

# LINN COUNTY PLANNING & ZONING COMMISSION

## MINUTES

Monday, April 20, 2020

The Linn County Planning and Zoning Commission meeting was called to order at 6:30 p.m. by Chair, Christine Landa. The meeting was held electronically.

### QUORUM DETERMINED:

#### PRESENT:

Christine Landa, Chair	2020
H. Frank Bellon, Vice-Chair	2021
Curt Eiler	2022
Sheila Gatewood	2020
Allen Wagner	2024

#### ABSENT:

George Maxwell	2020
R.J. Carson	2023

#### STAFF:

Les Beck, Director  
Charlie Nichols, Planning & Zoning Division Manager  
Stephanie Lientz, Senior Planner  
Mike Tertinger, Planner II  
Ryan Sampica, Recording Secretary

### APPROVAL OF MINUTES

The minutes of the March 16, 2020 Planning & Zoning Commission meeting were approved as submitted.

### CONSENT AGENDA

JF20-0003	Sadecky Addition	Final Plat
JR20-0001	Sadecky Addition (Rezoning)	Rezoning
JF20-0004	Axeland Acres Addition	Final Plat
JF20-0005	Chapman Addition	Final Plat
JPS20-0004	D & S Nebraska Addition	Residential Parcel Split
JPS20-0005	Brown Acres First Addition	Residential Parcel Split
JPS20-0006	Vislifel First Addition	Residential Parcel Split
JC20-0003	IADNR Wetland Enhancement	Conditional Use - Flood Plain
JC20-0004	Frank Nemeth Fairfax Piano	Conditional Use – Home Occ

Gia Marie, 607 Squaw Creek Rd and Cornelis Vander Linden, 6880 Flint Rock Ct requested to have JPS20-0004, D & S Nebraska Addition pulled from the Consent Agenda.

Carol Brannaman, 1694 Hwy 1 N requested to have JPS20-0006 pulled from the Consent Agenda.

**Motion by Gatewood to approve the amended consent agenda, subject to the conditions of the staff reports. Second by Eilers.**

<b>Wagner</b>	<b>Aye</b>
<b>Bellon</b>	<b>Aye</b>
<b>Gatewood</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>
<b>Landa</b>	<b>Aye</b>
<b>Carson</b>	<b>Absent</b>
<b>Maxwell</b>	<b>Absent</b>

**REGULAR AGENDA**

**JPS20-0004      D&S Nebraska Addition, Owner & Applicant      Residential Parcel Split  
Scott Survey, Surveyor**

Tertinger presented the staff report. This applicant is requesting a Residential Parcel Split of 2.19 acres (proposed Lot 1) and no additional road right-of-way. The property is zoned RR3 (Rural Residential 3-Acre). The remainder of the parent parcel is approximately 11.69 acres and is included on the final plat as non-buildable Outlot A, with a note stating, “This parcel may only be developed in accordance with all development regulations in effect at the time development is proposed.” However, on an appeal to the Linn County Board of Adjustment, the applicant has been approved for an Agricultural Exemption to construct a single-family dwelling on the proposed non-buildable Outlot. Proposed Lot 1 contains a dwelling constructed in 1978, accessory buildings, septic, and well.

This proposal meets the standards for approval per Article IV, Section 107-72, § (4) of the Linn County Unified Development Code (UDC). Residential Parcel Splits are not subject to MLS or LESA requirements.

An affidavit, as noted on the Final Plat, will be signed by Linn County Planning & Development and recorded with the Bound Documents clarifying the purpose and impact of the Agricultural Exemption. The Agricultural Exemption applies only to the existing property owner and not to future property owners. All development proposals of future property owners will be required to meet development regulations in effect at the time development is proposed.

Staff recommends approval subject to the conditions of the staff report.

Gia Marie, 607 Squaw Creek Rd, had questions on if this was going to cut down the forest by the road, where the new single family was going to go.

Steve Scott, Scott Survey Inc, 3426 Standlea Rd, Toddville, IA, said that as of right now it’s just a Preliminary Plat and nothing is set in stone. Steve Scott asked if there is an ordinance that prohibits cutting down the trees. Tertinger said no there is no such ordinance.

Cornelis Vander Linden, 6880 Flint Rock Ct, had two clarifying questions: 1) is the new single family dwelling going on the Outlot A and 2) will this set a precedent in the future for development in this area.

Tertinger stated that the plan is to build one single-family dwelling on Outlot A, and that any proposal in the future for more development would go through this same process.

Les Beck, Director of Planning & Development, talked about the Future Land Use Plan Map and the Comprehensive Plan, and that this area is designated for future development.

**Motion by Gatewood to recommend approval of case JPS20-0004, subject to the conditions of the staff report. Second by Bellon.**

<b>Wagner</b>	<b>Aye</b>
<b>Bellon</b>	<b>Aye</b>
<b>Gatewood</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>
<b>Landa</b>	<b>Aye</b>
<b>Carson</b>	<b>Absent</b>
<b>Maxwell</b>	<b>Absent</b>

JPS20-0006	<b>Vislisl First Addition</b>	<b>Residential Parcel Split</b>
	<b>Dorothy &amp; Robert Vislisl Owner, Michael Wiese, Applicant, Shive-Hattery, Surveyor</b>	

Tertinger presented the staff report. This applicant is requesting a Residential Parcel Split of 2.0 acres (proposed Lot 1) with 0.4 acres designated for road right-of-way. The property is zoned AG (Agricultural). The remainder of the parent parcel is less than the required 35 acre minimum in an AG zoning district and has therefore been designated on the plat as Outlot A (1.38 acres) and Outlot B (4.20 acres). Each Outlot is designated as non-buildable unless each comes into conformance with county development regulations. Proposed Lot 1 will include a dwelling built in 1983, an accessory structure, well and septic. There are no existing structures on Outlots A and B.

This proposal meets the standards for approval per Article IV, Section 107-72, § (4) of the Linn County Unified Development Code (UDC). Residential Parcel Splits are not subject to MLS or LESA requirements.

Staff recommends approval subject to the conditions of the staff report.

Carol Brannaman, 1694 Hwy 1 N, asked where will the access be for the back acres. Tertinger said the updated site plan shows an access easement on the East line of Outlot A.

Brannaman asked if it's non-buildable now, can anything be done with it in the future. Tertinger said that it would need to meet minimum levels of service requirements and need to pass a LESA test. Essentially he said development would need to get closer to the area.

**Motion by Bellon to recommend approval of case JPS20-0006, subject to the conditions of the staff report. Second by Gatewood.**

<b>Wagner</b>	<b>Aye</b>
<b>Bellon</b>	<b>Aye</b>
<b>Gatewood</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>
<b>Landa</b>	<b>Aye</b>
<b>Carson</b>	<b>Absent</b>
<b>Maxwell</b>	<b>Absent</b>

JF20-0002	<b>Vernon Valley 10<sup>th</sup> Addition</b>	<b>Final Plat</b>
	<b>LLL Kelly Properties LLC, Owner</b>	
	<b>Brain Engineering Inc, Surveyor</b>	

Stephanie Lientz presented the staff report. The applicant is proposing a 1-lot re-plat of Outlot A, Vernon Valley Ninth Addition, which will result in a net increase of one buildable lot. Proposed Lot 1 will contain 18.65 acres. There are no existing structures on the parcel. The applicant's request for a Conditional Use Permit – Contractors Yard and Outdoor Storage at this location was approved at the March 28th, 2018 Board of Adjustment meeting. The approval of the Conditional Use Permit was contingent upon re-platting of the subject property into a buildable lot. A previous final plat case (J18-0006) was approved by the Planning and Zoning Commission on May 21, 2018, but the case was never recorded and as a result, it expired in 2019.

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code. Minor subdivisions that create additional buildable lots are subject to MLS and LESA requirements. The parcel meets both MLS and LESA requirements, and earned a LESA score of 112.6 (the minimum threshold needed to pass in USA is 105).

Staff recommends approval subject to the conditions of the staff report.

There were no comments from the applicant, public or Commission members.

**Motion by Bellon to recommend approval of case JF20-0002, subject to the conditions of the staff report. Second by Gatewood.**

<b>Maxwell</b>	<b>Absent</b>
<b>Carson</b>	<b>Absent</b>
<b>Landa</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>

**Gatewood**            **Aye**  
**Bellon**                **Aye**  
**Wagner**              **Aye**

JA20-0001        **Linn County, Applicant**

**Ordinance Amendment –  
Special Exception**

Charlie Nichols presented the staff report. Linn County Planning and Development staff are requesting that specific language in subsection 4 of section 107-48 (nonconforming structures) regarding Special Exceptions for alterations of nonconforming structures be removed.

The Linn County Unified Development Code on nonconforming structures is worded in a way that suggests a Special Exception from the Board of Adjustment is required to structurally alter a nonconforming structure in a way that does not increase or extend its nonconformity. Staff believes requiring a Special Exception in this case is contrary to the intent of the code, and that administrative approval should be acceptable for structural additions to nonconforming structures that neither increase nor extend their nonconformity.

Staff recommends approval of the proposed Unified Development Code text amendment.

Bellon asked if this applies to any grandfathered structures. Nichols answered yes.

Bellon then asked if this was for any type of property, commercial or residential. Nichols said yes.

Bellon asked if staff has the latitude, if this passes, to say no to a proposal. Nichols said that it would depend on the situation, but he doesn't know if staff would have the authority to say no.

There were no public comments.

**Motion by Gatewood to recommend approval of case JA20-0001, subject to the conditions of the staff report. Second by Bellon.**

**Gatewood**            **Aye**  
**Carson**              **Absent**  
**Eilers**                **Aye**  
**Landa**                **Aye**  
**Maxwell**            **Absent**  
**Bellon**                **Aye**  
**Wagner**              **Aye**

**OTHER BUSINESS**

**COMMISSION COMMENTS**

## **STAFF COMMENTS**

Beck updated the Commission on the Dows Project. He gave a timeline of benchmarks, in the form of 6 components, for calendar year 2020. Beck also mentioned that there were two proposals submitted for operation and management of the far4m for the site. One proposal was received from Matthew 25 and one from the Sustainable Iowa Land Trust (SILT). A selection team has recommended that the County enter into negotiations with SILT.

## **PUBLIC COMMENTS**

## **ADJOURNMENT**

The meeting was adjourned at 7:52p.m.

Respectfully submitted,

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Christine Landa, Chair

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Ryan Sampica, Recording Secretary