

Planning & Zoning Meeting Minutes  
3/14/19  
Butler County Courthouse

**Present**

Planning and Zoning Commission members:

Janice Johnson  
Meinard Koop  
Ryan Norton  
Deb McWhirter  
Jane Close

Others:

Misty Kroeze, Zoning Administrator  
Dean Bowen  
Lee Pries  
Ron Abbas

Janice Johnson called the meeting to order at 7:30 a.m.

A motion was made to approve the Agenda by Meinard Koop and was seconded by Jane Close. Motion passed.

A motion was made to elect Jan Johnson as Chair and Deb McWhirter as Vice Chair by Jane Close and seconded by Ryan Norton. Motion passed.

Motion was made to approve the previous meeting minutes dated November 29, 2018, by Meinard Koop and was seconded by Ryan Norton. Motion passed.

**Old Business:**

Commission asked for an update regarding the revision of the zoning ordinance. Zoning Administrator Kroeze reported that the Board of Supervisors approved the budget to include the ordinance update and she will work on starting that process next winter.

**Public Hearing:**

Chair Johnson opened the public hearing to consider an application by Paul Niemann Construction Co. to rezone approximately 71 acres located at 31256 – 220th St in the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> lying North and East of the Iowa Northern Railway, except tract, & SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, except tract, of Section 3, Township 91 North, Range 15 West of the 5th P.M. from “A-1” Agriculture to “A-2” Agriculture and approximately 40 acres located in the SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 3, Township 91 North, Range 15 West of the 5th P.M. from “M” Manufacturing to “A-2” Agriculture in order to bring existing quarry into compliance with the current zoning ordinance. The Commission reported that they had had the chance to drive by the property. Administrator Kroeze stated that the application came about after an inquiry for a temporary asphalt plant that was to be located on a portion of the 71 acre parcel that was still zoned A-1, which is not the proper zoning district for this type of operation. Upon researching old zoning minutes and maps, she discovered that a portion of the property was zoned to “M” Manufacturing when the quarry first started its operation at this site in

the 90s but she could not find anything regarding the remainder of the property ever being rezoned. While "M" Manufacturing District was appropriate at the time the operation started, the current zoning ordinance now has these types of operations in the "A-2" Agriculture district with a special exception permit from the Board of Adjustment. This request is to bring the existing operation into compliance with the current zoning ordinance.

Ron Abbas spoke on behalf of Paul Niemann Construction Co. and confirmed that there were a total of 121 acres subject to the rezone, with 50 acres having previously been rezoned to "M" Manufacturing. Ron also clarified that the property was being used for a sandpit not a quarry. Ron stated that they would like to have a temporary asphalt and concrete plant set up at this location and while some of the property is in the flood zone, they will not be encroaching on this area.

Commission Member Koop inquired as to what the remainder of the property was being used for and it was determined that it was being farmed. Commission Member McWhirter inquired about the temporary asphalt plant and it was determined that Mathy Construction would need to set up the temporary plant for a project that is planned for Hwy 3 this summer. Commission Member McWhirter inquired as to whether they would need to come back every time a temporary asphalt plant needed to be placed at this location and it was determined that this would be the only time they would need approval.

Motion to approve the request to rezone approximately 71 acres located at 31256 – 220th St in the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> lying North and East of the Iowa Northern Railway, except tract, & SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, except tract, of Section 3, Township 91 North, Range 15 West of the 5th P.M. from "A-1" Agriculture to "A-2" Agriculture and approximately 40 acres located in the SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 3, Township 91 North, Range 15 West of the 5th P.M. from "M" Manufacturing to "A-2" Agriculture was made by Deb McWhirter and seconded by Ryan Norton. Motion was unanimously approved.

**New Business:**

Administrator Kroeze mentioned a possible minor plat subdivision that may be coming before the Commission in April and a possible meeting date was discussed. The Commission also discussed the new time for meetings and it was determined that the meetings would stay at the 7:30 a.m. time they had previously agreed on.

**Public Comment:**

None.

Motion to adjourn was made by Deb McWhirter and seconded by Ryan Norton. Meeting adjourned at 7:50 a.m.

Misty Kroeze, Planning and Zoning Administrator

