

Planning & Zoning Meeting Minutes  
March 16, 2023  
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

Roy Johnson

Brian & Mikki Strelow

Joseph Simon

Jon & Lynn McCue

Kyle Helland

Jeff Kolb

Scott Edwards

Andy Edwards

Deb McWhirter called the meeting to order.

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

A motion was made to approve the minutes from the previous meeting dated October 20, 2022, by Roger Kregel and was seconded by Jane Close. Motion passed.

**Old Business:**

Administrator Day updated the Commission regarding the junk vehicle complaints that were received at a prior meeting. Administrator Day stated that the property on Vail Avenue with the junk party buses has removed all of the junk buses from the property, with one bus remaining that appeared to be licensed. Administrator Day stated that the property on Beaver Valley Ave was just below the threshold of the junk vehicle definition which allows up to 3 inoperable vehicles before it constitutes a junk yard violation. Administrator Day will continue to monitor these properties as neither property owner made any official contact with her office.

**Public Hearing:**

The Zoning Commission reviewed J and E Corrigan Farm Minor Plat located in the NE¼ of Section 26, Township 90 North, Range 15 West of the 5th P.M. Administrator Day stated that this was a 148-acre parcel with an existing farmstead in the NW corner of the parcel and the property owner is wanting to split off a 2.42-acre parcel in the Southern portion just East of an existing acreage site for a new building site, triggering the minor subdivision plat. Administrator Day

reported that the average CSR was 62.1 so it met our buildable lot criteria. Surveyor Kyle Helland was present on behalf of the Minor Plat and stated that they are wanting to sell this proposed lot to a family member to build a new house.

A motion was made to approve J and E Corrigan Farm Minor Plat by John Backer and was seconded by Jane Close. Motion passed.

Chair McWhirter opened the public hearing on a request by Tanner Fenneman to rezone 2 acres from A-1 to C-M for a welding shop located at 30582 Hwy 188 described as Parcel D in the NE $\frac{1}{4}$  of Section 28, Township 93 North, Range 15 West of the 5th P.M. Administrator Day stated that the applicant originally wanted to rezone 2 acres in the NW corner of Parcel D, however, prior to the public hearing, they reached out to see if they could switch the request to the NE corner instead. The applicants confirmed that they want to rezone 2 acres in the NE corner. Administrator Day reported that the CSR in this corner was actually lower with the North part having a CSR of 7 and the South part having a CSR of 47. Tanner Fenneman was present on behalf of this request and stated that he took over an existing welding business and wanted to put up a shop in this location to accommodate the business. He would initially start out with himself and one other employee, but would eventually like to expand the business to include up to 5 employees. Administrator Day reported that there are several welding shops in the rural areas of the County that were permitted under the Home Industry standards outlined in the Zoning Ordinance, however, there is not a current residence on this location and they were also planning to have up to 5 employees so it would not meet the criteria set forth in the home industry section making the rezoning request their only option.

Discussion was had regarding a septic system. The applicant was not wanting to put in a bathroom at this point, but stated that it was a future plan. He was thinking about running water to the building from the existing well and utilizing a porta pot to start with. Administrator Day confirmed that even if there is a sink in the shop for handwashing, due to State and local regulations, a holding tank at a very minimum would need to be installed. If there are no sinks, a porta pot would be a solution for the time being. Discussion was had regarding driveway access. Administrator Day reached out to the DOT regarding the approval of a new driveway in this location and provided the applicants with the contact information for the DOT to discuss proper site distance and location. The applicants inquired about utilizing the existing driveway to the adjacent field and it was determined that they would need to get approval from that property owner and file an easement in order to utilize it. The Zoning Commission inquired as to whether there were any concerns with this rezone request and Administrator Day stated that the only thing would be the fact that the Comprehensive Plan does encourage commercial businesses to locate near towns and city infrastructure, but this is located on a paved highway and the soils reflect that a septic system could be utilized. Jeff Kolb spoke on behalf of the request and stated that he worked with Tanner on options within city limits and there just were not any viable options available so this was the next best option.

A motion was made to approve the request to rezone two (2) acres in the NE corner of Parcel D by Roger Kregel and was seconded by Jane Close. Motion passed.

Chair McWhirter opened the public hearing on a request by Brian Strelow for a Home Industry/Occupation Permit to operate an automotive repair business located at 28728 – 325th St described as the E 16 acres of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 30, Township 90 North, Range 15 West of the 5th P.M. Administrator Day stated that Brian would like to open the business in the shop



portion of their existing shouse which is located on 325<sup>th</sup> St. Administrator Day reported that this business is located on a gravel road in a densely populated area that already received a lot of traffic as well as complaints. Administrator Day confirmed that the applicants received a copy of the Home Occupation/Industry standards which does include a provision that it shall not generate excess traffic.

Brian and Mikki Strelow were present on behalf of their request and stated that he would be doing light automotive repair work and he would anticipate only a few cars a day as Brian would be the only one working in the shop. The applicants stated that they are located about one mile from the highway and are very familiar with the traffic concerns in that area. Mr. Strelow stated that he would be doing brakes, batteries, starters, alternators and tune-ups but he would not be doing any heavy engine work or stand-alone oil changes since he did not want to deal with excessive used oil disposal. The Commission inquired about whether he would have inventory on hand or deliver as needed and it was determined that there would be some inventory and delivery would take place as needed.

Roy Johnson, an adjoining property owner, was also present for the public hearing. Mr. Johnson stated that he had also wondered about the traffic and dust and wanted to attend the hearing to find out what the applicants were proposing. Mr. Johnson inquired about locating the business at the former Todd's Repair shop and Mr. Strelow stated that it wasn't cost effective to purchase a building when just starting up with no incoming capital.

A motion to approve the Home Occupation Permit was made by Jane Close and was seconded by Roger Kregel. Motion passed.

Chair McWhirter opened the public hearing on a request by Norm & Jan Mulder to rezone 35 acres more or less from A-1 to C for a truck stop located in the W $\frac{1}{2}$  SE $\frac{1}{4}$  South of Hwy 3 of Section 34, Township 92 North, Range 15 West of the 5th P.M. Administrator Day stated that the applicants were wanting to rezone 35 acres of this parcel to C for a truck stop that will include a filling station, service garage and truck wash which are all permitted uses under the Commercial District. Administrator Day stated that the developer may opt to split off each of these businesses into a separate parcel, which would trigger a commercial subdivision plat, but that he wanted to wait for the outcome of this request before initiating the survey. Administrator Day reported that this parcel is located along the Hwy 3 corridor just East of the Industrial Park and they intend to hook onto the public infrastructure that is already there for sewer and water needs. Administrator Day stated that the average CSR for this parcel is in the 60s and the parcel to the West is a mixed zoning of Commercial and R-1 and the parcel to the East is shown as M, although she could not find any information that this zoning classification is accurate since it is an acreage site that should be zoned A-1. Administrator Day further stated that the intent was to have access from both Hwy 3 and from 220<sup>th</sup> St and that County Engineer John Riherd was in support of this 220<sup>th</sup> access and did not see any initial issues from an engineering standpoint that would cause the DOT to deny an access off of Hwy 3 although they would have to work with Mike Frank on specifics and whether a turn lane would be necessary.

Developer, Joe Simon, was present on behalf of this request and stated that this truck stop is going to be a home-grown business in that all of the investors are local and not Corporate enterprises. Joe stated that he spoke with the adjoining property owners and received verbal support from the property owner to the West due to the need for a place to get diesel fuel in this area without having to drive to Janesville. The Commission inquired about whether there was a chance that the Hwy

3 access wouldn't be approved and Jeff Kolb, Butler-Grundy Economic Development, stated that there has been some initial communication with the DOT and there were no obvious concerns brought to light. Jeff Reints was present in support of the request and read a letter from Shell Rock Community Development Corporation also in support of the request. Mr. Reints also stated that the Developer, Joe Simon, was also the developer for the Mill in Grundy County that has been largely successful. Mr. Reints also stated that there is nowhere to get clean diesel fuel from Hampton to Oelwein and with the Industrial Park businesses, the other businesses in the community and the local farmers, there is a large need for this type of business. There is also an opportunity to incorporate a food service into this business, which is also a huge benefit for these existing businesses with very few food options currently available.

Jon and Lynn McCue were present in opposition of the request. They reside just East of the proposed site and in addition to not wanting a truck stop in their backyard, they expressed concerns with driveway access from 220<sup>th</sup> St creating a dam and causing more severe flooding in an already flood prone area and questioned why the location could not be moved closer to the Industrial park. Discussion was had regarding the floodplain on the adjacent parcel and the Zoning Administrator brought in the floodplain maps for this area. Mr. Simon stated that there would be culverts added so as not to impede water flow during flooding events if it was determined that they were needed and discussion was had regarding the need for DNR floodplain permits that would dictate some of these requirements as well as civil engineering involvement in designing the facility.

Administrator Day stated that she received a call from Gaylen Hempen, an adjoining property owner, in regards to what the red shaded area on the site plan was for and it was determined that it would be for trailer display. Administrator Day read a letter from Gary Mick in opposition, citing spot zoning, prime AG and residential as reasons to deny. It was determined that with an average CSR of 63.8, the Commission would not consider this prime AG land, and with the already existing commercially zoned property and expanding Industrial Park nearby, they did not see this as a spot zoning situation.

Discussion was had by the Commission and they determined that this request was consist with the Butler County Comprehensive Plan in that public infrastructure was available at this site, it is located near appropriate road infrastructure and the low CSRs did not make this prime AG land.

A motion was made to approve the request to rezone 35 acres to C-Commercial by John Backer and was seconded by Roger Kregel. Motion passed.

Chair McWhirter opened a public hearing on a request by Scott Edwards to rezone 2.86 from A-1 to M for an existing fabrication shop located at 26151 Westbrook Rd described as Lot 2 of that part of the SW<sup>1</sup>/<sub>4</sub> of Section 35, Township 90 North, Range 16 West of the 5th P.M. Discussion was had regarding the Edward's Minor Plat and it was determined that the Commission would consider the Plat in conjunction with the rezoning request. Administrator Day reported that the Edwards have an existing fabrication shop on the acreage site with a shop that was built in 2002. In order to split off the fabrication shop the Minor Plat was prepared separating out 2.86 acres for Lot 2, which will accommodate the fabrication shop and is the subject of the rezoning request. Administrator Day further stated that Lot 1 will remain the acreage site and those lot lines were expanded to include areas of the farm ground that were not being farmed including the entire pond. Due to the close proximity between the shop and the house, the Edwards did obtain a variance from the Board of Adjustment prior to this survey as neither building would be able to meet side yard setback requirements.