

Planning & Zoning Meeting Minutes
7/15/2021
Butler County Courthouse

Present

Planning and Zoning Commission members:

Deb McWhirter

Jane Close

Roger Kregel

Absent

Rosemary Willson

John Backer

Others:

Misty Day, Zoning Administrator

Robert & Paula Sterken

Steve Lodge

Kyle Helland

Jeff Hassman

Wendell Lupkes

John Riherd

Deb McWhirter called the meeting to order.

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

A motion was made to approve the previous meeting minutes dated March 18, 2021, by Roger Kregel and was seconded by Jane Close. Motion passed.

Old Business:

None.

Public Hearing:

Chair McWhirter opened the public hearing on Amling Minor Plat located in the NW¼ SW¼ of Section 9, Township 90N, Range 15W. Administrator Day stated that the parcel is a 23 acre parcel and the owner is wanting to split off 3.06 acres for the existing acreage site to sell and the split triggered the minor plat requirements. Administrator Day stated that the remainder is going to be sold as crop ground and even though the soils have a lower CSR, it is in the floodplain so if there were ever any future development proposed, the Floodplain regulations and permits would apply. There is an existing driveway and an easement proposed to access the farm ground, so no new driveways are needed. There is an existing septic system servicing the acreage site that would be subject to a time of transfer inspection before it could transfer. Administrator Day stated that it was a fairly straight-ford split and recommended approval.

Board Member Close asked for clarification regarding ownership and Surveyor Kyle Helland stated that while the Assessor parcel information lists Niedert as the owner, it actually transferred to Amling several years prior and the website has not been updated. Jeff Hassman was present for the meeting

and stated that he is a neighbor to the West and just wanted clarification whether there would be a housing development and expressed concerns regarding the culvert and issues with existing neighbors. Day confirmed that if any further development were to ever be proposed, it would be subject to the same type of public hearings as this Plat, in addition to the floodplain requirements, so there would be the same notification to the neighbors and opportunity for them to comment. This was simply a split to sell the acreage site separate from the farm ground.

There were no written or oral comments received prior to the meeting.

A Motion to approve Amling Minor Plat was made by Jane Close and was seconded by Roger Kregel. Motion passed.

Chair McWhirter opened the public hearing on Longhorn Acres Preliminary Plat located in the NW¹/₄ of Section 7, Township 90N, Range 15W. Administrator Day stated that this is a 30 acre parcel located on the corner of C-55 & Spring Avenue and the applicant is proposing to subdivide it into 10 building lots ranging from 1.785 acres to 5 acres. The CSRs are low and generally meet our buildable lot definition of having 75% of the lot with a CSR below 70 with the exception of Lots 9 & 10. Administrator Day stated that in its entirety, the parcel meets the CSR definition since only 6.77 acres of the 30 acre parcel has a CSR higher than 70. Administrator Day stated that she did receive a call from the previous owners, Robert & Paula Sterken, in objection to the Subdivision due to the fact that the realtor allegedly misled them into believing this was being sold as a single building site. They stated that they never would have sold it if they had known that 10 building sites would be proposed. Administrator Day stated that she suggested the Sterkens contact the Iowa Realtors Association to file a complaint against the realtor, otherwise, the Subdivision meets the requirements regarding land suitability and location along the blacktop road. Administrator Day did note some technical errors that would need to be corrected in the Final Plat as follows:

1. Typo in the Owner/Developer Name.
2. The ROW setback along 290th St needs to be 50' instead of 25'.
3. The County Engineer would like the name to be changed to Alice Road instead of Alice Lane to comply with the E911 addressing standards.

Paula & Robert Sterken were present for the meeting and stated that they were going to sell only 3 acres originally, but the realtors involved led them to believe that the applicant wanted 35 acres to have room for four-wheelers and that only one house could be built on that parcel. The Sterkens expressed concerns about their organic farm being disrupted from this development and potential conflict between the farm and the Subdivision with odors and flies from livestock and compost piles. The Sterkens also expressed concerns with flooding and ponding water that sits for months on this parcel. Administrator Day confirmed that it was not in the 100-year Floodplain. Applicant Steve Lodge was also present for the hearing and stated that it was always his intention to subdivide the parcel and that the 500-year floodplain was considered when laying out the lots. The drainage issues would be resolved during the development process with grading.

Discussion was had by the Board and they agreed that the Sterkens had some very legitimate concerns, however, the Subdivision Plat met the requirements of the ordinance and the land suitability was appropriate.

A motion to approve Longhorn Acres Preliminary Plat was made by Roger Kregel and was seconded by Jane Close. Motion passed.

New Business:

Administrator Day discussed an ongoing junk car nuisance complaint on Hwy 57. Administrator Day stated that a violation notice had been sent and a follow-up visit to the property where she and the owner talked about what actions needed to be taken, which either involved removing all inoperable and unlicensed vehicles and/or putting up a large machine shed to house them. The owner agreed to start disassembling and removing the vehicles but Administrator Day confirmed that little to no progress had been made over the course of the summer. The Planning & Zoning Commission felt that Administrator Day should be firm, have the property owner give a compliance date and if it is not cleaned up by that time, follow through with legal recourse.

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 blue ink that reads "Misty Day". The signature is written in a cursive, flowing style.