

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Monday, October 17, 2022

The Linn County Planning and Zoning Commission meeting was called to order at 6:30 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
	Allen Wagner	2024
	Curt Eilers	2022
	Griffin Kuntz	2026
	George Maxwell	2025
	Diane Brecht	2025

STAFF:

- Charlie Nichols, Director
- Stephanie Lientz, Planning & Zoning Division Manager
- Mike Tertinger, Senior Planner
- Jessie Black, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the September 19, 2022, Planning & Zoning Commission meeting were approved as submitted.

CONSENT AGENDA

JF22-0026	M & A Carson Subdivision	Final Plat
JF22-0023	Eagle Trace Second Addition	Final Plat
JPS22-0019	Johnson Acres First Addition	Residential Parcel Split
JLPS22-0004	Johnson Acres Second Addition	Land Preservation Parcel Split
JPS22-0017	Roberson Acres First Addition	Residential Parcel Split
JLPS22-0003	DB Broulik Addition	Land Preservation Parcel Split
JF22-0022	Soukup Addition	Final Plat
JPS22-0018	Flitsch's Third Addition	Residential Parcel Split

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

Grenis	Aye
Maxwell	Aye
Wagner	Aye
Kuntz	Aye
Eilers	Aye

DuBois
Brecht

Aye
Aye

REGULAR AGENDA

JF22-0025

Kellogg Acres

Final Plat

Mike Tertinger presented the staff report.

The applicant is proposing a 3-lot final plat of 12.73 total acres, with no acres of additional road right-of-way. The proposal will result in two additional buildable lots. Proposed Lot 1 contains 4.40 acres, proposed Lot 2 contains 4.53 acres, and proposed Lot 3 contains 3.8 acres. There are no existing structures, wells or septic systems on the proposed lots. The subject property is located within the AA (Agricultural Area) on the Linn County Rural Land Use Map. An associated rezoning case (JR22-0007) is running concurrently with this case, which proposes to downzone the subject property from the RR1 (Rural Residential 1-Acre) zoning district to the AG (Agricultural) zoning district.

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 119.0 (the minimum threshold needed to pass in areas designated as AA is 115).

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

Eilers asked why the applicant was downzoning. Tertinger said to meet MLS & LESA requirements.

DuBois asked if there is a minimum number of acres for a lot in the Agricultural zoning district. Tertinger said 2 acres minimum lot size, if MLS & LESA requirements are met.

Lacey Stutzman, surveyor with MMS Consultants, representing the applicant, offered to answer questions.

There were no additional questions from commission members or public.

Motion by Wagner to recommend approval of case JF22-0025, subject to the conditions of the staff report . Second by Eilers.

DuBois
Kuntz
Wagner
Maxwell
Grenis
Brecht

Aye
Aye
Aye
Aye
Aye
Aye

Eilers

Aye

JR22-0007

Kellogg Rezoning

RR1 to AG

Mike Tertinger presented the staff report.

The applicant is proposing to rezone the 12.73-acre subject property from the RR1 (Rural Residential 1-Acre) zoning district to the AG (Agricultural) zoning district. The subject property is located within the AA (Agricultural Area) on the Linn County Rural Land Use Map.

A 3-lot final plat case (JF22-0025) is running concurrently with this case.

This proposal meets the standards for approval per Article IV, Section 107-69 and Section 107-70 of the Linn County Unified Development Code (UDC). The proposal meets Minimum Levels of Service (MLS) and Land Evaluation and Site Assessment (LESA) requirements in the UDC and earned a LESA score of 119.0 (the minimum threshold score needed to pass in areas designated as AA is 115).

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

There were no questions from the commission members or public.

Motion by Eilers to recommend approval of case JR22-0007 , subject to the conditions of the staff report . Second by Kuntz.

Brecht	Aye
Grenis	Aye
DuBois	Aye
Wagner	Aye
Maxwell	Aye
Eilers	Aye
Kuntz	Aye

JF22-0024

Rolling Hill Farms First Addition

Final Plat

Stephanie Lientz presented the staff report.

The applicant is proposing a 3-lot final plat of 51.48 total acres, which will result in a net increase of 2 buildable lots. The subject property is zoned AG (Agricultural) and is designated as AA (Agricultural Area) on the Linn County Rural Land Use Map. Proposed Lot 1 will contain 7.27 acres, proposed Lot 2 will contain 6.02 acres, and proposed Lot 3 will contain 38.19 acres. An additional 1.74 acres is proposed to be dedicated as road right-of-way (Lot A). There are no existing structures on the proposed lots.

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). The proposal meets both Minimum Levels of Service (MLS) and Land Evaluation Site Assessment (LESA) requirements and earned a LESA score of 140.00 (the minimum threshold need to pass in AA areas is 115). Access to proposed Lots 1 & 2 will be shared.

Staff recommendation is pending.

Lientz informed the commission she had received an email from a concerned neighbor, requesting to table the case. DuBois asked if the concerns were specifically stated in the email. Lientz said no.

Brecht expressed concerns about the entrance onto Sawyer Rd due to the high amount of traffic. Lientz explained that the entrance(s) must meet Linn County Secondary Road department's requirements prior to obtaining entrance permits, adding that one of the things they consider when issuing permits is safety and traffic count.

Mike Brain, Brain Engineering, offered to answer questions on behalf of the applicant. There were no additional questions from commission members or public.

Motion by Grenis to recommend approval of case JF22-0024 , subject to the conditions of the staff report . Second by Wagner .

Grenis	Aye
Eilers	Aye
Maxwell	Abstain
DuBois	Aye
Wagner	Aye
Kuntz	Aye
Brecht	Aye

JC22-0002 Conditional Use - Camp Tanager

Stephanie Lientz presented the staff report.

The applicant is proposing to rent various activities and buildings on the subject property, including the lodge and cabins that are currently under construction, for events such as weddings, retreats, etc. Wedding rentals would be scheduled primarily on weekends; corporate retreat rentals could be scheduled anytime, and guests could stay overnight. The applicant indicates that approximately 300 attendees maximum are anticipated for some events. Staff has determined that the proposed new use does not qualify for a minor modification of an existing permit, and a new Conditional Use Permit is required for the event center use.

The applicant was recently granted a minor modification (JC20-0005) of an existing conditional use permit (grandfathered use). The modification was proposed to allow Camp Tanager to add a new 24-bed cabin as well as construct a new lodge building as

part of an existing Recreation Camp use. The Board of Adjustment approved the modification of the Conditional Use Permit on April 29, 2020.

The recreation camp and catering service, banquet/reception facility, social or fraternal organization uses are allowed with a Conditional Use Permit in the AG (Agricultural) zoning district per Table 107-147-1 in Article VII of the Linn County Unified Development Code (UDC). More than one use may be established on a subject property per Article V, Section 107-94, § (a). Parking standards must be met, which are found in Article V, Section 107-93, § (e) of the UDC. All necessary local, state, and federal permits must be maintained. The applicant is in the process of installing a new and septic system on the subject property.

The outstanding conditions of a previous minor modification case (JC20-0005) have been addressed. A Certificate of Occupancy was issued for a new cabin and lodge on May 25, 2022. Conditions related to stormwater management practices for case JC20-0005 have been met according to the Natural Resource Conservation Service.

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

Eilers asked if the existing use is permitted or conditional. Lientz said it was grandfathered effective in 2006, and a minor modification was approved in November 2020 by the Board of Adjustment for expansion of the campground use.

Grenis asked Lientz about concerns related to amplified music. Lientz stated that one condition for approval would be that no outdoor amplified music would be allowed after 10pm.

Brad Thatcher, Tanager Place, applicant, offered to answer questions.

Brad Salazar, 1649 Berry Dr, presented a petition with signatures from surrounding property owners in opposition to the proposal. He stated the mission of Camp Tanager has transformed, becoming more commercialized. Salazar had concerns that Camp Tanager would be incapable of governing themselves to comply with applied conditions.

Phil Coonrod, 1576 Ironwood Dr, spoke in opposition to the proposal. He expressed concerns for the potential noise, lighting, viewshed from his house, and alcohol consumption on the property.

Jennifer Davis-Bachmann, 1646 Berry Dr, spoke in opposition to the project. She echoed previously stated concerns about noise, lighting, drainage, screening, increase in traffic, and alcohol consumption.

Sarah Kolar, 1638 W Mt. Vernon Rd, stated she was supportive of Camp Tanager's mission, but unsupportive of their transformation into more of a commercial entity. Kolar shared concerns about noise, lighting, security during events, potential decrease in property values, and lack of communication from Camp Tanager.

Joe Kruth, 1683 Berry Dr, spoke in opposition to the proposal. Kruth was disappointed in the lack of communication between Camp Tanager and adjacent property owners. He expressed concerns for lack of proper drainage, lighting, hours of operation, alcohol consumption and the enforcement of conditions.

Bob Pearson, 1670 Berry Dr, reiterated previously mentioned concerns about lighting, alcohol consumption, security, and the commercialization of Camp Tanager.

Lucinda Glynn, 1676 Berry Dr, spoke in opposition to the project. She supports the original mission of Camp Tanager, but does not agree with the proposal. Glynn repeated concerns about lighting, drainage issues, and lack of communication from the County.

Dan Gatto, 1677 Berry Dr, spoke in opposition. Gatto repeated previously mentioned concerns.

DuBois asked to see the petition from Brad Salazar.

DuBois asked Lientz to address stormwater drainage concerns. Lientz stated that Jon Gallagher, with NRCS, signed off on conditions related to stormwater management in May 2022. Lientz explained that one acre or more of disturbance requires an NPDES permit; she will follow up with Jon Gallagher to verify this has been obtained if needed.

DuBois asked if there was a retention pond installed. Lientz said no, not to her knowledge.

DuBois asked Lientz if existing lighting was downcast. Lientz said she would have to go on-site or review site photos to verify.

Brecht asked if the lights could be automatically turned off at night, to mitigate concerns. Lientz explained that lighting may be used for security purposes, but suggested that Brecht pose the same question to the applicant.

DuBois asked Lientz to address concerns about sound. Lientz restated that all amplified music must be turned off by 10pm, but added that most enforcements are complaint-driven, meaning that the county heavily depends on the neighborhood to notify staff if conditions are not being met.

Grenis asked what kind of enforcement action would be taken if there were complaints from neighbors. Lientz said that enforcement procedures would be followed and staff would first try to work with the applicant to resolve issues. If there was no resolution to the issue(s), the application can be taken back to the Board of Adjustment for reconsideration, should conditions in the staff report be violated. At that point the Board of Adjustment could potentially decide to rescind the Conditional Use Permit.

DuBois asked if the proposal would allow for campers to be parked in the parking lot overnight. Lientz said it was unlikely, as the use is not a campground, but she would investigate it further to confirm.

Eilers asked if the commission could recommend an additional condition for privacy fencing, to appease the concerned neighbors. Lientz said yes.

Brecht pondered the idea of tabling the case until staff could gather more information.

Brad Thatcher, applicant on behalf of Camp Tanager, said the lights on the property are on timers, both of which are off by midnight. Based on previous concerns from neighbors, Thatcher dimmed the lights significantly. The parking lot lights are downcast, but driveway lights are not.

Thatcher stated most of the concerns mentioned are a result of the derecho, which took several trees from the property, allowing the neighboring properties to hear and see more of the camp. Because of this, Camp Tanager planted 100 new trees. These trees are currently only three or four feet tall but will meet the county requirement of being six feet tall, three years after planting. Thatcher addressed Eilers' fence question by stating that he thinks a fence would be ineffective due to topography.

Thatcher addressed concerns about the lack of drainage by stating that Jon Gallagher with NRCS recommended Camp Tanager have five detention ponds. Gallagher has since visited the site and approved.

DuBois called for a recess. The Commission recessed from 8:08 to 8:13pm.

Wagner asked if Thatcher and surrounding property owners could meet to discuss the proposal and rectify outstanding issues. Thatcher said he would love to meet for some open dialogue, but stated that he has already tried to no avail. He added that the proposed swimming pool, mentioned previously, will be used mostly for campers, but could occasionally be used for swimming events.

Motion by Kuntz to recommend approval of case JC22-0002 , subject to the conditions of the staff report . Second by Wagner .

Maxwell	Nay
Eilers	Aye
Wagner	Aye
Grenis	Aye
DuBois	Nay
Brecht	Nay
Kuntz	Aye

Charlie Nichols presented a PowerPoint on pipelines and potential ordinances that will likely be added to the Linn County UDC in the future. The PowerPoint included information about pipeline incidents, location of transmission lines, pipeline regulations and their purpose in Iowa, etc.

DuBois asked if eminent domain would be addressed in the proposed text amendment. Nichols said no, it is up to the state. The County is unable to prohibit the state from using eminent domain, but we could strongly discourage it.

Kuntz asked why the county would insist on creating such an ordinance if county involvement in pipelines is low. Nichols said mostly for health and safety reasons, and to keep track of pipelines. Wagner agreed, adding that county involvement will make sure future property owners are aware of their proximity to the pipeline prior to purchasing or building. DuBois also agreed.

Eilers asked how deep the pipelines would be buried. Nichols will research further and present more information at the next Planning & Zoning Commission meeting.

Motion by Eilers to recommend tabling case JA22-0005 until the November meeting. Second by Maxwell.

DuBois	Aye
Kuntz	Aye
Wagner	Aye
Maxwell	Aye
Grenis	Aye
Brecht	Aye
Eilers	Aye

OTHER BUSINESS

COMMISSION COMMENTS

STAFF COMMENTS

Nichols informed the Commission that he would be accepting applications for the Renewable Energy Advisory Committees. He encouraged interested commission members to apply. Nichols will send the application link to all commission members.

PUBLIC COMMENTS

Richard Elick, 1660 Berry Dr, expressed distrust of Camp Tanager based on his personal experience as a nearby property owner. His wife, Dorothy Elick, agreed.

ADJOURNMENT

The meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Tina Dubois, Chair

Jessie Black, Recording Secretary