

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 15, 2024

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, May 15, 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 approval of a Special Use Permit to allow for outdoor recycling, salvage, or sales of used farm equipment at 1281 306th Street, Tipton, Iowa located in the S $\frac{1}{2}$ of the SW $\frac{1}{4}$, NE $\frac{1}{4}$, and the N $\frac{1}{2}$ of the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 18, T-79N, R-2W, in Rochester Township, consisting of 9.37 acres m/l. Said property is zoned M-2 Heavy Industrial.

Zoning Administrator La Rue advised The Commission to complete their review in accordance with Chapter 17.18(2) of Cedar County Zoning Ordinance No. 10, Special Use Permits. Directed Commission toward Conditional Zoning Agreement from the Board of Supervisors regarding screening. Tom Anthony with Shoemaker Engineering in Coralville was present and advised he has been working on this project with Kaufmann. They have followed all steps required by DNR and have met with them prior to starting the project. Rezoning from M-1 to M-2 has been approved by the Board of Supervisors with a conditional zoning agreement, and now this is their final step in getting approval. Anthony advised they are open to discussion on what the Commission feels is necessary to move this process to completion. Anthony presented a new, final, report that addresses concerns the Commission and Board of Supervisors had with Kaufmann's 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 shared a meeting was held Iowa DNR due to their extensive restrictions. The packet provided included the DNRs report. General discussion of the property had to be rezoned from M-1 to M-2 occurred. There is an existing well that is acceptable to the DNR unless water use would be drastically increased. That is not anticipated due to a max of 8 employees being predicted. ZA La Rue explained regulations for what would classify it as a public water supply. Anthony shared they predict 20-30 people passing through the business each day with very few of them using the well. Septic/restroom facilities will be available to customers and employees with much less than the 1500 gallons of usage used as the threshold for sanitary facilities which make it fall under county jurisdiction not DNR. Anthony advised silt socks will control the water all around the property. He explained that screening would be traditional and will be both fence and vegetation and/or combined with storm water management. Still waiting on permit for storm water. They want rainwater staying where it is and no erosion. Soils have been fine while undisturbed, but once dirt starts being moved things can change. They want to prevent anything from going downhill toward the creek. ZA La Rue requested a copy of the permit once issued. Anthony stated without ruffling feathers he wanted to share that neighbors in the ag sales business are not required to put screening in front of their equipment display/sales area, so they do not feel that should be required of them. Screening will be placed where necessary, but they propose not to screen the area along Hwy 38. They would screen all other areas, or possibly just the individual circular

areas. ZA La Rue shared screening still needs to be on the east side of the property, but behind the sales area. He stated the Board of Supervisors wanted to ensure it would look aesthetically pleasing, and that is why the conditional zoning agreement was done. He clarified that the Zoning Commission, DNR and Iowa DOT all regulate the requirements. Copies of the agreement were provided to the Commission, and it was read to be made of record/ for the file. Kaufmann stated it is paramount to him that the site is aesthetically pleasing. He will likely go beyond what Anthony had discussed and what the Commission expects simply because of privacy concerns. His main concern was being forced to do one hundred percent of the fencing or screening immediately and the area along the road blocking his sales area. He plans to work very closely with ZA La Rue to ensure that each step he takes in this process complies with requirements. Crist said he fully believes that Kaufmann will meet or go above what is required, but feels the condition zoning agreement was necessary for the day that Kaufmann may no longer own the property. Anthony advised he can revise the site plan to show exactly where the fencing and/or screening will be. Yuetesler asked if there was a timeline he had to complete this by. ZA La Rue advised as long as we are moving forward in a positive direction and making progress. Kaufmann advised that he already has the ball rolling with tree information, fence quotes, etc. and would like to expect to be in compliance by the time of his first annual review. Anthony directed those in attendance to the site maps showing 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. Vehicle preparation is where vehicles will be broken down into respective parts for recycling. Anthony advised DNR requirements state a grate with a holding tank is needed in that area that will be pumped out when it reaches a certain level. Brown questioned if it would be covered. Kaufmann advised covered during non usage and uncovered during usage. Appliances will be accepted onsite but not dismantled. They will stay intact until picked up. Air quality permitting would be required, but since Kaufmann will not be using anything that applies to those requirements, no permit is required. 500 tire maximum. Computers and electronic/anything with mercury is not accepted. Anthony stated full recyclers license has not been received yet because it was required they have a document once rezoning and special use are approved with ZA La Rue's signature. All other requirements have been met. Hours will be 8-5 Monday thru Friday, and closed on weekends. Security lights will be in place and there will be an employee at gated entrance monitoring traffic, 24/7 security monitoring and motion lights, as well as intercom system that Kaufmann can communicate with individuals who may be on the property outside of business hours requesting they leave the property. ZA La Rue questioned what would be done with the unwanted items people may drop off in his driveway outside of business hours, etc. He said they will have a roll off on site for that and they will take the transfer station for proper disposal. ZA La Rue advised all requirements appear to have been met or exceeded according to Chapter 17.18(2). Brown moved to send on a recommendation for approval of the special use permit to the Board of adjustment. Subject to all requirements discussed including all DNR, Iowa DOT and Zoning Ordinance requirements. Crist seconded. No further discussion. Ayes: All.

- 2. Elna Farm, Inc., Joana Frederick, 2146 Charles Ave. West Branch, IA (Owner) –** Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of selling the property as residential to allow construction of a single-family dwelling on property located in the SE ¼, NW ¼, Section 32, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.94 acres of a 2.68 acre m/l tract.

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, approved entrance permit on file and anticipates minimal impacts with traffic counts with this site. Also letter on file from Kevin Stoolman, West Branch Fire Department, that they can and will provide emergency services but they insist on having an adequate entrance. Three classes of soils, two are the primary. Downs Sill Loam Till Plain, heavy soils. Severe limitations for septic. A septic can be done but until the soils are tested, it is unknown what type may be needed. Agriculture has slight limitations, Iowa CSR2 Rating is around 90, but because of the small portion of Fayette it averages to 84 CSR, so prime ag land. Issues that were encountered during LESA scoring were that there are no residentially assessed properties within a quarter of a mile. There is a dwelling replacement where the John Brown Monument is at. That is the only residential property for over a mile. It is one mile to 290th Street and almost two miles to Garfield Avenue, so those are concerns due to road conditions in rain and winter. This is considered spot zoning which is discouraged in the Land Use Plan. Non confined feeding operations within one mile. LESA score was 1,005 points which included 500 points for familial relationship. Strong finding for preservation and concerns of emergency services reaching that location in a timely fashion. Land has been owned by family and will continue to be owned by family. Steve Kabela was present and stated his mother in-law currently owns the farm and years down the road it will go to Kabelas, so they are more than happy to divide the land off and let his son and daughter in-law build a home. They are aware of the downfalls of living in the country. ZA La Rue added it is high CSR but it is very awkward piece of ground. Kabela stated his daughter lives nearby and has seen the individual who farms the ground take close to 30 minutes to maneuver farm machinery into that corner because it is so tight and awkward for the size of todays farm equipment. Emmy (Ameilia) Kabela was present and shared that they live in a very small home currently and they are starting their family and would like to build a home to be in for the long term. They are fully aware of the challenges of living in the country. It is also right next to the pasture where their cows are kept, so it would be enjoyable and ideal for them to be there. Kabela shared no one else in the family would be building a home, so there would not be a need to rezone more ground. Crist questioned if enough room for two septic. Need to be strategic about where house is placed so that that can be planned for the future. Yutesler said they did not want there to be issue with approving this with such a low LESA score. ZA La Rue advised Board of Supervisors has been flexible and not seemed to follow the plan. Brandenburg made a motion to recommend approval of the rezoning to the Board of Supervisors, Timmerman seconded. Ayes: All (Crist stepped out of meeting and was absent during vote.)

Minutes from the prior meeting held on April 17, 2024, were previously read by the members. Crist made a motion to approve the minutes. Lieser seconded. Ayes: All

No further business.

Brandenburg made a motion to adjourn the meeting, Timmerman, seconded. Meeting declared adjourned at 7:47 P.M.

Chairperson, Jody Yutesler

Secretary, Janelle Axline