

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 19, 2024

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, June 19, 2024, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present for this meeting were: Yutesler, Brown, Crist, Lieser and Timmerman. Member absent was Brandenburg. Also present for this meeting was Phil LaRue, Zoning Director.

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

1. **Dan E. Kohl, 378B Arrowhead Lane, Lisbon, IA (Owner)** – Requesting a change in zoning from A-1 Agricultural District to C-2 Highway Commercial District to allow for the development of three (3) commercial lots on property located in the NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 18, T-82N, R-4W, in Pioneer Township, consisting of 10.27 acres more or less.

Zoning Administrator LaRue informed the members there were two written objections on file for this petition. He advised them to do their review in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance #10 in making a recommendation to the Cedar County Board of Supervisors.

The letter from the Lisbon Fire Department was then reviewed. It stated that they agree to and will be able provide emergency service to the property. The letter received from Rob Fangmann, Cedar County Engineer was reviewed. It stated that this site is located on a paved route Old Lincoln Highway and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with his office that meets the requirements of a commercial/major subdivision. He recommends that it be noted that no parking shall be allowed on/along Old Lincoln Highway for the Commercial business and the same restriction on/along the subdivision streets.

Dan Kohl, property owner, and Scott Pottorff, MMS Consultants, Iowa City, IA, were present and prospective buyer, Ryan Hill, 96 Fawn Lane, Lisbon, IA, was in attendance by telephone. Mr. Pottorff presented a proposal for development of the portion of the property along Old Lincoln Highway east of Adams Avenue and south of Highway 30 for three commercial lots and in the future, a residential development. Mr. Pottorff explained that Mr. Hill desires to relocate his truck and automobile repair business from its present location west of Mt. Vernon, IA, to this location because he has outgrown the current location and has been unable to find another suitably zoned site for his growing business despite the assistance of Troy Louwage, Hertz Farm Management, Mt. Vernon, IA. He explained the proposal makes sense because of the location on a hard surface road which is reasonably close to the west interchange on Highway 30. The proposed lot for Mr. Hill's business would have a well, sewer system and storm water retention. Mr. Kohl then explained that when the Iowa Department of Transportation (IDOT) created the four lane highway and the hard surface road parallel to it on the south side, it cut through the properties to the south and changed this parcel into a irregular shape and required that he move part of his cattle operation which was located on the east side of this parcel to the east side of the adjoining tract in order to move the cattle area further away from the new Old Lincoln Highway. When Mr. Hill approached him about purchasing a portion of the proposed site, it was understood that considerable land moving would be required where there is presently a terrace. Trees would be added

to screen this business from the proposed adjoining residential development. Mr. Hill then spoke adding that zoned property available for commercial use is not available in the Mt Vernon area. The fact that the IDOT has retained the area of the entrance and exit ramps which was acquired for the four-lane project west of Adams Avenue for future use as potential 404 projects was briefly discussed as was the new bridge which crosses Highway 30. Mr. Hill stated that this bridge was constructed to support heavy farm vehicles and other heavy traffic. Mr. Hill then stated that this commercial business would act as a type of noise buffer between the four lanes and future residential properties. Discussion then followed regarding how some of the new commercial businesses and residential properties are located next to each other in the communities such as Mt. Vernon and Lisbon. The Commission then expressed they were somewhat confused by the petition which proposed both commercial development and future suburban residential properties.

The Commission then read into the minutes the two written objections. The first, by adjoining property owner to the west, Scott Wendler, which expressed concern will affect the recreational use of his land for hunting, the environmental impacts of commercial development with pollutants, the increased traffic and the loss of farmland and changes to land values. The second letter, from Rick Greiner, Lisbon, expressed concerns about the loss of productive farmland to commercial development and potential ecological impacts. Mr. Pottorff stated there should not be any ecological impacts by the proposal of Mr. Kohl, and the proposed motor vehicle service business would not have any fuel storage and would have storm and wastewater retention. Brief discussion followed with the Commission regarding the concerns of the objectors and the need for good land use decisions for the future which follow the land use plan.

The soil evaluation was then reviewed which indicated two soil types: Fayette Silt Loam, 163B, 163C, 163C2, 163D, 163D2 and Ackmore/Nodaway, 729B. The CSR average is 70.1 points for agricultural land use. Limitations are moderate to severe. Limitations for commercial buildings are moderate, and severe for septic systems.

The Commission then reviewed the Cedar County Future Land Use map and noted that this area is inside of the area where future residential development is encouraged to be located since 2006, and this rezoning would be a spot zoning which is discouraged under the Land Use Plan and the Zoning Regulations. LaRue stated that he has no experience with siting a proposed commercial development contiguous to suburban residential lots especially one that requires driving through a commercial area first. The 2018-2038 Comprehensive Plan states that scattered development shall be discouraged and must protect agricultural land from incompatible land use and promote efficient growth which promotes safety, health, and welfare. In addition, the plan states that the County needs to ensure consistent compatible growth by using the Future Land Use Map.

Discussion then continued regarding the traffic this business may generate on Adams Avenue for the existing residential properties to the west of this site, and concerns of the types of future business that may be located at this site on the other two proposed lots which may be in conflict with other commercial or residential use. Some commercial businesses have a required separation distance between them and residential properties, dwellings, schools and so forth. The Commission then reviewed Chapter 11(B) Highway Commercial District of the Zoning Ordinance and the broad types of use allowed. Mr. Kohl stated that he hoped a business such as a veterinary business would like to locate there because of the hard surface road and rural nature of this area. Mr. Pottorff, then stated that if the Commission is concerned about the types of business that could locate at the site on the proposed lots west of the site Mr. Hill would like to acquire, they can be removed from the proposal and a revised

rezoning exhibit for one lot which is 6.50 acres in area could be provided to the Commission and/or the Board of Supervisors. That was acceptable to the Commission members.

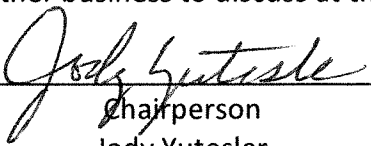
LaRue explained that because of the nature of this business and the amount of earth moving that will be required, and potential environmental impacts, the petitioner will need to provide information on water supply, wastewater treatment and hazardous and solid waste containment and disposal options.

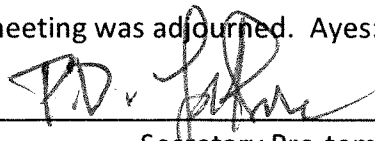
Following additional discussion, Crist moved to recommend approval of the rezoning from A-1 to C-2 despite the Future Land Use Map, to the Board of Supervisors with a Conditional Zoning Agreement with a revised rezoning exhibit for one lot only, consisting of 6.50 acres more or less, restricted to the permitted uses described in Chapter 11(B)2 of the C-2 District. Motion seconded by Lieser. Ayes: Crist, Lieser, Timmerman. Nay: Brown and Yutesler.

Minutes from the last meeting held on May 15, 2024, were previously sent to the members. Brown made a motion, with Crist seconding approval, of the minutes as presented.

LaRue then asked the Commission for their opinion regarding an upcoming rezoning petition for July. The Pioneer Park property at 202 Front Street, West Branch, in the un-incorporated town of Downey, has been sold, and the petitioner, Norm Bickford, West Branch is in very poor health. Chapter 18.2, of the Zoning Ordinance requires a Public Hearing for a change in zoning by the Commission. Would the Commission consider waiving their review of the petition, if the County Attorney agreed, and have the petition heard only by the Board of Supervisors at Public Hearing for a change in zoning from A-1 Agricultural to R-2 Urban Residential for a single-family dwelling only as Mr. Bickford may be too ill to attend the hearing? While the Commission understands, Crist stated that this might be a bad precedence for the Commission. The other attending members agreed that they must hold the Public Hearing and make a recommendation to the Board of Supervisors.

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

  
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Chairperson  
Jody Yutesler

  
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Secretary Pro-tem  
Philip LaRue