

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Monday, May 20th, 2019

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 in the Jean Oxley Public Service Center Board Room, 935 2nd Street SW, Cedar Rapids, Iowa.

QUORUM DETERMINED:

PRESENT: Christine Landa, Chair 2020
H. Frank Bellon, Vice-Chair 2021
R.J. Carson 2023
George Maxwell 2020
Ted Grenis 2019
Sheila Gatewood 2020
Curt Eilers 2022

ABSENT: None

STAFF: Les Beck, Director
Charlie Nichols, Planning & Zoning Division Manager
Mike Tertinger, Planner I
Jessica Black, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the April 15th, 2019 Planning & Zoning Commission meeting were approved as submitted.

CONSENT AGENDA

JPS19-0007	Rundle First Addition	Residential Parcel Split
JPS19-0008	Hoke Farms Inc. Fourth Addition	Residential Parcel Split
JPS19-0009	S & S West Farms First Addition	Residential Parcel Split

Phillip Hughes, 3534 Lori Sue Lane, asked that JPS19-0006, Pate Acres First Addition, be pulled from the consent agenda for individual review.

Motion by Maxwell to approve the amended consent agenda, subject to the conditions of the staff reports. Second by Carson.

Grenis	Aye
Bellon	Aye
Gatewood	Aye
Eilers	Aye
Landa	Aye
Carson	Aye
Maxwell	Aye

REGULAR AGENDA

JPS19-0006

Pate Acres First Addition

Residential Parcel Split

Charlie Nichols presented the case.

The applicant is requesting a residential parcel split of 1.55 acres (proposed Lot 1) and 1.33 acres additional road right-of-way. The property is zoned AG (Agricultural). The remainder of the parent parcel in the NE ¼ NW ¼ Sec. 06-84-7 and an adjacent parcel to the west described as Anthony's Second Addition S 8 acres Lot 5 are included as a 15.07 acre outlot (proposed Outlot A). Proposed Lot 1 will include a dwelling built in 1990, accessory structures, septic, and well. Aerial photography from the 1930's show a previous dwelling within proposed lot 1 and the location of that dwelling has not been converted to agriculture.

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.

Hughes wondered what Pate had planned for the property. He worried that Pate may turn the property into commercial storage buildings or other large development.

Nichols explained that he was unsure as to what Pate's future plans were, but the property is zoned AG so no matter his intentions, they must be in compliance with the AG zoning district. Tertinger added that the original idea was to create two buildable lots, but the outlot did not meet LESA, leaving only one lot buildable.

Carson explained to Hughes that in order for Pate to create more buildable lots, he would need to come before the Planning & Zoning Commission again.

Dale Scharf, 3522 Lori Sue Lane, spoke out of concern for Pate's future plans of property. He referenced a property on Hagerman Road, near his, that was part of a Residential Parcel Split in 2007. Scharf said the property has since been used for commercial business. Scharf's main concern was avoiding any commercial development on this property, similar to that of which he referenced.

Mike Brain, Brain Engineering, spoke on behalf of the applicant. He argued that there is no reason not to approve the parcel split, insisting that the decision should not be made based on alleged future plans, but rather the facts presented to the commission. He added that this parcel split is no different than any other parcel split on previous months' agendas.

This proposal meets the standards for approval per Article V, Section 107-94, § (k), Tower Regulations, of the Linn County Unified Development Code (UDC). The proposal appears to meet all the standards for approval per Article IV, Section 107-73, § (4) for Conditional Use Permits.

Tertinger stated that there is some existing vegetative screening in the area, but upon further review, will add another condition to the staff report requiring the applicant to provide more vegetative screening in order to minimize adverse visual impact. Additionally, on-site vegetation must be preserved for the maximum extent practical. He asked the commission to take these additional conditions into consideration prior to making a decision.

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

Steve Ward, Ward Development, spoke on behalf of AT&T. He agreed to the additional vegetative screening conditions. He explained that the actual cell tower is only 160' tall, but is closer to 170' with the lightning rod.

Bellon said he visited the site and noticed there was one low-water crossing. He wondered if there would be an additional crossing built solely for construction. His concern was for the potential adverse impacts to the mobile home owners, explaining that water displacement could affect them.

Ward was unsure, but offered to look into further.

Motion by Maxwell to recommend approval of case JC19-0009, subject to the conditions of the staff report and those added by Tertinger during staff presentation. Second by Grenis.

Maxwell	Aye
Eilers	Aye
Landa	Aye
Carson	Aye
Bellon	Aye
Grenis	Aye
Gatewood	Aye

OTHER BUSINESS

Beck presented a request to vacate a utility easement; Lots 41 & 42 of Timberlake 3rd addition. Lots are deed restricted together. Homeowners are proposing an accessory building running directly between two lots. Beck presented a letter from Alliant Energy stating they have no objections to vacating the easement. He asked for the commission's approval to vacate.

Bellon wondered if the plat stated "Alliant" easement or "utility" easement. He explained that if the easement is not specific to Alliant, it will need to be approved through all utility companies prior to PZC approval.

Beck agreed and stated that he would contact all utility companies to confirm.

Motion by Carson to recommend approval of proposed easement vacation, subject to having no objections from all other utility companies. Second by Maxwell.

Eilers	Aye
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Grenis	Aye
Bellon	Aye
Gatewood	Aye
Landa	Aye
Carson	Aye
Maxwell	Aye

COMMISSION COMMENTS

STAFF COMMENTS

Beck invited all members of the Planning & Zoning Commission to attend an in-house training session to go over the roles and responsibilities of PZC and Board of Adjustment. He explained that all members of the Board of Adjustment would also be invited. Beck made reference to some confusion regarding the standards for approval for last month's Conditional Use Case JC19-0005. Most members agreed the training session would be a good idea.

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Christine Landa, Chair

Jessica Black, Recording Secretary