

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Monday, August 16, 2021

The Linn County Planning and Zoning Commission meeting was called to order at 6:32 p.m. by Chair, Curt Eilers. 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
	Curt Eilers, Vice-Chair	2022
	Allen Wagner	2024
	Brock Grenis	2023
	Griffin Kuntz	2021

ABSENT:	George Maxwell	2025
	Erin Detterbeck	2025

STAFF:	Charlie Nichols, Director
	Stephanie Lientz, Planning & Zoning Division Manager
	Mike Tertinger, Senior Planner
	Cathy Coppess, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the July 19, 2021 Planning & Zoning Commission meeting were approved following Eiler's vote block being corrected to reflect an aye vote and Maxwell as absent from voting.

CONSENT AGENDA

JF21-0019	Palmer's Second Addition	Final Plat
JPS21-0017	McCormick Corner Subdivision	Residential Parcel Split
JLPS21-0005	Hoskins Acres First Addition	Land Preservation Parcel Split
JF21-0014	Holmans Road First Addition	Final Plat
JF21-0015	Nowak First Addition	Final Plat

Motion by Kuntz to approve the consent agenda, subject to the conditions of the staff reports. Second by Grenis.

Maxwell	Absent
Grenis	Aye
Kuntz	Aye
Eilers	Aye
Detterbeck	Absent
DuBois	Aye

Wagner

Aye

REGULAR AGENDA

JF21-0016

Emig First Addition

Final Plat

Charlie Nichols presented the staff report.

The applicant is proposing a 2-lot re-plat of Lot 1 of Mackey's Second Addition, with 4.14 total acres. One new buildable lot (Lot 1) will be created. Proposed Lot 1 will contain approximately 2.09 acres and proposed Lot 2 will contain approximately 2.05 acres. There is currently an existing single-family home and associated accessory structure on Lot 2. The subject property is located within the AA (Agricultural Area) on the Linn County Rural Land Use Map. The property is currently zoned AG (Agricultural).

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). The parcel meets Minimum Levels of Service (MLS) and Land Evaluation Site Assessment (LESA) requirements, and earned a LESA score of 199.75 (the minimum threshold needed to pass in areas designated as AA is 115).

Nichols did receive one comment from the public on the amount of business vehicles parked on the residential parcel. He was told they are parked there temporarily because of the August 2020 Derecho. Nichols advised the applicants in order to move forward, they will need to be moved off the property.

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

Dubois just clarified the applicant is not running their business out of that location. Nichols stated the case would not proceed to the Board of Supervisors for consideration until the trucks have been removed from this location.

Dubois also asked to which street the driveway will connect. Nichols replied Ivanhoe. Grenis inquired if the only negative public comment was on the business vehicles being parked or changing the usage of property? Nichols answered it was only the vehicles.

Mike Brain with Brain Engineering was present on behalf of the applicant. He stated this is a father & son application and that the new home would not be used for business. However, he did not have any information on the business vehicles being parked there.

Dubois stated she does drive past on a regular basis and that there are many vehicles at this location. Nichols informed the commission that it would become an enforcement issue if the vehicles continue to be stored on site in the future.

Motion by Wagner to recommend approval of case JF21-0016, subject to the conditions of the staff report. Second by Eilers.

DuBois	Aye
Kuntz	Aye
Wagner	Aye
Maxwell	Absent
Grenis	Aye
Detterbeck	Absent
Eilers	Aye

JF21-0017 **Mosbeck First Addition** **Final Plat**

Stephanie Lientz presented the staff report.

This applicant is requesting a 2-lot replat of Lot 3 of Selzer's Fourth Addition, which will result in a net increase of one buildable lot. Proposed Lot 1 will contain 1.0 acre, and has a house constructed in 1976, and accessory structures. Proposed Lot 2 will contain 1.0 acre and has several existing structures. The subject property is zoned USR (Urban Services Residential), with a land use map designation of MUSA (Metro Urban Service Area).

This proposal meets standards for approval in 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 202.05 (the minimum threshold needed to pass with an USA land use designation is 105). A community well serves seven (7) nearby dwellings in the existing subdivision, but that well may be near capacity and unable to support another dwelling. The applicant will need to drill a new well, and obtain a permit from Linn County Public Health.

Lientz stated she has been contacted by neighbors about the existing community well, which serves 7 residences, and is believed to be at or near maximum capacity, meaning no new connections could be added. A new well would be required to connect to a new dwelling on proposed Lot 2.

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

Eilers asked if the accessory building on proposed Lot 2 would be on a lot without a dwelling. Lientz indicated it would be a legal non-conforming building once it the plat is recorded. The owner will not be allowed to add to the existing building and if it sustains more than 50% damage, they would not be able to rebuild without having a primary residence somewhere on the lot. Dubois asked if this has been specified to the applicant anywhere. Lientz replied it has not been addressed with the applicant by Planning & Development, as there was no pre-application meeting required as part of this development review process.

Wagner asked for clarification that the entrance will not be connecting with Selzer Road but with the access road off of 151. Lientz confirmed that the access is addressed off of Williams, but is actually on a frontage/driveway that come off the highway. There is no direct access to the highway from proposed Lot 2.

Mike Brain, Brain Engineering appeared for the applicant. He stated the applicant is aware that they will need to drill new well to serve a new dwelling on proposed Lot 2. He also stated that there is a recorded easement providing access to the accessory structure on the property to the east.

Raymond Mosbeck, 7109 Selzer Rd, Fairfax spoke while participating over the virtual GoToMeeting platform. He is aware when a 2nd dwelling goes up, he will need to add a well.

Sandy Meyer, stated the well is located on her property at 7207 Selzer Rd, Fairfax. She stated the existing well is at its maximum capacity. She was also concerned about the traffic on Selzer Road and wondered how many lots would be going in.

Lientz answered, the Linn County Health Department is aware of the well situation. There will be 2 lots. The second lot will use the existing access road that attaches to the frontage road off 151.

Motion by Kuntz to recommend approval of case JF21-0017, subject to the conditions of the staff report. Second by Wagner.

Kuntz	Aye
Detterbeck	Absent
Wagner	Aye
Eilers	Aye
DuBois	Aye
Maxwell	Absent
Grenis	Aye

JA21-0006

Land Use Map Amendment

CNRA to RRD3

Stephanie Lientz presented the staff report for JA21-0006 and JF21-0018 together.

The applicant is proposing to change the land use designation of the 0.54 acre subject property from CNRA (Critical Natural Resource Area) to RRD3 (Rural Residential Development 3 Acre-Area).

An associated Minor Boundary Change (JMBC21-0014) is proposed for the subject property, which contains structures used by the adjacent eastern property (4214 Indian Boundary Road). The 0.54 acre parcel will be combined via deed restriction to the adjacent eastern tract. The boundary change process will be completed prior to final consideration of the land use map amendment case.

This 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 Minimum Levels of Service (MLS) or Land Evaluation Site Assessment (LESA) requirements.

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

Motion by Grenis to recommend approval of case JA21-0006, subject to the conditions of the staff report. Second by Wagner.

Grenis	Aye
Kuntz	Aye
Wagner	Aye
DuBois	Aye
Maxwell	Absent
Eilers	Aye
Detterbeck	Absent

JF21-0018	Skoron Addition	Final Plat
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Stephanie Lientz presented the staff report.

This applicant is requesting a 1-lot final plat in conformance with Article III, Section 107-49, §(2)(f) of the Unified Development Code (UDC), pertaining to the development of a bisected lot. Lewis Access Road bisects the subject property. In conformance with the UDC, proposed Lot 1 (7.5 acres) will be assigned the development right. A note appearing on the final plat indicates that proposed Outlot A (24.83 acres) is non-buildable until such time that the lots meet all development standards in effect at the time development is proposed. There are no structures on proposed Lot 1 or Outlot A. Additional road right-of-way is proposed to be dedicated as shown on Lot A (0.50 acres), Lot B (0.12 acres), and Lot C (0.74 acres) on the final plat.

There is a pending Minor Boundary Change case (JMBC21-0014) and related Land Use Map Amendment case (JA21-0006) for portion of the subject property (0.54 acres) that must be completed prior to the recording of this final plat.

This proposal is in conformance with Article III, Section 107-49, §(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 Minimum Levels of Service (MLS) or Land Evaluation and Site Assessment (LESA) requirements per Article IV, Section 107-70, §(1)(g) and Article IV, Section 107-72, §(3)(b) of the UDC.

Lientz received concerns from the Cedar Heights neighbors about subdivision of Lot 1. She said it is possible for 2 lots in the future when/if the lot scores high enough on the LESA.

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

Dubois clarified with Lientz that the lot changing the land use from CRNA to RR is the .54 acre that is being sold to the neighbor to the east.

Motion by Wagner to recommend approval of case JF21-0018, subject to the conditions of the staff report. Second by Kuntz.

Detterbeck	Absent
Maxwell	Absent
Grenis	Aye
DuBois	Aye
Wagner	Aye
Kuntz	Aye
Eilers	Aye

JA21-0007

UDC Text Amendment

**Linn County Planning &
Development, Petitioner**

Charlie Nichols presented the staff report.

Staff is proposing several text amendments to the Unified Development Code concerning: Temporary Uses, Event Centers in areas zoned Agricultural (AG), signs in areas zoned Critical Natural Resource (CNR), and lot size requirement exemptions for subdivisions in Planned Unit Development Overlay districts (PUD).

Issues including amending the Unified Development Code to: add an increased fee for temporary use applications submitted 14 days or less from the date of the event, allow Event Centers in Agriculturally zoned areas, establish signage regulations for Critical Natural Resource zoning districts, and establish exemption criteria for lot sized in Planned Unit Developments.

Staff recommends approval of the proposed Unified Development Code text amendments.

Motion by Grenis to recommend approval of case JA21-0007, subject to the conditions of the staff report. Second by Eilers.

Maxwell	Absent
Eilers	Aye
Wagner	Aye
Grenis	Aye
DuBois	Aye
Detterbeck	Absent
Kuntz	Aye

OTHER BUSINESS

COMMISSION COMMENTS

STAFF COMMENTS

Charlie Nichols said with the upcoming Solar Projects, citizen groups may try to approach Commission members. Nichols directed the Commissioners to refer anyone who approaches them to the Planning & Development department to provide comments, or direct them to attend the PZC meeting. Wagner asked if we have received applications for both proposed solar projects. Nichols stated that Planning & Development has received an application from Clenera (Coggon area project), but not from NextERA (Palo area project). Dubois asked when to expect the solar projects on the PZC agenda. Nichols stated he did not know for sure, but believed it would be closer to the end of the year before it was received. Linn County has also hired Stanley Company to review the applications.

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Tina Dubois - Chair

Cathy Coppess, Recording Secretary