

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Monday, March 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
Griffin Kuntz 2026
George Maxwell 2025
Diane Brecht 2025

ABSENT:

STAFF: Stephanie Lientz, Planning & Zoning Division Manager
Mike Tertinger, Senior Planner
Brad Wylam, Planner II
Jessie Black, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the February 20, 2023, Planning & Zoning Commission meeting were approved as submitted.

REGULAR AGENDA

JF23-0009

Prairie Farm First Addition

Final Plat

Mike Tertinger presented the staff report.

The applicant is proposing a 2-lot final plat of 9.34 total acres, with an additional 0.78-acres (Lot A) for dedicated road right-of-way. The proposal will result in one additional buildable lot. Proposed Lot 1 contains 6.0 acres and proposed Lot 2 contains 3.14 acres. Proposed Lot 1 contains an existing dwelling, well and septic system. The subject property is currently located within the Metro Urban Services Area (MUSA) on the Linn County Rural Land Use Map.

A Land Use Map Amendment request (case JA23-0002) is running concurrently with the final plat case to change the land use designation of the subject property from MUSA to Rural Residential Development 2-Acre Area (RRDA).

A Rezoning request (case JR23-0003) is running concurrently with the final plat and map amendment cases to rezone the subject property from Agricultural (AG) to Rural Residential 2-Acre (RR2).

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). The parcel meets Minimum Levels of Service (MLS) and Land Evaluation Site Assessment (LESA) requirements and earned a LESA score of 184.25 (the minimum threshold needed to pass in areas designated as RRDA is 110).

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

There were no questions from the commission or members of the public.

Motion by Maxwell to recommend approval of case JF23-0009, subject to the conditions of the staff report. Second by Wagner.

DuBois	Aye
Kuntz	Aye
Wagner	Aye
Maxwell	Aye
Grenis	Aye
Brecht	Aye

JR23-0003

Rezoning

AG to RR2

Mike Tertinger presented the staff report.

The applicant is proposing to rezone the 9.34-acre subject property from the Agricultural (AG) zoning district to the Rural Residential 2-Acre (RR2) zoning district. The subject property is located within the MUSA (Area) on the Linn County Rural Land Use Map.

A 2-lot Final Plat request (case JF23-0009) is running concurrently with this case to create one additional buildable lot.

A Land Use Map Amendment request (case JA23-0002) is running concurrently with the final plat and rezoning cases to change the land use designation of the subject property from MUSA to Rural Residential Development 2-Acre Area (RRDA).

This proposal meets the standards for approval per Article IV, Section 107-69 and Section 107-70 of the Linn County Unified Development Code (UDC). The proposal meets Minimum Levels of Service (MLS) and Land Evaluation and Site Assessment (LESA) requirements in the UDC and earned a LESA score of 184.25 (the minimum threshold score needed to pass in areas designated as RRDA is 110).

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

There were no questions from the commission or members of the public.

Motion by Grenis to recommend approval of case JR23-0003, subject to the conditions of the staff report. Second by Kuntz.

Kuntz	Aye
Brecht	Aye
Wagner	Aye
DuBois	Aye
Maxwell	Aye
Grenis	Aye

JA23-0002

Land Use Map Amendment

MUSA to RRD2

Mike Tertinger presented the staff report.

The applicant is proposing to change the Linn County Land Use Map designation of the approx. 9.34-acre subject property from Metro Urban Services Area (MUSA) to Rural Residential Development 2-Acre Area (RRDA).

A Rezoning request (case JR23-0003) is running concurrently with the map amendment case to rezone the subject property from Agricultural (AG) to Rural Residential 2-Acre (RR2).

A 2-lot Final Plat request (case JF23-0009) is running concurrently with the map amendment and rezoning cases to create one additional buildable lot.

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

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.

There were no questions from the commission or members of the public.

Motion by Brecht to recommend approval of case JA23-0002, subject to the conditions of the staff report. Second by Maxwell.

Grenis	Aye
Kuntz	Aye
Wagner	Aye
DuBois	Aye
Maxwell	Aye
Brecht	Aye

JC23-0003

Conditional Use Home Occupation

**Wine Storage & Test Batch
Production**

Stephanie Lientz presented the staff report.

The applicant is requesting a Conditional Home Occupation Permit for manufacturing test batches of wine and for wine storage on the subject property, which will contain 3.0 acres when Land Preservation Parcel Split case JLPS22-0003 is completed. The property is zoned AG (Agricultural). The applicant proposes to use approximately 1,200 square feet total for the business use within an existing 3,364 square foot detached accessory structure. The business use inside the structure will be distinct and separate, while the remaining area will be used for personal shop and storage space. The applicant's proposal indicated that no non-resident employee will be on site, and it is estimated that there will be up to 1 weekly delivery. No customers will be visiting the subject property.

A home occupation is allowed in the AG (Agricultural) zoning district with an approved Conditional Use Permit per Article VII, Section 107-147. 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) and Article VI, Section 107-113, § (h) of the Linn County Unified Development Code.

Land Preservation Parcel Split Case JLPS22-0003 must be recorded prior to commencement of business operation on the subject property.

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

There were no questions from the commission or members of the public.

Motion by Kuntz to recommend approval of case JC23-0004, subject to the conditions of the staff report. Second by Maxwell.

Brecht	Aye
Maxwell	Aye
Grenis	Aye
DuBois	Aye
Wagner	Aye
Kuntz	Aye

JC23-0004

Conditional Use

Baseball & Softball Field

Stephanie Lientz presented the staff report.

The applicants are operating one seasonal softball field on the subject property, which is zoned AG (Agricultural), containing approximately 12.29 acres. There is a batting cage, outfield fence, and backstop, as well as a scoreboard, dugout and bleachers. Proposed hours of operation are Mon-Fri 3PM - 9PM, Sat-Sun 7AM - 10PM. There will be no non-resident employees coming to the site.

The outdoor recreation and entertainment softball field use is allowed as a Conditional Use in the AG (Agricultural) zoning district per Table 107-147-1 in Article VII of UDC. 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 UDC. The proposal must meet the standards for the outdoor recreation and entertainment softball field use found in Article VI, Sec. 107-115, § (kk) of the UDC, and parking standards found in Article V, Section 107-93, § (e) of the UDC. The use appears to be compatible with surrounding property uses and adequate measures can be taken to minimize any potential adverse impacts on adjoining property. The field lighting must meet all requirements of the Building Division, and requirements in Article VI, Sec. 107-115, § (kk)(6).

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

Brecht asked if there was any type of signage proposed to notify nearby traffic that an event was taking place on the subject property. Lientz suggested she direct her question to the applicant.

Grenis asked why this proposal was required to meet Conditional Use standards, rather than being an allowable, private use on an Agricultural-zoned property. Lientz explained that the Linn County Unified Development code allows this type of use with an approved Conditional Use Permit in the Agricultural zoning district, which is the process being followed here.

Abraham Simon, applicant, offered to answer questions from the Commission. He explained how the proposal grew from a neighborhood practice field into a commercial business during Covid shutdown. He agreed with Brecht, stating that he had considered posting a sign during events and may do so.

Motion by Maxwell to recommend approval of case JC23-0004, subject to the conditions of the staff report. Second by Kuntz.

Maxwell	Aye
Wagner	Aye
Grenis	Aye
DuBois	Aye
Brecht	Aye
Kuntz	Aye

JA23-0003

UDC Text Amendment

**Accessory Dwelling Units &
Softball Fields/Similar Uses**

Stephanie Lientz presented the staff report.

Staff is proposing several text amendments to the Unified Development Code (UDC) related to: accessory dwelling units; and updating the use table to include softball fields and other similar uses. A previous text amendment case, JA23-0001 increased the allowable size of an accessory dwelling unit from 800 square feet to 1,200 square feet, and the purpose of many of the current updates address how to define dwelling units generally, accessory dwelling units specifically, and how to measure the floor area included in any dwelling unit. Similarly, that same previous text amendment case added the softball field use to the category of outdoor recreation uses that describes standards for baseball fields, soccer fields, and other similar uses. However, an update to add the softball field use to Table 107-147-1 Use Table was not included in that update, and that oversight is being corrected here.

Kuntz asked, hypothetically, if he would be allowed to build a deck, attached to his dwelling, that took up almost the entirety of his parcel. Lientz said yes, as long as it was part of the principal structure, and met applicable setbacks and any other code requirements.

DuBois asked how the proposed ordinance amendment would impact residents that have an accessory structure with a bathroom and kitchen, but not necessarily “living quarters”. Lientz explained this will not impact most of those who do not show separate spaces for living and storage, but added that zoning staff will review each proposal on a case-by-case basis.

Motion by Grenis to recommend approval of case JA23-0003, subject to the conditions of the staff report. Second by Wagner.

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

OTHER BUSINESS

COMMISSION COMMENTS

STAFF COMMENTS

Lientz informed all that she has received several applications to fill the remaining vacancy on the Commission. She has plans to meet with a candidate soon and will likely proceed with an appointment prior to next month's meeting.

PUBLIC COMMENTS

ADJOURNMENT

The meeting was adjourned at 7:30p.m.

Respectfully submitted,

Tina Dubois, Chair

Jessie Black, Recording Secretary