



PLANNING AND ZONING COMMISSION MEETING

Tuesday, October 24, 2023 • 7:00 p.m.

West Branch City Council Chambers, 110 N. Poplar St.

Council Quorum May Be Present

<https://zoom.us/j/829677991> or

dial in phone number 1-312-626-6799 with Meeting ID 829 677 991

1. Call to Order
2. Roll Call
3. Welcome of new Commission members
4. Approve Agenda/Move to action.
 - a. Approve minutes from the September 26, 2023 Planning & Zoning Commission meeting. **(not available at time of agenda publication).**
5. Public Hearing/Non-Consent Agenda. /Move to action.
 - a. Motion to review and/or approve The Meadows Part 3 Final Plat. / Move to action.
 - b. Motion to set a public hearing for the proposal to amend Chapter 165 – Zoning Regulations for November 28, 2023. / Move to action.
6. Planning & Zoning Commission training / refresher
7. City Staff Reports
8. Comments from Chair and Commission Members.
9. Next regular Planning & Zoning Commission meeting Tuesday, November 28, 2023.
10. Adjourn

Planning & Zoning Commission Members: Chair John Fuller, Vice Chair Ryan Bowers, Brad Bower,

Matt Van Scoyoc, Madison Conley, Max Kober, Amy Guhl • **Zoning Administrator:** Terry Goerd

Mayor: Roger Laughlin • **Council Members:** Colton Miller, Nick Goodweiler, Jodee Stoolman, Jerry Sexton, Tom Dean

City Administrator: Adam Kofoed **City Clerk:** Leslie Brick • **Finance Officer:** Heidi Van Auken

Fire Chief: Kevin Stoolman • **Police Chief:** John Hanna • **Public Works Director:** Matt Goodale



110 N POPLAR ST, PO BOX 218, WEST BRANCH, IA 52340

FINAL PLAT APPLICATION

Applicant Name: Advantage Development Inc.

Address: 2881 Independence Road Iowa City IA 52240
Street or PO Box City State Zip Code

Phone: 319-594-2997

Email: chad@advantagebuilt.com

Signature: _____

Additional Contact

Name: Ron Amelon

Phone: 319-351-8282

Email: r.amelon@mmsconsultants.net

Property Owner (if other than applicant)

Name: _____

Address: _____
Street or PO Box # City State Zip Code

Phone: _____ Email: _____

During the review process City staff, Planning & Zoning Commission or City Council Members may visit the property. If the property owner does not wish to allow visitors onto the property, please sign below:

Property Information

Address (if none, list name of closest streets): West Main Street and Cedar Johnson Road

Assessor's Parcel # (Attach Legal Description): 0490-13-06-351-003-0

Subdivision Name: The Meadows Subdivision Part Three

Number of Lots: 4 Property Size: 10.63 AC Current Zoning: RB-1

Subdivider's Engineer

Name: Ron Amelon, MMS Consultants, Inc

Address: 1917 S. Gilbert Street Iowa City IA 52240
Street or PO Box # City State Zip Code

Phone: 319-351-8282

Email: r.amelon@mmsconsultants.net

PRELIMINARY CHECKLIST

Please attach following items. Additional materials may be required during the review process. Failure to submit the complete application materials may result in delays in processing, use the following checklist on page 3 & 4 to confirm that application is complete.

Submittal Deadline: 1st working day of the month at 12:00 p.m. Final Plat Fee: \$300.00. Special meeting request fees are \$150.00 per meeting.

Submittal Requirements:

- ☐ 1 completed copy of this application form, including checklist.
- ☐ 2 scalable copies folded to 8.5"x11" & Acrobat "PDF" files emailed to leslie@westbranchiowa.org
- ☐ Other information requested by City Staff for review of the proposed project.

For Staff Use:

_____ Date application and Final plat received

_____ Information forwarded to City Engineer, City Attorney, Planning & Zoning Commission, Building Inspector, Public Works Director and Fire Chief

_____ Comments received from:

_____ City Engineer

_____ City Attorney

_____ Building Inspector

_____ Public Works Director

_____ Fire Chief

_____ Comments forwarded to Planning & Zoning Commission.

_____ Date or 1st Planning & Zoning Commission meeting

_____ Date of Planning & Zoning Commission Approval

_____ Stamp Final Plat 'Approved' – email to Subdivider, their engineer & City Council

_____ Forward approved Final Plat to City Attorney for creation of Resolution

_____ Invoice Subdivider for Engineering fees

_____ Date of 1st City Council meeting, preceding P&Z approval

_____ Final Plat Resolution # _____, approved _____

Signature of City Staff / Title _____ Date _____

City of West Branch - Final Plat Requirements: Chapter 170.11

- ☒ Title under which the subdivision is to be recorded.
- ☒ The linear dimensions (as required by the Iowa Code) of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.
- ☒ Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City plan (and approved by Cedar County EMA).
- ☒ Description and location of all permanent monuments set in the subdivision to be placed at all block corners, at all angles and points of curve of the street and alley property lines, and at all corners and angles on the exterior boundary. The plat shall show that the subdivision is tied to a physically monumented land line, which is identified by two U.S. public land survey systems corners, or by two physically monumented corners of a recorded subdivision.
- ☒ The plat should be signed and acknowledged by the subdivision land owner and his or her spouse.
- ☒ A sealed certification of the accuracy of the plat by a land surveyor who prepared the final plat.
- ☒ Signatures of utilities approving easements and locations of utilities.
- ☒ The legal description of the area being platted.
- ☒ Identification of all adjoining properties, and where such adjoining properties are part of recorded subdivisions, the names of those subdivisions.
- ☒ Any other pertinent information, which may include a site development plat, necessary for the proper evaluation of the plat.
- ☒ The locations, dimension and uses of all proposed easements.

Final Plat Attachments: Chapter 170.12 – Subdivider shall cause all documents to be recorded and copies provided to the City before construction begins.

- ☒ A correct description of the subdivision land.
- ☐ A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public used, if the dedication is approved by the Council.
- ☐ An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
- ☐ A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
- ☐ A statement from the mortgage holders of lienholders, if any that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgement of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
- ☐ A certificate of dedication of streets and other public property.
- ☐ A statement of restriction of all types that run with the land and become covenants in the deeds of lots.
- ☐ A resolution and certificate of approval by the Council and for signatures of the Mayor and Clerk.

- ☒ Design plans for all public improvements prepared under the direction of a registered professional engineer licensed in the State, including plan and profiles, typical cross sections and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or north at the left.
- ☐ A certificate by the City Engineer or similar official within two (2) weeks of submission that all required improvements and installations have been completed, or that a letter of credit or performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision, or by agreement between the City and subdivider as to installation and assessment of such improvements.
- ☐ The encumbrance bond, if any.
- ☐ Final plans, following completion of construction, identifying the as-built location and elevation of all public improvements installed.
- ☒ A statement by a registered land surveyor that the plat was prepared under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal.

Process: Staff will review the first submittal and issue a preliminary report listing required and recommended changes, and will include a date by which a revised complete set of 7 copies is required to be submitted for final staff review and for Planning & Zoning Commission and Council consideration. Along with a revised set, Acrobat "PDF" files of all materials are required.

FINAL PLAT
THE MEADOWS SUBDIVISION - PART THREE
WEST BRANCH, CEDAR COUNTY, IOWA
SHEET 1 OF 2

FOR COUNTY RECORDER'S USE

LOCATION:	SUBDIVIDER:
LOT 1 OF PARCEL "G", LOCATED IN THE SOUTHWEST FRACTIONAL QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP 79 NORTH, RANGE 4 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, WEST BRANCH, CEDAR COUNTY, IOWA	ADVANTAGE DEVELOPMENT INC 2881 INDEPENDENCE ROAD IOWA CITY, IOWA 52240
LAND SURVEYOR:	SUBDIVIDER'S ATTORNEY:
RICHARD R. NOWOTNY P.L.S MMS CONSULTANTS INC. 1917 SOUTH GILBERT STREET IOWA CITY, IOWA, 52240 PHONE: 319-351-8282	KIRSTEN H. FREY 327 2ND STREET, SUITE 300 CORALVILLE, IOWA 52241
DATE OF SURVEY:	PROPRIETOR OR OWNER:
03-23-2023	ADVANTAGE DEVELOPMENT INC 2881 INDEPENDENCE ROAD IOWA CITY, IOWA 52240
	DOCUMENT RETURN INFORMATION:
	ATTORNEY

EASEMENT IDENTIFICATION TABLE	
LABEL	DESCRIPTION
①	15.00 FOOT PUBLIC UTILITY EASEMENT
②	20.00 FOOT PUBLIC UTILITY EASEMENT
③	20.00 FOOT PUBLIC UTILITY, STORM SEWER, AND DRAINAGE EASEMENT
④	20.00 FOOT SANITARY SEWER EASEMENT (CENTERED)
⑤	25.00 FOOT STORM SEWER AND DRAINAGE EASEMENT
⑥	20.00 FOOT WIDE STORM SEWER AND DRAINAGE EASEMENT (CENTERED)
⑦	STORM SEWER AND DRAINAGE EASEMENT

LEGEND AND NOTES

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(R)

(M)

C22-1

— CONGRESSIONAL CORNER, FOUND

— PROPERTY CORNER(S), FOUND (as noted)

— PROPERTY CORNERS SET (5/8" Iron Pin w/ yellow, plastic LS Cap embossed with "MMS")

— PROPERTY &/or BOUNDARY LINES

— CONGRESSIONAL SECTION LINES

— RIGHT-OF-WAY LINES

— CENTER LINES

— LOT LINES, INTERNAL

— LOT LINES, PLATTED OR BY DEED

— EASEMENT LINES, WIDTH & PURPOSE NOTED

— EXISTING EASEMENT LINES, PURPOSE NOTED

— RECORDED DIMENSIONS

— MEASURED DIMENSIONS

— CURVE SEGMENT NUMBER

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS
ERROR OF CLOSURE IS LESS THAN 1 FOOT IN 10,000 FEET

DESCRIPTION - THE MEADOWS SUBDIVISION - PART THREE

LOT 1 OF PARCEL "G", LOCATED IN THE FRACTIONAL SOUTHWEST QUARTER OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 79 NORTH, RANGE 4 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, WEST BRANCH, IOWA, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN BOOK L AT PAGE 171 OF THE RECORDS OF THE CEDAR COUNTY RECORDER'S OFFICE. SAID LOT 1 OF PARCEL "G" CONTAINS 10.63 ACRES, AND IS SUBJECT TO EASEMENTS AND RESTRICTION OF RECORD.

PLAT/PLAN APPROVED by the City of West Branch	
Mayor	Date:
City Clerk	Date:
UTILITY EASEMENTS, AS SHOWN HEREON, ARE ADEQUATE FOR THE INSTALLATION AND MAINTENANCE OF THE FACILITIES REQUIRED BY THE FOLLOWING AGENCIES:	
ALLIANT ENERGY	Date:
LIBERTY COMMUNICATIONS	Date:
MEDIACOM	Date:

<div><div>LICENSED PROFESSIONAL LAND SURVEYOR</div><div>RICHARD R. NOWOTNY 17916</div><div>IOWA</div><div>SEAL</div></div>	I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.
	_____, 20____
	RICHARD R. NOWOTNY P.L.S. Iowa Lic. No. 17916 My license renewal date is December 31, 20____.
	Pages or sheets covered by this seal: _____ _____ _____

Signed before me this _____ day of _____, 20____.
_____ Notary Public, in and for the State of Iowa.

WEST BRANCH
CEDAR COUNTY
IOWA

MMS CONSULTANTS, INC.

Date: 07-31-2023

Designed by: RLA
Field Book No.: 1354

Drawn by: RLW
Scale: 1"=100'

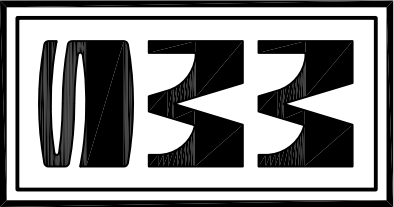
Checked by: RRN
Sheet No.: 1

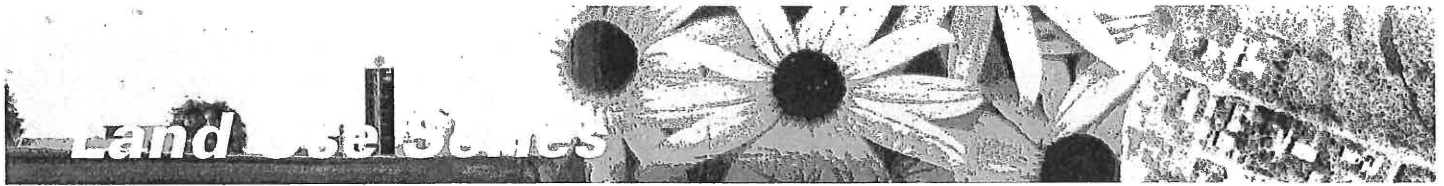
Project No.: IC 6992-395
of: 2

FINAL PLAT
THE MEADOWS
SUBDIVISION
PART THREE

Date	Revision
08-01-23	PER RRN REVIEW - RLW

CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS
1917 S. GILBERT ST.
IOWA CITY, IOWA 52240
(319) 351-8282
www.mmsconsultants.net





The Local Planning Commission: Roles and Responsibilities

*Extension to Communities
College of Design*

While Iowa law prescribes the statutory duties of the “zoning” commission, this publication summarizes the roles, responsibilities, and specific practices of what is commonly known as the planning and zoning commission. This commission typically is appointed by local government legislative bodies, city councils, and county boards of supervisors.

What Is the Planning Commission?

The planning commission is a citizen volunteer agency with its origin in the earliest days of modern land-use planning, when many believed that a group separate and distinct from members of the local legislative body must be created to keep planning proposals and decisions from becoming politicized, particularly on large civic projects.

Developed in the early 1900s, the concept of the planning commission remains with us today. It is based on the belief that a group of citizens is able to objectively review and recommend sound and efficient planning regulations to the governing body of a community that makes the final decision.

Cities and counties in Iowa often create a body known as the planning and zoning commission. No matter what it is called, however, this local government unit makes all zoning and planning recommendations to the local legislative authority. City councils and county boards of supervisors are responsible for appointing citizens to this volunteer commission.

The commission is granted the authority to recommend the establishment of zoning ordinance regulations, to designate specific zoning districts for a city or county, and to recommend a comprehensive plan for the development of the community. It also recommends amendments to the planning regulations once adopted.

State law governs the general structure of the planning commission. Chapter 392 of the *Iowa Code* provides the general authority of a city council to create administrative agencies, such as the planning commission. Chapter 414 specifically allows the creation of the planning commission by the council and prescribes certain

duties of the commission. These duties will be reviewed later in this publication.

Counties have specific authority to create a planning commission (*Code of Iowa* 335.8). Additionally, where airport zoning is designated in a county, the board of supervisors must appoint an airport zoning commission (*Code of Iowa* 331.321.n).

Some smaller cities and counties in Iowa do not appoint a planning commission. If the governing body of such a city wishes to exercise the zoning and planning powers authorized in state code, such as the adoption of a zoning ordinance, a special commission must be appointed to provide the necessary study, review, and recommendations related to matters resulting from these conferred powers.

The law is clear that only a planning commission may conduct planning and zoning studies, and the legislative authority holds the legal responsibility for adopting all final ordinances, plans, and regulations. To assist in understanding its role and carrying out its responsibilities, the commission may work with professional planning staff, planning consultants, university experts, and council of government personnel.

The fact that not all Iowa cities appoint planning commissions is not surprising, considering that not all cities and counties adopt zoning powers. It should be remembered that of the 953 cities in the state, about 500 have populations under 500. Land use decisions in such small communities are rarely complex, and therefore, many small cities in Iowa do not have an adopted zoning ordinance. Slightly fewer than a third of the counties also have not adopted zoning ordinances.

Zoning Board of Adjustment

The board of adjustment frequently is confused with the planning commission. Under Iowa law, the board of adjustment is responsible for the review of a planning commission's actions based on its interpretation of relevant zoning ordinances and planning regulations. Appeals by applicants may be made to the board of adjustment for review of a commission's action or

decision. The board may grant exceptions and variances for a specific piece of property.

If the board of adjustment's decision reverses the original decision by the planning commission, the matter is submitted to the governing body (city council or board of supervisors) of the local agency. A council or board of supervisors may either accept the decision of the board of adjustment, or remand it back for further study. The only other recourse for an unsuccessful applicant is to take the matter to district court.

State law prescribes certain basic duties of the commission. However, cities and counties often use their commissions for a number of different functions and assign various other planning and advisory matters to them. A list of responsibilities and delegated activities is provided in a later section of this publication.

Who Should Serve on the Planning Commission?

Obviously, an individual must have the interest and inclination to devote the time necessary to serve on the commission. Most commissions in communities with active planning needs meet monthly and are asked to perform a fair amount of study and reading of plan proposals. People of diverse backgrounds should comprise a fair and objective commission. These may include citizen volunteers with no connection to the planning profession, architects, university professors, business and civic leaders, and neighborhood activists.

The size of the planning commission depends on the size of the community; there is no state mandate for the number of appointments that must be made or the term that a volunteer must serve. Smaller cities typically have smaller commissions of five to seven members, while large cities may have as many as fifteen appointments to a commission. Typically, commissioners are not paid, as are members of city councils or boards of supervisors. Customary expenses, including the cost of training sessions and/or conferences, are reimbursed subject to approval by the governing council or board.

While the state does not mandate the number of years a commissioner must serve, the term is typically determined by local legislation that also should provide clear direction on what is expected of a member during his/her service on the commission. A three-, four- or five-year term is customary, and in some cases there is no limit to how long a person may serve on the commission. In many communities, members often succeed themselves. Governing officials must remember that the service is volunteered, and it is possible to wear out good volunteers by asking them to serve too long.

Conflict of Interest

Planning commission members, just as any other local government officials, are viewed to uphold the "public trust." Because they make decisions and recommendations that can have important economic consequences, avoiding conflict of interest, and even the appearance of it, becomes even more important.

What constitutes a conflict for a planning commissioner? If there is any possibility for a member to benefit financially or otherwise from a decision he/she will make in performing commission duties, the member must not violate the public trust. The commission member should inform other members of the conflict and recuse or remove him/herself from the proceedings, and from taking any action on the issue or attempting to persuade any other member of the commission to act in any specific direction. Withdrawal from a decision should be formally recorded in the minutes of the meeting.

Commission members are held to the same rules governing receipt of gifts as all other Iowa public officials. Commissioners are not allowed to accept any gifts with a value of more than \$3 from a restricted donor. Any person making an official request of, or conducting business with, the commission is considered a restricted donor.

The Planning Commission's Responsibilities

The planning commission can have wide-ranging responsibilities depending on the legislative body's expectations of the commission and its delegation of specific duties and functions. The following is a fairly comprehensive list of possible commission activities.

- Develop and maintain a comprehensive plan for the physical development of the community and necessary or desirable specific plans. Recommend the plans to the governing body for adoption.
- Develop a zoning ordinance and specific zoning districts. Recommend the ordinance to the governing body for adoption.
- Serve as the agency to hear matters related to zoning regulations arising from the zoning code of the community. These include zoning ordinance review and district designation, annexations, initial zoning designations, pre-zonings, re-zonings, development agreements, final planned developments, use permits, and ordinance amendments. Serve as the advisory agency to hear subdivision matters. In some cities, the commission reviews capital improvement plans and annexation proposals.
- Determine the consistency with the comprehensive plan of any proposed project, using the criteria approved by the governing body.

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- Investigate and report to the governing body regarding means of implementing a comprehensive plan.
 - Consult with and advise public officials and agencies, public utility companies, civic, educational and other professional organizations and citizens regarding implementation of the comprehensive plan and specific plans.
 - Make comprehensive plan findings on development applications.
 - Review and make recommendations to the governing body on amendments to the comprehensive plan and specific related plans.
 - Perform such other duties as the governing body determines.

Conclusion

The planning commission is an important advisory agency to assist local government officials in one of their most important functions. As the economic and social landscape of Iowa becomes more complex, the need for sound, well-considered land-use decision-making becomes ever more critical. Even though not all communities take advantage of their latent planning powers, the land-use planning process affects the lives of most Iowans. A strong and well-trained planning commission is invaluable to communities in the orderly development of their land and the achievement of their public and private development goals.