

Planning & Zoning Meeting Minutes
9/26/2024
Butler County Courthouse

Present

Planning and Zoning Commission members:

Deb McWhirter
Jane Close
John Backer
Roger Kregel
Rosemary Willson

Absent

None

Others:

Eric Bixby
John Riherd
Bruce Burroughs
Wendy Burroughs
Jeremy Knapp
Phil Wahlgreen
Misty Kofron, Zoning Administrator

Deb McWhirter called the meeting to order.

A motion was made to approve the agenda as presented by Roger Kregel and was seconded by Jane Close. Motion passed.

A motion was made to approve the minutes from the previous meeting dated 7/18/24, by John Backer and was seconded by Roger Kregel. Motion passed.

Old Business:

Administrator Kofron updated the Commission on the Industrial Subdivision Plat that was approved at the prior meeting. The project was put on hold so the Plat was not presented to the Supervisors and if it is not approved by the Supervisors within a year or if they choose to revise the Plat, it will need to come back to the Commission prior to Supervisor approval.

Chair McWhirter inquired about the proposed truck stop that was approved just outside of Logistics Park. Administrator Kofron stated that the developer is still in the process of securing funding but is still planning on moving forward with the project.

Jane Close inquired about the status of the junk vehicles on Union Avenue and Administrator Kofron stated that she has not had a chance to follow up with the property owner as it has been super busy in the field right now.

Public Hearing:

Chair McWhirter opened the public hearing on a request by Tim & Betty McCandless to rezone 17.16 acres from A-1 to R-1 for a subdivision and a review of the Subdivision Preliminary Plat. The McCandless' nor their surveyor were present for the public hearing.

Administrator Kofron went through the Subdivision Preliminary Plat Review checklist, stating that much of the proposed Subdivision is in the 500-year floodplain so no extra permitting or elevation requirements are required. There is a small portion of the first couple of lots that are in the 100-year floodplain and cannot be built on without proper permits or elevation requirements, however, it appears there is still enough room to build on the back end of the lots and still meet our setback requirements. Administrator Kofron stated that the CSR for this entire area is 63 and below meeting our development standards. Current Zoning is A-1 and should be rezoned to R-1 for the residential subdivision.

Administrator Kofron further stated that there are no Streets being proposed, access would be through private driveways off Riverside Rd.; there are no utility easements shown on the Plat so they will need to be constructed in the right-of-way and ran to each individual lot if applicable; there is no stormwater drainage identified on the Plat, best practice stormwater management during construction and development of the lots shall be utilized and each lot shall manage its own stormwater runoff; and lots will be served by private well and sewer. Administrator Kofron stated that septic systems will not be allowed to be installed in fill dirt and must be installed in natural soils as approved through individual site visits with Butler County Environmental Health Specialist, more stringent setbacks may be required for proposed wells due to the proximity to public wells that serve the Subdivision across the road and shared wells will be encouraged. Any shared well will need to have a shared well agreement recorded upon applying for permit.

Administrator Kofron read an email from Keith Christensen stating that it was a positive opportunity for residential housing while also indicating some questions and concerns with the types of housing that would be allowed to be built. The email is attached hereto.

Burroughs questioned utilities, sewer and water. Discussion was had regarding overhead vs underground utility poles, and it was determined that there are currently overhead utility poles along this stretch of the road. It was also determined that private septic and wells were being proposed although shared wells would be encouraged. Discussion was also had regarding the floodplain and Burroughs expressed concerns with developing in the floodplain, even the 500-year floodplain, as it would still impact flooding; as well as concerns with the stormwater runoff from the field behind this subdivision if it is taken out of production. Administrator Kofron stated that utility and stormwater drainage easements may need to be considered.

Wahlgren questioned what would prevent mobile homes from being put on these lots and it was determined that our zoning ordinance would not allow for mobile homes or campers to be utilized as residential structures. Discussion was had regarding accessory buildings and the building that was approved at the end of this proposed Subdivision. It was determined that the zoning ordinance does not allow for an accessory building on a stand-alone lot, however, this property owner resides right across the road and was granted a variance to build the accessory building on this lot.

John Riherd stated that he would not be agreeable to each lot having its own driveway as it is already congested along this stretch of road, but he would be open to considering 5 shared

driveways and would want the developer to be responsible for installing these driveways prior to selling any lots. Administrator Kofron stated that the Final Plat should include easements for these shared driveways and the developer will need to install the driveways within a specified timeframe outlined by the Board of Supervisors through the Final Plat approval process, not to exceed 3 years. Roger Kregel questioned if they could require a frontage road and John Riherd responded that he thinks a frontage road would create undue hardship, and it would be hard to justify when the subdivision across the road was allowed driveway access. Discussion was had regarding Restrictive Covenants and whether it could establish a timeframe as to when the lots had to be developed, and it was determined that while they McCandless' could establish a homeowner's association and establish certain rules regarding construction, it is unknown whether they intended to submit any restrictive covenants or if the Commission could require them to do so.

Burroughs also expressed concerns about the grade of the road and the bridge coming into Greene sitting concerns with visibility and safety. Dust control was also discussed and since the county does not have a policy of providing dust control, it is up to the property owners to do so. Burroughs also inquired on whether the speed limit would be reduced and whether the property owner has considered putting this ground into CRP rather than subdividing it.

Public hearing was closed.

The Commission inquired as to whether they could table the public hearing since no one was present on behalf of the Subdivision to answer questions and Administrator Kofron stated that they could table it and recommended that they do so.

A motion was made to table the public hearing until the McCandless' were able to attend the meeting by John Backer and was seconded by Roger Kregel. Motion passed.

Public Hearing #2

Chair McWhirter opened the public hearing on a request by Eric Bixby to rezone 2.51 acres from A-1 to C-M.

Administrator Kofron stated that Mr. Bixby is applying for the rezone to bring his truck and trailer repair shop into compliance. Earlier this year Mr. Bixby split off a 2.51-acre parcel from a larger 145-acre parcel which included an existing farm shop and grain bin with plans of adding on to the shop. Upon visiting the site for the septic system, it was discovered that the farm shop was actually being used for a Truck and Trailer business with 4-5 employees. Administrator Kofron explained that while Bixby's trucking business met our criteria for a home industry permit, this business does not because of the number of employees; the fact that the business is not located on the same parcel as the residence; and no one in the adjacent residence actually worked in this shop and therefore Administrator Kofron made the determination that it would need to be rezoned to C-M with a special exception permit from the Board of Adjustment to come into compliance.

Applicant Bixby was present on behalf of his application and stated that he wasn't necessarily agreeable to the rezone and was concerned with his taxes increasing. Bixby also stated that a majority of the work being done is on his own trucks but did confirm that they also had customers outside of his trucking operation and advertised their services to the public. The Commission

inquired as to why he split off the 2.51 acres and it was determined that it was due to financing. The Commission asked Bixby if he would rather keep it as AG and Administrator Kofron reiterated that he was not in compliance with the AG district requirements and he would need the zoning change in order to keep his business open.

Public hearing was closed.

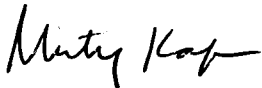
A motion was made to approve the rezone to C-M was made by Rosemary Willson and seconded by Jane Close. Motion passed

New Business:

Administrator Kofron stated that she received C&J Simon Minor Plat, a copy of which was provided to the Commission. Discussion was had regarding when to schedule the next meeting date to review this minor plat as well as the tabled Subdivision Plat from this meeting. It was determined that the next meeting date would be October 24th at 1:30 p.m.

A motion to adjourn was made by Roger Kregel and was seconded by John Backer. Motion passed.

Misty Kofron, Planning and Zoning Administrator

A handwritten signature in black ink, appearing to read "Misty Kofron". The signature is written in a cursive, flowing style.

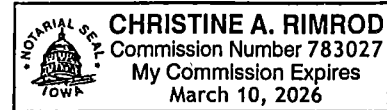
I, Christopher Hall, representing the Greene Recorder, in said county, do hereby state that I certify under penalty of perjury and pursuant to the laws of the State of Iowa that a notice, which is a true copy, has been printed and published each week for 1 consecutive weeks in the regular daily issues of said paper commencing with the issue of Wednesday on the 18 day of September A.D., 2024 and ending with the issue of September 18, 2024.

Christopher J. Hall
Representative of the Greene Recorder

Christine A. Rimrod
Notary Public in and for the State of Iowa

Acknowledgement and charges for above services \$ 21.90

Subscribed and sworn to before me this 18 day of September A.D., 2024



NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING
BUTLER COUNTY
Planning & Zoning Commission

The Butler County Planning & Zoning Commission will meet on September 26, 2024, at 1:30 p.m. in the basement meeting room of the Butler County Courthouse.

At this meeting the Commission will:

Hold a Public Hearing on a request by Tim & Betty McCandless to rezone 17.16 acres from A-1 to R-1 for a residential subdivision and review of McCandless Subdivision Preliminary Plat for property located in the NW¼ of Section 2, Township 92 North, Range 17 West of the 5th P.M.

Hold a Public Hearing on a request by Eric Bixby to rezone 2.51 acres from A-1 to C-M legally described as Parcel F in the SW¼ NW¼ of Section 34, Township 92 North, Range 16 West of the 5th P.M. for a truck & trailer repair shop.

All interested parties are encouraged to attend the meeting. Written or oral comments may be submitted to the Butler County Zoning Administrator at the Courthouse, P.O. Box 325, Allison, Iowa 51946 or via email mday@butlercounty.iowa.gov.