

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES Monday, July 15, 2019

The Linn County Planning and Zoning Commission meeting was called to order at 6:30 p.m. by Vice-Chair, Frank Bellon. The meeting was held in the Jean Oxley Public Service Center Board Room, 935 2nd Street SW, Cedar Rapids, Iowa.

QUORUM DETERMINED:

PRESENT:

H. Frank Bellon, Vice-Chair	2021
R.J. Carson	2023
George Maxwell	2020
Curt Eilers	2022
Sheila Gatewood	2020

ABSENT:

Ted Grenis	2019
Christine Landa, Chair	2020

STAFF:

Les Beck, Director of Planning & Development
Stephanie Lientz, Planner II
Mike Tertinger, Planner I
Charlie Nichols, Zoning Division Manager
Dillon Constant, P&D Intern
Cathy Coppess, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the June 17, 2019 Planning & Zoning Commission meeting were approved as submitted.

CONSENT AGENDA

JF19-0005	Walker Farm Second Addition	Final Plat
JPS19-0014	Buelow Addition	Residential Parcel Split
JPS19-0015	J V Edgerly Addition	Residential Parcel Split
JPS19-0017	Land and Sky First Addition	Residential Parcel Split
JPS19-0018	Wolrab First Addition	Residential Parcel Split
JPS19-0019	Stark Acres First Addition	Residential Parcel Split

Mike Brain, 1540 Midland Ct NE, spoke on behalf of the applicant as Brain Engineering, asked to pull JPS19-0019 Stark Acres First Addition from the consent agenda and move to the regular agenda.

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

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

REGULAR AGENDA

JPS19-0019 Stark Acres First Addition Residential Parcel Split

Charlie Nichols presented the staff report.

The applicant is requesting a residential parcel split of 2.31 acres (proposed Lot 1) with an additional 0.25 acres of proposed road right-of-way. The property is zoned AG (Agricultural). The remainder of both parent parcels in the SE ¼ SW ¼ Sec. 20-83-8 contain less than the required minimum lot size of 35 acres in the AG zoning district; therefore, a deed restriction will be required with the bound documents. Proposed Lot 1 will include a dwelling built in 1968, accessory structures, septic, and well.

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

Mike Brain, 1540 Midland Ct NE, stated the name will be changing from Stark Acres First Addition to Prairie Wolf First Addition.

Motion by Eilers to approve JPS19-0019, Stark Acres First Addition, subject to the conditions of the staff reports. Second by Gatewood.

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

Guy Booth, 425 2nd St Ste 1010, Cedar Rapids, attorney for applicant, asked to pull JPS19-0018 Wolrab First Addition from the consent agenda due to name being changed to Wolrab Pleasant View Addition. Les Beck, Director of Planning & Development, stated if the plat is staying the same and only changing the name of the addition, the case may remain on the consent agenda and the name change may be acted on administratively.

JPS19-0016

Big Creek Farms First Addition

Residential Parcel Split

Dillon Constant presented the staff report.

This applicant is requesting a residential parcel split of 3.5 acres (proposed Lot 1). The property is zoned AG (Agricultural). The remainder of the parent parcels in the SE ¼ NE ¼ Sec. 04-82-6 and the SW ¼ NW ¼ Sec 03-82-6 are currently combined via a deed restriction; therefore, an updated deed restriction is required to be submitted with the bound documents. Proposed Lot 1 includes a dwelling constructed in 1900, accessory structures, septic, and well. A Land Use Map Amendment case (JA19-0004) is running concurrently with this case.

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

Motion by Gatewood to recommend approval of case JPS19-0016, subject to the conditions of the staff report. Second by Maxwell.

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

JA19-0004

Chad Kelly, Owner

**Land Use Map
Amendment**

Dillon Constant presented the staff report.

The applicant is requesting a Rural Land Use Map Amendment to change the map designation of 33.84 acres from CNRA (Critical Natural Resource Area) to NMUSA (Non-Metro Urban Service Area). The property is legally described as the SW ¼ NW ¼ Sec. 03-82-6 except Lnenicka's Second Addition, and is currently deed restricted with part of the SW ¼ NW ¼ Sec. 04-82-6 located east of Highway 13. There is a Residential Parcel Split (case JPS19-0016) running concurrently with this case. The parent parcels in the SE ¼ NE ¼ have a map designation of NMUSA; this amendment is proposed to prevent the remainder of the parent parcels from having two different land use designations and to better align the parcel's land use designation with the City of Bertram's Fringe Area Plan and surrounding land uses.

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

Mike Brain, representing the applicant, offered to answer any questions from the Commission.

Tom Aller, 1108 Cedar Woods Road, stated he has lived in the area since 2002, has seen Kelly's property flood 5 times, and was concerned that any development would worsen the flood damage

in the future. Aller also stated he has no objection with the parcel split. Aller requested that the land use map amendment be tabled until the applicant complies with county and state regulations, asserting that the applicant has been storing business related equipment on site, and has been filling in the floodplain without a permit.

Darwin Harmening, 1234 2nd Street, Bertram, said he has property to the north of this parcel and stated Kelly is filling in the creek. Harmening stated that there has been significant flooding in the area, and requests to keep that area designated as CNRA and not be developed.

Carson asked the surveyor the reason for the parcel split.

Mike Brain of Brain Engineering, stated Kelly wants to sell the house and has no plans for development.

Dillon Constant stated that no development has been proposed at this time. Any future development proposal would have to come back before the Planning and Zoning Commission, and the surrounding property owners would be notified. There is a condition in the staff report stipulating that any business related equipment and materials must be removed before the parcel split plat can be recorded. There is also an open enforcement regarding business items stored on the property.

Stephanie Lientz answered some of Aller's concerns about the zoning enforcement being a condition for staff approval. The Commission clarified the applicant is only wanting to sell the existing house at this time. Les Beck stated every home owner has the same right to apply for a home occupation permit now or in the future. Grenis asked Beck for clarifications on who has the jurisdiction of the floodplain enforcements. Brain was unaware of any filling occurring within the floodplain area.

After more discussion, Mr. Beck made several suggestions for the land use map amendment case JA19-0004.

Motion by Carson to recommend postponement of case JA19-0004, subject to the conditions of the staff report. Second by Maxwell.

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

OTHER BUSINESS

Charlie Nichols reminded the board of the upcoming joint training for the Planning & Zoning Commission and Board of Adjustment on Tuesday July 23rd, 2019 from 5:00 to 7:30pm.

COMMISSION COMMENTS

STAFF COMMENTS

Les Beck announced the 2nd open house planned for Dows Farm Agri-Community on Thursday, August 1, 2019 from 5:30-7:00. The open house will be held at the Touch of Class Convention and Banquet Center on Mount Vernon Road.

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Frank Bellon, Vice-Chair

Cathy Coppess, Recording Secretary