

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 17, 2025

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, July 17, 2025, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Chairperson Yutesler, Brandenburg, Crist, Hartelt, Timmerman. Brown was absent.

Chairperson Yutesler called the meeting to order at 6:32 p.m. The members reviewed the following petitions:

1. **Erich and Stephanie Mueller, 1636 Garfield Ave, West Branch, IA, (Owner) and Jeff and Kelly Randall, 1168 N 1000 Rd., Lawrence, KS (Buyer)-** Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single-family dwelling on property located on Parcel C in the SW ¼, NW ¼, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone an existing 3 acres m/l of a 19 acre lot.

Zoning Administrator LaRue stated there was one letter of concern pertaining to a driveway and its usage and the present public. ZA LaRue asked the commission to complete their review in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance No.10 in making a recommendation to the Cedar County Board of Supervisors. Erich Mueller, owner, spoke on why he is selling the land and that they left the rezoning for the person buying the property so the buyers could identify where they would like to build. Lee Bowstead addressed the commission with his concerns as a neighbor to the rezoning. Bowstead stated his concerns with having the ability to shotgun hunt, possibilities of future development, and the impact on the rural character. ZA LaRue stated that this building site is easily over 600 feet from Bowstead's property which is the required distance to shoot a shotgun according to state law. Bowstead stated before coming to the meeting, he was unaware of the location of the rezoned area on the property and was wondering what the house would look like when placed on the property. Chairperson Yutesler stated the Commission does not have a say in the design of the home and we are here to make a determination on if they would allow the change to residential zoning from agricultural zoning. Bowstead asked about the trickle effect of this rezoning and how that might affect his concerns. Chairperson Yutesler stated that there is nothing stating that cannot happen. ZA LaRue stated that is another land use issue. Mueller stated that the line of sight for this property is very hard to see where the house or building might sit. Kelly Randall spoke on why they were interested in purchasing the property. Randall stated that right now the plan is to build a barn on the property and there are no immediate plans to build a house. Randall stated that they looking at resettling in Iowa. Randall stated that she can understand Bowstead's concerns and she respects his concerns because she has had a similar situation happen where they are currently. ZA LaRue stated that we had received a letter from West Branch Fire Chief, Kevin Stoolman, stating that they will provide services. ZA LaRue also stated that there was a letter from Cedar County Engineer, Rob Fangmann, stating this rezoning is located along a paved road and access is approved with expansion and sharing. ZA LaRue then stated that we had a letter from the adjoining property owner to the south that needed to be read in. Chairperson Yuetsler read the following

“Dear Cedar County Zoning Board,

I received your letter regarding a zoning change near the property I own on Garfield Ave. I want to ensure that any rights of access to my property are not disturbed. My current access point lies almost directly adjacent to the boundary line with the property to the north. A big concern I have is that the required distance between the two access points be maintained. Often there is a minimum required distance between driveways and road access points. It looks to me as though the Entrance and Driveway Policy for Cedar County would require that there be a minimum of 100 feet of distance between the centerline of my driveway and the centerline of their proposed driveway. I want to ensure that this distance would be maintained and that if I ever decided to build a house on the parcel, or sell it to someone who wants to build a house that my driveway would not need to be relocated. My position is that my access point already exists and although the parcel is not developed, I want the County to recognize my right to access the road at that location. I also do not want to be forced into a shared access drive situation.

Assuming the required distance is maintained, then I don't have too much concern about the plan.

Given this, I would ask that the centerline of their proposed driveway be at least 100 feet from the centerline of my existing driveway, as is stated in the Cedar County code. Please note that I have been advised to push for something more than 100 feet. This required distance is actually on the low side as, generally speaking, counties require more like 300 feet and in Johnson County, it is 500 feet in a rural setting. The required site distance there would also be an issue. Since the speed limit is 55 mph in front of my property, the required sight distance would be typically be more like 550 feet.

I apologize for not being able to attend the meeting, July 16 is my 31st wedding anniversary and we have a prior engagement.

Thank you for your consideration of my thoughts on the proposed change.

Sincerely,

Walter Maley

Mad JD LLC “

ZA LaRue stated he did not have a copy of the driveway permit to verify where the access point is located. ZA LaRue stated clarification was needed from the County Engineer. Hartelt stated the site distance requirement on the highway might be a concern. Mueller stated he had seen some flags but was unsure on what they were for. Yuetsler stated she saw the flags and there was one next to the driveway. Yuetsler stated she was also concerned about the line of sight from Bowstead's driveway to the south because of the slope. ZA LaRue reiterated that it is a shared access. Yuetsler stated she had been in a situation with a shared access and she can see where the concern was from. ZA LaRue stated that the driveway could be straightened out prior to the Board of Supervisors meeting after the Zoning Commission makes a decision. Chairperson Yuetsler asked if this approved access had proper sight distance. ZA LaRue stated that from his understanding it did. Chairperson Yuetsler asked if it had the 100 feet of separation that was mentioned in the letter. ZA LaRue stated that the access requires expanding the access and share it according to the County Engineer's letter. Hartelt asked when sites are evaluated we do not always consider an ag driveway to be an adequate driveway, since this existing driveway is an existing ag driveway, is there any distance requirement at all for the 100 foot separation since it is not a recognized driveway at this point. ZA LaRue said that right now, that is up to the County

Engineer and that he can not speak for that department but they have an approved access permit as long as it is widened and shared.

ZA LaRue spoke about the soils report stating there are severe limitations for septic and it will most likely be an alternate septic system. Building limitations are moderate to severe depending on where you are at on the slope. ZA LaRue stated that the corn suitability rating has an average of 45 because of the Fayette soils, heavy clay, and ravines. The rezoned area scored a total of 2,925 points with loss of rural character being a concern. ZA LaRue stated that the comp plan does discourage scattered development but we have hard surface roads, fire department said they can get there and the access will be straightened out.

Chairperson Yuetsler explained how the LESA scoring came about for the Zoning Commission to help evaluate rezoning petitions. Chairperson Yuetsler asked for clarification on when the driveway would need to be put in place if the house is not built right away. ZA LaRue stated that the driveway would need to be put in place in order to have any building on the property.

Brandenberg asked if both parties are aware that this is going to be shared access because the letter is asking some of those concerns. Randall stated that they were contacted by the engineers office and they stated the access was approved but she shared the concern of shared access especially if there was going to be a home there. Randall stated that since there is not a home on the southern property and the Randall's have not built a home yet either, she was hoping they could share access and maybe reevaluate. Randall also stated that the shared access was appealing to them as they will still be living in Kansas and utilizing this at times. ZA LaRue stated that we are the Zoning Commission, and we take input from experts, like the Cedar County Engineer's office, to help evaluate the sight. Hartelt said that if he recalled the code correctly, the top of a residential driveway needs a 30-foot width with a 3 to 1 slope off of that. ZA LaRue stated that that sizing could get wider for major subdivisions, but this sizing is what the Department of Transportation requires for this type of residence. Crist stated he did not know if there was anywhere else to put another driveway. ZA LaRue stated we needed further clarification from the Engineer and for the engineer to reach out to the neighboring land owner. Hartelt asked for clarification from the seller what area of the land was listed in Conservation Reserve Program (CRP). Mueller stated the gray shaded area was what is located in CRP currently, but it is expiring soon. Brandenburg asked if the buyers are looking at putting in just a barn if they would need to build a full driveway. ZA LaRue said that they would need to do the driveway and a turnaround. Brandenburg asked if they were going to build a barn without a septic and well, if the same rules would apply. ZA LaRue stated they would still have to build a full accessible driveway if there was a barn without a septic.

Hartelt asked if Bowstead could see the CRP area from his property. Bowstead stated he did not believe he could see that area. Bowstead asked where the buyer was intending on putting the barn and where they were wanting to possibly put the house. Randall stated the 3 acres that they are rezoning would hold the barn and the house. Hartelt stated what areas are slated for future development plans in the county in our comprehensive land use plan, but we are surrounded by three of the largest counties in the state. He continued by stating that we are going to be seeing more and more of these types of requests pops up with more people wanting to live out of big cities. Bowstead asked the members of the Zoning Commission how many of them lived in the county and all members answered they live in the county. Hartelt stated how many homes had popped up around him in the time he had lived in his home. ZA LaRue stated that Hartelt is in an area that is marked for future development. Bowstead talked about his concerns with having more residential homes pop up around him and push him out of his home.

Brandenburg asked if the owner of the current driveway has any say if the County Engineer says they have to have a shared access. ZA LaRue that the County Engineer had to approve any access based upon the regulations from the Department of Transportation based upon ag traffic or residential. Randall stated that they had reached out to the people who cut the alfalfa and want to continue doing that when they own the land. Hartelt stated that the road is not set up the way it needs to be for alfalfa but it would almost be nice to have a shorter driveway.

Crist stated that it sounds like we could pass it on to the Board of Supervisors with the requirement that the driveway access be resolved or table until the driveway access issue is resolved.

Hartelt asked for clarification on what the minimum size a parcel needs to be to be severed from a property. ZA LaRue stated that the minimum size is one acre at this time. Hartelt asked Mueller when he bought the parcel of 38 acres, if there had been an existing structure on there. Mueller stated that his parcel was split from 80 acres and there was no buildings on site. Brandenburg made a motion to approve the rezoning of three (3) acres with one dwelling upon clarification all parties and the Board of Supervisors are agreeable to the shared access.

Seconded by Crist. No other discussion. Ayes: All

ZA LaRue informed the board about changes at the state level and that we are working on drafting information in regards to cryptocurrency regulations and accessory dwelling units (ADU's).

Meeting declared adjourned at 8:30 pm

Chairperson
Jody Yuetsler

Secretary
Caitlin Boyle