

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 17, 2024

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, April 17, 2024, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Chairperson Yutesler, Brown, Crist, and Brandenburg. Timmerman and Lieser were absent.

Chairperson Yutesler called the meeting to order at 6:31 p.m. The members then reviewed the following petitions:

- 1. Robert Kaufmann, Kaufmann Steel, LLC, DBA as Kaufmann Metal Recycling, LLC, 1527 330th Street, Wilton, IA (Owner),** - Requesting a change in zoning from M-1 Light Industrial District to M-2 Heavy Industrial District to allow for outdoor recycling, salvage, or sales of used farm equipment at 1281 306th Street, Tipton, Iowa located in the S ½ of the SW ¼, NE ¼, and the N ½ of the NW ¼, SE ¼, Section 18, T-79N, R-2W, in Rochester Township, consisting of 9.37 acres m/l.

Zoning Administrator La Rue advised The Commission to complete their review in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance No. 10 in making a recommendation to the Cedar County Board of Supervisors. No written or verbal objections on file. A letter was on file from Cedar County Engineer, Rob Fangmann, indicating there is an approved entrance permit for this location from a previous zoning request in 1997 by Duffe Grain and required specifications are met for Kaufmann Steel's request and needs, and minimal impacts to existing infrastructure. Improved septic system on site that will need to have verification and modification dependent on how many people Kaufmann will employ. There is a well and the scale is being replaced. A building permit has been obtained and issued for that work.. Thomas Anthony with Shumaker Engineering was present and gave history of the property and indicated that the request for Kaufmann to move from M-1 to M-2 is because M-1 must be completely under roof and this business will not be under roof. He handed out documents for the public and Commission regarding what would be discussed that showed regulations they had to follow and site plans. He explained requirements they would have to follow are under Chapter 116 – Junkyard Control, Vehicle Registration Code under Chapter 321(h), and Junkyard Beautification under Chapter 306(c). He advised their client (Kaufmann) has already obtained all required permits except one that requires a letter indicating how it is zoned which will later, if a change in zoning in approved. He shared a meeting was held April 1st with eight department managers with the Iowa DNR due to their extensive restrictions. The packet provided included the DNRs report. General discussion about the septic and needing details on number of employees later in the process would be needed to ensure the septic is adequate. La Rue advised that bank stabilization and soil erosion control measures would be very important at this location. Anthony advised silt socks or silt fencing to control the water all around the property would be in their plans. Brown questioned if the flood levels would go above the 100 year floodplain lines, how would the site be impacted. Anthony and La Rue advised it is a 9% or more slope at that the location, so minimal impacts. Creek to the south of the site the county has jurisdiction over, and the state has jurisdiction of Crooked Creek which is to the north of the site. Anthony advised the DNR has several requirements on the site and directed those in attendance to the maps he provided. He explained the maps show several circles where the old grain storage used to be and those will be used by his client to designate where he will keep tires, appliances, prep vehicles for recycling, store clean stacked iron, and have non ag and ag

vehicle and equipment sales. Appliances will be kept whole, stored, and stacked until pick up is made. There is an existing building on site where vehicles will be dismantled and then parts stacked outside for pickup. He would predict that concrete with some sort of drain will be constructed to catch any fluids that may come from a vehicle. Anthony also wanted to note that as part of vehicle recycling a vehicle cannot contain fluids. They must be drained prior, and those fluids will be held in holding tanks. Yutesler asked if this would be available for the public to use and who would monitor the site to be sure they complied with regulations. Anthony indicated it would be open to the public but not to just pull in and dump on their own. As far as compliance, it is typically a complaint based system, but presumed La Rue would drive by on occasion to be sure things appeared as they should. Crist questioned the map that indicated trailers would be lining the south side of the property. He and Yutesler questioned that this would be screening and storage. Anthony explained that what they used for screening is somewhat regulated by those approving the rezoning and special use permits, but yes, the idea is to use them for screening and storage because they are taller than the required six foot fence. He said it will be up to the boards and commissions on what they feel is acceptable. He visualized local students possibly painting the sides of the trailers to turn them into artwork. La Rue added he wants this business to provide a needed service, but it also cannot adversely affect neighboring properties and property values with how it looks. Crist also questioned a building being built to conduct business/work inside and suggested, if possible, to build in a location that would have the building be dual purpose. Both someplace to work out of the elements, and act as a screen for the property. Anthony thought that they would just be using the existing building for any work that was needed indoors because M-2 does not require things to be under roof. Crist explained he was familiar with the property due to past work done there and the existing building houses large electrical cabinets and likely would not work well for a work area. Crist indicated he would like to see something that blends in and does not stick out. He also recognizes one person's opinion of what looks nice may differ from the next. Anthony pointed out when leaves are on the trees nothing will be seen until leaves are lost. Crist indicated that something more natural than trailers such as arborvitae may be a better alternative for neighboring landowners. He does not want it to be unsightly. Adjoining property owners Mark and Gloria Hunt were present. They shared the property is currently light industrial (La Rue corrected that it is C-2 Highway Commercial District) and they do have one building on their property. It is currently used as farm ground. It may be up for sale in the future, and they want the property to still be farmable. Their first concern is with having large quantities of metal that it will harbor pests/inspects. They used to own the campground next to their land and that was always a big concern for their guests. The second concern is water quality from run off and feeding into the Cedar River. They did a lot of work on the creek over the years to be sure the water flowed well, and did not have areas of stagnant standing water that would lead to issues. Finally, they are concerned about the appearance. A future owner may want to build a home and past interested parties talked about a horse stable. G. Hunt indicated they would certainly not want to buy if their view is of a junkyard. M. Hunt stated there is a prime location to build a home in the small timber, but it would be in clear view of the proposed recycling site. They have sold other property of theirs nearby (implement dealership and campground and they want to ensure those are all protected both from water quality and visual perspective as customers and campers will drive right by the site. Anthony responded to concerns stating that it would be detrimental to them is soils were coming off the area above. They do not want any erosion and plan to put screening in place to ensure that erosion is controlled. He would recommend to his client at a minimum that they put erosion control around on Hunt's side and that more terracing may need to be done on the south side as well. Crist would like to recommend that anything in view of the neighbors that they work over time to do some tree screening in stages to be

neighborly. Brandenburg added there may be programs available to help with getting trees in as natural fencing. She added having trees would bring in more wildlife like birds to take care of some of the bug concerns. Crist added he was confident that they will do a great job with the erosion and run off concerns due to DNR regulations. He feels that they as a board are responsible for ensuring this is sightly for the neighbors. He commended Anthony and his client for checking all the appropriate boxes and having information available for them today. Brown questioned how large the ag sales area would be. Anthony said it would not be much larger that what is shown on the site plan and no building in that area. Brandenburg questioned how long materials would be there and wanted it to be clear that this is not a junkyard, it is a recycling center. Yutesler added that the required regulations from the DNR indicate that natural elements as part of the screening are required. Crist asked Anthony if he felt these requests were reasonable and that he wanted this business to be successful, but he also wants it to work with the neighborhood as well. Anthony shared that to be a legitimate recycling facility per DNR regulations material must recyclable, material being managed must have value and the materials are not being speculatively. Owner cannot hold the materials till they have more value. Seventy-five percent of material present on January 1 must be removed by December 31 of that year. Crist moved to recommend approval to the Board of Supervisors, with emphasis on proper, eye appealing screening that must include vegetation and be in consideration of the surrounding areas, and that all DNR environmental regulations be followed if the rezoning request is approved. Brandenburg seconded. No further discussion. Ayes: All.

Minutes from the prior meeting held on February 21, 2024, were previously read by the members. Brown made a motion to approve the minutes. Crist seconded. Ayes: All

General discussion about commercial development outside of Lisbon vs residential development and if the land use map should be amended occurred.

No further business.

Meeting declared adjourned at 7:48 P.M.

Chairperson, Jody Yutesler

Secretary, Janelle Axline