

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Tuesday, January 16, 2018

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, Vice Chair	2020
	R.J. Carson	2018
	George Maxwell	2020
	Ted Grenis	2019
	H. Frank Bellon	2021

ABSENT:	Kimberly Dickey	2017
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STAFF:	Les Beck, Director
	Stephanie Lientz, Planner II
	Mike Tertinger, Planner I
	Ryan Sampica, Recording Secretary

See attendance sheet for community sign in.

Election of Officers

Maxwell nominated Christine Landa for Chairperson for the 2018 year.
Grenis seconded.

Grenis nominated Frank Bellon for Vice Chairperson for the 2018 year.
Landa seconded.

Maxwell moved to approve and all voted Aye.

APPROVAL OF MINUTES

The minutes of the November 20, 2017 Planning & Zoning Commission meeting were approved as submitted.

CONSENT AGENDA

JPS18-0001 Hilltop Farm First Addition

Residential Parcel Split

Motion by Maxwell to approve the consent agenda , subject to the conditions of the staff report. Second by Bellon.

Bellon	Aye
Grenis	Aye
Carson	Aye
Landa	Aye
Dickey	Absent
Maxwell	Aye

REGULAR AGENDA

JF18-0001 Darlene Ozburn , Owner

Final Plat - Plauer Addition

Mike Tertinger presented the case. This applicant is requesting a 2-lot final plat in conformance with Article 3, Section 2, § (2)(f) of the Unified Development Code (UDC), pertaining to the development of a bisected lot. The property is bisected by Boulder Cemetery Road. In conformance with the UDC, proposed Lot 1 (2.91 acres) will be assigned the development right. A note appearing on the final plat indicates that proposed Outlot A (0.83 acres) is non-buildable until such time that the lot meets all development standards in effect at the time development is proposed. There are no existing structures on proposed Lot 1 or proposed Outlot A.

This proposal is in conformance with Article 3, Section 2, §(2)(f) of the UDC; the subject parcel is a legal lot of record that has been bisected by a dedication for a public purpose, and portions on either side of the road can be legally separated. This proposal is not subject to MLS and LESA requirements per Article 4, Section 6, §(1)(g) of the UDC.

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

There were no questions from the public or the commission for this case.

Motion by Grenis to recommend approval of case JF18-0001 subject to the conditions of the staff report . Second by Carson .

Carson	Aye
Landa	Aye
Dickey	Absent
Maxwell	Abstained
Grenis	Aye
Bellon	Aye

JP18-0001

*Related cases: JR18-0001,
JF18-0002*

**Staco Corporation,
Owner**

**Preliminary Plat -
Woodland Cove Third
Addition**

Mike Tertinger presented the case. The proposed preliminary plat is a 3-lot re-plat of Lot 1 Woodland Cove First Addition. The approval of the preliminary plat case and associated rezoning case will result in a total of three buildable lots and three non-buildable outlots. Each buildable lot is proposed to contain a maximum of 1 acre. There are no existing structures on the subject property. An associated rezoning case (JR18-0001) proposes to rezone the subject property from Ag (Agricultural) to USR (Urban Services Residential). The rezoning application and an associated final plat case (JF18-0002) are running concurrently with this case.

This proposal meets the standards for approval per Article 4 of the Linn County Unified Development Code (UDC). The parcel meets both MLS and LESA requirements, and earned a LESA score of 176.35 (the minimum threshold needed to pass in USA areas is 105).

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

JF18-0002

*Related cases: JR18-0001,
JP18-0001*

**Staco Corporation,
Owner**

**Final Plat - Woodland Cove
Third Addition**

Mike Tertinger presented the case. The applicant is proposing a 3-lot re-plat of Lot 1 Woodland Cove First Addition, which will result in a total of three buildable lots and three non-buildable outlots. Proposed Lots 1, 2 and 3 will each contain a maximum of 1.0 acre. Proposed Outlot A will contain 4.08 acres, Outlot B will contain 7.55 acres and Outlot C will contain 3.78 acres. The Outlots will include a note on the final plat stating, "this parcel may only be developed in accordance with all development regulations in effect at the time development is proposed". There are no existing structures on the subject property. An associated preliminary plat case (JP18-0001) and associated rezoning case (JR18-0001) are running concurrently with this case.

This proposal meets the standards for approval per Article 4 of the Linn County Unified Development Code (UDC). The parcel meets both MLS and LESA requirements, and earned a LESA score of 176.35 (the minimum threshold needed to pass in MUSA areas is 105).

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

JR18-0001

*Related cases: JP18-0001,
JF18-0002*

**STACO Corporation,
Owner**

**Rezoning - Woodland Cove
Third Addition**

Mike Tertinger presented the case. This applicant is proposing to rezone Lot 1 of Woodland Cove First Addition from AG (Agricultural) to USR (Urban Services

Residential). The subject property is located within the MUSA (Metro Urban Service Area) on the Rural Land Use Map. The associated preliminary plat case (JP18-0001) and final plat case (JF18-0002) are running concurrently with this case.

This proposal meets the standards for approval per Article 4 of the Linn County Unified Development Code (UDC). The parcel meets both MLS and LESA requirements, and earned a LESA score of 176.35 (the minimum threshold needed to pass in USA areas is 105).

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

Grenis asked if the slopes are accurate on the aerial photo shown in the presentation. Tertinger stated that as far as he knows the orange pixels designating the steep slopes are accurate but that a ground survey might be necessary to verify.

Bellon asked when the road connection will be completed, and what triggers that event. Tertinger said that as of yet that hasn't been determined but it sounds like a delay to the end of development is possible.

Maxwell asked if the developer has to pay for the road. Tertinger said that yes, they would need to.

Susan Forinash, Hall & Hall Engineers, 1860 Boyson Rd, Hiawatha, IA 52233, spoke representing the applicant. Forinash said that this plat was part of the original Woodland Cove 1st Addition plat and that STACO has had a lot of interest in this parcel from potential buyers. Since it must be zoned USR they are creating a plat with 1-3 lots on it.

Carson asked if only one house is constructed would it need to be built within the footprint of proposed Lots 1-3. Forinash stated that is correct, and added that the property lines of the proposed lots may shift a little, and also that there may only be one buyer for all of the proposed lots and outlots.

Kathy Button, 5201 McGowan Dr., asked if Outlot C and Outlot B are nonbuildable. Forinash confirmed they are designated non-buildable lots. Button asked if there can only be 3 homes built on this piece of land. Forinash answered yes. Button asked how much of her lot would be taken as part of this proposal. Beck answered that any road connection that is made will be done within the existing right of way, and that she would retain any land she currently has.

Button asked if the road would be widened. Beck answered that any road improvements made will be done within the existing right of way. Carson asked Button if she knows where the right-of-way and front property line are located in front of her house. Button indicated she did not know the location of the right-of-way. Carson explained that there is still a public right-of-way even though McGowan Drive is a private lane that is maintained by a homeowners association. Beck stated that staff has not located this maintenance agreement in the Planning and Development department records. Button

wanted to go on record and state that she is not in favor of connecting McGowan Drive with Rosedale Road.

Bellon asks if there is a way there can be an additional setback or buffer added along the west property line. Forinash said that is certainly something they would be willing to do.

Leslie Julich, 5563 Meadow Grass Circle, asked for clarification on the proposal. Julich asked if this whole process is being undertaken so that one person can purchase this whole piece of land and construct one house. Forinash said there have been 7 or 8 people interested in buying this entire property and building a single house, but they decided to plat three lots because of the USR zoning designation. Julich states that she was at the Technical Review Committee meeting on January 4th and that Tiffany Earl's home, located east of this project site across Rosedale Road, was discussed at that meeting. She said when Tiffany Earl originally decided to develop her property, she had platted one lot and an outlot that was supposed to be nonbuildable. But then she changed her mind re-platted the outlot in order to build one more house. Julich asked if it is possible that would happen with the proposed outlots in Woodland Cove Third Addition. Forinash said that platting any additional lots would trigger the need for a developer to adhere to a different and more expensive road standard to serve the subdivision. Forinash said she cannot say whether or not that will or won't happen in the future but that the intent of this applicant is only to plat three buildable lots.

Penny Glanz, 5643 Meadow Grass Circle, stated that proposed Lot 1 is directly behind her house. She said when they bought the property they were told that the parcel to the north was nonbuildable. Glanz stated she believes surrounding property values will diminish if houses are constructed on the proposed lots. Forinash stated that the people seeking to construct houses on the parcel are more likely to build million dollar homes, and she indicated that she does not believe this will negatively affect surrounding property values.

George McClain, 611 Rosedale Rd., asked if an archeological study of the property had been done. Forinash stated that the property owner has done extensive studies of the area, but she was unaware if an archeological study had been undertaken for this parcel.

Cindy Stock, 5200 McGowan Dr., asked how the proposed road could be connected to the existing portion of McGowan Drive without helping to pay to maintain it, since it is privately maintained at this time. Landa asked why Linn County is asking for a road connection if the City of Cedar Rapids says a turnaround at the end of the proposed drive is sufficient. Forinash said she thought that Linn County wants the connectivity.

Tertinger stated that staff was taking notes during this discussion and would address all of the questions after the public comment period was finished.

Rachel Mills, 5997 Meadow Grass Circle, asked for clarification about a requirement to connect to City of Cedar Rapids water services, and how the fire department for the City

of Cedar Rapids is involved since this area is located within the West Bertram fire district.

Brian Hance, 4800 McGowan Dr., asked if the proposed lots are within City or County jurisdiction. Forinash confirmed that they are within County jurisdiction. Hance stated that he didn't understand the need for a road connection. He also said that all of the dwellings on the existing portion of McGowan Drive have wells and septic systems, and wonders if connection is made to City services within this new development if the existing homes would eventually be required to connect. Forinash stated that existing homes would probably not be required to connect to City services, but that future annexation of the area into the City of Cedar is always possible and the requirement to connect to services could change. Hance asked if it would be possible to install a turnaround instead of connecting the road. Landa stated that she hopes additional research can be done into this issue. Bellon explained the City of Cedar Rapids 2-mile extraterritorial review authority based on state code. Hance asked that if the road connection were ultimately required, would there be an appeal process. Beck states that it could be appealed in district court.

Alex Brech, 5001 McGowan, voiced his opposition to the road connection due to potential negative traffic impacts.

Leslie Julich, 5563 Meadow Grass Circle, asked if there would be restrictive covenants for the proposed subdivision and when they would be determined. Forinash said that covenants should be created after the plat is recorded, but also said that the County does not enforce restrictive covenants.

Les Beck, Planning & Development Director, talked about the original plat of Jerabek's First Addition, which is located adjacent to the subject property. That original plat shows a connection of the right-of-way for McGowan Drive to the subject property. Beck stated this indicated an intent to plan for development and road connection of the original McGowan Drive to the subject property. Beck then discussed the existing county land use designation of MUSA for the property and the corresponding USR zoning district. He explained the development standards for USR zoning districts.

Forinash requested that all cases related to Woodland Cove Third Addition be postponed.

Motion by Bellon to postpone cases JP18-0001, JF18-0002, and JR18-0001. Second by Carson.

Carson	Aye
Landa	Aye
Dickey	Absent
Maxwell	Aye

Grenis **Aye**
Bellon **Aye**

JR18-0002 **TPC Development LLC** **Rezoning - USR to AG**
Related case: JPS18-0001 **c/o Trevor Parks, Owner**
Linn County , Petitioner

Stephanie Lientz presented the case. The applicant is proposing to rezone the 1.43 acre subject property from the USR (Urban Services Residential) zoning district to the AG (Agricultural) zoning district. The property is located within the MUSA (Metro Urban Service Area) on the Linn County Rural Land Use Map; however, it is legally described as part of a larger 40-acre parcel (Lot 1 of Auditor's Plat No. 509), which is zoned AG (Agricultural). The rezoning request will correct existing dual zoning on the larger parcel. A related Residential Parcel Split case (JPS18-0001) is running concurrently with this case.

This proposal meets the standards for approval per Article 4, Section 4 and Article 4, Section 6 of the Linn County Unified Development Code (UDC). A Land Evaluation and Site Assessment (LESA) analysis is not required per Article 4, Section 6, subsection 1(c) of the UDC, as the proposed rezoning will result in a parcel with a single zoning classification.

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

There were no questions from the public or the commission for this case.

Motion by Maxwell to recommend approval of case JR18-0002 subject to the conditions of the staff report . Second by Carson .

Carson **Aye**
Landa **Aye**
Dickey **Absent**
Maxwell **Aye**
Grenis **Aye**
Bellon **Aye**

OTHER BUSINESS

COMMISSION COMMENTS

Beck announced two openings on the Commission and asked the Commission members to check with their business and personal networks to see if anyone would be interested.

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Christine Landa, Chair

Ryan Sampica, Recording Secretary