial Day. Mr. Moore stated he hadn't thought about that, but will revise their policies for holidays also.

Mr. Moore then further explained the safety and training aspects of GreenTip Tactical, and that he hopes to expand this business into other areas of the state of Iowa and other states in the country. He stated this site will hopefully be their home base for this company. Many customers will hopefully be from corporations and other businesses.

Once approved for operation they will advertise their services and hopefully also receive referrals from customers to their clients.

The Commission members then requested further information on their proposed firearms training program at this site. Both Mr. Moore and Mr. Holub then explained that they will be conducting more than 10 classes per year, hopefully expanding to monthly classes of several different types. They were asked if this range will be open for public use or for hunter education classes. No, they said the firing range is for their private use and their training classes only. Mr. Holub then explained the classroom training and hands-on training portions of their proposal. All students are supervised by staff members who are certified National Rifle Association (N.R.A.) instructors. The instructor to student ratio is 1 to 5. Communication is an important aspect of their training program.

The Commission members asked the types of firearms proposed for their classes. Mr. Holub stated pistols and, in some sessions, certain rifles. All students are closely supervised and coached during live-firing at the firing line. There are no intentions to conduct clay pigeon or other shot-gun target shooting sessions. All live-fire shooting will be at targets at the bottom portion of the backstop/berm. Discussion continued regarding the orientation of the firing line and berm/backstop. Mr. Moore then, using the diagrams provided as part of the petition, described the design of the earthen berm and its orientation to building on his property, the cemetery to the north and what lies downrange of the backstop. A Commissioner asked about the Catholic Cemetery to the southwest. Mr. Moore showed, on an aerial photo of the gun range, its orientation in relation to the location of this cemetery. The separation distance is estimated to be about 980 feet between the range and the northeast corner of the cemetery property, well over the minimum required distance of 750 feet. The proposed aspect of firearms sales was discussed including the permit requirements of the A.T.F. There was then brief discussion on state and federal laws pertaining to firearm sales and purchasing. As this discussion pertained to the firing range, a customer who purchases a pistol from their business, and takes their training course, may use that firearm as part of their training. A customer who purchases a firearm from them, but does not take one of their training courses, cannot use the firing range to test fire the firearm.

The concerns regarding noise were discussed. Mr. Moore and Mr. Holub explained that the live-fire portion of their training courses is less than 2 hours, and will be scheduled so they will not interfere with adjoining property owner's enjoyment or use of their property. The design of the firing range is cup shaped and dug into the earth at a slight angle. This, the petitioners feel, should reduce the noise issue. La Rue commented that that various types of screens and buffers around the range were discussed with Mr. Moore to reduce noise and must be considered as a requirement. They continued to explain that their proposal for training in a classroom setting for persons seeking a permit to carry a firearm is far more extensive than some training courses available on-line. They will require satisfactory demonstration of firearms safety as a successful candidate of their training prior to receiving a certificate which would allow that person to apply with the County Sheriff for a permit to carry. The Commission members noted that the classroom setting and the training program were positive aspects of their proposal.

Mr. Moore was then asked to explain environmental aspects of the firing range and lead contamination of the soil in the backstop and its base. He explained that they will be following the guidelines from the United States Environmental Protection Agency for environmental management of lead contamination. This includes the containment of the lead bullets and fragments and their removal using screens during backstop maintenance. The recover lead can then be recycled. All work will be documented and kept on file. All water runoff will be contained until it can be absorbed into the soil. The base of the firing range will be kept mulched to keep it from becoming muddy and causing other problems. At the end of the firing range's use, the lead contaminated soil can be taken to the landfill.

La Rue then reviewed for the Commission, the Zoning Ordinance, Chapter 5D(9), A-1, Agricultural District regulations pertaining to gun clubs, and Chapter 17.18(2)a-e, pertaining to Special Use Permits, and finally, Chapter 17.18(3), pertaining to the request for a variance of the minimum required separation distance between the firing range and the building at the Masonic Cemetery.

Following further discussion, Kohrt made a motion to recommend approval of the Special Use Permit to the Board of Adjustment allowing at the property firearms classroom training, a gun shop with sales, and use of the existing firing range with a recommendation to grant the requested variance. Moylan seconded the motion. Ayes: All.

Minutes from the regular meeting of the Cedar County Planning and Zoning Commission meeting held on December 18, 2013, were previously sent to the members. With no corrections, Schroeder made a motion to approve the minutes, seconded by Kohrt. Ayes: All.

The Commission members and La Rue then discussed proposed amendments to the Cedar County Zoning Ordinance, Number 10.

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Chairperson  
Joel Brown

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Secretary Pro-tem  
Phil La Rue

## **LEGAL NOTICE**

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on March 13 & 18, 2014, at 9:00 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. **Ricky and Joann Meade, 666 330<sup>th</sup> St., West Liberty, IA (Owners) -** Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the NE ¼, NW ¼, NE ¼, Section 31, T-79N, R-3W, in Iowa Township, consisting of 3.07 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 3/3/14 to the following:

1. Ricky & Joann Meade – 666 330<sup>th</sup> Street, West Liberty, IA 52776 – **Certified**
  2. Jerry Meade – 666 330<sup>th</sup> Street, West Liberty, IA 52776
  3. Marilyn & Joel Goodman – 4550 Westchester Dr. NE, Unit C, Cedar Rapids, IA 52402-7057
  4. Dwain & Lila Hepker – 1791 110<sup>th</sup> Street, Atalissa, IA 52720
  5. Edith Burnett – 1137 Atalissa Road
- 

Copy e-mailed to Tipton Conservative on 3/3/14

Copy e-mailed to West Liberty Index on 3/3/14

Copy e-mailed to B of S Secretary on 2/27/14

2 File Copies

1 Bulletin Board Copy

DATE 7-19-74

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil Baker

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. Baker

Nyda

Mia Moore

Jeff Nease

Tom Meale

Hal Meale

Joel Brown

Julie Schaefer

Marty M.

Judy Gotsle

Carl A. Baker

PROOF OF PUBLICATION

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State of Iowa, Muscatine County, ss:

I, Tom Burger, General Manager of the **West Liberty Index**, a weekly newspaper of general circulation published at West Liberty, in said county, and being duly sworn, do declare and say that a Notice, of which one hereto attached is a copy, was published in said West Liberty Index respectively:

2-14-14

Tom Burger

19.21

Fee: \$

Sworn to by said Tom Burger before me and signed by

him in my presence this \_\_\_\_\_

day of \_\_\_\_\_, \_\_\_\_\_

Notary Public

Received of

Dollars

in full on above publication.

## Legal Notice

The Cedar County Planning and Zoning Commission have been petitioned to conduct a Public Hearing on Wednesday, February 19, 2014, 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. **Ricky and Joann Meade, 666 330th St., West Liberty, IA (Owners)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the NE 0, NW 0, NE 0, Section 31, T-79N, R-3W, in Iowa Township, consisting of 3.07 acres more or less.

2. **Mike Moore, 1110 Cedar Valley Rd., Tipton, IA (Owner)** - Requesting approval of a Special Use Permit for the purpose of authorizing the use of an existing gun range for the purpose of providing specialized firearms training, and the use of an adjoining building for both classroom instruction, and a firearms sales and firearms repair business at the above address. The petitioner is also requesting approval of a variance of the required separation distance between the gun range boundary and a non residential building on an adjoining property to the north as part of the Special Use Permit request. Said property is located in the SE 0, SW 0, SW 0, Section 1, T-80N, R-3W, in Center West Township, and is 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 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



Tel: 563-886-2248

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

Tipton, Iowa 52772

**AGENDA**

**Cedar County Zoning Commission**

Basement, Cedar County Courthouse, Tipton, Iowa

Wednesday, February 19, 2014 – 6:30 p.m.

**I. Introduction**

**II. Review of the following requests:**

- A. Ricky & Joann Meade, 666 330<sup>th</sup> St., West Liberty, IA (Owners) – Rezoning request from A-1 to R-1**
  
- B. Mike Moore, 1110 Cedar Valley Rd., Tipton, IA (Owner) – A Special Use Permit authorizing the use of an existing gun range for the purpose of providing specialized firearms training, and the use of an adjoining building for both classroom instruction, and a firearms sales and firearms repair business**

**III . Discussion/Review of Proposed Ordinance Amendments**

**IV. Conclusion**

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

February 7, 2014

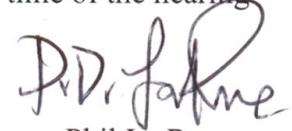
**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission have been petitioned to conduct a Public Hearing on Wednesday, February 19, 2014, 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. **Ricky and Joann Meade, 666 330<sup>th</sup> St., West Liberty, IA (Owners)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the NE ¼, NW ¼, NE ¼, Section 31, T-79N, R-3W, in Iowa Township, consisting of 3.07 acres more or less.
2. **Mike Moore, 1110 Cedar Valley Rd., Tipton, IA (Owner)** - Requesting approval of a Special Use Permit for the purpose of authorizing the use of an existing gun range for the purpose of providing specialized firearms training, and the use of an adjoining building for both classroom instruction, and a firearms sales and firearms repair business at the above address. The petitioner is also requesting approval of a variance of the required separation distance between the gun range boundary and a non residential building on an adjoining property to the north as part of the Special Use Permit request. Said property is located in the SE ¼, SW ¼, SW ¼, Section1, T-80N, R-3W, in Center West Township, and is 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 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 2/11/14 to the following:

1. Ricky & Joann Meade – 666 330<sup>th</sup> Street, West Liberty, Iowa 52776 – **Certified**
  2. Jerry Meade – 666 330<sup>th</sup> Street, West Liberty, Iowa 52776
  3. Marilyn & Joel Goodman – 4550 Westchester Dr. NE, Unit C, Cedar Rapids, Iowa 52402-7057
  4. Dwain & Lila Hepker – 1791 110<sup>th</sup> Street, Atalissa, Iowa 52720
  5. Edith Burnett – 1137 Atalissa Road, Atalissa, Iowa 52720
- 

1. Mike Moore – 1110 Cedar Valley Road, Tipton, Iowa 52772 – **Certified**
  2. Michael & Janet Moore – 604 Meridian Street, Tipton, Iowa 52772
  3. Masonic Cemetery – Tipton City Hall, 407 Lynn Street, Tipton, Iowa 52772
  4. Larry Martens – 1091 230<sup>th</sup> Street, Tipton, Iowa 52772
  5. Norman & Janet Ford – 1126 235<sup>th</sup> Street, Tipton, Iowa 52772
- 

Copy e-mailed to Tipton Conservative on 2/10/14

Copy e-mailed to West Liberty Index on 2/10/14

Copy e-mailed to County Engineer, Rob Fangmann, on 2/7/14

7 Planning & Zoning Commission members on 2/12/14

2 File Copies

1 Bulletin Board Copy



Tel: 563-886-2248

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

January 10, 2014

**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. Will plan to have a meeting in February to discuss the proposed amendments.

Sincerely,



*Phil La Rue /sl*

Phil La Rue  
Zoning Administrator

PL:sl

CEDAR COUNTY BOARD OF SUPERVISORS  
Cedar County Courthouse  
400 Cedar Street  
Tipton, Iowa 52272-1750  
Telephone: 563-886-3168  
Fax: 563-886-3339  
E-Mail: [bos@cedarcounty.org](mailto:bos@cedarcounty.org)

**COPY**

January 6, 2014

Jody Yutesler  
2217 Hoover Highway  
Lowden, Iowa 52255

Dear Mrs. Yutesler:

Please be advised, that by motion of this Board on January 2, 2014, you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2016. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,

Wayne Deerberg  
Wayne Deerberg, Chairperson

WD: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 6, 2014

Carl Kohrt  
557 Quincy Avenue  
Clarence, Iowa 52216

Dear Carl:

Please be advised, that by motion of this Board on January 2, 2014, you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2016. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,

Wayne Deerberg  
Wayne Deerberg, Chairperson

WD:bjp

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

**COPY**

January 6, 2014

Joel Brown  
342 Delta Avenue  
Mechanicsville, Iowa 52306

Dear Mr. Brown:

Please be advised, that by motion of this Board on January 2, 2014, you were appointed to another three-year term on the Zoning Board. The term will expire 12-31-2016. Your willingness to serve on this Board is greatly appreciated.

Sincerely,

Wayne Deerberg  
Wayne Deerberg, Chairperson

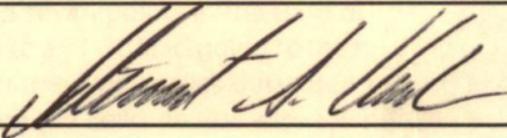
WD:bjp

STATE OF IOWA, CEDAR COUNTY, ss:

I, Stuart S. Clark, publisher of The Tipton Conservative and Advertiser, a weekly newspaper of general circulation, published in [redacted] county, being duly sworn do declare and say that a notice, of which one hereto attached is a copy, was published in the said

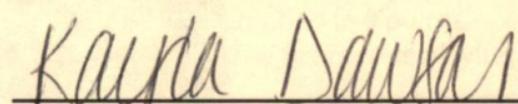
**The Tipton Conservative and Advertiser**

to wit on 12/11-13



Subscribed and sworn to before me this 11

day of December A.D. 20 13

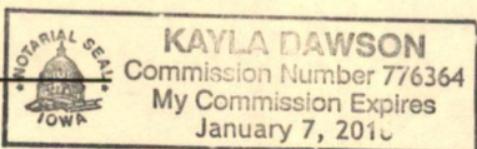


Notary Public in and for Cedar County, Iowa

Received of [redacted]

Dollars

Printer's fee \$ 15.82



## Legal Notice

December 6, 2013

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 18, 2013, 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) **Rose Marie Wright, 1673 Union Avenue, Bennett, IA. (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the SE 1/4, SE 1/4, Section 29, T-80N, R-1W, in Inland Township, consisting of 5.00 acres more or less.

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

Phil La Rue  
Zoning Administrator

DATE 12-18-13

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil LaRue

Rose Marie Wright

Susan Marie Wright

James W. Wright

Julie Schroeder

Dathy M. L.

Deb Brown

Sharon Daucamp

Carl & Robert

Jeanne Darrell

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 18, 2013

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, December 18, 2013, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Moylan, Schroeder, Brown, Kohrt and Dornfeld. Members absent were Schuett and Yutesler.

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

1. **Rose Marie Wright, 1673 Union Avenue, Bennett, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 29, T-80N, R-1W, in Inland Township, consisting of 5.00 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition 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 Cedar County Board of Supervisors. The letter received from the Bennett Fire Department stated they will provide fire protection for a new home to be built on the property if and when approved by Cedar County Zoning. The letter from Cedar County Engineer, Rob Fangmann, stated this site is located on paved route Y14 (Union Avenue) and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. He also stated that the existing entrance accessing Y14 is within 300' of the intersection, hence must be removed as part of the rezoning request. He recommended a building permit NOT be issued until the entrance has been removed. The soil inventory was then reviewed. There are two soil classifications on the property (Muscatine Silt Loam and Tama Silt Loam). La Rue stated there is a high water table on the property with moderate limitations for building. Limitations for septic systems are also moderate. The CSR on the property averages between 90 and 100 points. La Rue stated that, regarding to the land use plan, the residential development goal is to discourage non-farm development on prime ag land and encourage cluster development. It was noted that the property is on a hard surface road. There are no livestock operations within one-quarter mile of the property and there is no flood plain on the property.

Mrs. Wright was present and informed the members she is doing some estate planning and wants to save 5 acres for each of her three children. Her son stated this would protect her children if his mother ever needed to sell off any of the rest of the farm in the future. Two of her children already live in houses on the farm which will be surveyed and recorded. The third 5 acre parcel will also be surveyed shortly if approved. La Rue informed the members that he recommends a restriction be placed on the property that there can only be one home on this 5 acre parcel and that it can never be split. La Rue

then explained that when Mrs. Wright transfers this property, it will be the first split of the property. He also stated that as a farm of 35 acres or more, it would not have had to be rezoned as long as it was used for agricultural purposes. La Rue also stated the Wright's need to get a copy of the approved entrance permit from the County Engineer's Office. Chairperson Brown then questioned Mrs. Wright regarding if the members approve the rezoning request at this time and, later upon her passing, her son decides to sell the property. Mrs. Wright's daughter then stated her brother may not build on it but will not sell it because they have all talked it over and they plan to keep the farmland in the family as much as possible. The Wright's stated it is in the will that the farm will be divided three ways. The driveway location was again addressed. La Rue recommended when their surveyor does the platting, the new driveway be put on the survey and the old driveway be removed so it won't be an issue in the future.

After a brief discussion, Moylan made a motion that the rezoning request be approved with the driveway stipulation and that the property not be divided into two building sites. Kohrt seconded the motion. Ayes all.

Minutes from the last meeting held on June 19, 2013, were previously sent to the members. Kohrt made a motion to approve the minutes as presented. Schroeder seconded the motion. Ayes all.

La Rue then stated he has presented proposed amendments to the Cedar County Zoning Ordinance to the members which will be discussed at a later date.

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

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Chairperson  
Joel Brown

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Secretary  
Sharon Laucamp

## **LEGAL NOTICE**

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on January 9 and 16, 2014, at 8:45 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. **Rose Marie Wright, 1673 Union Avenue, Bennett, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 29, T-80N, R-1W, in Inland Township, consisting of 5.00 acres more or less.

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

Cari Gritton  
Cedar County Auditor

Copies sent out on 12/26/13 to the following:

1. Rose Marie Wright – 1673 Union Avenue, Bennett, Iowa 52721 – **Certified**
2. Stella Stoltenberg Corporation – 3018 Westmar Drive, Bettendorf, Iowa 52722
3. Mildred Badtram – 1978 270<sup>th</sup> Street, Bennett, Iowa 52721
4. James E. & Diana J. Von Muenster – 1712 Union Avenue, Bennett, Iowa 52721

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Copy e-mailed to Tipton Conservative on 12/26/13

Copy e-mailed to Board of Supervisors Secretary on 12/26/13

2 File Copies

1 Bulletin Board Copy