

Tel: 563-886-2248

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

December 6, 2017

**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.

**HAPPY HOLIDAYS!**

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 15, 2017

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, November 15, 2017, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Klein, Schroeder, Schuett and Yutesler. Members absent were Dornfeld and Kohrt.

Chairperson Brown called the meeting to order at 6:30 p.m. Minutes from the last meeting held on October 18, 2017, were previously sent to the members. Schroeder made a motion to approve the minutes as written. Klein seconded the motion. Ayes all. The members then considered the following petition:

1. **Bruce Bickford, 2302 Baker Avenue, West Branch, IA (Contract Buyer) and Joe Thomas Lawrence, Solon, IA, (Owner)** - Requesting a change in zoning from M-2 Heavy Industrial District to R-3 Multi-Family Residential District for the purpose of eliminating a portion of a un-used zoning district and to allow the use of the existing building as a three (3) unit apartment building and either a single family dwelling or a two (2) unit duplex dwelling on property located in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 32, T-79N, R-4W, in Springdale Township. Said petition is to rezone 2.28 acres of a 3.33 acre tract.

This petition was tabled at the last meeting to allow time for research on the request. Klein made a motion to take the petition off the table for further consideration. Schroeder seconded the motion. Ayes all. Zoning Administrator La Rue informed the members there were no additional 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. He stated he had provided the members a copy of Iowa Code, Chapter 499B, and a copy of a legal opinion regarding condominiums. Member Klein then questioned who is responsible for the administration of Chapter 499B and what authority enforces it. La Rue stated it would be him. Klein stated the question before the Commission would not be how well the petitioner is going to be able to fulfill his intentions but rather, consensually, do the members believe that this is a zoning change they would recommend to the Board of Supervisors. La Rue stated they could also include the requirements for code compliance for the building in a conditional zoning agreement. Klein stated he does not believe it is the commission's responsibility to come up with conditions under which this petitioner would be required to perform. La Rue stated they are looking at the land use and whether or not it is appropriate. Klein then asked Chairperson Brown if he were a potential purchaser of a condominium unit that the petitioner is looking to build, is there any authority in Cedar County he could go to assure himself that the seller of the condominium has complied with all the necessary requirements. Chairperson Brown stated it is the petitioner's responsibility to follow the state law. Klein then asked if he is correct in assuming that buyer beware and that it is up to the buyer to protect their own



interest and up to the seller to comply with state code and it has nothing to do with the commission. La Rue then stated again that the Planning & Zoning Commission makes a recommendation to the Board of Supervisors but as such, the Iowa Code does allow, if agreed to, a conditional zoning agreement describing terms for approval. He stated the Commission could recommend to the Board of Supervisors that it be considered, if the petitioner's zoning request to R-3 Multi-Family Residential be approved, that Mr. Bickford be required to comply with all aspects of the state code pertaining to electrical, plumbing and structural which a conditional zoning agreement would cover. Mr. Bickford stated under Chapter 499B, if it is in an area where there are no inspections required, an engineer or a qualified inspector must be hired to inspect so it meets all the qualifications as it is being done. He stated he is willing to pay for all the inspections. It was noted the new lot will be south of the block building. Curt Kieffer, nearby property owner, questioned the location of the zoning classifications. La Rue stated, if the rezoning request is approved, there will be two zoning classifications on the property which will be R-3 Multi-Family Residential and M-2 Heavy Industrial. Mr. Bickford stated he wants part of the property left in the M-2 District to allow his planned RV storage facility. He stated the red metal building will remain M-2. La Rue stated the M-2 District was zoned back in 1964 when there was not a Land Use Plan. Mr. Kieffer stated he wants to put up a \$300,000 home and does not want to look across the street at condos. He would rather see a nice house built on the property. Mrs. Bickford stated they want to provide housing for the community who can not afford a \$300,000 home. Chairperson Brown stated they are hearing there is a lack of low affordable housing, either rental or purchase, and asked Mr. Bickford what his proposed housing would sell or rent for. Mr. Bickford stated that two bedroom condos in Iowa City are going for \$1,500.00 per month or more. A one bedroom apartment in West Liberty is renting for \$500.00 per month. He stated he is thinking somewhere between \$700 and \$800. Mr. Bickford stated he wanted it zoned so that he could sell a portion of it which is the difference between condos and apartments. He stated, if in apartments, he would have to sell the whole building and he could sell condos individually. He could also rent the condos. He stated as long as he doesn't sell the condos, he does not have to comply with Chapter 499B. He also stated he hopes he never has to sell them. Member Klein then stated it really makes no difference if he intends to create condos or apartments because both are allowed in the R-3 District. He stated it would be up to the owner of the property to comply with Chapter 499B if he wants to make condos and it will be up to the purchaser of the condo to make sure they are not getting stuck in any way. He stated it is a business decision on the part of the petitioner. Mr. Klein stated he lives outside of West Branch and has asked his neighbors their opinion and when he mentioned Mr. Bickford's name, he received good comments from them regarding Mr. Bickford's work. La Rue stated he does recommend that if the Zoning Commission recommends approval to the Board of Supervisors, that the Board requires the petitioner to comply with the state codes for the safety, health and welfare of the community. Mr. Bickford again stated he is willing to have inspections all along the way. Chairperson Brown stated his concern of setting a precedent for Multi-Family dwellings. La Rue stated there is residential zoning to the north and south and the Heavy Industrial zoning classification should not have been done back in 1964. He stated the Land Use Plan supports residential development in the Downey area. Member Yutesler asked if two sections are rezoned to R-3 and the rest remains M-2, how do



you make a restriction regarding what it can be used for. La Rue stated he would suggest the petitioner enters into an agreement with the Board of Supervisors in writing, and to be recorded with the abstract, stating what the M-2 area can only be used for. Member Klein asked if the petitioner is in agreement that the M-2 district be used as a storage facility only. Mr. Bickford stated he is willing to agree to a conditional zoning agreement to allow for the residential use on the R-3 property and only storage use on the M-2 property. La Rue stated that of the 3.33 acre tract, 2.28 acres would be rezoned to R-3 and to restrict the remaining property to be used as a storage facility only with a conditional zoning agreement. La Rue stated Mr. Bickford has to maintain a minimum lot size on both zoning classifications. Member Yutesler questioned the driveway access. Mr. Bickford stated there will be a total of three driveways which have been approved by the County Engineer.

After further discussion, Member Klein made a motion to recommend to the Board of Supervisors to approve the petition of the Bickford's to rezone 2.28 acres to R-3 and to apply the condition on the remaining 1.05 acres of M-2 zoned land that it can be used only for indoor/outdoor storage of recreational vehicles. Yutesler seconded the motion. Further discussion then continued.

Mr. Kieffer asked if Mr. Bickford could build more housing facilities on the remaining piece of property. La Rue stated there would be a limited number of homes that could be built based upon the requirements for septic systems. Chairperson Brown stated his concern on the well. It was noted that one well will serve all on the property. La Rue stated the well needs to be evaluated and explained the difference between a private well and a public well. Mr. Bickford stated the existing well will serve the properties. Klein asked if there are any planning provisions for the sewage removal from the recreational vehicles. Mr. Bickford stated he has not checked. La Rue stated he recommends Mr. Bickford utilize community sewer for that rather than having a waste holding facility. Klein asked if there would be any restrictions on the use of the M-2 property for waste disposal from the recreational vehicles. La Rue stated yes if it is not in compliance with the state code. La Rue stated if a holding tank was used, disposal records would need to be provided of the waste to be evaluated by either him or the IDNR according to Chapter 69. La Rue also stated he recommends Mr. Bickford not provide any water or waste disposal for the recreational vehicle storage area. Klein stated there is a need for affordable housing, there is residential development all around the piece of property, the petitioner lives on the property and feels Mr. Kieffer's concerns are mainly unfounded. He also stated he believes this would be a very suitable development and he would be in favor of it happening. Member Yutesler suggested the M-2 area be used only for dry storage. Mr. Bickford stated he would prefer that was not in the agreement because if he did want to look into being able to have provide waste disposal that it would be an advantage to anyone he rents to. Member Yutesler then made a motion to include an amendment stating the M-2 district be used for dry storage only. Motion died due to the lack of a second. Mr. Bickford stated he will do research on his request and will not do it if it can not be done but he would want to have that option. Enforcement would fall either on Cedar County or IDNR.



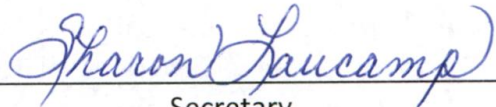
The original motion to approve the request was then voted upon. Members Klein, Schroeder, Schuett and Yutesler voted aye and Chairperson Brown voted nay.

The Commission members then met with Tara Cullison and Daniel Elder, graduate students, University of Iowa, School of Urban Planning & Regional Planning, regarding the revision of the 2006 Cedar County Land Use Plan and the creation of the Iowa Great Places Vision Plan for Cedar County. They presented to the Commission a summary of the project to date which listed the partners for the project and an outline listing the goals of the project. Currently, the students are evaluating the information collected at the Community workshops that were held in the incorporated cities in Cedar County. One was held at the Cedar County Farm Bureau to gather information, specifically, from the rural population. Their findings will be forwarded to the steering committee. They explained to the Commission the various goals, objectives and the timeline of the project to complete the revised Comprehensive Plan while working with the steering committee. There was discussion with the Commission members regarding aspects of the revision process and the need for policies to provide consistency and guidance with planning decisions toward future development. The Commission wants to have an active role in the revision process of the Comprehensive Plan.

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

A handwritten signature in blue ink, reading "Joel Brown", written over a horizontal line.

Chairperson  
Joel Brown

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

Secretary  
Sharon Laucamp

## Cedar County Comprehensive Plan Update

11/15/17

### Planning & Zoning Commission

#### Summary:

The Cedar County Board of Supervisors, ECIA and CCEDCO has partnered with The University of Iowa's Iowa Initiative for Sustainable Communities (IISC) and the School of Urban and Regional Planning to complete a Comprehensive Plan and Iowa Great Places Vision Plan for the County. A group of seven students are working to complete these plans by graduation (May 2018).

#### Community Workshops:

West Branch: 22

Mechanicsville: 14

Clarence: 8

Durant: 13

Tipton: 27

Stanwood: 5

Lowden: 13

Bennett: 10

Total: 112

#### Next Steps:

November 14 – Analyses of each topic, public input results, and draft of goals and objectives due to faculty advisors.

December 14 – Final first draft due to faculty advisors and project partners, including possible strategies for goals and objectives.

January 4 – Tentative work session with Comp Plan Steering Committee to work through goals, vision, and solidifying strategies to pursue for Comprehensive Plan.

\*\*\*\*\*Future Land Use Map work session with P&Z

February – Community Open House to review the plan and discuss strategies and meetings with incorporated areas to establish a plan for intergovernmental collaboration strategies.

March – Complete write up of goals, objectives, and strategies and begin work on implementation (action matrix) and future evaluation tools.

April 2 – Second Draft Plans due to faculty advisors.

April 16 – Third Draft due to faculty advisors.

May 7 – FINAL Comprehensive Plan due to faculty advisors and project partners.



### **Current Input Opportunities:**

Cedar County Community Survey:

- [https://uiowa.qualtrics.com/jfe/form/SV\\_agZ9pHJMztOi3fT](https://uiowa.qualtrics.com/jfe/form/SV_agZ9pHJMztOi3fT)

Email:

- [CedarCo-Plan@uiowa.edu](mailto:CedarCo-Plan@uiowa.edu)

Facebook:

- Cedar County Planning Team

Agricultural Planning Questionnaire:

- Met with Farm Bureau and they are dispersing the survey to either the Farm Bureau Board or to all Farm Bureau members

High School Questionnaire:

- Attempting to contact North Cedar, Tipton, Durant, West Branch, Scattergood, Wilton, Lisbon and West Liberty Schools.

### **Current Outline:**

- I. Introduction
  - a. Project Scope, acknowledgements, why plan
- II. Planning Process
  - a. Timeline, public outreach & engagement, stakeholders (steering committee, P&Z)
- III. Executive Summary
- IV. County Profile
- V. County Goals & Visions
- VI. Housing
- VII. Economic Development
- VIII. Land Use
- IX. Transportation, Infrastructure & Utilities
- X. Natural Resources & Environmental Stewardship
- XI. Recreation & Open Space
- XII. Quality of Life
- XIII. Future Land Use
- XIV. Intergovernmental Collaboration
- XV. Implementation & Evaluation

PfZ Commission  
11-15-17

P.D. Latone

Bruce Beilford

Diane Beilford

Curt Kieffer

Daniel Eld

Tara Cullison

Julie Moede

Joel Brown

David G. Schmitt

Josh Guttle

Sharon Laucamp



## **Cedar County Comprehensive Plan Update**

**11/15/17**

### **Planning & Zoning Commission**

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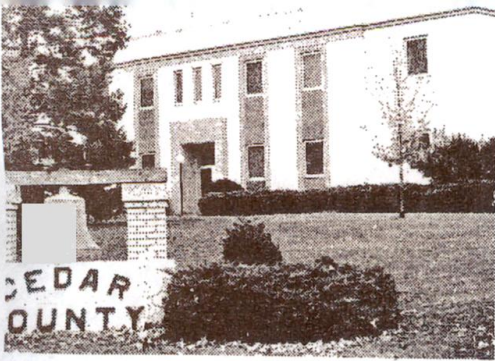
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Tel: 563-886-2248

**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, November 15, 2017, 6:30 p.m.

1. Introduction
2. Review of the following petition:
  - A. Bruce Bickford, 2302 Baker Avenue, West Branch, IA (Contract Buyer) – Rezoning request from M-2 to R-3
3. Tara Cullison and Daniel Elder, University of Iowa School of Urban Planning & Regional Planning -- Regarding Cedar County Comprehensive Plan and Iowa Great Places Vision Plan
4. Discussion
5. Conclusion

### LEGAL NOTICE

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on December 19, 2017, at 9:00 a.m., and December 26, 2017, at 11:00 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. **Bruce Bickford, 2302 Baker Avenue, West Branch, IA (Contract Buyer) and Joe Thomas Lawrence, IA, (Owner)** - Requesting a change in zoning from M-2 Heavy Industrial District to R-3 Multi-Family Residential District for the purpose of eliminating a portion of a unused zoning district and to allow the use of the existing building as a three (3) unit apartment building or condominiums and either a single family dwelling or a two (2) unit duplex dwelling on property located in the NW ¼, NW ¼, Section 32, T-79N, R-4W, in Springdale Township. Said petition is to rezone 2.28 acres of a 3.33 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 Dauber  
Cedar County Auditor



Copies sent out on 12/12/17 to the following:

1. Bruce Bickford – 2302 Baker Avenue, West Branch, Iowa 52358
  2. Joe Thomas Lawrence – 1708 Newberry Ave. NE, Solon, IA 52333-8918
  3. Cheryl Edwards – 2316 Baker Ave., West Branch, IA 52358
  4. Karen J. Streets Trust - % Larry Streets, 2394 Baker Ave., West Branch, IA 52358
  5. Curtis & Suzanne Kieffer – 2297 Baker Avenue, West Branch, IA 52358
  6. Donald Lacina – 5146 Lower West Branch Rd., Iowa City, Iowa 52240
  7. Betty Burton – 108 Walnut Drive, West Branch, IA 52358
  8. South View Subdivision – 2295 Baker Avenue, West Branch, IA 52358
- 

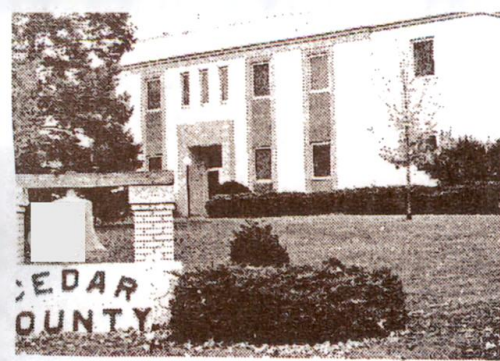
Copy e-mailed to Tipton Conservative on 12/11/17 for The Tipton Conservative

Copy e-mailed to West Branch Times on 12/11/17

Copy e-mailed to B of S Secretary on 12/6/17

2 File Copies

1 Bulletin Board Copy



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

November 3, 2017

**LEGAL NOTICE**

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

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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 11/06/17 to the following:

1. Bruce Bickford – 2302 Baker Avenue, West Branch, Iowa 52358
  2. Joe Thomas Lawrence – 1708 Newberry Ave. NE, Solon, IA 52333-8918
  3. Cheryl Edwards – 2316 Baker Ave., West Branch, IA 52358
  4. Karen J. Streets Trust - % Larry Streets, 2394 Baker Ave., West Branch, IA 52358
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- 

Copy e-mailed to Tipton Conservative on 11/06/17 for The Tipton Conservative

Copy e-mailed to West Branch Times on 11/06/17

7 Zoning Commission Members

2 File Copies

1 Bulletin Board Copy

### **What is the purpose of a retreat center?**

A retreat is a place or location where individuals go to focus on activities such as; self-improvement, spiritual contemplation education, creativity, fellowship or relaxation.

### **What is Terramuse?**

Terramuse is the name of the location intended to be a retreat center here in Cedar County. It will be owned by a nonprofit corporation called the Lyceum. The Lyceum is defined by the IRS as a nonprofit corporation exempt from taxes under Tax Code Section 501C3. The exemption was made under the educational umbrella portion of the law. Mr. David O'Donaghue is the President of the Lyceum Corporation.

It has always been his dream to build a retreat center. The special use permit will allow that to happen.

### **How will the project be funded and what if it loses money?**

The corporation has sufficient assets to fund the purchase of land, building construction and the annual cost of operations of the center for the long term. Regardless of if Terramuse ever makes a profit, it has the financial resources to sustain it and assure its longevity.

Dream fulfillment is not profit oriented.

### **What Terramuse isn't**

It's not a rehabilitation facility.

It's not a mental health facility.

It's not a resort/recreational/vacationing facility.

It's not a venue for weddings or festivals.



## **Benefits of a personal/group retreat @ Terramuse**

Rediscovery of self and spirit; reduction in stress; allows mind, body and spirit to heal and rejuvenate; offers opportunities for contemplation; increases creativity and energy; provides an environment to learn tools and strategies to facilitate change; promotes shared learning opportunities, leadership and communication skills; nurtures the formation of new bonds and the strengthening of seasoned ones; brings out hidden talents, provides an environment for team-building opportunities and brings awareness to common goals and causes.

## **Our Clientele**

Educators, artists, writers, performers, musicians, corporate professionals, health professionals, contemplative and spiritually immersed individuals, and environmentalists – in essence, people who are interested in enriching their lives through educational, contemplative, environmental, and creative avenues.

## **Pricing Preliminary Estimates**

Lodging and meals/day: \$135/guest

Rental of all facilities except bedrooms including the use of the conference room, kitchen & studio for workshops: \$150.00/day

## **Types of Workshops/Retreats Terramuse will offer**

Couples, corporate team building, creative arts (painting, photography, dance, performing art, writing, and music), quilting/knitting, yoga, healing modalities, nutrition/health, meditation, faith-based retreats, silent retreats, life enrichment workshops for seniors, educational, environmental, women's retreats and men's retreats.

## **Facility**

Roughly 5,000 square feet:

12 bedrooms

4  $\frac{3}{4}$  bathrooms (shower/sink/toilet)

Office

Creative arts studio

Kitchen

Dining area

Commons area

Conference room

Building site will be determined based upon the location of the flood plain and the recommendations of land/building engineering professionals.

## **Concerns regarding road maintenance/usage:**

The Cedar County Engineer, Mr. Rob Fangman, has issued no concerns regarding the additional traffic the center will generate.

## **Grounds**

The center's property lines will be clearly marked and we will make it clear to our guests that they are to respect the privacy of the adjacent landowners. Boundaries will be featured on a map provided to guests upon arrival. Walking trails will be created on the center's property. There will be no fire pits located along these trails.

The proposed land site is currently serving as cattle grazing land. Therefore, the land reflects the wear and tear typically associated with this type of activity.

The Center intends to transform this site, where ever possible, into a land of natural beauty reminiscent of the native prairies that once dominated the Iowa landscape. Improvements



contemplated include the planting of native prairie grasses and wildflowers. The land also features a running creek that will feature improved banks that enhance water quality and reduce land erosion. The result will be a beautiful stream that promotes a visual and audio atmosphere of serenity. In addition, the land will benefit wildlife by providing habitat that supports its life and propagation.

The Center's facility will be designed to compliment nature and be a unique addition to the land's natural beauty. The Center intends to create a positive mental and sensory experience enhanced by the land's visual beauty and atmosphere to accomplish its mission.

Again, all of this activity and preparation is dedicated to insuring a contemplative atmosphere for the inspiration and renewal of its guests.

### **Alcohol & Stimulant Policy**

The center will not be selling alcohol or wine. There will be no smoking on the property. No illegal substances will be permitted or tolerated on the premises.

### **Economic Impact**

Constructions of the center will employ local crafts and building professionals when possible.

The goal of the center is to hire Cedar County residents for staff positions. We anticipate needing 2 people for cooking and cleaning, with a combined total of 96 hours a month. The hourly wage will be approximately \$15.00/hour.

Our grounds keeping/snow removal needs, facility repairs and maintenance will be contracted out. We will utilize businesses within Cedar County.

The center will buy the following items from Cedar County business when possible: food, gas, office/cleaning supplies, landscaping needs, linens, appliances, computers/audio visual equipment and furniture.

### **Terramuse Steering Committee**

We will be forming an advisory committee made up of business owners, educators, financial experts and legal professionals to provide guidance on key issues such as policies and objectives, budgetary control, marketing strategy, resource allocation, and decisions involving large expenditures. If possible, we would like the members to be from Cedar County.



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1. **Bruce Bickford, 2302 Baker Avenue, West Branch, IA (Contract Buyer) and Joe Thomas Lawrence, Solon, IA, (Owner)** - Requesting a change in zoning from M-2 Heavy Industrial District to R-3 Multi-Family Residential District for the purpose of eliminating a portion of a un-used zoning district and to allow the use of the existing building as a three (3) unit apartment building and either a single family dwelling or a two (2) unit duplex dwelling on property located in the NW ¼, NW ¼, Section 32, T-79N, R-4W, in Springdale Township. Said petition is to rezone 2.28 acres of a 3.33 acre tract.

Zoning Administrator La Rue informed the members there were no written objections on file for this petition. However, he stated he had received one verbal objection. He 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 Cedar County Board of Supervisors. La Rue stated this property was rezoned in 1964 to M-2 Heavy Industrial.

Bruce Bickford was present and informed the members he plans on turning a section of the property next to his property into a RV/Boat storage lot. He stated he will be removing two lean-tos that are between the two buildings. He is also proposing to turn the machine shop on the property into a three unit condo facility and using the other existing driveway for access to the three units. He stated on the south end there is another lot that will be utilized by adding another two or three unit. It was noted that there is a new house to the north which belongs to Mr. Bickford. There is also a house to the south. La Rue stated the R-3 Multi-Family Residential District is intended and designed to provide areas for mixed higher density residential developments, including single-family, two-family, and multi-family dwellings, condominiums and mobile home parks. He further read on from Chapter 9 of the Zoning Ordinance regarding the R-3 regulations. The letter received from County Engineer, Rob Fangmann, stated this property is located on paved route Baker Avenue and should have minimal impact on the existing infrastructure. Approved entrance permits are on file with his office for both locations. He also stated sight distance has been checked as part of the review process and is adequate to facilitate up to a major subdivision as per policy. The letter received from the West Branch Fire & Rescue Department stated they are willing and able to provide emergency fire and rescue response to the proposed residential rezoning site. The letter also stated the owner will be responsible for making sure that fire trucks have full access to the road/lane for their large equipment as well as making sure there are no trees or overhangs in the road/lane to compromise their response. La Rue then informed the members that the town of Downey is included in the future land use development. He stated the Multi-Family classification works but the Heavy Industrial classification does not. Member Dornfeld asked if Mr. Bickford was going to take the existing structure and convert



it into a three unit facility. Bickford stated it is the white block building that he wants to convert. He presented pictures to the members and stated all of the junk on the property will be removed. The soil inventory was reviewed. La Rue stated a percolation test has already been done at the site and it will require 600 feet of absorption field. Limitations for building are moderate. The CSR is a little high but it is currently a commercial property. Bickford then showed on the submitted pictures which buildings will be taken down and which ones will stay. He also stated the two Quonsets will be removed. Curt Kieffer, adjoining property owner, was present and stated he purchased the old Secrest property and tore down the house and is going to replace it. He stated he does not think an apartment complex in Downey is warranted. However, he stated he agrees that the cleanup looks good. He is concerned about the future sale of his proposed \$300,000.00 new house across the road from the Bickford property. He feels it will devalue his property. He also stated he does not mind the RV parking but he can't see apartment complexes in Downey. He stated he has seen spot zoning in Johnson County. He said it doesn't make sense to have a combination of spot zoning for the land use and is opposed to multiple zoning classifications on the property. Commission member Klein asked if the condos don't sell, can Mr. Bickford rent them instead. La Rue stated yes. He stated if he is now going to do a condo, it will have to be on its own lot. It was noted that if it was a 3 apartment building, you would own the land and the building and leasing the site. La Rue stated it allows for smaller size lots. Mr. Kieffer then asked why rezoning signs are not put up and only letters sent out. La Rue stated it is not a formal requirement. Bickford stated he does not see anything wrong and he is going to clean up the mess. Commission member Dornfeld stated the question is are they better off looking at what it is now and leaving it as is and isn't that going to be more detrimental to the property across the street than a respectable condo. Bickford stated he could leave it as is and turn it into a junk yard because it is zoned for it. Discussion regarding condos and apartments followed. A condo would be a common individual owner. La Rue would want the land to be owned by who owns the condo. It was noted that condos would be regulated by Iowa Code, Chapter 499B. Commission member Klein asked if the zoning was changed to Multi-Family, would there then be another application process in order to create the condos. La Rue stated again they would have to satisfy the requirements of the Iowa Code, Chapter 499B pertaining to condominiums. One building permit would be required for an apartment building for two, three or four units. Member Klein asked if the M-2 zoning allows for indoor/outdoor storage. La Rue stated yes because it is a permitted use. Member Yutesler questioned the septic treatment for condos. La Rue stated it would be a community sewer. Bickford stated for the building where he is planning to have the condos, he plans to remove the blocks on the back side of the building for garage access. Discussion followed regarding the difference between condos and apartment buildings. La Rue stated he is looking at it as a building for three apartments. He stated he needs to do more research if the intention is for 3 condo units instead of apartments. It was noted that more study is needed. Member Klein stated questions remain unanswered regarding the establishment of condos on the property. Member Dornfeld stated they have satisfied the requirements for an apartment complex but not a condo complex. Klein then made a motion to table the petition at this time and come back to it after more research is done. Yutesler seconded the motion. Ayes all.

2. **David O'Donaghue, 402 3<sup>rd</sup> Street, Mt Vernon, IA (Contract Buyer) and Jim Neuzil, 11 Martini Rd, Otter, MT (Owner)** - Requesting a Special Use Permit authorizing the location of a Retreat Center on property located at 519 185<sup>th</sup> Street, Mechanicsville, IA, located in the NW ¼, SE ¼, Section 14, T-81N, R-4W, in Linn Township, consisting of 47.77 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 for this petition. However, he stated he had received a large number of verbal comments. He advised the members to consider the petition in accordance with Chapter 17.18(2) of the Zoning Ordinance in making their recommendation to the Cedar County Board of Adjustment. The letter received from the Mechanicsville Fire & Ambulance stated they can and will provide fire protection and ambulance service. It also stated before the start of construction, a 911 sign needs to be posted if not already in place and the access to any future dwellings has to be adequate enough for fire trucks and/or ambulances to pass without incident. The letter from County Engineer, Rob Fangmann, stated this property is located on gravel route 185<sup>th</sup> Street and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with his office. It also stated sight distance has been checked as part of the review process and is adequate to facilitate up to a minor subdivision as per policy. La Rue stated this means about 30 vehicles per day for a minor subdivision. Mr. Fangmann's letter stated that in the event traffic generated from the retreat center increases the level of dust on 185<sup>th</sup> Street above those allowed by the Iowa Department of Natural Resources fugitive dust regulations, the owners of the property shall apply dust control adjacent to existing residences and the 400 feet approaching the intersection with Garfield Avenue (X40) as per Cedar County Secondary Road Department Dust Palliative Permit for Dust Control. La Rue stated a standard private water well would be required and the soils are adequate for up to 12 people occupancy for the septic system. Estimated use is up to 18 people based on the report from MMS Consultants. La Rue then stated there is a good strip of flood plain which runs right through the middle of the property along the creek. All development would have to be kept out of that area. La Rue then read the letter received from Janet Kvach which entailed questions and concerns addressed to the Zoning Commission.

Petitioner David O'Donaghue was present and introduced Amy & Scott Bishop. Mr. O'Donaghue stated Amy will be the director of the proposed retreat center which will be called Terramuse. David will do the finances for the building of the center itself and Scott Bishop will be overseeing the land and restoration of the land. David informed the members that he and Amy have been discussing the possibility of having a center for small workshops on the weekends and also offering individual retreats for people who are wanting some solitude. He stated it will not be a rehabilitation center. He said they are looking for people who want to do growth work and have a psychological, spiritual and creative kind of workshop. He stated the workshop would entail a teacher having a curriculum or a residential program which would likely be held on a Thursday or Friday night. He stated their workshops would be limited to 12 people and stated they do not want big groups. He stated their intention is to keep small groups and have the curriculum go Saturday and Sunday. The workshops would probably be held indoors but they may have some outdoor activities. There will be no festivals and their intention is to keep the retreats on the quiet side. Mr. O'Donaghue stated he is doing this through his family foundation, known as The Lyceum. He stated he has been running The Lyceum for the last 16 years. He informed the members and audience that when his mother passed away, she had set up the foundation for a charitable non-profit business. He stated the foundation has accumulated funds during the last 16 years and thinks this is their next step. They have a business plan in terms of the financial aspect. He stated they will be charging for the accommodations for the retreat. He again emphasized that the retreats are for well-functioning people and will not be a mental or drug rehabilitation program and no criminals will be at the property. He also stated the fund raising will be as a gift and not from a taxing body. Amy Bishop stated they will advertise and



have educators who they will contact to put on a workshop. Klein stated he was trying to understand the impact on the community for this type of a particular proposal. Zoning Administrator La Rue then stated that Cedar County is in the process of redoing their Land Use Plan and one of the aspects of it is the Iowa Beautiful Program (Great Visions Plan) for the enhancement of Cedar County's unique attributes and qualities. He then asked what will the retreat do for Cedar County, the neighborhood, the folks that live next to this and within a couple of miles of the site. He asked how they would be a neighbor to them and what will they contribute. Scott Bishop stated the value of the business will be reflected as an increase in the County's tax base and an increase in the land's value. He stated Terramuse will establish a long term use for the land and at the same time it removes the land from the potential future development by unknown entities. It also removes an absentee owner and replaces him with a local person who has a vested interest in Terramuse's and Cedar County's success. He also stated the retreat visitors will probably purchase some local goods or services while visiting. He stated the retreat will also provide employment opportunities for Cedar County residents and they will be purchasing goods and services from local individual and businesses as well. He stated the retreat center intends to provide greatly improved habitat, including the creek, with the goal of preventing erosion and pollution. They plan to restore the land to its natural state with non-erodible habitat. La Rue then read the letter received from Wendy Mitchell stating her concerns. David O'Donaghue stated the previous use of the land was less than desirable. He stated in the past it was adults from the middle to upper middle class who were wanting more learning and personal enrichment at the retreats. He sees that this will be the case here also. Amy stated the retreat may also offer art classes. She currently has an art studio in Mechanicsville. Amy addressed the concern about hunting and shooting in the area. She stated they realize this goes on in a rural landscape and they understand the farming operations in the area. Chairperson Brown stated he is, as is Scott Bishop, on the Board of Limestone Bluffs, RC&D which is involved with resource enhancement and development in the counties. He stated that one of the things they worked on years ago was ag tourism. He stated people from Chicago would come out and see what farming was all about. He stated, in some respect, this is the next step over from that which allows people to come witness the experience of the simple lifestyle. David O'Donaghue stated their busy times will be on the weekends. They are not looking at day use. They will have individual retreatants who will rent rooms. He stated they are not going to have a pool or any rec. stuff. Amy stated the retreats are not for free. The retreatants will have to pay for rooms and food. Amy stated there will be no alcohol, but there is a possibility that wine may be served with the evening meal. Also, no alcohol will be allowed to be brought in. She stated the policies set in place will be enforced. Jan Kvach, adjoining property owner, stated she understands this proposed retreat is being modeled after Prairiewoods in Hiawatha, Iowa, which is run by the Catholic Church. She questioned how much it will cost to build the facility and will there be enough money from the Foundation to support it. She stated she wants to know if there is a business plan and would like to see it laid out. Mr. O'Donaghue stated they are looking into architects and builders at this point. He also stated he had submitted an amateur drawing of what he wanted the structure to look like resembling a berm building. It may be completely different depending on who they get as their architect. Square footage has not been worked out yet. He stated at this point, the Foundation has one million dollars up front to put into the proposed building. The Foundation will subsidize the project at this time to run the facility until they get the clientele in the future to provide the income so that it might become self-sufficient. Mr. O'Donaghue also stated The Lyceum is purchasing the land on contract. They have one million and a half dollars up front for land



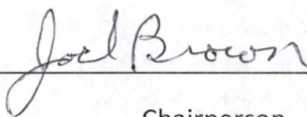
acquisition and building. The Foundation will provide subsidies on an ongoing basis, 100% the first year, 50% the second year and hopefully be self-funding the third year. Mr. O'Donaghue stated Amy's base salary will be \$40,000 and \$20,000 will be for all extras which will go into her fund from the beginning. James McKinness stated his concern regarding the increased traffic and degrading on the roads. Richard Mitchell, adjoining property owner, expressed his concern regarding spot zoning. He passed out literature on the Prairiewoods facility. O'Donaghue and Amy stated they are not modeling after the Prairiewoods facility. They will not be doing festivals. She stated their goal is more about quality experience rather than quantity. Teresa Gottschalk expressed concern about the facility one, three, five and 10 years down the road and what happens if it fails. Chairperson Brown explained the Special Use Permit process. He stated the S.U.P. is renewed every year and can be revoked by the Board of Adjustment. Sterling Benz stated there does seem to be a lot of ambiguity in this situation and questioned what happens if it does not succeed. He also questioned if they will pay property tax. Mr. O'Donaghue stated he does not know the tax situation. He also does not know if the real estate will be exempt from taxes. Janet Kvach stated she feels more specific plans are needed to proceed with this request. Mr. O'Donaghue stated it needs to be very clear on what the needs are of this particular place. He stated they do not have specifics on what groups they are going to bring. They will have a diversity of classes and offerings and they can't say specifically at this point because they don't know what model they are going to go with. Member Dornfeld stated he thinks the tax question is one of the big concerns and if by chance the project doesn't fly, what happens? La Rue stated it will become a six bedroom house. Mr. O'Donaghue then stated that if it does fail, it will become his personal residence. Suzanne Light stated she has lived in the neighborhood for 15 years and stated they bought their place as her retreat and are looking at building a new house in the future and retire there. She stated she is asking the Board to consider this petition carefully. She feels there is a ton of work that needs to go into this and there are so many variables here that they have no idea about. Mr. O'Donaghue stated he is not a novice at this and stated that he trusts Amy will be very good at organizing this. Commission member Klein asked if the Board of Adjustment can hear the case if the Zoning Commission does not make a recommendation. La Rue stated "no". He stated the Board of Adjustment will want some background information from the Zoning Commission. Mr. Klein stated what the Zoning Commission says is merely a recommendation to the Board of Adjustment. He stated it seems there are a lot of consensual questions that may yet need to be answered. He then stated he feels the Zoning Commission needs to approve or disapprove this S.U.P. to the Board of Adjustment. La Rue stated a number of aspects are needed in the Commission's input before going to the Board of Adjustment. He then read excerpts from the Zoning Ordinance regarding what the Board of Adjustment considers. Mr. O'Donaghue stated he would like a list of questions they need to address. Klein stated he thinks the Board of Adjustment will make their own independent assessment. Chairperson Brown stated there is a big element of fear going on which needs to be evaluated. Bob Herring, adjoining property owner, stated his concerns regarding taxes. He then stated if you have a farm and sell off the acreage, you don't know about who will come in the future. Mr. O'Donaghue then stated he understands the concerns and does not want to threaten the serenity of the area. He again stated he will live there if the retreat fails. It was noted the neighbors feel their serenity will be gone if the retreat is successful. After hearing further concerns from the neighbors, Mr. O'Donaghue stated he appreciated what they heard and will work hard on their serenity. He will also look into the taxes. He stated they will not close on the land until after the decision is made by the Board of

Adjustment. If approved, there would probably be no building until spring and they would like to open on September 1, 2018.

After further discussion, Klein made a motion to recommend approval of the S.U.P. request in good faith to the Board of Adjustment. Dornfeld seconded the motion. All ayes except Yutesler. It was noted that research needs to be done regarding the taxes.

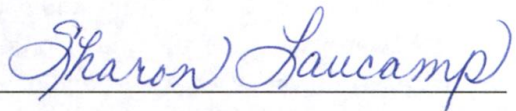
Minutes from the last meeting held on September 20, 2017, were previously sent to the members. Yutesler made a motion to approve the minutes as written. Schroeder seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting adjourned at 9:20 p.m.



Chairperson

Joel Brown



Secretary

Sharon Laucamp



P4E Public Hearing  
Oct 18, 2017 6:30 p.m.

Lisa Olney  
John Steer

Steuering Berg

Bob Herring

Janet Kusch

Jon & Dianell

Deanna Boyd

RD. John

Barbara

Carl Kopl

Quincy Herring

Kathryn Herring

Richard Mitchell

Joel Brown

Julie Menden

JAMES McKINSS / 521

Brad Dean & wife

Andy Lytle

Teresa Bottsman

Susanlight

Kyle L. H

W. Bishop

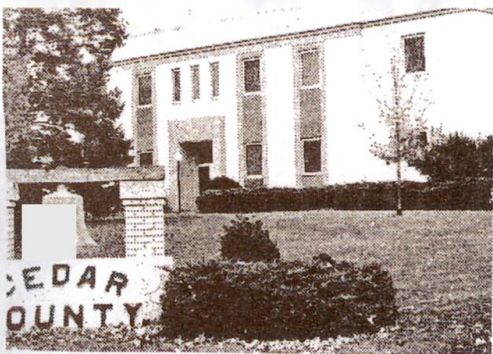
David O'Donoghue

Kenny Warrick

Regan B. Lick

Deanna M. Lick





Tel: 563-886-2248

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

October 6, 2017

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 18, 2017, 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. **Bruce Bickford, 2302 Baker Avenue, West Branch, IA (Contract Buyer) and Joe Thomas Lawrence, Solon, IA, (Owner)** - Requesting a change in zoning from M-2 Heavy Industrial District to R-3 Multi-Family Residential District for the purpose of eliminating a portion of a un-used zoning district and to allow the use of the existing building as a three (3) unit apartment building and either a single family dwelling or a two (2) unit duplex dwelling on property located in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 32, T-79N, R-4W, in Springdale Township. Said petition is to rezone 2.28 acres of a 3.33 acre tract.
2. **David O'Donaghue, 402 3<sup>rd</sup> Street, Mt Vernon, IA (Contract Buyer) and Jim Neuzil, 11 Martini Rd, Otter, MT (Owner)** - Requesting a Special Use Permit authorizing the location of a Retreat Center on property located at 519 185<sup>th</sup> Street, Mechanicsville, IA, located in the NW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 14, T-81N, R-4W, in Linn Township, consisting of 47.77 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.

Phil LaRue  
Zoning Administrator

Copies sent out on 10/10/17 to the following:

1. Bruce Bickford – 2302 Baker Avenue, West Branch, Iowa 52358 – **Certified**
  2. Joe Thomas Lawrence – 1708 Newberry Ave. NE, Solon, IA 52333-8918
  3. Cheryl Edwards – 2316 Baker Ave., West Branch, IA 52358
  4. Karen J. Streets Trust - % Larry Streets, 2394 Baker Ave., West Branch, IA 52358
  5. Curtis & Suzanne Kieffer – 2297 Baker Avenue, West Branch, IA 52358
  6. Donald Lacina – 5146 Lower West Branch Rd., Iowa City, Iowa 52240
  7. Betty Burton – 108 Walnut Drive, West Branch, IA 52358
  8. South View Subdivision – 2295 Baker Avenue, West Branch, IA 52358
- 

1. David O'Donaghue – 402 3<sup>rd</sup> St. NW, Mount Vernon, IA 52314 – **Certified**
2. Jim Neuzil – 11 Martini Rd., Otter, MT 59062
3. John Secor & Janet Kvach Rev. Trust - % Hertz Farm Management, P.O. Box 500, Nevada, IA 50201
4. Robert Herring – 516 185<sup>th</sup> Street, Mechanicsville, IA 52306
5. Three Corner Farms LLC - % Dan Woolison, 2660 Sheridan St., Davenport, IA 52803-1535
6. Richard, Bruce & Wendy Mitchell – 515 185<sup>th</sup> Street, Mechanicsville, IA 52306
7. Bennett Brown – 717 E. Market St., Iowa City, IA 52245

Copy e-mailed to Tipton Conservative on 10/9/17/17 for The Tipton Conservative

Copy e-mailed to West Branch Times on 10/9/17

7 Zoning Commission Members

2 File Copies

1 Bulletin Board Copy

### LEGAL NOTICE

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on October 10 and 17, 2017, 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. **Tim and Abigail Keegan, 697 Light Rd., Mt Vernon, IA, (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 SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , and the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 19, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 1.43 acres of an 8.00 acre tract.

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

Cari Dauber  
Cedar County Auditor



Copies sent out on 9/27/17 to the following:

1. Tim & Abigail Keegan – 597 Light Road, Mt. Vernon, IA 52314 – **Certified**
2. Alvin & Melany Reinboldt – 303 Adams Avenue, Lisbon, Iowa 52253
3. Ruth Young – 1115 Scramblers Knob, Franklin, TN 37069-6004
4. Douglas & Brianne Kirk – 338 Hubler Lane, Lisbon, Iowa 52253
5. Ron & Ruth Schultz – 330 Hubler Lane, Lisbon, Iowa 52253
6. Daniel & Teresa Kohl – 334 Hubler Lane, Lisbon, Iowa 52253
7. Jon & Florence Akers – 359 Adams Ct., Lisbon, Iowa 52253
8. Marty & Wendy Johnson Revocable Trust – 332 Hubler Lane, Lisbon, Iowa 52253

Copy e-mailed to Tipton Conservative on 9/26/17/17 for Tipton Conservative

Copy e-mailed to Mt. Vernon/Lisbon Sun News on 9/26/17

2 File Copies

1 Bulletin Board Copy

P&Z Commission Hearing  
Sept 20, 2017

Judy Lytle

Joe Brown

Yvonne Patterson

Tim Keegan

David R. Schmitt

Jeffrey Reynolds

Carl J. Schmitt

P.D. Jahnke

Sharon Laucamp

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

September 20, 2017

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, September 20, 2017, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Kohrt, Schuett and Yutesler. Members absent were Dornfeld, Klein and Schroeder.

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

1. **Tim and Abigail Keegan, 697 Light Rd., Mt Vernon, IA, (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 SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , and the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 19, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 1.43 acres of an 8.00 acre tract.

Zoning Administrator La Rue informed the members there 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 soil inventory was then reviewed. Limitations for low buildings are slight to moderate. Limitations for septic systems are severe because of the Fayette soils. The CSR is 60 to 85 on the property. The letter received from Cedar County Engineer, Rob Fangmann, stated this property is located on gravel route Adams Avenue and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with his office than can only facilitate a single family dwelling. He also stated he wanted it noted than in the event the county was to improve Adams Avenue, the existing road will have to be relocated to the west of the property in order to improve the curve that exists. The letter from the Lisbon Fire Department stated this location has been provided and will continue to be provided with fire suppression, protection as well as medical first responder service. La Rue stated the Comprehensive Plan does discourage scattered residential development when it does not support a full range of services. He stated there are residential lots available in the area which have not yet been purchased. There may be additional homes in the future in the area.

Tim Keegan was present and stated that he and his wife currently own the property which is currently pasture ground. He stated Teresa Patterson and her husband are purchasing the ground for constructing a single family dwelling on in the future. It was noted that the lot is a beautiful site for a house. Mrs. Patterson stated they plan to build in approximately five years. Mr. Keegan stated they are selling 8 acres from a total of 25 acres of pasture ground and the 1.43 acre lot was designated by where the buyer wants to build a house. He stated there is currently a total of 62 acres in three different parcels. They are also aware there is a ravine. It was also noted there was only one suitable location for a driveway which is to be utilized for only one home. The property is approximately 1  $\frac{1}{2}$  miles south of the highway



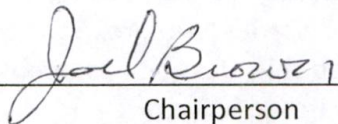
expansion project. There are no livestock operations within 1,000 feet. Melany Reinboldt, adjoining property owner, was present and stated there is a lot of history in the area. She then read some history information regarding the property. Chairperson Brown then also explained some history in the area. Mr. Keegan stated no good farm ground would be taken out of production.

After a brief discussion, Schuett made a motion to recommend approval of the requested change in zoning to the Board of Supervisors for only one single family dwelling. Kohrt seconded the motion. Ayes all. Mrs. Reinboldt then gave the members copies of the history information she had obtained.

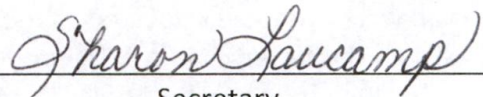
Minutes from the last meeting held on July 19, 2017, were previously sent to the members. Yutesler made a motion to approve the minutes as written. Kohrt seconded the motion. Ayes all.

Chairperson Brown informed the other members that he has been approached by the Cedar County Board of Supervisors regarding upgrading the Land Use Comprehensive Plan. He asked the other members to let him know if they have any ideas on what needs to be discussed. The current Comprehensive Plan is 11 years old and needs some updating. La Rue stated he had recently met with a University of Iowa graduate student who is working on the project to discuss the Land Use Comprehensive Plan.

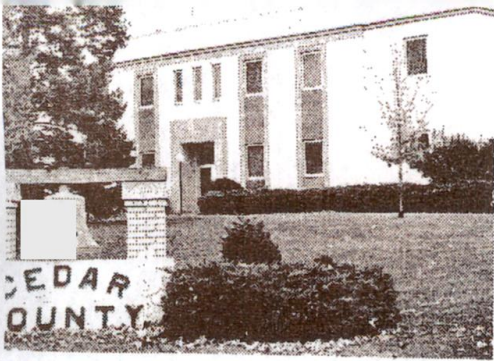
With no further business to be discussed at this time, the meeting was adjourned at 7:10 p.m.



Chairperson  
Joel Brown



Secretary  
Sharon Laucamp



Tel: 563-886-2248

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

September 1, 2017

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, September 20, 2017, 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. **Tim and Abigail Keegan, 697 Light Rd., Mt Vernon, IA, (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 SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , and the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 19, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 1.43 acres of an 8.00 acre tract.

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

Phil LaRue  
Zoning Administrator



Copies sent out on 9/6/17 to the following:

1. Tim & Abigail Keegan – 597 Light Road, Mt. Vernon, IA 52314 – **Certified**
2. Alvin & Melany Reinboldt – 303 Adams Avenue, Lisbon, Iowa 52253
3. Ruth Young – 1115 Scramblers Knob, Franklin, TN 37069-6004
4. Douglas & Brianne Kirk – 338 Hubler Lane, Lisbon, Iowa 52253
5. Ron & Ruth Schultz – 330 Hubler Lane, Lisbon, Iowa 52253
6. Daniel & Teresa Kohl – 334 Hubler Lane, Lisbon, Iowa 52253
7. Jon & Florence Akers – 359 Adams Ct., Lisbon, Iowa 52253
8. Marty & Wendy Johnson Revocable Trust – 332 Hubler Lane, Lisbon, Iowa 52253

Copy e-mailed to Tipton Conservative on 9/1/17/17 for Tipton Conservative

Copy e-mailed to Mt. Vernon/Lisbon Sun News on 9/1/17

7 Zoning Commission Members on 9/6/

Copy e-mailed to Rob Fangmann on 9/1/17

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Tel: 563-886-2248

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

August 11, 2017

**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 August because no petitions were filed.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

### LEGAL NOTICE

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on August 15 and 22, 2017, 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. **Dean and Mandy Behrens, 801 Jefferson Avenue, Lowden, IA, (Contract Buyers) and Allen Behrens, 841 Hoover Highway, Lowden, 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 SE ¼, SE ¼, Section 9, T-81N, R-1W, in Springfield Township. Said petition is to rezone 1.00 acre of a 2.01 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 Dauber  
Cedar County Auditor



Copies sent out on 7/27/17 to the following:

1. Dean & Mandy Behrens – 801 Jefferson Avenue, Lowden, Iowa 52255 - **Certified**
2. Allen Behrens – 841 Hoover Highway, Lowden, Iowa 52255
3. Buchanan Properties LLC and Don V. Petersen Trust – 212 Iowa St., Wheatland, IA 52777
4. Mary June Dies – 2053 177<sup>th</sup> Street, Lowden, Iowa 52255

Copy e-mailed to Tipton Conservative on 7/27/17 for Tipton Conservative & Clarence-Lowden Sun News

Copy e-mailed to Rob Fangmann on 7/27/17

Copy e-mailed to Board of Supervisors Secretary on 7/20/17

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## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 19, 2017

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 19, 2017, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Kohrt, Schroeder and Yutesler. Members absent were Dornfeld, Klein and Schuett.

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

1. **Dean and Mandy Behrens, 801 Jefferson Avenue, Lowden, IA, (Contract Buyers) and Allen Behrens, 841 Hoover Highway, Lowden, 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 SE ¼, SE ¼, Section 9, T-81N, R-1W, in Springfield Township. Said petition is to rezone 1.00 acre of a 2.01 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 Cedar County Zoning Ordinance in making their recommendation to the Cedar County Board of Supervisors. The letter received from the Lowden Fire Department stated they would be able to provide fire protection. The letter received from Cedar County Engineer, Rob Fangmann, stated this property is located on gravel route 177<sup>th</sup> Street and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. The soil inventory was discussed. La Rue stated that there are slight limitations on the Fayette soils in regards to dwellings. Septic system limitations are severe but there are a number of systems in the area. The average CSR on the property ranges between 56 and 68 points. It was noted that this is not prime ag land. La Rue stated the Comprehensive Plan does not encourage residential development when it does not support a full range of services.

Dean and Mandy Behrens were present and explained they picked the area for the view and it is close to a hard surface road. He stated they are not taking away prime farm land. They also stated their children are very involved in 4-H showing chickens, ducks and rabbits. Their plan is to bring in a Design Home from Prairie Du Chen. They stated they are aware of the farming operations around them.

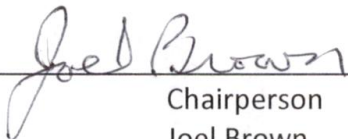
After a brief discussion, Kohrt made a motion to approve the rezoning request. Yutesler seconded the motion. Ayes all.

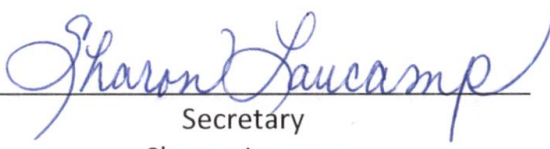
The members then held a brief discussion on the questionnaire which was sent to them.



Minutes from the last meeting held on May 17, 2017, were previously sent to the members. Schroeder made a motion to approve them as written. Yutesler seconded the motion. Ayes all.

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

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

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

Px 3 Commission Mtg. on 7/19/17

Dean Behren

6:30 p.m.

Mandi Behrens

Joel Brown

Julia Choledu

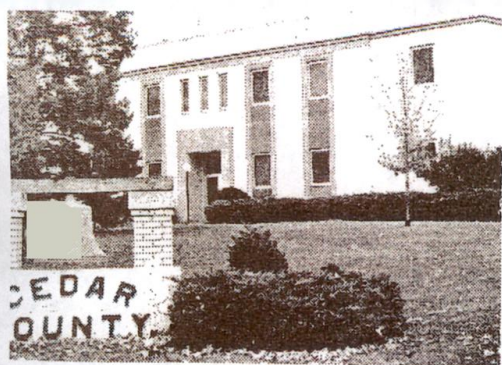
P.D. Fierme

Jody Yutesle

Carl H. Kohst

Sharon Laucamp





Tel: 563-886-2248

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

July 7, 2017

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 19, 2017, 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. Dean and Mandy Behrens, 801 Jefferson Avenue, Lowden, IA, (Contract Buyers) and Allen Behrens, 841 Hoover Highway, Lowden, 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 SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 9, T-81N, R-1W, in Springfield Township. Said petition is to rezone 1.00 acre of a 2.01 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 7/11/17 to the following:

1. Dean & Mandy Behrens – 801 Jefferson Avenue, Lowden, Iowa 52255 - **Certified**
2. Allen Behrens – 841 Hoover Highway, Lowden, Iowa 52255
3. Buchanan Properties LLC and Don V. Petersen Trust – 212 Iowa St., Wheatland, IA 52777
4. Mary June Dies – 2053 177<sup>th</sup> Street, Lowden, Iowa 52255

Copy e-mailed to Tipton Conservative on 7/10/17 for Tipton Conservative & Clarence-Lowden Sun News

Copy e-mail to Rob Fangmann on 7/10/17

7 Zoning Commission members on 7/11/17

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### LEGAL NOTICE

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on July 11 and 18, 2017, 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. **Paustian Construction, 118 Parkview Court, Tipton, IA (Owner)** – Requesting approval of a Final Plat of Survey for a seven (7) lot subdivision, Secluded Ridge Third Addition, located in the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of Section 11, T-80N, R-3W, in Center West Township, consisting of 10.79 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 Cedar County Auditor prior to the time of the first hearing.

Cari Dauber  
Cedar County Auditor

Copies sent out on 7/3/17 to the following:

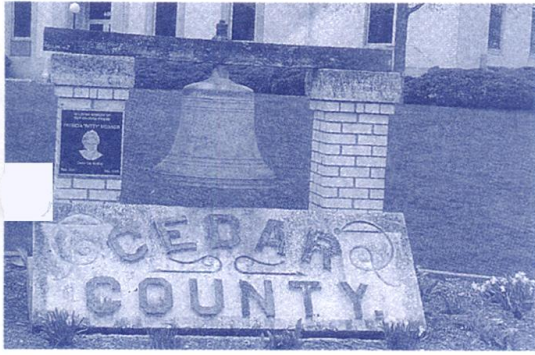
1. Paustian Construction, Inc. – Allen E. Paustian, 116 Parkview Ct., Tipton, IA 52772 – **Certified**
2. William & Julie Williams – 1385 Pleasant View Dr., Tipton, Iowa 52772
3. George & Jeanne Hein – 1386 Pleasant View Dr., Tipton, Iowa 52772
4. Dennis & Janice Domer – 1077 Cedar Valley Road, Tipton, Iowa 52772
5. Ralph & Ann Billick – 406 E. 3<sup>rd</sup> Street, Tipton, Iowa 52772
6. Don Lamp – P.O. Box 422, Tipton, Iowa 52772
7. City of Tipton – 407 Lynn Street, Tipton, Iowa 52772
8. Jerald O' Rourke – 101 Alexander Dr., Tipton, Iowa 52772
9. Nancy C. Chittick – 1383 Pleasant View Dr., Tipton, Iowa 52772
10. Jeffrey & Christina Nantz – 1063 Oak View Court, Tipton, Iowa 52772
11. Tim & Cassandra Petersen – 203 Sunrise Drive, Tipton, Iowa 52772
12. Ronald Dean Wood – 9941 Forest Chapel Road, Anamosa, Iowa 52205
13. Jared & Carmen Marks – 1061 Oak View Ct., Tipton, Iowa 52772
14. Bradley Goetz – 1381 Pleasant View Dr., Tipton, Iowa 52772
15. Charles & Connie Sublette, 1360 Pleasant View Dr., Tipton, Iowa 52772
16. Rodney & Sharon Laucamp – 1356 Pleasant View Dr., Tipton, Iowa 52772
17. Joshua & Abby Hein – 1359 Pleasant View Dr., Tipton, Iowa 52772
18. Matt & Amanda McCall – 1357 Pleasant View Dr., Tipton, Iowa 52772
19. David & Lisa Wulf – 1355 Pleasant View Dr., Tipton, Iowa 52772
20. Daniel & Lynn Homerding – 66 Tomahawk Trail, Oswego, IL 60543
21. Ron & Wendy Lamp – 1010 Ridge View Dr., Tipton, Iowa 52772
22. Todd Miller & Shannon Langenberg – 1008 Ridge View Drive, Tipton, Iowa 52772
23. William & Lauren Hansen – 1013 Ridge View Dr., Tipton, Iowa 52772
24. Bill & Carol Kullbom – 1014 Ridge View Dr., Tipton, Iowa 52772
25. Tim & Whitney Krenz – 1011 Ridge View Dr., Tipton, Iowa 52772

Copy e-mailed to Tipton Conservative on 6/29/17 for Tipton Conserva

Copy e-mail to Rob Fangmann on 6/30/17

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Tel: 563-886-2248

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

Tipton, Iowa 52772

June 30, 2017

Dear Commission member:

I am writing you regarding the desire of the Cedar County Board of Supervisors to evaluate and update the Cedar County land Use Plan 2006. Enclosed, please find a survey prepared by the East Central Intergovernmental Association (ECIA), for the purpose of refining the scope of the project. The components and elements of this survey are from the Iowa Smart Planning Principals. While these principals do not have to be used, they are a good starting point.

I am sorry about the short time period for you to consider and complete this survey, but must ask that the survey be completed and returned to this office not later than Friday, July 14<sup>th</sup>.

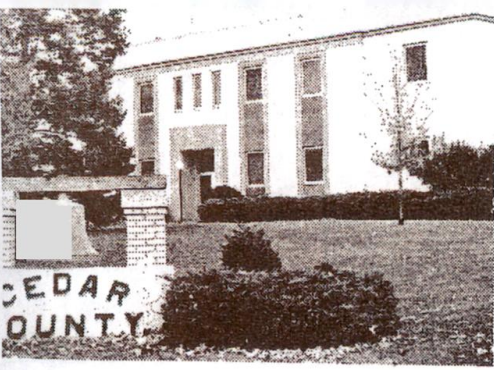
If you would like this survey in an electronic format, please let us know as soon as possible.

If you have any questions regarding the survey and the Cedar County Comprehensive Plan project, please feel free to contact me at your convenience.

Sincerely,

Phil La Rue  
Cedar County Zoning Director





Tel: 563-886-2248

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

June 2, 2017

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 21, 2017, 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. **Steve Edinger, 238 Adams Avenue, Lisbon, IA, (Owner)** - Requesting a change in zoning from M-1 Light Industrial to R-3 Multi-Family Residential for the purpose of constructing a two family dwelling (duplex) on property located on Lot 8 and Lot 9 in the SE1/4, of the NW1/4, Section 18, T-82N, R-4W, Pioneer Township, consisting of 1.78 acres more or less.

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

Phil LaRue  
Zoning Administrator

Copies sent out on 6/5/17 to the following:

1. Steve Edinger – 238 Adams Ave., Lisbon, IA 52253 – **Certified**
2. Iowa Dept. of Transportation – ROW Office, 800 Lincoln Way, Ames, IA 50010
3. Solon State Bank – P.O. Box 129, Solon, Iowa 52333-0129
4. Tim & Teresa Jamison – 250 Adams Avenue, Lisbon, Iowa 52253
5. Wade & Julie Schultz – 252 Adams Avenue, Lisbon, Iowa 52253
6. Steve & Susan Knapp – 254 Adams Avenue, Lisbon, Iowa 52253
7. Michael & Lynn Bergman – 225 Oak Ridge Dr. SE, Mt. Vernon, IA 52314-1585

Copy e-mailed to Tipton Conservative on 6/5/17 for Tipton Conservative

Copy e-mailed to Mount Vernon/Lisbon Sun News on 6/2/17

7 Zoning Commission members on 6/5/17

2 File Copies

1 Bulletin Board Copy





## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 17, 2017

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, May 17, 2017, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Kohrt, Schroeder, Yutesler and Dornfeld. Members absent were Klein and Schuett.

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

1. **Chris Mottinger, 719 South Market St., Solon, IA, (Owner)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing two (2) single family dwellings on property located in Parcels "I" and "J" in the SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 19, T-81N, R-4W, in Cass Township. Said petition is to rezone a total of 2.21 acres on the two (2) parcels which total 10.25 acres more or less.

Zoning Administrator La Rue informed the members there were no written 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. He stated he had received a note of support of the rezoning request from Ken Stock, adjoining property owner. The letter received from County Engineer, Rob Fangmann, stated this property is located on gravel route Solon Road and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with his office for both locations. Each entrance is only approved to service one residential dwelling. Also, as a condition of the entrance permit, extensive grading is required on Parcel I to ensure that runoff is contained on the property so that it doesn't impact the roadway. The letter from Kevin Stoolman, West Branch Fire Chief, stated the West Branch Volunteer Fire and Rescue Department is willing and able to provide emergency fire and rescue response to the proposed 2 parcels,

Chris Mottinger was present and informed the members he wanted to create the lots so that someday homes could be built. He has no intention of building homes right away. He stated he is planning on working with the DNR Forester and cleaning up the areas for the future. He stated his daughters may move there someday when they are finished with schooling. He also stated he plans to bow hunt on the property. He then stated he would like to inform the audience of his intentions and to open up their minds so they would understand before objecting to his request. He stated his request will serve to protect approximately 80% of the forested land for future development and /or clear cutting destruction in perpetuity. He thinks it is an asset to his company and to Cedar County. There will be a green space buffer on the land. He then stated that instead of rezoning the whole 10 acres, he found out from Mr. La Rue he could rezone two small parcels of the



area leaving the rest agricultural and creating a conservation restricted area. He stated the Eco Development Company was started about 15 years ago to do this type of business. He informed the members and audience a portion of the timber will be removed on each of the two lots. Eco Development will work with the DNR Forester to establish a Forest Management Plan for the lots and the Conservation Restricted areas that comprise the entire 10+ acre property. He stated that in addition to the Conservation Restriction, Eco Development will also put restrictions in the covenants regarding the type of construction allowed, the size of and total area that trees can be removed in the lots, chemicals used, etc. He stated this plan is a triple win: 1) The county will increase its tax base while still preserving green space; 2) For people who are seeking to find natural rural property; 3) The environment is protected. He stated he builds environmentally friendly homes. He then explained that a Conservation Restriction will be shown on the abstract of the properties which can never be changed. He stated this can be put in as a stipulation from the Planning & Zoning Commission. Mrs. Pettus, adjoining property owner, questioned whether the Conservation Restriction could ever be changed in the future when ownership changes. Mr. Mottinger stated that when these are put in legally, they are unbreakable. La Rue reminded everyone that the county engineer stated there was only site distance for two locations on the 10+ acres and only two homes can be built (one on each proposed lot). Jordan Pettus asked if approving the rezoning request, if this would set a precedent in the future in this same area. La Rue stated that the Land Use Plan helps to decide what are good areas and what are not. He stated the primary goal is to protect prime ag land. Other aspects are safety, health and welfare. He stated they also want to keep rural areas as rural and want clustered housing. He then stated the Comprehensive Plan does discourage scattered residential housing when it will not support a full broad range of services. It also discourages loss of native and natural areas. He also stated there are rural residential properties in the area. Chairperson Brown stated the Commission members always ask the petitioners how far away they will be from emergency services, and if emergency services can not get to them, if they are willing to take the responsibility. It was then noted that each lot would need their own well. La Rue then discussed the soil evaluation. He stated limitations for septic systems are severe due to difficult soils and slope issues. He also stated there are a lot of competent sewer contractors who could do a good job once they know what the nature of the home is. Jim Oaks stated he has put in a number of septic systems in the area and questioned if the septic field needed more drainage field, if there would be enough room. La Rue stated that a septic field can be placed outside of the R-1 District. Each lot will have a total of 5 acres. Mr. Oaks then stated if they go in and bulldoze out the trees, there may be an erosion problem. Cal Lilienthal, adjoining property owner, read out of the Land Use Policy and stated that after reading it, he feels this area should not be a development site. Chairperson Brown stated the Zoning Commission exposes the issues and the Board of Supervisors make the final decision. Jordan Pettus, property owner across the road who rezoned his property in 1997 from A-1 to R-1, then stated that the land will eventually get developed one way or another and feels that the current petitioner has a good plan. Member Dornfeld stated the petitioner wants to protect the timber. Marty Moylan, past Zoning Commission member, stated someone will eventually do something with the property and he strongly recommends that



Mr. Mottinger be the one to do it because he is known for his conservation measures for which he has gotten awards for. He also stated that if a motion is made on this, he would stipulate that the Conservation Restrictions be part of the motion. Mottinger stated he bought the property last fall and hopes one of his children will build there someday. He also wanted a place to go bow hunting. Member Yutesler wondered what the history was on this property. Mr. Oaks stated there once was a 40 acre parcel on the south side of the road. He stated that at one time, this particular piece of property belonged to Dr. Straumanis of Tipton, which he used as a nature retreat. Over time, the properties got separated and divided. La Rue stated that during his tenure, there has always been this ten acre piece. Mrs. Pettus stated they bought their property 20 years ago. Chairperson Brown stated that one of the things the Commission looks at is when someone wants to build a house, they are looking at the first person but they also want rules to apply and not change the rules. The road was then briefly discussed. Mr. Lilienthal stated his house was built in 1880 and when he moved there, they had come from a subdivision in Johnson County. He stated all of the woodlands in that subdivision ended up as a commons area. There were 30 acres for lots and 50 acres of timber. He stated there were covenants, etc., and in his experience, Conservation Restrictions do not mean anything because there is no one to enforce them. Mr. Mottinger stated they can be enforced legally if put in the deed restriction and by the DNR and the county. Mrs. Pettus then stated that anything could happen with this property and since Mr. Mottinger has a good reputation for being an ecological builder, she feels they should give Mottinger a chance. She feels Mr. Mottinger could become a good neighbor and is willing to take care of the land. La Rue then stated there are no livestock confinements within one-quarter of a mile and none of the property is in the 100 year flood plain. Mr. Mottinger stated he will put a Forest Management Plan in place with the DNR and whatever is not rezoned will remain in forest reserve. Chairperson Brown stated the Zoning Commission is trying to expose issues that the Board of Supervisors need to know before the petition gets to them and what the audience concerns are. Member Yutesler questioned since the rest of the property will be zoned Ag, could livestock be put on the land. La Rue stated there is nothing he could do about that. Mr. Mottinger stated that the Conservation Restriction would take care of that. He also stated that he will have his attorney write up the documents. Chairperson Brown stated the goals of the Commission are to only allow one house per each 5 acre lot, the timber be preserved and drainage protection. Cal Lilienthal then stated he would like it entered into the minutes that after sitting through the whole discussion, he feels this petition violates every aspect of the Land Use Plan. He doesn't see how it can be approved. Marty Moylan then stated he also would like entered into the minutes that during his 15 years of service as a Zoning Commission member, he feels that it does comply with the Land Use Plan. La Rue then explained the subdivision definition as repeated division of land parcels.

After further discussion, Yutesler recommended approval of the rezoning request from A-1 (Agricultural) to R-1 (Suburban Residential) for the purpose of constructing a maximum of two single family dwellings on the property (one home on Parcel "I" and "J". Also, Conservation Restrictions subject to being reviewed prior to finalization with the Board of



Supervisors, to protect the environmentally sensitive areas, natural resources, drainage and discourage septic systems from being installed in the sensitive areas. Kohrt seconded the motion. Ayes all.

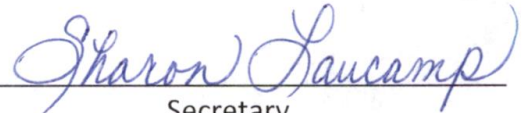
Minutes from the last meeting held on April 19, 2017, were previously sent to the members. Dornfeld made a motion to approve the minutes as presented. Yutesler seconded the motion.

Zoning Administrator then informed the members of the recent fireworks regulations. In accordance with Ordinance #10, Chapter 3, General Regulations, Subsection 26, he proposed, that at this time, fireworks sales be restricted to existing structures on commercial and industrial zoned properties in rural Cedar County. No temporary fireworks stands. The Commission members were in agreement.

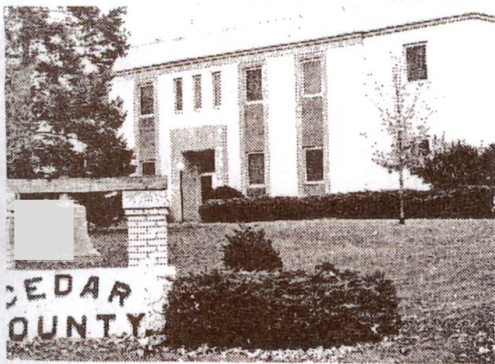
With no further business to be discussed at this time, the meeting was adjourned.

A handwritten signature in blue ink, reading "Joel Brown", written over a horizontal line.

Chairperson  
Joel Brown

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

Secretary  
Sharon Laucamp



Tel: 563-886-2248

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

May 8, 2017

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 17, 2017, 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. **Chris Mottinger, 719 South Market St., Solon, IA, (Owner)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing two (2) single family dwellings on property located in Parcels "I" and "J" in the SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 19, T-81N, R-4W, in Cass Township. Said petition is to rezone a total of 2.21 acres on the two (2) parcels which total 10.25 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 5/9/17 to the following:

1. Chris Mottinger – 719 South Market St., Solon, Iowa 52333-0367 – **Certified**
  2. Jordan & Janette Pettus – 61 Solon Road, Solon, Iowa 52333
  3. Cal & Nancy Lilienthal – 68 Solon Road, Solon, Iowa 52333
  4. Bryan Pieper & Kathy Murphy – 51 Solon Road, Solon, Iowa 52333
  5. James & Lois Oaks – 85 Solon Road, Solon, Iowa 52333
  6. William Leonard – 57 Solon Road, Solon, Iowa 52333
  7. Fobian Farms – Carl Fobian, 3639 Oasis Rd. NE, West Branch, Iowa 52358
  8. Glee Ann Neibert – 4809 Sutliff Road NE, Solon, Iowa 52333
  9. Kenneth & Janet Stock – 2465 Quincy Rd. NE, Solon, Iowa 52333
  10. James & Libbie Stahle – P.O. Box 115, Solon, Iowa 52333-0115
- 

Copy e-mailed to Tipton Conservative on 5/8/17 for Tipton Conservative & West Branch Times  
7 Zoning Commission members on 5/10/17

2 File Copies

1 Bulletin Board Copy

### **LEGAL NOTICE**

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on May 23 and 30, 2017, 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. Tamra and Daniel Roberts, 611 Mulberry St., Tipton, IA (Contract Buyers) and Murry & Renee Mente, 1309 Hwy 130, Tipton, IA (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 Lot “A”, in the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 17, T-80N, R-2W, in Center West Township. Said petition is to rezone 1.26 acres of a 3.75 acre lot.

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 5/9/17 to the following:

1. Tamra & Daniel Roberts – 611 Mulberry Street, Tipton, Iowa 52772 – Hand delivered to Tamra
  2. Murry & Renee Mente – 1309 Highway 130, Tipton, Iowa 52772
  3. 3. Todd S. & Amy R. Mente – 1455 Old Muscatine Road, Tipton, Iowa 52772
  4. Sandra L. & Mark S. Mente – 1570 250<sup>th</sup> Street, Tipton, Iowa 52772
  5. Justin W. & Nicole M. Hamilton – 1460 Old Muscatine Road, Tipton, Iowa 52772
  6. Bonnie S. & Ronald L. Stutzel – 608 W. 3<sup>rd</sup> Street, Tipton, Iowa 52772
- 

Copy e-mailed to Tipton Conservative on 5/8/17 for Tipton Conservative

*Copy e-mailed to Boy S on 5/9/17 (Megan H.)*

2 File Copies

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### LEGAL NOTICE

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on May 30 and June 6, 2017, 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. **“The Miracles Can Happen Boys Ranch”, 1608 300<sup>th</sup> St., Wilton, IA, now known as “The Ranch” (Owner)** – Requesting a change in zoning from R-3, Multi-Family Residential District to A-1, Agricultural District, for the purpose of eliminating an un-needed zoning district on property located in Parcel “J” in the E ½, NE ¼, Section 15, T-79N, R-2W, in Sugar Creek Township, consisting of 13.98 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 first hearing.

Cari Gritton  
Cedar County Auditor



Copies sent out on 5/8/17 to the following:

1. "The Ranch" – 1608 300<sup>th</sup> Street, Wilton, Iowa 52778 – **Certified**
  2. Jerilynn Huen – 1612 300<sup>th</sup> St., Wilton, Iowa 52778
  3. Leona H. Wilkins Rev. Trust – P.O. Box 186, Bennett, Iowa 52721
  4. Charles & Caroline Frymoyer – 1232 300<sup>th</sup> Street, Tipton, Iowa 52772
  5. Mervin Pasvogel – 302 Pond View Dr., Wilton, Iowa 52778
  6. Tom Whetstone – 1607 300<sup>th</sup> Street, Wilton, Iowa 52778
- 

Copy e-mailed to Tipton Conservative on 5/8/17 for Tipton Conservative

Copy e-mailed to Wilton/Durant Advocate News on 5/8/17

*Copy e-mailed to Boy Son 5/9/17 (Megan H.)*

2 File Copies

1 Bulletin Board Copy

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 19, 2017

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, April 19, 2017, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Schuett, Kohrt, Dornfeld, Yutesler and Klein. Member absent was Schroeder.

Chairperson Brown called the meeting to order at 6:30 p.m. He then informed the members they would consider petition #3 first.

3. **Tamra and Daniel Roberts, 611 Mulberry St., Tipton, IA (Contract Buyers) and Murry & Renee Mente, 1309 Hwy 130, Tipton, IA (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 Lot “A”, in the NW ¼, SW ¼, Section 17, T-80N, R-2W, in Center West Township. Said petition is to rezone 1.26 acres of a 3.75 acre lot.

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.

Tamra Roberts then informed the members they wish to rezone 1.26 acres of property of which there are two separate parcels. She stated they are purchasing a total of 5.01 acres. She stated their plan is to build a home. She also stated the property is not suitable for farming purposes. La Rue stated the two lots to the east are zoned R-1 Suburban Residential which was done in 1974. The letter received from the County Engineer 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. The letter from the Tipton Fire Department stated they can provide emergency services provided the access is adequate. La Rue stated the soils are Downs Silt Loam and Fayette Silt Loam. The building limitations are moderate in the area they are planning on building the house. Septic limitations are severe and a sand filter system may be needed. Limitations for agriculture are severe. The CSR on the Fayette soils is 50 and 73 on the Downs soils. La Rue stated they will need to have erosion control due to the slope. He then stated the Comprehensive Plan does discourage scattered residential development but the property is immediately contiguous with R-1 zoned parcels. La Rue stated there is a confinement in the area but it is over 1,600 feet away. Mrs. Roberts stated they are familiar with agricultural uses. She also stated they will be about 1 ¾ mile from the Cedar County Sheriff's Office. Chairperson Brown asked if, when living in the country, they were ready to take responsibility if the emergency people can't get to them. Mrs. Roberts stated they are aware of that. Mark Mente, adjoining property owner, stated his concern about not wanting a housing development in the area. He is also concerned about the driveway and feels it will be tight. He stated there is a drying bin across the road and they will be applying manure twice a year on the south and west side of the proposed site. The site is currently in grass. Tom Whetstone also voiced his opinion regarding people moving to the country that don't like the smell, he has to deal with dogs every time he does chores, horses break the fence and they don't rebuild the fence. Mr. Mente feels that the Board can control this situation and realizes the state sets the regulations for confinements. Chairperson Brown stated that one of the reasons he is on the Board is because, when he looks back on years ago, he was



seeing scattered housing going on. He stated his concern was that when the county maintains the road to provide the services, the research at that time was for every dollar received from taxes, it was costing the county between \$1.12 and \$1.25 to service them. He stated that the Commission is trying to cluster homes that would justify the county's trip for service. The driveway was again discussed. Mrs. Roberts stated they would use the same existing driveway which the county engineer feels is adequate for a house. Member Yutesler asked if they plan to have any livestock in the future. Mrs. Roberts stated no and La Rue stated it would be allowed in the A-1 district on the rest of the property. Member Klein stated we need to be concerned with growth in Cedar County. He stated the proposed site may not be the best location, but if the petitioners are aware of that, and they are not in any violation, the county should not stand in their way. Mr. Mente asked how many more rezonings there will be. La Rue stated the lot is not large enough for another rezoning and any petitions would have to come back to the Commission if things change in the future.

After further discussion Dornfeld made a motion to approve the rezoning request from A-1 to R-1 to the Board of Supervisors. Klein seconded the motion. Ayes all.

1. **"The Miracles Can Happen Boy's Ranch", 1608 300<sup>th</sup> St., Wilton, IA, now known as "The Ranch" (Owner)** – Requesting a Special Use Permit authorizing a privately operated campground, with outdoor recreation, events and retreat site on property located in Parcel "J", in the NE ¼, NE ¼, the SE ¼, NE ¼, and the NE ¼, SE ¼, Section 15, T-79N, R-2W, in Sugar Creek Township, consisting of 49.98 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance in making their recommendation to the Cedar County Board of Adjustment. He stated the property is currently zoned A-1 Agricultural except for the boarding site which is zoned R-3 Multi-Family Residential and there is also a Conditional Zoning Agreement for the Boys Ranch. He also stated if the Special Use Permit is granted, the R-3 Multi-Family Residential District would be rezoned back to A-1. He stated one would follow the other.

Jim Fry was present and stated they came before the Zoning Commission years ago asking to bring the Boys Ranch into Cedar County. He stated that he and his wife have not taken any state funds at all. He also stated that everything done at the ranch has been built by people who believed in what the Fry's were doing. He stated they took boys off the streets from troubled backgrounds and taught them Christian values. He informed the members they have done that for the last 25 years. He stated the R-3 zoning classification was so they could put up six houses for 22 boys and 14 staff members. He then stated that after 25 years, he and his wife feel they want to spend time together and with their own family. The Boys Ranch took all of their time 365 days a year and they are now ready for a change. He stated that during their time, they had 55 guys and only 5 went to prison. They approached their Board and told them they wanted to be done with that portion and also told them if they wanted the Boys Ranch to continue as it had been, they would need to find someone else to take over or would need to change the ministry. He stated the Board agreed unanimously to change the ministry to the Fry's proposal. He said he thought people would be happy to take the R-3 Multi-Family completely off the board and put it back to Agricultural. Then the full 49 acres would be A-1. He stated what they would like to do now is to put on retreats, camps and events. He informed the members of their goals which include an after school program run during the summer, marriage retreats and parenting classes. He stated their zoning is a conditional zoning right now to have those 22 boys and 14 staff members. He



stated it will no longer be a Boys Ranch so the zoning needs to be changed. He stated the funding will drop and they will need to raise money which includes raising stock cows to help provide more funding for "The Ranch". Fencing will be installed for the stock cow herd. Chairperson Brown then stated he wanted to personally thank them for their dedication over the last 25 years of service. He stated he has heard lots of testimonies of changed guys from the families. He acknowledges that times have changed and understand the Fry's wanting to move on. La Rue informed him there may be other conditions based on the Board of Adjustment and explained the annual review process by the Board of Adjustment for Special Use Permits. La Rue then stated the County Engineer wants to make sure there is dust control so there are no fugitive dust problems. There is a current policy in effect now. Tom Whetstone stated he never knew anything about the conditional zoning agreement which included dust control. He then asked who writes the conditional zoning agreement. La Rue stated it was worked on with the County Attorney's Office. Discussion regarding fences was then held. Mr. Fry stated he had called Mike Frymore about the fence. He informed him he was going to put up a barbed wire fence which will be done this summer. La Rue stated they will have to protect the environment so there will not be any erosion problems. He also stated the conditional zoning agreement pertains only to the two parcels (13.9 acres) where they had their homes and the rest was used as agricultural. Chairperson Brown explained why scattered commercial zoning on property was stopped and have now gone to the Special Use Permit to allow commercial activity on property but has restrictions which includes dust control. The request for dust control goes to the County Engineer. Jim Fry then requested to go back to the fence issue. He stated he thinks the issue with the fence situation is that every time it floods, where the culvert is, the fence will be washed out, because they don't want to put in a bigger culvert. He stated the way the culvert is constructed, it is right on his west fence line of the property. He also stated he approached the Frymore's last year that he had found a 10' culvert which was 24' long. He stated he would pay to have the culvert put in if they would buy the culvert which would be delivered for \$4,800. Forrest Frymore stated that ever since the subdivision was put in, the water now runs down through the ravines. He stated they put in the culvert years ago. Mr. Fry stated the water has always been a problem. The number of acres it drains, a minimum of a 10' culvert would be needed. Forrest Frymore stated he was present because he wants to understand the situation and he is Power of Attorney for his father. It was then noted that no additional residential buildings will be built. The dust control issue was again addressed. Mr. Frey stated he has put dust control on the road for the last 10 years for different church activities. Member Klein questioned about the rental of the lower portion of the big house on the property as a commercial use. La Rue explained that on agricultural land, there are a lot of farm houses that are rented out. He stated the houses on the property were legitimately built. There were two houses which they could build under the zoning ordinance as part of the farm. La Rue explained how the Special Use Permit is conducted and overseen by the Board of Adjustment. He also stated the Board of Adjustment has the power to enforce additional restrictions on a S.U.P. as they feel are in the public interest, such as dust control. Member Klein wanted to know if there was anything to prevent Mr. Fry from turning the property into a significant commercial endeavor which would have significant impact on the roads and the neighborhood. Mr. Fry then stated that he and his wife would live in the upstairs of the big house and they would rent out the lower part to help out the Ranch. He also stated they plan to use the little house as a respite house which is rental free. Klein then stated what he wanted to know is if the Commission says yes, are they opening the door for potential abuse in the future and should they be concerned about this. Mr. Fry stated their intention of the respite house will only be used by people in need. Zoning Administrator again stated the S.U.P. is reviewed annually by the Board of Adjustment. The Board of Adjustment will decide what will be accepted and will



make a decision regarding dust control at the recommendation of the County Engineer. La Rue stated if there are problems, they will be addressed to the Board of Adjustment and will be discussed at the annual review. Ira Bowman, Board President of "The Ranch", was present and spoke on behalf of "The Ranch". He stated they are very conscious of the neighbors. He stated they are not out for any financial gain and also stated their intent is to continue to serve God. La Rue stated the only complaint he has ever received was regarding the dust problem. It was noted the septic system is adequate at this time. It was designed for the Multi-Family usage. La Rue stated the request for the rezoning will not be heard until after the Board of Adjustment's decision. He also stated if the Board of Adjustment approves the requested SUP, he will then recommend that the R-3 Multi-Family Residential District be rescinded and revert back to A-1 Agricultural and the Conditional Zoning Agreement which accompanied that will be terminated.

After further discussion, Yutesler made a motion to recommend approval of the Special Use Permit request to the Cedar County Board of Adjustment with the recommendation that dust control be provided by the petitioner. Dornfeld seconded the motion. Ayes all.

2. **"The Miracles Can Happen Boys Ranch", 1608 300<sup>th</sup> St., Wilton, IA, now known as "The Ranch" (Owner)** – Requesting a change in zoning from R-3, Multi-Family Residential District to A-1, Agricultural District, for the purpose of eliminating an un-needed zoning district on property located in Parcel "J" in the E ½, NE ¼, Section 15, T-79N, R-2W, in Sugar Creek Township, consisting of 12.6 acres more or less.

Zoning Administrator stated there were no written or verbal objections on file and informed the members they will be making their recommendation to the Cedar County Board of Supervisors according to Chapter 18.2(3) of the Zoning Ordinance. He also stated the exact number of acres is 13.9. Mr. Fry stated that they wanted the Special Use Permit petition heard first because if it is denied, they would keep the R-3 zoning classification and try to find another couple to take over the Boys Ranch.

After a brief discussion, Yutesler made a motion to approve the rezoning request from R-3 to A-1, provided the Special Use Permit request is approved by the Cedar County Board of Adjustment. Kohrt seconded the motion. Ayes all.

Minutes from the last meeting held on February 15, 2017, were previously sent to the members. Kohrt made a motion to approve the minutes as read. Schuett seconded the motion.

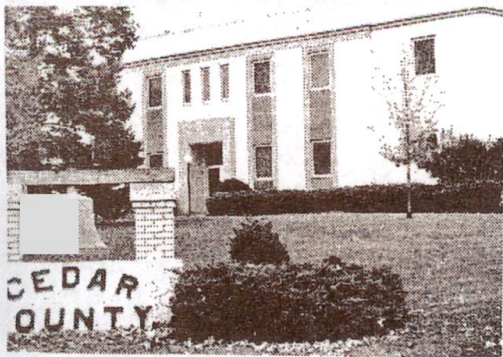
With no further business to be discussed at this time, the meeting was adjourned.



Chairperson  
Joel Brown



Secretary  
Sharon Laucamp



Tel: 563-886-2248

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

Tipton, Iowa 52772

April 7, 2017

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, April 19, 2017, 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. **"The Miracles Can Happen Boy's Ranch", 1608 300<sup>th</sup> St., Wilton, IA, now known as "The Ranch" (Owner)** – Requesting a Special Use Permit authorizing a privately operated campground, with outdoor recreation, events and retreat site on property located in Parcel "J", in the NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , the SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , and the NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 15, T-79N, R-2W, in Sugar Creek Township, consisting of 49.98 acres more or less.
2. **"The Miracles Can Happen Boys Ranch", 1608 300<sup>th</sup> St., Wilton, IA, now known as "The Ranch" (Owner)** – Requesting a change in zoning from R-3, Multi-Family Residential District to A-1, Agricultural District, for the purpose of eliminating an un-needed zoning district on property located in Parcel "J" in the E  $\frac{1}{2}$ , NE  $\frac{1}{4}$ , Section 15, T-79N, R-2W, in Sugar Creek Township, consisting of 12.6 acres more or less.
3. **Tamra and Daniel Roberts, 611 Mulberry St., Tipton, IA (Contract Buyers) and Murry & Renee Mente, 1309 Hwy 130, Tipton, IA (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 Lot "A", in the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 17, T-80N, R-2W, in Center West Township. Said petition is to rezone 1.26 acres of a 3.75 acre lot.

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.

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

Phil LaRue  
Zoning Administrator



Copies sent out on 4/11/17 to the following:

1. "The Ranch" – 1608 300<sup>th</sup> Street, Wilton, Iowa 52778 – **Certified**
  2. Jerilynn Huen – 1612 300<sup>th</sup> St., Wilton, Iowa 52778
  3. Leona H. Wilkins Rev. Trust – P.O. Box 186, Bennett, Iowa 52721
  4. Charles & Caroline Frymoyer – 1232 300<sup>th</sup> Street, Tipton, Iowa 52772
  5. Mervin Pasvogel – 302 Pond View Dr., Wilton, Iowa 52778
  6. Tom Whetstone – 1607 300<sup>th</sup> Street, Wilton, Iowa 52778
- 

1. Tamra & Daniel Roberts – 611 Mulberry Street, Tipton, Iowa 52772 – Hand delivered to Tamra
2. Murry & Renee Mente – 1309 Highway 130, Tipton, Iowa 52772
3. Todd S. & Amy R. Mente – 1455 Old Muscatine Rd., Tipton, Iowa 52772
4. Sandra L. & Mark S. Mente – 1570 250<sup>th</sup> Street, Tipton, Iowa 52772
5. Justin W. & Nicole M. Hamilton – 1460 Old Muscatine Road, Tipton, Iowa 52772
6. Bonnie S. & Ronald L. Stutzel – 608 W. 3<sup>rd</sup> Street, Tipton, Iowa 52772

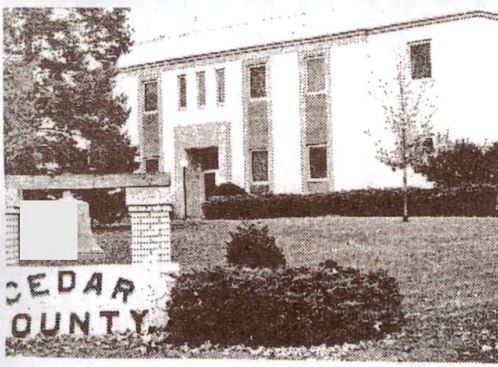
Copy e-mailed to Tipton Conservative on 4/10/17 for Tipton Conservative

Copy e-mailed to Wilton/Durant Advocate News on 4/10/17

7 Zoning Commission Members on 4/11/17

2 File Copies

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Tel: 563-886-2248

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

March 6, 2017

**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.

However, if you would like to have a meeting this month to discuss the proposed amendments, please let me know as soon as possible.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl



Planning & Finance Commission  
February 15, 2017  
Big Room

P.D. John

Sharon Laucamp

Jack Lutes

Jessica Kirk

Doug Kirk

Keri Zimmerman

Kim Zimmerman

Julie Howard

Tina Damm

David A. Schmitt

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 15, 2017

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, February 15, 2017, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Yutesler, Schroeder, Dornfeld, Schuett and Klein. Members absent were Brown and Kohrt.

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

1. **Doyle and Jessica Kirk, 2175 210<sup>th</sup> Street, Bennett, IA (Contract Buyers), and Timmerman Fairview Farms, Inc., 2175 210<sup>th</sup> Street, Bennett, IA (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 NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 15, T-80N, R-1W, in Inland Township, consisting of 1.83 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 Cedar County Zoning Ordinance #10 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 State Highway 130 and falls under the jurisdiction of the Iowa Department of Transportation for access purposes. A letter received from Sheila Lee, Iowa Department of Transportation, stated the access has been approved. The letter received from the Bennett Fire Department stated they will provide emergency and fire protection. The property is located approximately 1.7 miles from the fire station. The soil evaluation was then discussed. The soil on the property is 120B (Tama Silt Loam). La Rue stated the Corn Suitability Rating is 95 points. Limitations for building and septic fields are moderate. La Rue stated the Comprehensive Plan objectives discourage non-farm development on prime agricultural land having a high CSR and to protect prime farm land from needless encroachment.

Doyle Kirk was present and stated if they did not rezone the 2.22 acres to R-1, Timmerman Fairview Farms would be the responsible party for the mortgage on the proposed new home. They also wanted to own their own property where the house will be located and not have it be owned by Timmerman Farms. The parcel was not proposed to be closer to the east fence line because of a drainage way. A minimal amount of land will be taken out of production.



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

La Rue then asked the members if they wanted to discuss the proposed amendments to the Zoning Ordinance as a group or separately. The members stated they would like to discuss them as a group, possibly at next month's meeting.

Minutes from the last meeting held on January 18, 2017, were previously sent to the members. Schroeder made a motion to approve the minutes as written. Klein seconded the motion. Ayes all.

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

A handwritten signature in blue ink, reading "Jody Yutesler", written over a horizontal line.

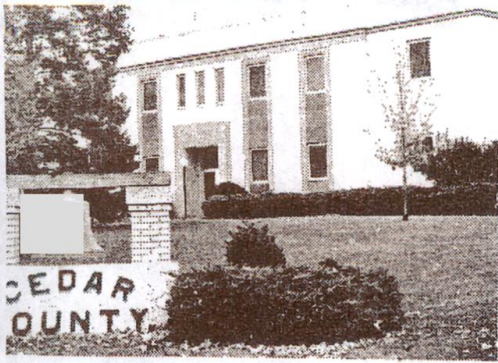
Co-Chairperson

Jody Yutesler

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

Secretary

Sharon Laucamp



Tel: 563-886-2248

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

February 3, 2017

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, February 15, 2017, 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. **Doyle and Jessica Kirk, 2175 210<sup>th</sup> Street, Bennett, IA (Contract Buyers), and Timmerman Fairview Farms, Inc., 2175 210<sup>th</sup> Street, Bennett, IA (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 NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 15, T-80N, R-1W, in Inland Township, consisting of 1.83 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 2/7/17 to the following:

1. Jessica & Doyle Kirk – 2175 210<sup>th</sup> Street, Bennett, IA 52721 – **Certified**
2. Kerri & Kim Timmerman – 2175 210<sup>th</sup> Street, Bennett, IA 52721
3. Robert Wilkins Sr. – 121 South Locust St., Bennett, Iowa 52721
4. Stanley Wright – 2157 Highway 130, Bennett, Iowa 52721

Copy e-mailed to Tipton Conservative on 2/3/17 for Tipton Conservative

7 Zoning Commission members on 2/7/17

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Planning & Zoning Commission  
May 13, 2013

January 13, 2013  
P.D. Fiske

Jed Beron

King City  
Dana King

~~Ken L. Johnson~~

Julie Schrader

~~Bob Kott~~

David A. Smith

(James Duane)

Andy Lutzke

Douglas Klein

Jon & Dianne



## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 18, 2017

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, January 18, 2017, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Schroeder, Kohrt, Schuett, Yutesler, Dornfeld and Klein.

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

1. **Darryl Schwarz and Kevin Coss, dba Town and Country Tires, Inc., 3478B Hwy 927, Durant, IA (Contract Buyers) and Glen and Judith Swanson, 800 6<sup>th</sup> Avenue, Durant, IA (Owners)** - Requesting a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of agricultural tires and tire repair on property located in the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 36, T-79N, R-1W, in Farmington Township consisting of 2.00 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 for this petition and advised them to do their review in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance #10 in making their recommendation to the Cedar County Board of Adjustment. A letter on file from the Durant Fire Chief stated they can provide emergency services to the site. La Rue stated the City of Durant has no objection to the petition and they may eventually provide water and sewer to the site. The letter received from County Engineer, Rob Fangmann, stated this property is located on paved route Yankee Avenue (Y26) and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. It also stated that further discussions on access, for the potential of future development, will occur during the subdivision process. La Rue stated a minor subdivision will be required for this division of the property since it is the second split. It was noted that the site is not in the 100 year flood plain, although a corner of the property is in Zone "A". La Rue also stated the property has a high CSR rating of 90, 94 & 100 points. The soil evaluation was then discussed. Limitations for building are moderate to severe due to a high water table. Limitations for septic systems are also severe due to the high water table. La Rue stated he has had discussions with the petitioners regarding a conventional septic system with very shallow trenches.

Petitioner Darryl Schwarz then informed the members that he and Kevin Coss have been in business together since March 1, 2000. He stated they started the business 17 years ago to provide a business for the community and a tri county area. They were currently renting from the Cooperative in Muscatine County and were told the building was going to be torn down. Therefore, his partner, Kevin Coss, visited with Glen Swanson and asked if they could purchase 2 acres from him which they felt would be an excellent location for people to see

their business going in and out of town. They hope their clientel will grow when they are centrally located in three counties. Zoning Administrator La Rue stated he thought a Special Use Permit was more logical than a change in zoning for the proposed business. He also stated the county has more control of special exceptions. He also feels this area will be within the city limits of Durant someday. Glen Swanson was present and stated he has owned his farm since 1978. He also stated the town had previously talked about annexation of his ground into the city limits. He informed the members that Mr. Schwarz and Mr. Coss are two good hard workers who deserve a chance on their own. La Rue stated the Zoning Commission does not have a Future Land Use Map for Durant. Durant did not provide any information when Cedar County revised the Land Use Plan and Comprehensive Plan. Chairperson Brown showed the location of the property on the Flood Plain Map. Mr. Swanson stated he has never seen water on it nor never a crop loss. Mr. Schwarz stated they will slope everything away and are willing to take the risk. The well will be located on the west side of the building close to Yankee Avenue. Chairperson Brown informed the petitioners that the Board of Adjustment will make a finding regarding egress and ingress to the property, traffic, off street parking, access, compatibility with surrounding properties, etc. The petitioners stated they have a 48 foot van trailer for tire disposal which will be on site. They also stated the majority of tires are kept inside the building. Very few tires are left outside, and in case of rain, they scoop the water out of them. They pay a \$2,000 disposal fee for the tires.

After further discussion, Schuett made a recommendation to the Board of Adjustment to accept the Special Use Permit request. Kohrt seconded the motion. Ayes all.


Minutes from the last meeting held on October 19, 2016, were previously sent to the members. Yutesler made a motion to approve the minutes as written. Dornfeld seconded the motion. Ayes all.

Zoning Administrator La Rue then presented the members with proposed amendments to the Zoning Ordinance and a brief discussion followed. He would like the members to review them and get back to him with their opinions.

Yutesler next made a motion that Joel Brown continue to serve as Chairperson of the Zoning Commission for another year. Schuett seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting adjourned at 7:30 p.m.

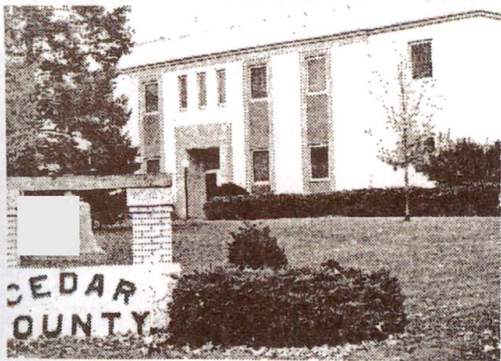
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Chairperson  
Joel Brown

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Secretary  
Sharon Laucamp





Tel: 563-886-2248

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

January 6, 2017

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, January 18, 2017, 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. **Darryl Schwarz and Kevin Coss, dba Town and Country Tires, Inc., 3478B Hwy 927, Durant, IA (Contract Buyers) and Glen and Judith Swanson, 800 6<sup>th</sup> Avenue, Durant, IA (Owners)** - Requesting a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of agricultural tires and tire repair on property located in the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 36, T-79N, R-1W, in Farmington Township consisting of 2.00 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.

Phil LaRue  
Zoning Administrator

Copies sent out on 1/10/17 to the following:

1. Darryl Schwarz & Kevin Coss – dba Town & Country Tires, Inc., 3478B Highway 927, Durant, IA 52747 – **Certified**
2. Glen & Judith Swanson – 800 6<sup>th</sup> Avenue, Durant, Iowa 52747
3. City of Durant – 402 6<sup>th</sup> Street, Durant, Iowa 52747
4. Durant Community School – 408 7<sup>th</sup> Street, Durant, Iowa 52747
5. Paydirt, Inc. – 1144 Verde Ave., Stockton, Iowa 52769

Copy e-mailed to Tipton Conservative on 1/9/17 for Tipton Conservative

Copy e-mailed to Wilton/Durant Advocate News on 1/9/17

7 Zoning Commission members on 1/10/17

2 File Copies

1 Bulletin Board Copy