

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Monday, August 15, 2022

The Linn County Planning and Zoning Commission meeting was called to order at 6:33 p.m. by Chair, Tina DuBois. The meeting was held in the Jean Oxley Public Service Center Formal Board Room, 935 2nd Street SW, Cedar Rapids, Iowa.

QUORUM DETERMINED:

PRESENT:	Tina DuBois, Chair	2025
	Brock Grenis, Vice-Chair	2023
	Griffin Kuntz	2026
	Allen Wagner	2024
	Diane Brecht	2025

ABSENT:	Curt Eilers	2022
	George Maxwell	2025

STAFF:	Stephanie Lientz, Planning & Zoning Division Manager
	Jessie Black, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the July 18, 2022, Planning & Zoning Commission meeting were approved as submitted.

REGULAR

AGENDA

JC22-0005

Conditional Use Home Occupation

Griffin McGrath, Owner

Stephanie Lientz presented the staff report.

The applicant is requesting a Conditional Home Occupation Permit for retail sales of small race car parts on the subject property, which contains 24.26 acres, and is zoned RR3 (Rural Residential 3-Acre). The applicant proposes to use approximately 1,780 square feet total for the business use (approximately 1,460 sq. ft. within the attached accessory structure and 320 sq. ft. of outdoor storage consisting of a trailer parked south of the structure). The business use inside the structure will be distinct and separate (loft space, accessed via stairs), while the remaining area will be used for personal shop and storage space. The applicant's proposal indicated that one non-resident employee will be on site, and it is estimated that there will be up to 10 weekly deliveries. The parts sales business will be primarily online, but up to 5 customers will be coming to the site per week, and the outdoor storage trailer will be used to transport items for sale at off-site locations.

Retail sales are allowed in the RR3 (Rural Residential) zoning district as a Conditional Home Occupation per Article VI, Section 107-113, § (h). A Conditional Home Occupation allows the applicant to use up to 2,500 square feet for the home occupation business on parcels that are 10 acres or greater in 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 RR3 (Rural Residential 3-Acre) zoning district. The proposal conforms to the standards for approval in Article IV, Section 107-73, § (4). However, the proposal is not yet in conformance with Article VI, Section 107-113, § (h) of the Linn

County Unified Development Code as 7905 Tower Terrace Rd is not yet the primary residence of the proposed home occupation business owner. As a condition of approval, the applicant must confirm relocation to this address before operation of the business may commence.

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

Lientz read an email from a surrounding property owner who spoke in opposition. The email expressed concerns about the potential expansion of proposed business, potential traffic hazards, and the impact of proposed business on residential character of the area.

Tom Wehmeyer, 9569 Darrell Dr, asked who determines what type of signage can be posted at the site and what kind of recourse will be taken if the business expands beyond the proposed scope. Wehmeyer also asked for clarification on the estimated increase in traffic due to the proposal.

Todd Straub, 9570 Darrell Dr, expressed concerns about the potential impact to his viewshed from the trailer and dumpster parked outside of the home-based business.

John Atkinson, 9450 Darrell Dr, asked what would happen to the home occupation permit if the parcel were to be split in the future. Atkinson also mentioned concerns about impacts to rural character from the business, especially if it expands beyond current scope. Atkinson wondered if McGrath plans to host business-related open houses.

Gene Korleski, 9420 Darrell Dr, explained that Darrell Drive is assessed every three years and wondered if McGrath would also be responsible for road participation since delivery drivers would likely be using Darrell Drive.

In response to concerns from the public, Lientz stated that any changes to McGrath's current proposal would be required to come before the Planning & Zoning Commission and/or Board of Adjustment again if they were significant changes. She also said current traffic count is 1450 vehicles per day, adding that McGrath's proposal would increase traffic by 40 vehicles per day. Lientz explained that staff heavily rely on complaints from surrounding property owners to help monitor changes to the home business, but she assured concerned neighbors that staff will review the Conditional Use Home Occupation permit every five years. If the applicant's business has expanded beyond the original proposal, the enforcement process would then be started. Lientz also said that the permit would not transfer to a new owner, should McGrath sell the property in the future.

Lientz addressed concerns about viewshed, stating that there are no vegetative screening requirements, but the Commission could add a recommendation for it. Lientz stated the size of the business is directly related to the size of the parcel, so if the parcel were to be split, staff would re-assess the Conditional Use Permit at that time. Lientz said open houses were not included as part of the proposal and the Linn County Secondary Road Department would be responsible for implementing any type of road agreement that would include participation.

The Commission deliberated. DuBois suggested adding a vegetative screening requirement. Kuntz and Grenis thought it was unnecessary. The Commission ultimately decided against including a condition related to screening.

Motion by Kuntz to recommend approval of case JC22-0005, subject to the conditions of the staff report. Second by Brecht.

Brecht	Aye
DuBois	Aye

Wagner	Aye
Grenis	Aye
Eilers	Absent
Maxwell	Absent
Kuntz	Aye

OTHER BUSINESS

COMMISSION COMMENTS

STAFF COMMENTS

Lientz let the commission members know this case would be heard at the upcoming Board of Adjustment meeting on Wednesday, August 31st.

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 7:14 p.m.

Respectfully submitted,

Tina DuBois, Chair

Jessie Black, Recording Secretary