The Linn County Planning and Zoning Commission meeting was called to order at 6:30 p.m. by Linn County Planning & Development Director, Les Beck.

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:

George Maxwell 2020
Brock Grenis 2023
Griffin Kuntz 2021
Allen Wagner 2024
Tina DuBois 2020

ABSENT:

Christine Landa, Chair 2020
Curt Eilers, Vice-Chair 2022

STAFF:

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

ELECTION OF CHAIR PRO-TEMPORE

Maxwell nominated DuBois as Chair Pro-Tempore for this meeting. Grenis second. All others present voting aye.

APPROVAL OF MINUTES

The minutes of the August 17, 2020 Planning & Zoning Commission meeting were approved as submitted.

CONSENT AGENDA

| JF20-0010 | Claramae Farms Second Addition | Final Plat |
| JPS20-0014 | Cress Addition | Residential Parcel Split |
| JPS20-0016 | Silver Estate Third Addition | Residential Parcel Split |
| JPS20-0015 | Silver Estate Second Addition | Residential Parcel Split |

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

Wagner Aye
DuBois Aye
Kuntz Aye
Eilers Absent
Linn County Planning & Zoning Commission
Minutes
September 21, 2020
Page 2 of 7

**Landa**  Absent
**Grenis**  Aye
**Maxwell**  Aye

**REGULAR AGENDA**

**J F20-0011  Alger Homestead Addition  Final Plat**

Charlie Nichols presented the staff report. The applicant is proposing a 2-lot final plat of 9.39 total acres with 0.10 acres (Lot A) of additional road right-of-way. The proposal will result in one additional buildable lot. Proposed Lot 1 will contain 7.27 acres with a 24’ x 48’ accessory structure. Proposed Lot 2 will contain 2.02 acres with a dwelling constructed in 1991, accessory structures, septic and well.

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 123.25. The minimum threshold needed to pass in AA areas is 115.

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

Kevin Klimes, 1624 O’Connor Rd, wondered about the proposed entrance location. He expressed concern over the close proximity of the driveway to the front door of his home. Per Secondary Roads & Engineering, the entrance needs to be at least 150 ft. from any intersection. Klimes measured 127 ft. from his property line to the stop sign at the intersection. Nichols assured Klimes that the applicant is working with the Linn County Secondary Roads Department and will have to comply with their requirements.

Rita Rasmussen, 1485 W Mt. Vernon Rd, asked if the applicant had any desire to build on Lot 1. She suggested the new entrance be joined with the existing access.

Jackie Moore, 1649 Bloomington Rd, wondered what the applicants’ intentions were with Lot 2. Moore also spoke in opposition to the location of proposed driveway. She heard that the property owner, Rick Alger, had plans of retiring from the business he currently runs out of his home; she wondered if this was accurate information. Moore also asked if the zoning district would change because of the parcel split.

Nichols addressed Rasmussen’s question and said the applicant plans to build a single family dwelling on Lot 1. He also explained that the property owners are currently operating a carpet cleaning business out of their home, under a Conditional Use Permit, but had intentions of retiring by the end of this year. If they wished to continue their business on Lot 1, they would be required to apply for a new Conditional Use Permit. Nichols answered Moore’s question by stating that the zoning district would not change.

Beth Alger, owner/applicant, explained that she and her husband planned to sell their current residence to their daughter and build a new single family dwelling in the northerly corner of Lot 1. She stated their Conditional Use permit would no longer be in use, as they do plan to retire.

Steve Scott, surveyor, confirmed the additional access will be determined by county engineer.

Klimes reiterated his concerns about the proposed driveway location.
Motion by to Maxwell to recommend approval of case JF20-0011, subject to the conditions of the staff report. Second by Grenis.

DuBois wondered how the neighbors could work out location of driveway amicably. Nichols said the location of proposed entrance location would be determined by Linn County Secondary Roads Department. If access is not feasible off of O’Connor Road, they would most likely will require an easement through Lot 2.

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

JR20-0005 Ken Lillig & Kay Lillig Cotter, Owners Rezoning

Stephanie Lientz presented the staff report. The applicant is proposing to rezone the 0.29 acre subject property from the VR (Village Residential) zoning 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.

An associated Minor Boundary Change is proposed in the future; the subject property will be transferred via deed to the property owner to the north and combined via deed restriction to the adjacent northern tracts. The boundary change process will be completed prior to final consideration of the rezoning.

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.

Motion by to Grenis to recommend approval of case JR20-0005, subject to the conditions of the staff report. Second by Maxwell.

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

JA20-0003 Linn County Board of Supervisors & Linn County Planning & Development Land Use Map Amendment
Les Beck presented the staff report for the two cases together, but reminded the Commission that separate actions will be required for each.

**JA20-0003.** This request is to amend the LUP designation from CNRA Critical Natural Resource Area to USA Urban Service Area. The tract is approximately 39 acres in size and is floodplain and woodland as part of the Squaw Creek corridor. The tract is currently zoned AG (Agricultural); zoning in the surrounding area includes AG (Agricultural), USR (Urban Services Residential), RR3 (Rural Residential 3-Acre), GC (General Commercial), and MH (Mobile Home). This LUP Map amendment is associated with a proposed rezoning from AG to USR with a PUD Overlay as part of the proposed Dows Farm Agri-Community.

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 because this proposal does not include a rezoning or subdivision request.

Staff recommends approval subject to the condition of approval by the Board of Supervisors of the associated rezoning case JR20-0007.

**JR20-0007.** Beck presented the staff report. Linn County has initiated a rezoning from AG (Agricultural) to USR (Urban Services Residential) with a PUD (Planned Unit Development Overlay). The proposed rezoning is in support of the Dows Farm Agri-Community.

This proposal conforms to all standards for approval, including Minimum Level of Services (MLS), the separation distance requirement from animal feeding operations, and the Land Evaluation and Site Assessment (LESA) threshold score. Additionally, the proposal meets the requirements of the PUD Overlay Zoning District regulations including designation as an Urban Renewal Area with an adopted Governing Plan in place.

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

Beck summarized the letters received and provided to the Commission in advance of the meeting. Twelve letters were received: three were in opposition; four were in support; and five supported the inclusion of trails in the project.

Roger & Carla Schulz, 6715 Arrow Point Ct, spoke in opposition. They expressed concerns about the potential decrease in property value, increase in taxes, and increase in traffic. The Schulz wondered which supervisor was spearheading the proposal.

Kevin Collins, 385 Squaw Ridge Rd, also spoke in opposition. He wondered which developer expressed interest in the project. Collins believes this is a wasteful and imprudent use for taxpayer dollars. He insisted there is no support for the development from the community. Collins expressed concern regarding lack of fire protection, law enforcement and busing service.

Bill Stamats, 340 Rosedale Rd, agreed with Collins. He wondered if there had been any discussion about the possibility of annexation into the City of Cedar Rapids. His main concern was the potential for increased property taxes. Stamats also questioned how the rezoning will affect nearby properties in terms of the Land Use Plan.
Cynthia & John Monroe, 449 Dows Rd, spoke in opposition. They shared concerns about the county's ability to sustain another farm, in addition to Ushers Ferry and Indian Creek. They also expressed concern for the potential traffic impacts.

Gia Marie, 607 Squaw Creek Road, also spoke in opposition. She shared concerns similar to those already voiced. Marie stated that she would like to see the conservation and agricultural land left alone, rather than developed.

Clay Parks, 619 Dows Road, spoke in opposition. He explained his distrust for designer, Dennis Reynolds. Parks wondered how existing schools would handle any influx of students generated by the agri-community. He said Erskine Elementary is in closest proximity to Dows Farm and they are not in an ideal position to accept more students. Parks also mentioned concerns about the lack of busing and fire protection in the area.

Pat Baird, 464 Dows Road, spoke in opposition. He insisted the area already deals with a lot of water runoff problems and the proposal will only increase those issues. Baird said all surrounding property owners are in opposition. He asked the commission to recommend sending the proposal back to staff for more information. Baird also repeated many of the same concerns already expressed by others.

Charles Abraham, 671 Dows Road, spoke in opposition. His concerns were that the "rural" feel of the area will be disrupted by the agri-community. Abraham owns a veterinary clinic and if the proposal is approved, he insists he will have to relocate.

Palwasha Afridi, 171 Abbotsford Rd., spoke in opposition. She suggested staff take surrounding property owners' wishes into account.

Beck addressed Schulz's question regarding decrease in property value, stating that property values are based on determinations made by the Assessor's office, that of which Planning & Development had no say in. He added that the Dows Farm proposal was created by Planning & Development staff, not a Supervisor. Beck explained that when the county acquired the property, it was designated for future development. Beck asked the Board of Supervisors if they would check into other options rather than conventional subdivisions, hence the unique proposal.

Beck addressed Collins' concerns by stating that the County is currently in the review process of selecting a master developer.

Beck addressed Baird's comments by stating that the Commission is not required to take action on this proposal tonight; the Commission has the option to send the proposal back to staff to request additional information if they do not feel as though adequate information has been provided in the Staff Report. Beck added that it is the role of the Planning & Zoning Commission to make a recommendation to the Board of Supervisors to either approve or deny the proposal, based on the Standards for Approval.

Beck said he had no knowledge of plans by the City of Cedar Rapids for annexation. He stated that there is no effect on the Land Use Plan of adjacent properties.

In response to Abraham's concerns about the "rural" feel of the area being disrupted; Beck said the concept for this plan values open space, conservation and farm land. He stated the plan for the development keeps 75% of the proposed site protected to maintain the "rural" feel of the area.
DuBois asked Beck to address the water issues mentioned by Baird. Beck said the Governing Plan has a storm water management component; one of the key pieces of the design is to use “low impact development practices”, which include retaining and infiltrating storm water on site. As part of the development process, all engineering aspects will be considered as part of the development review, Beck said.

Beck addressed traffic concerns by stating that Mt. Vernon Road is a county collector street that has adequate capacity and has already been part of a traffic impact study. In response to traffic concerns, direct access onto Dows Road was removed in the final concept plan, Beck stated.

Collins asked for the name of the developer interested in the project. Beck said there are currently two developers interested, but added that he would need clearance from the County Attorney prior to releasing the names of said developers prior to their submittal of their proposals. Collins wondered what Beck's timeline looked like. Beck said proposals are due on October 16. Staff will then review proposals and hopefully make a recommendation to the Board of Supervisors by late October. Beck said he hopes to enter into a development agreement by the end of October. Beck will notify Collins once he receives clearance from County Attorney to disclose names of interested developers.

Some members of the public reiterated their concerns to the commission to consider when making a recommendation.

Motion by to Grenis to recommend approval of case JA20-0003, subject to the conditions of the staff report. Second by Kuntz.

Kuntz wondered what kind of interest has been expressed from those wanting to live in this community. He is concerned about the success of the proposal and said he does not feel comfortable giving a recommendation until he has more information.

Beck informed Kuntz there had been a residential market analysis performed already, but it does not guarantee success or failure of a project. The results of analysis indicated a smaller market showing interest, but a passionate one. Beck said there are several examples of successful agri-communities around the country.

George wondered what the average price for a lot would be. Beck said that will be up to the developer.

Grenis said from a design perspective, he has always liked this concept. However, there is clear opposition from surrounding property owners tonight. Grenis wondered if it wouldn't be a better idea to wait to make a recommendation until the other two commission members are present.

Grenis offered to rescind his motion. Kuntz added that he would also like to wait for other commission members to be present prior to making a recommendation. Kuntz would also like more information regarding potential success of proposal.

Grenis motioned to amend his original motion to postpone voting until the October 19 meeting. Kuntz second.
Maxwell motioned to postpone voting on Case JR20-0007 until October 19 meeting. Second by Grenis.

DuBois asked the Commission if there was anything specific they would like to see from staff prior to or at the October 19 meeting that would help them make their decision. Kuntz said he would like to see more information about the comprehensive plan and how it relates to the concerns voiced by the surrounding property owners. Beck will include more specific information on his Staff Report at the October 19 meeting.

OTHER BUSINESS

COMMISSION COMMENTS

STAFF COMMENTS

Beck appreciated the thoughtful consideration from the commission. He reminded the commission members that postponing the vote until next month does not necessarily guarantee the other two members will be present.

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Tina DuBois, Chair Pro-Tempore  Jessica Black, Recording Secretary