

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Monday, November 20, 2023

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
	Diane Brecht	2025
	Griffin Kuntz	2026
	George Maxwell	2025

ABSENT:	Bob Doubek	2027
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STAFF:	Charlie Nichols, Director
	Stephanie Lientz, Planning & Zoning Division Manager
	Mike Tertinger, Senior Planner
	Brad Wylam, Planner II
	Sue Bennett, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the October 16, 2023, Planning & Zoning Commission meeting were approved as submitted.

CONSENT AGENDA

PPS23-0011	Harms Farms First Addition	Residential Parcel Split
PLPS23-0010	Shulista Third Addition	Land Preservation Parcel Split
PFP23-0012	Brustkern First Addition	Final Plat

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

Grenis	Aye
Maxwell	Aye
Brecht	Aye
DuBois	Aye
Kuntz	Aye
Doubek	Absent
Wagner	Aye

REGULAR AGENDA

PFP23-0013

Novey Third Addition

Final Plat

Mike Tertinger presented the staff report.

The applicant is proposing a 2-lot replat of Outlot A, Novey 2nd Addition, for a total of 3.95 acres. The proposal will result in two new buildable lots and 3 non-buildable Outlots. Proposed Lot 1 and Lot 2 contain 1.0 acre each and have no existing structures. Outlot A contains 0.08 acres and includes an existing septic system that services the single-family dwelling directly to the north at 9207 Feather Ridge Rd. Outlot B and Outlot C contain 0.62 acres and 1.36 acres respectively with no existing structures. The subject property is designated as Metro Urban Service Area (MUSA) on the Linn County Rural Land Use Map and currently zoned Urban Services Residential (USR). The USR zoning district has a maximum lot size of 1 acre (for buildable lots). The two buildable lots will share a single access on to Feather Ridge Rd.

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 144.40 (the minimum threshold needed to pass in USA areas is 105).

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

DuBois asked what the neighbors who called were concerned about. Tertinger responded that they were concerned about the visual impact of a new house in the neighborhood.

Scott Ritter, surveyor with Hart Frederick, came to the podium to answer any questions. There were none.

DuBois remarked that the new lot seemed compatible with the rest of the neighborhood.

Motion by Maxwell to recommend approval of case PFP23-0013, subject to the conditions of the staff report. Second by Kuntz.

DuBois	Aye
Kuntz	Aye
Wagner	Aye
Maxwell	Aye
Grenis	Aye
Doubek	Absent
Brecht	Aye

PFP23-0011

Stachow's Second Addition

Final Plat

Brad Wylam presented the staff report.

The applicant is proposing a 2-lot replat of French's Second Addition, Lot 2, for a total of 14.78 acres. The proposal will result in one new buildable lot. Proposed Lot 1 contains 3.39 acres and

proposed Lot 2 contains 11.39 acres. Proposed Lot 1 contains one single-family dwelling built in 1975, one accessory building, well and septic. There are no existing structures on proposed Lot 2. The subject property is designated as Rural Residential Development 2-Acre Area (RRD2) on the Linn County Rural Land Use Map and currently zoned Rural Residential 3-Acre (RR3).

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 146.15 (the minimum threshold needed to pass in RRD2 areas is 110).

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

No questions from the Planning & Zoning Commission, and no public comment.

Motion by Kuntz to recommend approval of case PFP23-0011, subject to the conditions of the staff report. Second by Wagner.

Kuntz	Aye
Doubek	Absent
Wagner	Aye
Brecht	Aye
DuBois	Aye
Maxwell	Aye
Grenis	Aye

PFP23-0009

Sherman's Third Addition

Final Plat

Brad Wylam presented the staff report.

The applicant is proposing a 2-lot final plat of 7.93 total acres, adjusting the boundaries between two existing legal lots of record (buildable lots). There will be no increase in the number of buildable lots as a result of this proposal. Proposed Lot 1 contains 2.60 acres and Lot 2 contains 5.32 acres. There are no existing structures on Lot 1 and Lot 2. The property is zoned Highway Commercial (HC) and has a future land use designation of Agricultural Area (AA).

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code. Minor subdivisions that do not create any additional buildable lots are not subject to Minimum Levels of Service (MLS). The subject property does not currently meet the MLS requirement of being $\frac{1}{4}$ of a mile from county-maintained hard surface road. Through concurrent Conditional Use Permit case PC23-0013, the applicant will have an agreement with the Linn County Secondary Road department to hard surface Rath Road up to the shared entrance for Lots 1 and 2. Therefore, staff believes MLS requirements have been met.

Although achieving a passing Land Evaluation Site Assessment (LESA) score is not a requirement for a minor subdivision that does not create any additional buildable lots, the parcel does meet LESA requirements, earning a score of 121.0 (the minimum threshold needed to pass in AA areas is 115).

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

Grenis asked about the 36 parking spots required. Wylam responded that it is required by our code, but there were no customers coming to the site.

Brecht brought up some concerns. She asked if the applicant would be required to maintain the road as well as hard surfacing it. Lientz stated that the applicant would be required to sign a road agreement with Linn County Engineering and Secondary Roads which would address maintenance.

Brecht asked about the visibility at the intersection of Rath Road and Hwy 13 and wondered if there had been any studies done on adding more traffic. Lientz responded that the IDOT hadn't required anything to mitigate traffic in that area.

Brecht asked if there were any restrictions or limitations on what could be stored on site. Lientz responded only if there were hazardous materials involved.

DuBois mentioned that asphalt and concrete were not on the list of materials the company planned to store onsite, but there was asphalt and concrete being stored currently on the site. Lientz noted that in landscaping, concrete is commonly used as fill.

Kuntz stated it was almost impossible to list everything that might be stored on the planet.

Grenis asked for confirmation that this case is separate from the Conditional Use case PC23-0013. Lientz stated that the two cases are separate.

Steve Scott, surveyor, came to the podium and asked if there were any questions. There were none.

Motion by Kuntz to recommend approval of case PFP23-0009, subject to the conditions of the staff report. Second by Grenis.

Grenis	Aye
Kuntz	Aye
Wagner	Aye
DuBois	Aye
Maxwell	Aye
Brecht	Aye
Doubek	Absent

PC23-0013

Contractor's Yard & Outdoor Storage

Conditional Use

Stephanie Lientz presented the staff report.

The applicant is proposing to operate a contractor's yard with outdoor storage on the subject property, with two (2) buildings proposed, approximately 7,200 and 2,100 sq. ft. in size. There is

an outdoor storage area proposed, which must be screened from adjacent residential properties and the public road. Materials proposed to be stored in the outdoor storage area include tree chips; black dirt; rock; compost; firewood; and logs. The applicant is proposing to hard-surface approximately 50% of the site and will be required to provide dust control for the parking and/or outdoor storage areas that are not hard-surfaced. The subject property is zoned HC (Highway Commercial) and has a land use designation of AA (Agricultural Area).

A final plat case (PFP23-0009) is running concurrently with this case. Once the plat is recorded the subject property will be legally described as Lot 1 of Sherman's 3rd Addition, containing approximately 2.60 acres.

The proposed use of contractor's yard or outdoor storage is allowed with a Conditional Use Permit in the HC (Highway Commercial) zoning district. It appears that the proposal can 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). Other development standards found in Article IV, Section 107-115, § (z) of the UDC must be met, including requirements for a major site plan, and a requirement that access to the site must be from a hard-surfaced road. The applicant will be required to hard-surface Rath Road from Highway 13 to the entrance of the subject property as a condition of approval. Additional requirements found in Article VI, Section 107-93 of the UDC must be met including buffer distance and type, and requirements related to parking and loading.

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

Dan Sherman, applicant, Alburnett Iowa, came to the podium and asked if there were any questions.

Brecht asked what he intended to store on the property. Sherman responded that he still had trees and woodchips from the derecho, as well as black dirt, logs and firewood. He stated that he had planned to grind the asphalt on-site, but that was cost-prohibitive. He stated he has since hauled away the concrete and the asphalt. He stated that his business is located in the city of Alburnett.

Garret Dozark, attorney, Williamsburg Iowa asked if this conformed to the Linn County plan. He stated that the only reason the property is zoning Highway Commercial is because of a billboard erected in the 80's. He stated the property has been used for agricultural until this application, and that last year it had hay planted on it. He mentioned that HC must enhance the visual impact of the neighborhood, and he doesn't feel that this proposal will do that.

James Weighton, 4427 Rath Road, came to the podium. He stated that this area used to be beautiful, but that currently this property is an eyesore. He said the odor from logs and compost would definitely affect the neighborhood, and that on 11/5/23, there was someone working on the site, running chainsaws and heavy machinery for over 18 hours straight.

Matthew McCormick, 4413 Rath Road, spoke. His main concern was the noise, he stated that a neighbor nearby worked the second shift, and that the beeping from the trucks backing up would definitely contribute to difficulty sleeping.

Jessica McCormick, 4413 Rath Road, spoke. She stated she works with special needs children, and that's very loud, and when she comes home, she wants peace and quiet. She said the property is an eyesore and would bring down the surrounding property values. She also mentioned she is concerned as a woman about the men who will be on the site.

Lynette Moore, 1933 Bunker Hill, spoke. She said that they love to sit on their enclosed porch, but the sound of the trucks backing up truly disturbs that. She also said the property was only mowed prior to the Zoning sign going up – before that it wasn't even mowed.

Jess Moore, 1933 Bunker Hill, spoke. He stated he is retired, and likes to sit on his enclosed back porch, but the noise makes that difficult. He stated they already have a junk yard on a neighbor's property, and the area doesn't want another.

DuBois asked Lientz to respond to Garrett Dozark, who had mentioned that the land had changed zoning multiple times in its history. Lientz responded, stating that some of the zoning he was talking about was actually what the land was taxed as, not the zoning. Lientz stated that the land has been Highway Commercial since XXX, when it was rezoned so that a farm implement store could be built there.

DuBois asked if the use is allowable in the HC zoning district. Lientz stated yes, it is allowed with an approved Conditional Use Permit. She added that a landscaping/lawn care business would be allowed with a Conditional Use Permit in the AG (Agricultural) zoning district. The use would require access to a hard-surfaced road in both districts.

Lientz also clarified the screening condition required for commercial uses. Lientz stated that 50% of the screening required could be fencing, and the rest needed to be vegetative. DuBois asked if the screening must be maintained for the life of the Conditional Use, and Lientz stated yes.

DuBois asked about the noise concerns. Lientz responded that noise impacts to the neighbors should be minimal, but that it is worth noting that Linn County does not have a noise ordinance. Lientz informed DuBois that the Planning & Zoning Commission could impose additional noise restrictions on the Conditional Use by reducing the hours of operation.

DuBois brought up that some people had mentioned hours of operation. Lientz stated that 7-7 Monday through Saturday was what it was currently, but that the PZC could request those hours change.

Grenis asked if the County had any other contractor yards near residences. Lientz stated yes, on Mt Vernon Road. She noted that contractor's yards require access to a hard-surface road with capacity to handle any increased traffic.

DuBois asked the applicant about the screening and what was planned. Sherman stated that he would definitely put up a fence. He is looking into quick growing evergreen species, specifically arborvitae.

DuBois asked about the hours of operation and being open on Sunday. Sherman responded that he works full-time, and so wants to work in the daylight hours. He said he would consider minimizing those hours, but that no neighbors had approached him to discuss this topic. He

said future plans might include a garden center someday, on Lot 2. DuBois stated that the noise issue would be controlled through the hours of operation.

Grenis asked what is done at the Alburnett site. Sherman stated most of the business is there, including the concrete contractor business. This site would be used primarily for landscaping material storage.

Sherman stated that he works full-time, and can only get out to the site on nights and weekends. He really would prefer the hours of operation to be 7am to 7pm, 7 days a week

Brecht noted that sometimes being a good neighbor means compromising.

Kuntz noted that combining, and the traffic on Hwy 13, also cause a great deal of noise.

Motion by Kuntz to recommend approval of case PC23-0013 with hours of operation Monday through Sunday, 7am to 7pm, subject to the conditions of the staff report. Second by Maxwell.

Doubek	Absent
Maxwell	Aye
Grenis	Aye
DuBois	Aye
Wagner	Nay
Kuntz	Aye
Brecht	Nay

OTHER BUSINESS

Lientz discussed the updates to the Rules and Procedures and offered to answer any questions. There were none. Lientz asked about the start time for the meetings, and the Commission discussed this briefly. It was agreed that the meetings should begin at 6pm, starting with the next meeting.

Brock indicated that his term was over, and since there was no meeting in December, this would be his last meeting. He was asked if he would consider a new term, and he stated that he would like to serve another term.

COMMISSION COMMENTS

STAFF COMMENTS

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,



Tina Dubois, Chair



Sue Bennett, Recording Secretary