

Planning & Zoning Meeting Minutes
January 18, 2024
Butler County Courthouse

Present

Planning and Zoning Commission members:

Deb McWhirter

Jane Close

John Backer

Roger Kregel

Absent

Rosemary Willson

Others:

Misty Day, Zoning Administrator

Rich Trimble

Katie LaBree

Craig Codner

Mike Klinefelter

Jeff Reints

Jeff Kolb

Jan Mulder

Jeremy Cole

John Riherd

Deb McWhirter called the meeting to order.

A motion was made to approve the agenda with the addition of a junk vehicle address by Jane Close and was seconded by John Backer. Motion passed.

A motion was made to appoint Deb McWhirter as Chair and Jane Close as Vice Chair for 2024. Motion passed.

A motion was made to approve the minutes from the previous meeting dated April 20, 2023, by John Backer and was seconded by Jane Close. Motion passed.

Old Business:

Administrator Day updated the Commission regarding the Navigator pipeline project and stated that Navigator has withdrawn their application with the Iowa Utilities Board without prejudice, which means that they would be able to resubmit their application in the future but as of now, the project for Butler County is a no go. Administrator Day is uncertain where Summit is at with their proceedings but as of now, they do not have a route planned for Butler County.

Public Hearing:

Chair McWhirter opened the public hearing on a request by Reints Farms LLC to rezone 140 acres from A-1 to M for expansion of Butler County Logistics Park on a parcel located in the SW¼ of Section 34, Township 92 North, Range 15 West of the 5th P.M.

Administrator Day stated that this parcel is a little under 140 acres and is located East of the Ethanol plant and West of the area that was recently rezoned for the truck stop, bridging the gap between the proposed truck stop and industrial park. Administrator Day stated that the average CSR is 55.9 so it is low quality farm ground and that quite a bit of the parcel was in the 100-year floodplain, although there were areas within the parcel that were not in the floodplain that could be developed as is.

Jeff Kolb was present on behalf of the request and stated that he has engaged Fehr-Graham in master planning for the expansion of the industrial park and this parcel has been identified through that process. Kolb stated that there are sewer, water, natural gas, and electrical utilities along 220th St that would serve this parcel. Kolb also stated that the intent is to develop this parcel in phases, which may take several years, utilizing the undevelopable areas as wetlands and green spaces and incorporating buffers as needed to be a good neighbor. Kolb stated that this rezoning request is to be proactive for future development and that it will not be served by rail at this point in time. While there are some parcels that are available within the Industrial parks within city limits, those parcels are typically limited in size and what they can accommodate for business. This master plan is to identify potential sites and get them ready in case prospects that need a larger area for their facility show interest in Butler County. Kolb stressed the importance of being proactive and having site readiness which includes properly zoned parcels so they aren't scrambling and holding up these projects when they do look at Butler County as an option. Jeff Reints was present on behalf of the request as the landowner and stated that there is a center point pivot on the parcel that is the only thing making the ground producible, which is starting to age, and he is wanting to get this parcel available for industrial growth rather than try to replace the pivot to continue to farm it. Craig Codner, Butler County REC, was present on behalf of the request and stated that he wants Butler County to be an importer of jobs and not an exporter and he wants to see the industrial park continue to grow. Katie LaBree, Butler County REC, was also present on behalf of the request and stated that from her economic development standpoint, it is extremely important to have site readiness to continue to bring businesses to the County. Levi Epley, Shell Rock Development, and Shell Rock Mayor, Mike Klinefelter, were also present in support of the request and stated that they want to see a viable workforce within Butler County.

The Commission inquired as to how many acres could be developed and it was determined that there is approximately 40 acres that could be developed as is and based on the base flood elevation and current grade of the site, another 40-50 acres that could be developed with proper floodplain permitting. Discussion was had regarding access with County Engineer, John Riherd, being present. It was determined that access will be from 220th St, which will act as more of a frontage road, versus Hwy 3 which accommodates more thorough traffic. Future access from Hwy 3 may be considered dependent on the development that occurs, however, that would be regulated by the DOT.

The public hearing was closed. No further discussion was had by the Commission.

A motion was made to approve the request to rezone to "M" Manufacturing by Roger Kregel and was seconded by Jane Close. Motion passed.

Chair McWhirter opened the public hearing on a request by Jeremy Cole, Cole Excavating to rezone 8.2 acres from A-1 to C to relocate business shop/headquarters to a parcel described as that part of Lot 16N½ NW W of RD & N 295.3' lot 17 W of RD of Section 1, Township 93 North, Range 17 West of the 5th P.M.

Administrator Day presented her staff report and stated that this parcel was a little over 8 acres with an average CSR of 45 and was just outside the city limits of Greene along Highland Drive and Hwy 14. Administrator Day stated that the original business was located at his father's residence for many years prior to moving into the city of Greene, however, they have now outgrown their current location and are wanting to relocate to this parcel. Administrator Day stated that this shop would be their main headquarters to store equipment as well as accommodate office staff.

Jeremy Cole, Cole Excavating, was present on behalf of his request and clarified that the business' shop is still currently at his father's residence on Packard Ave and the office is in the city of Greene. In order to separate the business from his father's residence, they are wanting to relocate the shop to this parcel and eventually move their office staff to this site in the future.

The Commission inquired as to whether there were any calls in support or against the request and it was determined that Administrator Day received one call from a neighbor who did not oppose the project and that she had received an email from Matt and Emily Rust in opposition of the request which she read to the Commission, and which is attached hereto. The email listed noise and drainage concerns as part of their opposition.

The Commission inquired as to the volume of traffic and whether there were any concerns. It was determined that there is an existing driveway for access from Highland Dr which is on part of the road that is not embargoed and that it is in close proximity to Hwy 14. No immediate traffic concerns were identified. The Commission inquired about noise and Cole stated that while there was extra noise with getting the site ready, he didn't feel it adds any more noise than the coop and fertilizer sites across the road which run trucks at all hours. Cole also indicated that he took drainage into consideration through site prep. Discussion was had regarding the site prep and Cole indicated that the elevations won't change that much through this process. Jeff Kolb also spoke in support of this request and stated that this is a family owned and operated business with several employees that he wants to see stay in the County. Discussion was had regarding number of employees and it was determined that they employ 25 people and that this proposal was not additional workforce but relocation of an existing business.

A motion to approve the request to rezone to "C" Commercial was made by John Backer and was seconded by Roger Kregel. Motion passed.

New Business:

Rich Trimble was present to discuss a possible Subdivision of an acreage that he recently purchased on 290th St. Administrator Day explained that Trimble wanted to build a shouse and that he was on the fence about tearing down the existing house and had inquired about splitting the parcel in order to keep the house for storage. Administrator Day further explained that the Butler County Zoning Ordinance only allows one house per parcel and the existing dwelling being turned into a storage building had the potential of creating a non-conforming situation. Administrator Day stated that they had gone through a few different scenarios to accomplish this without dividing the acreage but that Trimble felt the division would be the better route. Trimble stated during the meeting that he wanted to keep the house for his elderly mother. Administrator Day stated that if that were the case, there was a special exception for an accessory dwelling for this purpose that he could pursue through the Board of Adjustment. The Commission reviewed

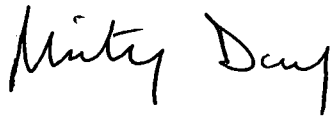
the proposed split and while they didn't see any real concerns, they wanted to see him pursue the special exception first before dividing the parcel.

Administrator Day updated the Commission on the Comprehensive Plan update and discussed the task force meetings that were held this past fall. INRCOG is now at a point where they want to start meeting with the Commission to discuss goals and start drafting the plan. The workgroup meeting will be scheduled for February 8th at 1:30 p.m. in the basement meeting room.

Jane Close provided an address for Jim Fiddick at 29845 Union Ave as a violation to the junk vehicle provision.

A motion to adjourn was made by Jane Close and was seconded by Roger Kregel. Motion passed.

Misty Day, Planning and Zoning Administrator

A handwritten signature in cursive script that reads "Misty Day".

Misty Day

From: Emily Rust <dtzem12@gmail.com>
Sent: Thursday, January 18, 2024 9:19 AM
To: Misty Day
Subject: Cole Excavating Zone Meeting

Matt and Emily Rust

735 N 2nd Street
Greene, Iowa 50638
Matt: 641-330-3891
Emily: 641-426-6066
dtzem12@gmail.com

18th January 2025

To Whom it may concern,

Unfortunately we are unable to make the in person meeting due to our work schedules. Due to that reason I am writing to voice mine and my husband's concerns regarding the rezoning requested by Cole Excavating of the 8.2 acres. The first concern we have is the noise aspect. When we bought the property we live at we understood the noise aspect of highway 14. We had not planned on an excavating company being so close to our property. There has already been loud noise from their land adjustments during regular daylight hours but also in the early morning and evening hours as well. It has already disrupted our children's evening bedtime routine and sleep times given the extra activity in the last evening hours especially during summer/springtime.

The second concern that we have is the water and drainage situation. Cole Excavating has already done a lot of work building up and leveling the property to further elevation than previous levels. They also began to remove some tree cover towards the bottom of the elevation which would have if left there assist in water absorption and drainage. Our concern is that in the future there will be more water drainage that could potentially affect the water retention and drainage at our property causing us issues.

Sincerely,

Matt and Emily Rust