

**LINN COUNTY PLANNING & ZONING COMMISSION**

**MINUTES**

**Monday, June 17, 2019**

The Linn County Planning and Zoning Commission meeting was called to order at 6:30 p.m. by the Chair, Christine Landa. 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 2023  
George Maxwell 2020  
Ted Grenis 2019  
Curt Eilers 2022

**ABSENT:** Sheila Gatewood 2020

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

See attendance sheet for community sign in.

**APPROVAL OF MINUTES**

The May 20, 2019 Planning & Zoning Commission minutes were approved as submitted.

**CONSENT AGENDA**

JPS19-0011	Palmer Acres First Addition	Residential Parcel Split
JPS19-0012	Burnside Addition	Residential Parcel Split
JPS19-0013	Grabau First Addition	Residential Parcel Split
JF19-0002	Kramer Farmland First Addition	Final Plat

Elizabeth Motsinger, 1233 Marion Airport Road, asked that JPS19-0010, Heath First Addition, be pulled from the consent agenda for individual review.

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

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

## REGULAR AGENDA

**JPS19-0010**

**Heath First Addition**

**Residential Parcel Split**

Charlie Nichols presented the staff report. The applicant is requesting a residential parcel split of 13.5 acres (proposed Lot 1) with an additional 0.96 acres of proposed road right-of-way. The property is zoned AG (Agricultural). The remainder of the parent parcel is approximately 29.8 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." Proposed Lot 1 contains a dwelling constructed in 2014, accessory building, 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. Nichols noted that there is a Conditional Home Occupation Permit application running concurrently with this application.

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.

Mike Brain (Surveyor), Brain Engineering, offered to answer any questions from the Commission on behalf of his client, Ben Heath.

Kevin Buker, 1257 Marion Airport Road, expressed concerns for the possibility of Heath building another single-family dwelling next to his property. Nichols explained that Outlot A, adjacent to Buker, is non-buildable. Buker wondered if there had been any studies of the effects on wildlife or runoff. Nichols reiterated that the lot is non-buildable, so therefore such studies are not needed.

Bellon wondered how access would be provided to Outlot A. Nichols explained there is a 30 ft. easement through Lot 1 that would provide access to Outlot A.

Elizabeth Motsinger, 1233 Marion Airport Road, owns the parcel directly east of Heath. She wondered if Outlot A would ever become buildable. Nichols explained that there are several standards the parcel would need to meet in order to be buildable, many of which Heath's parcel does not currently meet; therefore, the lot is currently not buildable. Motsinger wondered if Heath could propose more changes to his property going forward or if this would be the final change. Nichols informed her that Heath could potentially modify his current proposal after Planning & Zoning Commission's recommendation, but once the case has been approved by the Board of Supervisors, no additional revisions can be made unless going through the entire process again. Motsinger also expressed concerns about Heath personally, explaining that he had lived in the neighborhood for 2-1/2 years and had never introduced himself. Motsinger asked staff that she be contacted prior to the Board of Supervisors meeting so that she can attend.

Dale Motsinger, 1233 Marion Airport Road, also spoke in opposition of Heath, expressing concern for the possibility of him building more homes on the property. Nichols reiterated that the proposal did not include any additional buildable lots.

Chris Motsinger, 1247 Marion Airport Road, wondered what the purpose of a Residential Parcel Split was. Mike Brain, Heath's Surveyor, explained that in most cases, a parcel split is done for financial reasons.

Elizabeth Motsinger wondered if the parcel split could be put on hold until neighbors are notified of Heath's reasoning behind parcel split.

Ben Heath, applicant, informed the Commission and public that he was proposing the parcel split for financial reasons. He added that, much like many of his neighbors, he does not want to build any more houses on his property.

Dianne Lawrence, 1290 Airport Road, also spoke in opposition of the parcel split.

**Motion by Bellon to recommend approval of case JPS19-0010, subject to the conditions of the staff report. Second by Maxwell.**

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

**JC19-0008 Ben Heath, Owner**

**Conditional Use –  
Home Occupation**

Charlie Nichols presented the staff report. The applicant is requesting a Conditional Home Occupation for a home construction business. The applicant proposes to utilize 2,400 square feet of an existing 3,120 square foot accessory structure for storage of construction material, tools and equipment. (The remaining 720 sq. ft. is an upstairs loft area for personal use.) An additional 100 square feet will be used for outdoor storage of business related equipment. The petitioner will have 0 non-resident employees working on site and no business signage is proposed. Six off-street parking spaces will be provided on site. A residential parcel split is currently being proposed for this property in addition to the Conditional Use permit, and the residential parcel with the business on it will remain over 10 acres.

A Conditional Home Occupation allows the applicant to use up to 2,500 square feet for the home occupation business on a parcel of this size. A home occupation with one or more nonresident employees or that will use 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 IV, Section 107-173, § (4) and Article VI, Section 107-113, § (h) of the Linn County Unified Development Code. Staff recommends approval subject to the conditions of the staff report.

Elizabeth Motsinger, 1233 Marion Airport Road, wondered how much space Heath could use for his business storage. Nichols said 2500 sq. ft. maximum. Motsinger wondered what her recourse would be if Heath did not follow Conditional Use Permit guidelines. Nichols explained that Heath would then be in violation of his permit and enforcement action would be taken at that time. Motsinger asked why there were six parking spaces in front of Heath's building if there are no employees. Nichols informed her that those parking spaces are mandatory per Linn County code. Motsinger added that Heath had already been in violation of Linn County Code, operating for over a year. She wondered why Heath would be allowed to continue without any recourse. Beck stated that the applicant is trying to rectify this by going through the Conditional Use permit process now.

Motsinger reiterated that she is not in support of Heath's proposal.

**Motion by Maxwell to recommend approval of case JC19-0008, subject to the conditions of the staff report. Second by Carson.**

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

**JF19-0003**

**Jennifer Taylor, Owner  
Blitzcreek Addition**

**Final Plat**

Mike Tertinger presented the staff report. The applicant is requesting a 2-lot replat of Lot 1, Stadtmueller First Addition, which will result in a net increase of one buildable lot. Proposed Lot 1 will contain 5.0 acres and an existing dwelling, accessory structures, well and septic. Proposed Lot 2 will contain 10.21 acres. There are no existing structures on proposed Lot 2.

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 or LESA requirements. The parcel meets both MLS and LESA requirements, and earned a LESA score of 118.0 (the minimum threshold needed to pass in AA is 115). Staff recommends approval subject to the conditions of the staff report.

Grenis wondered how big Lot 2 was. Tertinger said Lot 2 is 10.21 acres, and Lot 1 is 5 acres.

Landa asked for clarification on easement location.

Bellon asked if the proposal included a shared driveway. Tertinger said yes, adding that there was no proposed second driveway.

Landa wondered about field access to Lot 2. Tertinger suggested the applicant provide clarification.

Jennifer Taylor, applicant, explained that the access point to Lot 2 from Deal Road is almost non-existent at this time. She added that in order for access to be reestablished, she would need to go through Secondary Roads to obtain permits and get DNR approval, as there is a creek running north of the access point, the length of the parcel.

**Motion by Carson to recommend approval of case JF19-0003, subject to the conditions of the staff report. Second by Eilers.**

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

**JR19-0001**

**Gary & Carol Dundee, Owners  
Ryan Dundee, Petitioner**

**Rezoning**

Charlie Nichols presented the staff report. The applicant is proposing to rezone 0.28 acres of a 1.15 acre property from the CNR (Critical Natural Resources) zoning district to the AG (Agricultural) zoning district. This case is running concurrently with a 1-lot subdivision case (JF19-0004) correcting an illegal parcel split. The resulting lot would have dual zoning map designations. The proposed rezoning would change the zone designation for the entire resulting parcel to Agricultural (AG) from Critical Natural Resources (CNR) thereby making it consistent with the zoning designation on the remainder of the property. Additionally, a land use map amendment case bringing the entire property into the RRD3 area (JA19-0002) is running concurrently with this case.

This proposal meets the listed standards for approval in Article IV, Section 107-70 of the Linn County Unified Development Code (UDC). The parcel is not required to meet MLS or LESA standards because no new buildable lots are being created. Staff recommends approval subject to the conditions of the staff report.

There were no questions for the applicant or staff from the Commission or public.



and well. A rezoning and future land use map amendment are being proposed in conjunction with this final plat.

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code. Minor subdivisions that do not create any additional buildable lots are not subject to MLS or LESA requirements. Staff recommends approval subject to the conditions of the staff report.

Bellon wondered if the property owner would be required to combine this into one deed. Beck explained that the property would be deeded to homeowners, then back to applicant in order to make split legal.

**Motion by Maxwell to recommend approval of case JF19-0004, subject to the conditions of the staff report. Second by Carson.**

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

#### **OTHER BUSINESS**

Beck shared a PowerPoint with the Commission members on the Linn County Wind Farm Siting Analysis.

#### **COMMISSION COMMENTS**

#### **STAFF COMMENTS**

#### **PUBLIC COMMENTS**

Darrel Peterson, 7431 Commune Court, stated that he originally attended meeting for Kramer Farmland First Addition, but stuck around to see Wind Farm Siting Analysis PowerPoint. Peterson is an electrical engineer. He spoke in support of wind farms, but asked that staff take noise pollution into consideration when approving new wind turbines.

**ADJOURNMENT**

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

Respectfully submitted,

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H.Frank Bellon, Vice-Chair

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Jessica Black, Recording Secretary