

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Monday, November 15, 2021

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
	Curt Eilers, Vice-Chair	2022
	Allen Wagner	2024
	Brock Grenis	2023
	Griffin Kuntz	2021
	George Maxwell	2025
	Erin Detterbeck	2025

ABSENT:

STAFF: Stephanie Lientz, Planning & Zoning Division Manager
Mike Tertinger, Senior Planner
Desire Irakoze, Planner I
Jessie Black, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the October 18, 2021 Planning & Zoning Commission meeting were approved as submitted.

CONSENT AGENDA

JF21-0025	Bales Addition	Final Plat
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Motion by Maxwell to approve the consent agenda, subject to the conditions of the staff reports. Second by Grenis.

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

REGULAR AGENDA

JC21-0008 Conditional Use - Gun Club & Campground

Otter Creek Sportsman 's Club

Stephanie Lientz presented the staff report.

The applicant is operating a shotgun only skeet/trap shooting club on the 40-acre subject property, which is zoned AG (Agricultural). The club hosts various league and derby events, competitive member shoots, and high school/college shoots throughout the year. The club is open year round to its 400+ members and to the public, although they are closed to the public during certain events. The club does not rent firearms.

Per aerial photography, the club has been operating at this location since at least 1960, and is now proposing to upgrade on-site electrical hook-ups to accommodate up to 10 RVs for overnight camping. The campground use is not meant to be open to the public, but is for member use only.

The proposed uses of gun club and campground are both allowed with a Conditional Use Permit in the AG (Agricultural) zoning district. The proposal meets all of the standards for approval for Conditional Use Permits in Article IV, Section 107-73, § (4) of the Linn County Unified Development Code (UDC), and must also meet the standards for gun clubs and campgrounds in Article VI, Section 107-115, § (n) & (o). More than one commercial use may be established on a single lot per Article V, Section 107-94, § (a). The proposal meets the parking standards found in Article V, Section 107-93, § (e) of the UDC. All necessary local, state, and federal permits must be maintained.

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

Kuntz wondered why the county would place regulations on the gun club now, after it had been operating for so long without. Lientz explained that staff has received calls from surrounding property owners with concerns about the use, and regulations pertaining to these types of uses have changed over time since the club was opened.

DuBois asked if the applicant had expressed any concerns regarding applied conditions. Lientz said no.

Steve Manary, petitioner, explained to the commission that his request to upgrade the electrical service was the catalyst for the Conditional Use permit application. Manary stated the hours of operation for the gun club were 7am-9:30pm, seven days a week.

Motion by Grenis to recommend approval of case JC21-0008 , subject to the conditions of the staff report . Second by Eilers .

DuBois	Aye
Kuntz	Aye
Wagner	Aye
Maxwell	Aye

**Grenis
Detterbeck
Eilers**

**Aye
Aye
Aye**

JC21-0018

Conditional Use Home Occupation

HVAC & Electric Company

Mike Tertinger presented the staff report.

The applicant is requesting a Conditional Home Occupation for an HVAC and Electric Business on the 2.06 acre subject property, which is zoned AG (Agricultural). The applicant is proposing to utilize an existing 2,280 square foot accessory structure: 1,080 square feet will be used for personal items, while the remaining 1,200 square feet is to be used as contractor storage. The petitioner has indicated that no more than 2 non-resident employees will be onsite at any one time and the use is proposed to occur entirely within the accessory building or at off-site service and repair jobs. The business includes a maximum of 11 vehicles, however, the majority go home with the employees at night. Any remaining vehicles will be parked inside the accessory structure. The proposed normal business hours are Mon-Fri 7am to 5pm, however, the business does offer 24-hour emergency services. The applicant indicated that less than 10 customers would be on-site per week.

A Conditional Home Occupation allows the applicant to use up to 1,200 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 107-73, § (4), however, it is not yet in conformance with Article VI, Section 107-113, § (h), as 3577 N Alburnett Rd is not the primary residence of the home occupation owner. Per condition of approval, the applicant must confirm relocation to this address before operation of the business may commence. There is an existing Conditional Use Permit (Case C-05-96) for the same business on the property, however, per Article VI, Sec 107-113, § (h)(1)(d), *the conditional home occupation permit shall automatically be discontinued upon the sale, lease, rental or transfer of the property*. The applicant in this case has indicated a desire to purchase the property and the business from the current owner and has subsequently applied for a new Conditional Home Occupation permit.

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

DuBois asked if the petitioner was living in the house yet. She wondered how this would affect the applied conditions. Tertinger said no, but upon closing the sale of the property, the Conditional Use permit would commence. He added that it would be reliant upon the petitioner to notify Planning & Development when he assumed ownership of the property.

James Lynn, petitioner, offered to answer any questions from the commission. There were no questions for the applicant.

Motion by Maxwell to recommend approval of case JC21-0018 , subject to the conditions of the staff report . Second by Detterbeck .

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

JC21-0019

Conditional Use

CVHS Expansion

Stephanie Lientz presented the staff report.

This applicant is proposing the expansion of an existing animal shelter use on the 7.73-acre subject property, which is zoned AG (Agricultural). The animal shelter use has existed on this property since 1968, and the current building is 6,850 sq. ft. in size. A new 4,940 sq. ft. structure is proposed to be constructed to the west of the existing building, which will provide space for the shelter to hold Board meetings, vaccination clinics, and obedience classes, as well as provide overflow space to house additional cats and dogs, if needed.

Dog kennels/animal shelters/veterinary clinics were a permitted use in the AG zoning district prior to August 15, 1981, when it changed to a conditional use. Although staff has determined the existing shelter is considered to be a lawful conditional use which may continue indefinitely, staff finds that this proposal does not qualify as an insignificant or minor modification of an existing conditional use. Due to the size of the proposed expansion and the proximity of the new structure to dwellings located east of the subject property, staff has determined that a Conditional Use permit application is needed.

A 1-lot final plat will be required prior to the approval of any building permit(s).

The animal shelter use 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 (UDC), as well as the standards for animal shelters in Article VI, Section 107-115, § (b). All animal runs or exercise areas shall be located at least 100 feet from any adjoining property line; this requirement is not currently met by the exercise area east of the existing structure, but must come into compliance within 5 years. The proposal must meet the parking standards found in Article V, Section 107-93, § (e) of the UDC; the use is classified as Retail, Service, and Commercial, and as such, 4 spaces must be provided for

every 1,000 sq. ft. of building area. All necessary local, state, and federal permits must be maintained.

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

Brent Jackman, surveyor with Hall & Hall Engineers, offered to answer questions from the commission or public.

Kevin Fox, 1585 Forest Grove Rd, expressed concerns about the number of dogs kept at the facility and lack of upkeep of the property.

Jeff Anderson, 1571 Forest Grove Rd, also shared concerns about the potential increase in the number of animals that could be kept at the facility. He mentioned that there had previously been issues with the animal waste septic system, and he hopes they have since been resolved. Anderson expressed discontentment with upkeep of the property and inadequate fencing put up by Cedar Valley Humane Society. He requested to negotiate future fencing options with the humane society.

Randy Dvorak, 7449 Mt. Vernon Rd, expressed concerns about lack of adequate parking space, parking along Mt. Vernon Rd, and the size of the entrance.

Jackman, Hall & Hall Engineers, informed the commission that the petitioner did not plan to house any more animals than they currently are. He said the proposed expansion would include 20 additional parking spaces, for a total of 47.

DuBois asked how the petitioner planned to address property maintenance concerns.

Lientz said maintenance upkeep was the responsibility of the property owner, adding that fencing cannot be regulated.

Detterbeck asked if the animal waste septic system had recently been updated. Jackman said it was replaced approximately ten years ago.

DuBois asked Jackman to address concerns about the single-lane driveway. Jackman stated that Linn County Secondary Roads & Engineering would allow the existing entrance to remain as-is, but would require the owner to widen it in the future to meet current design standards.

DuBois wondered if there were any conditions the commission could apply to mitigate concerns about illegal parking along Mt. Vernon Rd. Lientz said the Sheriff's Office would be responsible for handling it, rather than the Planning & Development Department.

Motion by Grenis to recommend approval of case JC21-0019 , subject to the conditions of the staff report . Second by Detterbeck .

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

JA21-0008

UDC Text Amendment

Final Plat

Stephanie Lientz presented the staff report.

Staff is proposing several text amendments to the UDC, the most significant of which is related to deed restriction documents and Minor Boundary Changes. Planning & Development had allowed property owners to combine parcels with a recorded deed restriction, however, these use restrictions are only binding for 21 years after filing and not in perpetuity. Therefore, staff will no longer record deed restriction documents as part of the Minor Boundary Change process, and will treat any area being transferred between property owners as non-buildable, until such time as it is included in a final plat in the future. Staff is also proposing amendments to the UDC related to Final Plat, Residential Parcel Split, and Land Preservation Parcel Split document and filing requirements.

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

Kuntz wondered if the existing deed restrictions would be addressed. Lientz said existing deed restrictions would be handled primarily on a case-by-case basis by Planning & Development staff.

Motion by Detterbeck to recommend approval of case JA21-0008 , subject to the conditions of the staff report . Second by Wagner .

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

OTHER BUSINESS

COMMISSION COMMENTS

DuBois stated that she and Grenis have been visiting regional solar farms, as part of a Solar Task Force. She shared some of their findings.

DuBois asked if any of the drainage issues mentioned at the previous Planning & Zoning Commission meeting, and related to the CIPCO substation expansion, had been addressed. Lientz said the case still had to go to the Board of Adjustment meeting, but added that Nichols had received drainage tile agreements from CIPCO today. She and Nichols will review them. Lientz noted that the drainage issues would have to be addressed, as a condition from NRCS, in order for the Conditional Use Minor Modification to be approved. Lientz indicated that Nichols would recommend tabling the case at the Board of Adjustment meeting if this condition hadn't been met.

STAFF COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Tina Dubois, Chair

Jessie Black, Recording Secretary