

# LINN COUNTY PLANNING & ZONING COMMISSION

## MINUTES Monday, July 16, 2018

The Linn County Planning and Zoning Commission meeting was called to order at 6:35 p.m. by Chair, Frank Bellon. 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:** H. Frank Bellon, Vice Chair 2021  
R.J. Carson 2018  
George Maxwell 2020  
Ted Grenis 2019  
Curt Eilers 2022

**ABSENT:** Christine Landa, Chair 2020

**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 June 18, 2018 Planning & Zoning Commission meeting were approved as submitted.

### CONSENT AGENDA

JF18-0008	Stagecoach First Addition	Final Plat
JPS18-0012	Arp Southview Road First Addition	Residential Parcel Split
JF18-0009	Beauregard Glen Addition	Final Plat
JPS18-0009	B and J Farms Addition	Residential Parcel Split
JPS18-0011	Whispering Estate Addition	Residential Parcel Split

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

Marquart	Aye
Bellon	Aye
Grenis	Aye
Carson	Aye
Landa	Absent
Maxwell	Aye

**REGULAR AGENDA**

**JF18-0010 Blazicek First Addition**

**Final Plat**

Lientz presented the staff report.

The applicant is proposing a 2-lot final plat of 8.13 total acres, which will reconfigure the boundaries between two existing lots. An additional 0.27 acres of road right-of-way (proposed Lot A) will be dedicated. No new buildable lots will be created. Proposed Lot 1 will contain 3.15 acres, and includes an existing dwelling built in 1928, accessory structure, septic, and well. Proposed Lot 2 contains 4.98 acres, and includes an existing dwelling built in 1979, accessory structures, septic, and well. The properties have a zoning designation of USR (Urban Services Residential).

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). The parcel meets both Minimum Levels of Service (MLS) and Land Evaluation Site Assessment (LESA) requirements, and earned a LESA score of 209.3 (the minimum threshold needed to pass in USA areas is 105). However, minor subdivisions that do not create any additional buildable lots are not subject to MLS requirements per Article IV Section 107-72, § (3)(b), or LESA requirements per Article IV, Section 107-70, §(1)(h) of the UDC

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

There were no questions from the commission, and no comments from the applicant.

**Motion by Grenis to recommend approval of case JF18-0010 subject to the conditions of the staff report . Second by Eilers .**

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

**JC18-0007 Renda**

**Conditional Use -  
Home Occupation  
for Window Tinting**

Tertinger presented the staff report.

The applicant is requesting a Conditional Home Occupation Permit to operate a window tinting and blinds installation business on a parcel of 5.4 acres. The applicant installs tinted window film and blinds for commercial and residential applications; the service is performed at the customer's location utilizing a small service van. The applicant is proposing to construct a 3,360 square foot accessory structure: 2,160 square feet for a horse barn and personal use, while the remaining 1,200 square feet will be for the home

occupation business. The business area will include a small office, storage space for materials and inventory, and inside parking for the service van. An additional 300 square feet of the home occupation business will be used for outside storage of a small business trailer.

A Conditional Home Occupation allows the applicant up to 1,500 square feet to be used for a home occupation business on a parcel of 5.00 to 9.99 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 VI, Section 107-113, § (h) of the Linn County Unified Development Code.**

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

There were no questions from the commission, and no comments from the applicant.

**Motion by Maxwell to recommend approval of case JC18-0007 subject to the conditions of the staff report . Second by Grenis .**

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

**JA18-0001 Linn County**

**Land Use Map  
Amendment**

Lientz presented the staff report.

Linn County Planning & Development is proposing to amend the Rural Land Use Map for an area generally north of Mount Vernon Road, east of East Post Road, west of Dows Road, and south of Lakeside Road. The proposed amendment would change the map designations from Metro Urban Service Area (MUSA) to Rural Residential 2-Acre Development Area (RRD2) and Critical Natural Resource Area (CNRA). Forty parcels under 15 different ownerships, and containing approximately 653 acres, are included in the proposed amendment area.

The proposal meets the standards for approval in Article IV Section 107-75 of the Linn County Unified Development Code (UDC). Rural Land Use Map Amendments are not subject to MLS or LESA requirements.

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

There were no questions from the commission, and no comments from the applicant.

**Motion by Grenis to recommend approval of case JA18-0001 subject to the conditions of the staff report . Second by Carson .**

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

<b>JC18-0006</b>	<b>Septic Waste Dewatering &amp; Compost Facility</b>	<b>Conditional Use</b>
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Lientz presented the staff report.

The applicant operates Miene Septic, a septic pumping service, and is proposing to haul septic waste collected by that service to the subject property to be repurposed into compost. Two (2) buildings are proposed to be built on the site: a 15,000 square foot building will be used for unloading of septic trucks, screening of material, and composting; and, a 2,400 square foot building will be used to store raw carbon source material (e.g., wood chips, straw, etc.) and equipment.

The applicant indicated that pump trucks will drive into the larger building, where septic waste will be screened to remove paper products. The paper products will be disposed of in a dumpster inside this building. The remaining septic solids will be dewatered, and an on-site absorption field will receive and filter the effluent. Dewatered solids will be combined with organic material inside a bioreactor, in order to produce compost. The finished compost product will be stored inside the main building. The site plan shows two (2) possible locations for the buildings and for the absorption field.

Staff has interpreted the proposed use as a sewage treatment plant, which is allowed with a Conditional Use Permit in the AG (Agricultural) zoning district. The proposal must meet all of the standards for approval for Conditional Use Permits in Article IV, Section 107-73, § (4) of the Linn County Unified Development Code. Other development standards include those requirements for a major site plan, and a requirement that the site shall have access to a hard surfaced road of sufficient capacity to accommodate generated by the use. The applicant must obtain all applicable state and federal permits prior to operation, and must maintain these permits during operation.

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

Bellon asked if this was approved and he wanted to expand in the future would the applicant need to get a new Conditional Use permit and updated site plan. Lientz answered yes.

Rick Miene, 8155 Morris Hills Rd Toddville, IA, described the proposal.

Eilers asked why he picked this particular site. Miene responded that he started here because he owns the site.

Grenis asked what size trucks Miene would be coming to the site. Miene stated that the biggest truck they will use will be a 58,000 GVWR truck and the site will average 1-3 trips a day. Grenis said that the road is a seal coated road, a hard surface road, and not a cement/asphalt road, and asked what measures would be taken to protect that road. Miene said that Brad Ketels from Secondary Roads is looking into options for the road.

Bellon asked if Miene's operation will be the only one using this site. Miene said that his intention is that his company will be the only one that disposes waste at the site.

Greg Smith, 3265 N Center Point Rd, spoke in opposition to the proposal, due to concerns regarding property values, air quality (odor), road and traffic concerns, and potential impacts to surrounding property owners.

Jama Stilwell, 1623 Timber Ct SE (parents live at 3328 Wubbens Rd) spoke in opposition to the proposal citing concerns with compatibility with the Linn County Comprehensive Plan.

Charlene Allaire, 3553 County Home Rd, spoke in opposition to the proposal citing concerns regarding other health related issues.

Richard Thibault, 3630 Hagerman Rd, spoke in opposition to the proposal citing concerns regarding property values.

Lori Taylor, 3462 Midway Rd, spoke in opposition citing concerns regarding property values.

Carol Gromman, 1100 Regent St NE, spoke in opposition to the proposal citing concerns regarding water quality and potential contamination of groundwater.

Gary Shakespeare, 3454 Midway Rd, spoke in opposition citing concerns regarding property values, traffic, potential accidents, and possible future expansion.

Bruce Shakespeare, 3454 Midway Rd, spoke in opposition to the proposal citing concerns regarding water quality.

Larry Germain, 3877 Quail Ridge Rd, spoke in opposition to the proposal citing concerns regarding Miene's past stewardship of the subject property.

John Wagner, 1000 Collins Rd, spoke in opposition to the proposal as an attorney representing several neighbors. He stated that while researching the project, he was not able to find another example of such a use being sited in close proximity to a residential area.

Rhonda Harris, 3754 Midway Rd, spoke in opposition to the proposal citing concerns related to traffic and air quality.

Clayton Foreman, 3545 County Home Rd, spoke in opposition to the proposal, stating that the entire community has come together and said they don't want this use sited at this location, and he doesn't think that one man should be able to dictate what happens when the community doesn't want it.

Lon Oliphant, 3628 5<sup>th</sup> St Toddville, spoke in opposition to the proposal citing water quality concerns.

Michelle Byard, 3761 Toddville Rd, spoke in opposition to the proposal citing concerns with property values and odor.

Dan Mauro, 3585 E Otter Rd, spoke in opposition to the proposal citing traffic concerns, and the perception that the applicant has not been responsive to complaints about the wood chip pile on his property.

Jerry Kleinmeier, 3441 Midway Rd, spoke in opposition to the proposal citing potential negative visual impacts, water quality, air quality, and negative impacts on property values.

Jim McLaughlin, 3429 Midway Rd, spoke in opposition to the proposal citing potential negative impacts to the park across the street and if the land can handle the size of the septic system that is proposed.

Greg Johnston, 3266 Midway Rd, spoke in opposition to the proposal citing concerns regarding water quality, and contamination of groundwater.

Kevin Humpfer, 3425 Midway Rd, spoke in opposition to the proposal citing concerns about the location relative to a residential area.

Robert Handley, 3377 Feather Ridge Rd (3349 Midway Rd, 3357 Schmickle Rd), spoke in opposition to the proposal citing concerns regarding road/traffic issues, and air quality (specifically, particulate materials).

Phillip Hughes, 3534 Lori Sue Ln, spoke in opposition to the proposal, stating that Linn County taxpayers already pay for the wastewater treatment facility that is operated by the City of Cedar Rapids, and this project isn't necessary.

Chris Jobe, 400 Johnson Dr, spoke in opposition to the proposal citing concerns regarding the possible expansion of the operation in the future.

Mike White, 3514 Low Ln, asked if the applicant was required to get a fence for his operation.

Joe Heims, 3426 N Center Point Rd, spoke in opposition to the proposal citing water quality concerns.

Nina Williams, 500 Front Dr, said she finds it curious that the applicant is willing to spend millions of dollars for only three trucks a day to be used in the operation.

Lientz gave a closing statement, reviewing some of the questions/concerns/comments from the public comment period.

Eilers asked about the request of the applicant to allow processing/grinding of raw carbon source material on the site. Lientz stated that it is up to the PZC Commission or Board of Adjustment to amend the condition of the staff report prohibiting the processing of carbon source material on the property.

**Motion by Maxwell to recommend denial of case JC18-0006. Second by Grenis.**

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

#### **OTHER BUSINESS**

#### **COMMISSION COMMENTS**

#### **STAFF COMMENTS**

#### **PUBLIC COMMENTS**

#### **ADJOURNMENT**

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

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Frank Bellon, Chair

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Ryan Sampica, Recording Secretary