The Linn County Planning and Zoning Commission meeting was called to order at 6:30 p.m. by Chair, Christine Landa. The meeting was held in the Jean Oxley Public Service Center Board Room, 935 2nd Street SW, Cedar Rapids, Iowa.

QUORUM DETERMINED:

PRESENT:
Christine Landa, Chair 2020
H. Frank Bellon, Vice-Chair 2021
R.J. Carson 2023
George Maxwell 2020
Ted Grenis 2019
Sheila Gatewood 2020
Curt Eilers 2022

ABSENT:
None

STAFF:
Les Beck, Director
Charlie Nichols, Planning & Zoning Division Manager
Mike Tertinger, Planner I
Jessica Black, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the April 15th, 2019 Planning & Zoning Commission meeting were approved as submitted.

CONSENT AGENDA

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>JPS19-0007</td>
<td>Rundle First Addition</td>
<td>Residential Parcel Split</td>
</tr>
<tr>
<td>JPS19-0008</td>
<td>Hoke Farms Inc. Fourth Addition</td>
<td>Residential Parcel Split</td>
</tr>
<tr>
<td>JPS19-0009</td>
<td>S &amp; S West Farms First Addition</td>
<td>Residential Parcel Split</td>
</tr>
</tbody>
</table>

Phillip Hughes, 3534 Lori Sue Lane, asked that JPS19-0006, Pate Acres First Addition, be pulled from the consent agenda for individual review.

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

Grenis    Aye
Bellon    Aye
Gatewood Aye
Eilers    Aye
Landa     Aye
Carson    Aye
Maxwell  Aye
REGULAR AGENDA

JPS19-0006 Pate Acres First Addition Residential Parcel Split

Charlie Nichols presented the case.

The applicant is requesting a residential parcel split of 1.55 acres (proposed Lot 1) and 1.33 acres additional road right-of-way. The property is zoned AG (Agricultural). The remainder of the parent parcel in the NE ¼ NW ¼ Sec. 06-84-7 and an adjacent parcel to the west described as Anthony’s Second Addition S 8 acres Lot 5 are included as a 15.07 acre outlot (proposed Outlot A). Proposed Lot 1 will include a dwelling built in 1990, accessory structures, septic, and well. Aerial photography from the 1930’s show a previous dwelling within proposed lot 1 and the location of that dwelling has not been converted to agriculture.

This proposal meets the standards for approval per Article IV, Section 107-72, § (4) of the Linn County Unified Development Code (UDC). Residential Parcel Splits are not subject to MLS or LESA requirements.

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

Hughes wondered what Pate had planned for the property. He worried that Pate may turn the property into commercial storage buildings or other large development.

Nichols explained that he was unsure as to what Pate’s future plans were, but the property is zoned AG so no matter his intentions, they must be in compliance with the AG zoning district. Tertinger added that the original idea was to create two buildable lots, but the outlot did not meet LESA, leaving only one lot buildable.

Carson explained to Hughes that in order for Pate to create more buildable lots, he would need to come before the Planning & Zoning Commission again.

Dale Scharf, 3522 Lori Sue Lane, spoke out of concern for Pate’s future plans of property. He referenced a property on Hagerman Road, near his, that was part of a Residential Parcel Split in 2007. Scharf said the property has since been used for commercial business. Scharf’s main concern was avoiding any commercial development on this property, similar to that of which he referenced.

Mike Brain, Brain Engineering, spoke on behalf of the applicant. He argued that there is no reason not to approve the parcel split, insisting that the decision should not be made based on alleged future plans, but rather the facts presented to the commission. He added that this parcel split is no different than any other parcel split on previous months’ agendas.
Motion by Bellon to recommend approval of case JPS19-0006, subject to the conditions of the staff report. Second by Maxwell.

Bellon Aye
Maxwell Aye
Gatewood Aye
Carson Aye
Grenis Aye
Landa Aye
Eilers Aye

JA19-0001
S & S West Farms LLC, Owner
Hertz Farm Management, Petitioner

Land Use Map
Amendment

Mike Tertinger presented the staff report. The applicant is requesting a Rural Land Use Map Amendment to change the map designation on 5 acres of a 30.13 acre property. The property is described as one legal lot of record but currently has dual land use map designations under two separate parcel numbers. The proposed amendment would change the map designation for the 5 acre parcel from Rural Residential 2-Acre (RRD2) to Agricultural Area (AA) thereby making it consistent with the land use designation on the remainder of the property. A Residential Parcel Split (case JPS19-0009) is running concurrently with this 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 MLS or LESA requirements.

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

No questions from the Commission or public.

Motion by Maxwell to recommend approval of case JC19-0009, subject to the conditions of the staff report. Second by Gatewood.

Maxwell Aye
Carson Aye
Landa Aye
Eilers Aye
Gatewood Aye
Bellon Aye
Grenis Aye

JC19-0009
Doug & Lisa Greif, Owners
Ward Development, Petitioner

Conditional Use Cell Tower

Mike Tertinger presented the staff report. This applicant is requesting a Conditional Use Permit to construct a 170’ self-support communications tower. The proposal includes a 10,000 square foot lease area. The lease area will include the tower, a 7’ x 7’ walk in cabinet and 3’x6’ generator. An 8’ chain link fence will surround a 100’ x 100’ area encompassing the tower base. A 20-foot wide access and utility easement has been shown on the site plan and will be used to provide access to the tower from Mount Vernon Road. The new structure will have four providers located on the tower and carry equipment for the AT&T network.
This proposal meets the standards for approval per Article V, Section 107-94, § (k), Tower Regulations, of the Linn County Unified Development Code (UDC). The proposal appears to meet all the standards for approval per Article IV, Section 107-73, § (4) for Conditional Use Permits.

Tertinger stated that there is some existing vegetative screening in the area, but upon further review, will add another condition to the staff report requiring the applicant to provide more vegetative screening in order to minimalize adverse visual impact. Additionally, on-site vegetation must be preserved for the maximum extent practical. He asked the commission to take these additional conditions into consideration prior to making a decision.

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

Steve Ward, Ward Development, spoke on behalf of AT&T. He agreed to the additional vegetative screening conditions. He explained that the actual cell tower is only 160’ tall, but is closer to 170’ with the lightning rod.

Bellon said he visited the site and noticed there was one low-water crossing. He wondered if there would be an additional crossing built solely for construction. His concern was for the potential adverse impacts to the mobile home owners, explaining that water displacement could affect them.

Ward was unsure, but offered to look into further.

**Motion by Maxwell to recommend approval of case JC19-0009, subject to the conditions of the staff report and those added by Tertinger during staff presentation. Second by Grenis.**


**OTHER BUSINESS**

Beck presented a request to vacate a utility easement; Lots 41 & 42 of Timberlake 3rd addition. Lots are deed restricted together. Homeowners are proposing an accessory building running directly between two lots. Beck presented a letter from Alliant Energy stating they have no objections to vacating the easement. He asked for the commission’s approval to vacate.

Bellon wondered if the plat stated “Alliant” easement or “utility” easement. He explained that if the easement is not specific to Alliant, it will need to be approved through all utility companies prior to PZC approval.

Beck agreed and stated that he would contact all utility companies to confirm.

**Motion by Carson to recommend approval of proposed easement vacation, subject to having no objections from all other utility companies. Second by Maxwell.**

Eilers  Aye
COMMISSION COMMENTS

STAFF COMMENTS

Beck invited all members of the Planning & Zoning Commission to attend an in-house training session to go over the roles and responsibilities of PZC and Board of Adjustment. He explained that all members of the Board of Adjustment would also be invited. Beck made reference to some confusion regarding the standards for approval for last month’s Conditional Use Case JC19-0005. Most members agreed the training session would be a good idea.

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 7:13 p.m.

Respectfully submitted,

_____________________________  __________________________
Christine Landa, Chair  Jessica Black, Recording Secretary