

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Monday, July 20, 2020

The Linn County Planning and Zoning Commission meeting was called to order at 6:32 p.m. by Chair, Christine Landa.

Special Statement: As a result of the ongoing COVID-19 pandemic, this meeting was held electronically. All county buildings are open to the public by appointment only until further notice.

QUORUM DETERMINED:

PRESENT:

Christine Landa, Chair	2020
Brock Grenis	2023
George Maxwell	2020
Allen Wagner	2024
Tina DuBois	2020
Griffin Kuntz	2021

ABSENT: Curt Eilers 2022

STAFF:

Les Beck, Director
Charlie Nichols, Planning & Zoning Division Manager
Stephanie Lientz, Senior Planner
Mike Tertinger, Planner II
Jessica Black, Recording Secretary
Rachael Schaefer, Planning & Development Intern

APPROVAL OF MINUTES

The minutes of the June 15, 2020 Planning & Zoning Commission meeting were approved as submitted.

REGULAR AGENDA

JR20-0002 Rezoning, REC-CNR to CNR Kurt & Mary Gillette, Owners

Lientz presented the staff report.

The applicant is proposing to rezone the 63.17 acre subject property from the REC-CNR (Recreation-Critical Natural Resources) overlay district to the CNR (Critical Natural Resources) zoning district. The property is located within the CNRA (Critical Natural Resource Area) on the Rural Land Use Map.

The REC (Recreation) designation is used for seasonal cabin and recreation areas. The current rezoning proposal was initiated by Linn County Planning & Development staff when it was determined that no cabins are present on the subject property, and the owner is proposing to construct a single-family dwelling to be lived in year-round. Single-family dwellings are not permitted in areas with the REC overlay designation, therefore a rezoning to the CNR (Critical

Natural Resource) district has been proposed. The subject property is considered to be a legal lot of record, and may contain 1 single-family dwelling.

This proposal meets the standards for approval per Article IV, Section 107-69 and Article IV, Section 107-70 of the Linn County Unified Development Code (UDC). A Land Evaluation and Site Assessment (LESA) analysis is not required per Article IV, Section 107-70, subsection (1)(d) of the UDC, as the proposed rezoning is to a zoning district of equal intensity.

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

Kelly Blythe, 5223 Sutton Rd, wondered why the applicant wanted to rezone the parcel. Lientz said the applicant plans to build a new single-family dwelling.

Motion by to Maxwell to recommend approval of case JR20-0002 , subject to the conditions of the staff report . Second by Grenis.

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

JF20-0007 Hilltop Farm Second Addition Final Plat

Lientz presented the staff report.

The proposed final plat is a 4-lot replat of Lot 1 of Auditor's Plat #509, except Hilltop Farm First Addition. The approval of the final plat case will result in a total of 4 buildable lots. The land use map designation for the property is RRD2 (Rural Residential Development 2-Acre Area), and each lot is proposed to contain over 2 acres. Proposed Lots 1 and 4 each contain 5.08 acres, and proposed Lots 2 and 3 each contain 11.98 acres. There are two existing dwellings and several accessory structures on the property, which will be demolished. Three non-buildable outlots have also been proposed.

A rezoning case (JR20-0003), proposes to rezone the subject property from AG (Agricultural) to RR2 (Rural Residential 2-Acre), and is running concurrently with this case. The Planning and Zoning Commission recommended approval of associated preliminary plat case (JP19-0001) at their June 15, 2020 meeting.

This proposal meets standards for approval in Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). The parcel meets both MLS and LESAs requirements, and earned a LESA score of 174.85 (the minimum threshold needed to pass with an RRDA land use designation is 110). There is an access easement along Witwer Lane; the applicant has obtained the required permission from the other two property owners using Witwer Lane for access in order for the proposed development to use Witwer Lane for access.

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

No questions from the Commission or public.

Motion by to Maxwell to recommend approval of case JF20-0007, subject to the conditions of the staff report . Second by Wagner.

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

JR20-0003 Rezoning - AG to RRD2

TPC Development, Owner

Lientz presented the staff report.

The applicant is proposing to rezone Lot 1 of Auditor's Plat #509, except Hilltop Farm First Addition, totaling 37.68 acres, from AG (Agricultural) to RR2 (Rural Residential 2-Acre). The subject property is located within the RRD2 (Rural Residential Development 2-Acre Area) on the Rural Land Use Map.

An associated final plat case (JF20-0007) is running concurrently with this case. The Planning and Zoning Commission recommended approval of the associated preliminary plat case (JP19-0001) at their June 15, 2020 meeting.

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). The parcel meets MLS and LESA requirements in the UDC, and earned a LESA score of 174.85 (the minimum threshold needed to pass in RRDA areas is 110).

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

No questions from the Commission or public.

Motion by to Kuntz to recommend approval of case JR20-0003, subject to the conditions of the staff report . Second by Grenis.

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

JF20-0008 Freilinger Addition

Tertinger presented the staff report.

The applicant is proposing a 2-lot final plat of 2.63 total acres, which will result in one additional buildable lot. Proposed Lot 1 will contain 1.0 acres, with a dwelling constructed in 1953, accessory structures, septic and well. Proposed Lot 2 will contain 1.0 acres; there are no existing structures. Proposed Outlot A will contain 0.39 acres; there is one existing accessory structure.

A rezoning case (JR20-0004) to rezone the property from AG (Agricultural) to USR (Urban Services Residential) is running concurrently with this case. This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code (UDC).

Minor subdivisions that create additional buildable lots are subject to Minimum Levels of Service (MLS) and Land Evaluation Site Assessment (LESA) requirements in the UDC. The parcel meets both MLS and LESA requirements, and earned a LESA score of 200.15 (the minimum threshold needed to pass in MUSA areas is 105).

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

No questions from the Commission or public.

Motion by to Grenis to recommend approval of case JF20-0008, subject to the conditions of the staff report . Second by Maxwell.

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

JR20-0004 Rezoning, AG to USR

Jean Freilinger , Owner

Tertinger presented the staff report.

The applicant is proposing to rezone the 2.63-acre subject property from the AG (Agricultural) zoning district to the USR (Urban Services Residential) zoning district. The subject property is located within the MUSA (Metro Urban Service Area) on the Linn County Rural Land Use Map.

A 2-lot final plat case (JF20-0008) is running concurrently with this case. This proposal meets the standards for approval per Article IV, Section 107-68 of the Linn County Unified Development Code (UDC). The parcel meets LESA requirements, and earned a LESA score of 200.15 (the minimum threshold needed to pass in MUSA areas is 105).

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

No questions from the Commission or public.

Motion by to Wagner to recommend approval of case JR20-0004, subject to the conditions of the staff report . Second by Kuntz.

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

**JC20-0013 Conditional Use Home Occupation -
Private Swimming Lessons**

Tertinger presented the staff report.

The petitioner is requesting a Conditional Home Occupation for a private swim lesson business. The proposal includes utilizing 2,294 sq. ft. of a 4,953 sq. ft. residence for the home occupation business. The residence includes two indoor pools (720 sq. ft. & 128 sq. ft.) and an associated bathroom/changing room. However, during the COVID -19 pandemic, clients will be asked to change their swimwear at home. The petitioner will have a maximum of 3 non-resident employees and the use is proposed to occur entirely within the residence. The proposal indicates a maximum of 60 hours of swim instruction per month, per pool, during the hours of 6am to 8:30pm, 7 days per week, year round. Each appointment is approximately 30-45 minutes with a maximum of 4 students per appointment, but will typically consists 1 on 1 instruction. The proposal indicates a maximum of 60 customers, including students, friends and relatives, coming to the site per week and includes space for six or more dedicated parking spaces. The petitioner also included locations for two business signs with the proposal.

A Conditional Home Occupation allows the applicant to use up to 2,500 square feet for the home occupation business on a parcel of this size. A home occupation with one or more nonresident employees requires a Conditional Use Permit for a Home Occupation in the USR (Urban Service Residential) zoning district. The proposal conforms to the standards for approval in **Article IV, Section 107-73, § (4) and Article VI, Section 107-113, § (h) of the Linn County Unified Development Code**. The applicant must also register the pools as “Residential Pool Used for Commercial Purposes” with the Iowa Department of Public Health (IDPH), meet the requirements of IDPH 641-15.4(6)(n) and is subject to an initial, and annual inspections, by the Linn County Public Health Department

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

Palwasha Khan Afridi, 171 Abbotsford Rd, spoke in support of Wittnebel.

Maria Cashman, 5905 Winslow Road, expressed concerns for the increased amount of traffic, signage and commercial-like feel the proposal may cause.

Jon Stivers, 2914 Hillsboro Ct, one of Wittnebel's potential employees, spoke in support of the proposal. He insisted the increase in traffic would be minimal.

Melissa Ewing, 5545 Winslow Rd, expressed concern about the increase in traffic caused by the proposal.

Stephanie Mazzella, 1485 Huntington Hills Dr, also shared her concerns about traffic and proposed signage.

Julia Wittnebel, applicant, stated the proposed signage is nothing more than a small sign to let clients know they have arrived at the correct location.

Jim Wittnebel, applicant, explained that they have no plans of expanding their proposed usage.

Tertinger stated the proposed signage is 12 sq. ft., or 3' x 4' and confirmed that the business is not allowed to expand beyond the current proposal.

Jennie Telisak, 2700 Deer Ln, spoke in support of the applicant and insisted the increase in traffic will be minimal.

Nancy Wittstruck, 2275 Edwin Dr, spoke in support of Wittnebel.

Motion by to Grenis to recommend approval of case JC20-0013, subject to the conditions of the staff report . Second by Wagner.

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

JC20-0012 Conditional Use - Landscape business storage

Nichols presented the staff report.

This applicant is requesting a conditional use permit for a lawn, garden and yard maintenance business on the subject property. The applicant has no full-time or part-time employees, and customers would visit the site by appointment only. Business activity will take place within the 3,600 square foot building present on the property. Approximately 5 tons of gravel will be stored outside.

Lawn, garden and yard maintenance services are an allowed use in the AG (Agricultural) zoning district with a Conditional Use Permit. It appears that 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). The proposal also appears to meet the standards for lawn,

garden and yard maintenance uses in Article VI, Section 107-115 § (k) of the UDC. North Marion Road must be hard-surfaced from the facility entrance to County Home Road.

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

DuBois wondered which party is financially responsible for hard-surfacing the road. Nichols stated the cost is split between the applicant and Linn County Secondary Roads.

Motion by to Kuntz to recommend approval of case JC20-0012 subject to the conditions of the staff report . Second by Grenis.

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

**JC20-0014 Conditional Use Home Occupation -
Barbershop**

Nichols presented the staff report.

The applicant is requesting a Conditional Home Occupation for a hair salon. The applicant is proposing to construct a 3,209 square foot attached garage: 2,681 square feet will be used for personal items, while the remaining 528 square feet is proposed to be used as a hair salon. The petitioner will have 1 non-resident employee and estimates 15-20 customers will come to the site per week by appointment only. Hours of operation will be Tuesday-Saturday between 10am and 6pm. The applicant is proposing one approximately 5 square foot sign located near the front property line.

A Conditional Home Occupation allows the applicant to use up to 750 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 USR (Urban Services Residential) zoning district. The proposal conforms to the standards for approval in Article IV, Section 107-73, § (4) and Article VI, Section 107-113, § (h) of the Linn County Unified Development Code.

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

Jeff Finley, 5501 Antler Dr, spoke in opposition of the proposal. His concerns were regarding the increase in traffic generated by the conditional use, the possibility of business expansion, and the effect the proposal may have on surrounding property values.

Stephen White, 4602 Blarney Dr, spoke in opposition of the proposal; he was concerned about the disposal of toxic chemicals used in the hair salon/barbershop. He also shared concerns about the increase in traffic.

Sally Frerick, 5500 Antler Dr, spoke in opposition, stating the same concerns as Finley.

Larry Taylor, 5511 Antler Dr, also spoke in opposition, reiterating previously stated concerns. He was worried about where the applicant's clientele would be parking. Taylor did not want to see cars parked on the street because there is no sidewalk and the only place for residents to walk is on the side of the road.

Margaret Parman, 4201 Antler Dr, also spoke in opposition.

James Sherlock, 5531 Antler Dr, also spoke in opposition. He shared concerns of increased traffic. Sherlock wondered where clients would park.

Sara Tawil, 4551 Deer View Rd, also spoke in opposition.

Pam Pattridge, 5506 Antler Dr, also spoke in opposition.

Jason Adams, 4501 Deer View Dr, wondered if the applicant proposed any signage on the building. He also reiterated previously stated concerns about increased traffic.

Sherlock wondered if notification of the proposal was given to surrounding property owners.

Nichols said the applicant is allowed up to 8 sq. ft. of signage anywhere on the property. He explained that notification was sent out to all surrounding property owners within a 500 ft. radius of the property. Nichols said the conditional use home occupation proposal only requires two parking spaces, but explained that the commission had the option to amend the proposal and recommend additional parking spaces. Nichols stated that Linn County Public Health has been working with the applicant and has full confidence the septic system can handle all waste products or chemicals. He also addressed concerns of business expansion; stating that the applicant will not be allowed to expand beyond the current proposal.

Benjamin High, applicant, explained that the purpose of the conditional use proposal is to downsize from a larger commercial business to something at home and part-time. He has no intentions of expansion. He added that all business will be conducted by appointment only, and that there will be multiple days a week with no customers coming to the house.

The commission deliberated; Kuntz suggested adding more parking spaces. DuBois wondered if Public Health was aware of the septic usage. Nichols explained that Public Health was involved in the Technical Review Committee meeting, so they were aware of the proposed use.

Motion by Wagner to recommend approval of case JC20-0014, subject to the conditions of the staff report . Second by Maxwell.

DuBois suggested amending the motion to include four parking spaces; one for the non-resident employee, three for clients. Maxwell agreed.

Motion by Dubois to amend the conditions of case JC20-0014, to reflect four parking spaces, rather than two . Second by Maxwell.

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

Motion by Wagner to recommend approval of case JC20-0014, subject to the amended conditions of the staff report. Second by Maxwell.

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

OTHER BUSINESS

Beck provided the commission with a proposed resolution to recommend approval of the Dows Farm Governing Plan.

Motion by Maxwell to approve the draft resolution to approve the Dows Farm Governing Plan, second by DuBois.

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

Nichols briefly reviewed the proposed text amendment to the Unified Development Code, which would add language relating to a Planned Unit Development Overlay zoning district.

COMMISSION COMMENTS

STAFF COMMENTS

Beck thanked the new commission members for their service.

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Christine Landa, Chair

Jessica Black, Recording Secretary