

# LINN COUNTY PLANNING & ZONING COMMISSION

## MINUTES

Monday, February 19, 2018

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

### QUORUM DETERMINED:

#### PRESENT:

Christine Landa, Chair	2020
H. Frank Bellon, Vice Chair	2021
R.J. Carson	2018
Ted Grenis	2019
Kimberly Dickey	2022

#### ABSENT:

George Maxwell	2020
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#### STAFF:

Stephanie Lientz, Planner II  
Mike Tertinger, Planner I  
Ryan Sampica, Recording Secretary

See attendance sheet for community sign in.

### APPROVAL OF MINUTES

The minutes of the January 16, 2018 Planning & Zoning Commission meeting were approved as submitted.

### CONSENT AGENDA

JLPS18-0001 Halac Ten Addition

Land Preservation Parcel Split.

Motion by Dickey 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	Aye
Maxwell	Absent

## REGULAR AGENDA

**JF17-0011          Final Plat - MidAmerican First Addition          Stephanie Lientz**

Lientz presented the staff report.

The applicant is proposing a 1-lot final plat of 0.69 total acres, and includes 0.08 acres of additional road right-of-way (proposed Lot A). The plat will not create any new buildable lots. Proposed Lot 1 will contain 0.46 acres, and includes an existing natural gas pipeline and accessory structure. Outlot A contains 0.15 acres, and no existing structures. An associated rezoning case (JR17-0003) is running concurrently with this case, to rezone proposed Lot 1 and Outlot A from the AG (Agricultural) zoning district to the USR (Urban Services Residential) zoning district. The USR zoning district has a maximum lot size of 1 acre.

The applicant owns the property located to the north of Outlot A (2980 E. Post Road), and has indicated an interest in purchasing this property.

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 182.5 (the minimum threshold needed to pass in USA areas is 105).

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

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

**Motion by Carson to recommend approval of case JF17-0011, subject to the conditions of the staff report. Second by Grenis.**

<b>Carson</b>	<b>Aye</b>
<b>Landa</b>	<b>Aye</b>
<b>Dickey</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Absent</b>
<b>Grenis</b>	<b>Aye</b>
<b>Bellon</b>	<b>Aye</b>

**JR17-0003          Rezoning - AG to USR          Stephanie Lientz**

Lientz presented the staff report.

The applicant is proposing to rezone the 0.61 acre subject property from the AG (Agricultural) zoning district to the USR (Urban Services Residential) zoning district. The property is located within the MUSA (Metro Urban Service Area) on the Linn County Rural Land Use Map.

A 1-lot final plat case (JF17-0011) is running concurrently with this case.

This proposal meets the listed standards for approval in Article 4, Section 6 of the Linn County Unified Development Code (UDC). The parcel meets both MLS and LESA requirements, and earned a LESA score of 182.5 (the minimum threshold needed to pass in USA areas is 105).

Staff recommends approval subject to the conditions of the staff report. There were no questions or comments from the Commission, applicant or public.

**Motion by Bellon to recommend approval of case JR17-0003, subject to the conditions of the staff report. Second by Carson.**

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

JF18-0003	Final Plat - Hilzendager 1 <sup>st</sup> Addition	Mike Tertinger
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Tertinger presented the staff report.

The applicant is proposing a 3-lot final plat of 29.7 acres, with an additional 0.14 acres of road right-of-way along Stone City Road (proposed Lot A). This is a re-plat of Lot 3 Deer Ridge Estates 2<sup>nd</sup> Addition and Lots 13 and 14, Irregular Survey of SW SE 1-84-5. There will be no increase in the number of buildable lots. Proposed Lot 1 will contain 11.51 acres, proposed Lot 2 will contain 8.29 acres, and proposed Lot 3 will contain 9.76 acres. There are no existing structures on proposed Lot 1, 2 or 3. There is a 40-foot access easement on proposed Lot 3.

This proposal meets the standards for approval per Article 4 Section 8C of the Linn County Unified Development Code (UDC). Minor Subdivisions that do not create additional buildable lots are not subject to MLS and LESA requirements.

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

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

**Motion by Grenis to recommend approval of case JF18-0003 subject to the conditions of the staff report. Second by Carson.**

Carson	Aye
Landa	Aye
Dickey	Aye
Maxwell	Absent

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

**JC18-0003**                **Conditional Use - Utility Substation**                                **Stephanie Lientz**

Lientz stated that the applicant requested to table this application, as he was unable to attend tonight's meeting.

**Motion by Bellon to approve postponement of case JC18-0003. Second by Dickey.**

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

**JC18-0002**                **Conditional Use - Home Occupation for Custom Home Furnishings**                                **Mike Tertinger**

Tertinger presented the staff report.

The applicant is requesting a Conditional Use Permit for a Home Occupation for a custom home furnishings business on a parcel of 2.03 acres. The applicant uses old building materials such as windows and barn doors and repurposes them into custom handcrafted furniture, wall hangings and assorted home décor. The applicant is proposing to use 900 square feet of an existing 1176 square foot detached accessory structure for a retail store. Another 100 square feet of a second existing 480 square foot detached accessory structure will be used as a workshop for the home occupation. There will be no nonresident employees. The applicant indicated that approximately 1 to 10 customers will visit the store per week and anticipates up to 4 deliveries per month.

A Conditional Use Permit for a Home Occupation was previously granted in 2012 for a gunsmithing and internet sales of firearms on the subject property. That business is no longer operating on the property, the associated conditional use permit has expired, and the applicant for the permit, Mark A Powell, no longer resides on the subject property. The applicant for the new home occupation permit, case JC18-0002, met with Planning and Development staff on January 8, 2018 to discuss the requirements of obtaining a Conditional Use Permit for a Home Occupation.

A Conditional Home Occupation allows the applicant up to 1000 square feet to be used for a home occupation business on a parcel of 2.00 to 4.99 acres in size. A home occupation that uses part of an accessory structure for the business requires a Conditional Use Permit for a Home Occupation in the AG (Agricultural) zoning district. The proposal conforms to the standards for approval in Article 6, Section 3, § (8) of the Linn County Unified Development Code.

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

Bellon asked if there was a prior retail use on this property. Tertinger said that there was a previous Conditional Use Home Occupation permit, which has expired, for a gunsmithing and internet, firearm sales business that is no longer in operation at this location.

**Motion by Carson to recommend approval of case JC18-0002, subject to the conditions of the staff report. Second by Grenis.**

<b>Carson</b>	<b>Aye</b>
<b>Landa</b>	<b>Aye</b>
<b>Dickey</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Absent</b>
<b>Grenis</b>	<b>Aye</b>
<b>Bellon</b>	<b>Aye</b>

<b>JC18-0001</b>	<b>Conditional Use - Contractor's Yard and Outdoor Storage</b>	<b>Stephanie Lientz</b>
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Lientz presented the staff report.

The applicant is proposing a 17,400 square foot building for concrete contractor's office, shop, and outdoor storage on Outlot A of Vernon Valley 9<sup>th</sup> Addition. The proposed outdoor storage areas are located west and north of the proposed building, as well as to the northwest of the creek. There is a proposed driveway between the outdoor storage areas, which would use an existing creek crossing to access the northwest storage area. The applicant is proposing to hard surface 4.51 acres of the 18.65-acre subject property, including the building, outdoor storage areas, and paved parking areas.

The proposed uses of contractor's yard or outdoor storage are allowed with a Conditional Use Permit in the HC (Highway Commercial) zoning district. The proposal meets the standards in Article 4, Section 9, §(4) of the Unified Development Code for Conditional Uses. Other development standards include those requirements for a major site plan, and a requirement to hard-surface parking and drives for commercial uses in the MUSA (Metro Urban Service Area). The proposal meets the parking standards found in Article 5, Section 3, §(5) of the UDC, with the administrative approval of a proposed reduction in required parking spaces. The subject property is currently platted as a nonbuildable outlot, and must be re-platted before a building permit may be issued and operation of any business could commence. Vegetative screening is shown on the site plan and will be required south of the outdoor storage area next to the proposed building. Staff believes that the storage proposed to the northwest of the creek is incompatible with surrounding properties, and is not suitable for the subject property.

Staff recommends referring the proposal back to the applicant for additional review/information.

Carson asked the applicant what material they proposed to use for the creek crossing. Doug Brain, Brain Engineering said they planned to use asphalt millings. Bellon asked if there was an existing low level crossing there with a culvert. Chad Kelly, 1524 Big Creek Rd, said there is a grass crossing there now that has been used for 100+ years and there are two large concrete culverts.

Bellon asked Kelly about his plan for the outdoor storage area north of the creek. Kelly said that he plans on using it to store forms and not for storing any vehicles or motorized equipment.

Bellon asked Brain if part of the property is located within an unstudied floodplain area. Brain confirmed this to be the case, but stated that they would be pursuing a Letter of Map Amendment from FEMA to show that there is less floodplain on the property than what is currently shown on FEMA maps.

Megan Knatz, 5415 Winslow Rd, Marion, Iowa operates the wedding venue and reception hall south of the subject property. Knatz stated this proposal would harm her business and could potentially put her out of business if it was approved. She gave examples of her neighbor to the south (Hardscape Solutions) and how they have not planted their vegetative screening north of their self-service storage area. Knatz said she had two clients cancel last year because the view of that area was not blocked.

Terry Manternach, 3870 Holly Dr. SW, Cedar Rapids, IA 52404, is the owner of the wedding venue and reception hall. Manternach stated his concern is that if this proposal goes through he will be stuck with a building that he will need to repurpose and shoulder that expense. He also stated that they put up a demo fence to see where the proposed fence line would be and standing on the porch/deck the fence line would only come up to just below the knees therefore, it would not hide the equipment for this contractor's yard.

Brian Kirk, PO Box 8355, Cedar Rapids, Iowa, Spirit of Faith Church, asked if there is any kind of proposed screening on the east side of the outdoor storage area, and what kind of activity will be going on in the storage area. He also stated that the hours of operation are a potential concern because he believes that their hours may be extended during the construction season.

Bellon asked Kelly if they could reconfigure the site plan to move the outdoor storage area and re-orient the proposed building. Kelly said that the initial site plan that was submitted had the building, contractor yard and parking angled at forty-five degrees on the property to move everything away from the south property line and he is willing to go back to that.

Dickey asked about the height of the equipment that Kelly would be storing in the contractors yard. Kelly said that there would be some trailers with forms and/or skid loaders on them, which could be 6 ½ to 8 feet in height.

Dickey suggested that Knatz consider landscaping solutions on her own property, as well, to mitigate visual impacts of adjacent properties.

**Motion by Bellon to recommend sending the proposal back to the applicant for additional review/information for case JC18-0001. Second by Grenis.**

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

**OTHER BUSINESS**

**COMMISSION COMMENTS**

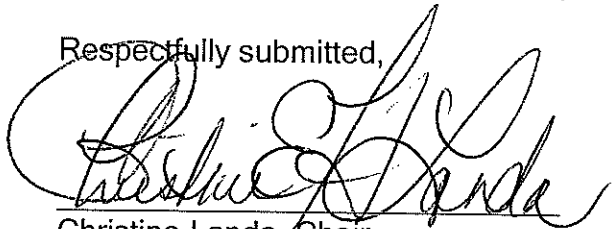
**STAFF COMMENTS**

**PUBLIC COMMENTS**

**ADJOURNMENT**

The meeting was adjourned at 8:04 p.m.

Respectfully submitted,



Christine Landa, Chair



Ryan Sampica, Recording Secretary