

**BUCHANAN COUNTY ZONING MEETING
JULY 5, 2011
7:00 PM ASSEMBLY ROOM**

At 7:02 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present. The following Board members present were: Dave Pech, Aaron Cook, Jim Grover, John Slatterly, Jan Short, Marlene Brown, and Steve Walhart.

Board members absent were: Tom Doyle and John Ryherd.

Public guests included Father Ryan from the Buchanan Abbey, Supervisor Gary Gissel, John Klotzbach from the Bulletin Journal, Joe Youngblut from Rural Jesup, and Kurtis Marks from Rural Jesup.

1st Item on the Agenda was the minutes of the previous meeting. A motion was made by Mr. Cook to approve the minutes. The motion was seconded by Marlene Brown. All Board Members were in Favor of the motion (7 – 0).

Mr. Beatty then read the 2nd Item on the agenda which was the request to rezone 1.77 acres of existing County Home property from A - 1 agricultural to R – 2 residential. This property was originally exempt from zoning as it was owned and used by the county to house multiple persons. It will now be privately owned and needs to be rezoned to meet county zoning requirements.

Mr. Beatty then presented an aerial map of the property and a video to help visualize the property.

Mr. Pech opened the discussion and asked Father Ryan who the people will be and how many will be living at the location?

Father Ryan responded that the residence will be occupied by a group of Benedict Monks. He estimated that between 6 to 25 people will be living in the facility at different times of the year.

Father Ryan asked Mr. Pech if he understood what Benedict Monks were and if he knew the differences in the levels of the Catholic religion including Dominicans. Mr. Pech stated that he did not.

Father Ryan then explained how the monks are viewed and operate in the Catholic Church and confirmed they do “work” at their residence that they live but, not in parishes’ hospitals, and schools. Monks are restricted to their community and the grounds owned by them.

Aaron Cook asked if they had plans of raising any livestock on the property. Father Ryan responded that they do plan to raise llamas to help financially support their operation.

Aaron Cook asked how many llamas he would anticipate to have on the property. Father Ryan stated a maximum of 40 llamas would be raised on the property.

Mr. Pech explained that the map he just handed out which had a rough area marked out to explain the 1.77 Acres requested to be rezoned.

Mr. Walhart stated that the zoning request had nothing to do with llamas. Mr. Pech agreed.

Mr. Pech then stated that the balance of the 11 Acre property will stay A-1 agricultural.

Mr. Pech asked Father Ryan if he was relocating or moving to the area. Father Ryan explained that they have sold their existing facility in a town located in Illinois and plan to move here.

Mr. Cook then made a motion to approve. Mrs. Brown seconded.

Mr. Pech opened the meeting for discussion. No discussion or comments were made.

Mr. Pech proceeded with a vote on the motion to approve and the item passed 6 – 0 – 1. Mr. Grover chose to abstain from voting.

Mr. Pech then explained that these results and minutes will be forwarded on to the supervisors.

The 3rd item on the agenda was read by Mr. Beatty. Joe and Betty Youngblut requested to rezone 2.65 Acres from A – 1 Agricultural to R – 3 Residential to allow construction of a single family dwelling. The property is located 7 miles South of Jesup.

Mr. Beatty then presented the commission with an aerial map, video, and explanation of the proposed property to help visualize the request.

Mr. Youngblut then addressed the commission and explained that his son will start helping him farm this year and wants to build a house on this property. He estimated that roughly 1 acre of crop land would be taken out of production to build the house. He also explained that currently his son and his wife live on a rock road and she has allergies. Joe stated the reason to explain the need to move to a paved road. No new driveway will need to be installed as they plan to use the existing driveway by the grain bin.

Mr. Pech asked who the residence was to the West. Mr. Youngblut responded that it was David Floyd.

Mr. Pech then asked if the West side of the timber was his West property line.
Mr. Youngblut then explained that Mr. Floyd has a permanent easement to access his property.

Mr. Pech clarified that the West side of this request is Mr. Youngblut's property line.
Mr. Youngblut agreed.

Mr. Youngblut explained the lay of the land with the relationship to the timber.

Mr. Pech made the comment that this is some good land to take out of production.
Mr. Pech asked if he had any other poor ground to rezone.
Mr. Youngblut answered none on or close to the paved road.

Mr. Youngblut also stated that another reason why they chose to rezone this area was because of the marshy timber area.

Mr. Slatterly confirmed that the reason he was trying to rezone 2.65 acres versus 2 was to include the driveway by the grain bin.

Mr. Slatterly discussed if the new driveway was installed to the South less land would need rezoned.

Mr. Youngblut explained that the curve in the paved road and the potential danger of having the driveway closer to the South. This is the reason why they propose to use the existing driveway by the grain bin and feel this is the best scenario.

Ms. Brown did ask if Mr. Youngblut had discussed this driveway location with the County Road division and he said he had not yet done that.

Mr. Pech asked why the grain bin was there.

Mr. Youngblut explained that there used to be a barn and a hog house at that location and decided to keep the bin after the other two structures were torn down.

Mr. Slatterly confirmed that this location used to be a homestead. Mr. Youngblut agreed and confirmed that the property use to be attached with the residence to the East.

Mr. Youngblut stated that it was a low traveled road before the highway was constructed.

Mr. Slatterly did recognize the higher 86 CSR but, commented that his boy helping with farming operation made sense and he made a motion to approve. Mrs. Brown seconded.

Mr. Pech opened the meeting for further discussion.

Mr. Walhart wanted clarification on the soils. Mr. Beatty explained that 95% of the area was Kenyon Loam (86 CSR) and 5 % was Clyde – Floyd (76 – 38 CSR) and referenced the aerial soil map with for Mr. Walhart.

Mr. Grover and Mr. Walhart both agreed this land would need planted with all “point rows”.

Mr. Pech confirmed that Mr. Walhart got his questioned answered. Mr. Walhart confirmed yes.

Mr. Pech commented that he felt the land was rather good land to take out of production. He understood that the piece was irregular in shape but, felt other means of farming could make good use of the land. He referenced the county comprehensive plan and felt there was not a need to rezone this additional land.

Mr. Cook mentioned that this area of the county was already being used for other family homes.

Mr. Pech agreed but, mentioned there has been much resistance to that trend.

Mr. Marks, an area neighbor, stated that it would be a great place to build a house. He felt with his son and grandkids being near by created a healthy family environment.

Mr. Pech confirmed who the dwelling was across the road to the East.
Mr. Youngblut stated it was Mrs. Leland Harting.

Mr. Pech then held a vote and the motion to approve passed 6 to 1.
Mr. Pech was the sole no vote.

Mr. Pech explained the results and minutes will be forwarded to the supervisors.

Fourth Item on the Agenda was Adjournment. Mr. Walhart made a motion to adjourn.
Mrs. Short seconded.

Meeting was adjourned at 7:34 PM.

Minutes by:
Chad Beatty
7/5/11

BUCHANAN COUNTY ZONING MEETING
August 2, 2011
7:00 PM ASSEMBLY ROOM

At 7:01 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following board members: Dave Pech, Aaron Cook, Tom Doyle, Jim Grover, John Slattery, Jan Short, and Marlene Brown.

Board members absent were: John Ryherd and Steve Walthart.

Public guests included Doug Beier of Independence, Iowa representing Carson - Barron Farms and Dennis Donlea of Winthrop, Iowa representing Consolidated Energy.

1st Item on the Agenda was the minutes of the previous meeting. Mr. Beatty noted name corrections for Slattery and Walthart and Mr. Pech informed the board accordingly. A motion was made by Mr. Doyle to approve the minutes. The motion was seconded by Mr. Grover. All board members were in favor of the motion with a vote of (7 – 0).

Item # 2 on the Agenda was the request to rezone 1.04 Acres from “A-1” Agricultural to “C-M” Commercial Manufacturing for installation of a bulk L.P. storage tank for grain dryer use, bulk storage, and distribution.

Mr. Beatty then explained the items included in their application packet, the location of the property on the aerial map including the meets and bounds description, presented a video and photos of the proposed area, and made reference to the 911 address. Mr. Beatty did mention the existing 4 – 1000 gallon storage tanks and the current growth of their elaborate grain facilities.

Mr. Pech then opened the meeting for the guests to inform the board of any information regarding the request. Mr. Beier introduced himself and acknowledged he would be representing Carson and Barron Farms for any questions and / or concerns.

Mr. Pech referenced that the existing 4 – 1000 gallon storage tanks would most likely be removed and be replaced with one larger. Mr. Beier confirmed that this was their intention.

Mr. Cook then questioned why there was a need for rezoning. Mr. Beatty explained that once the land use changed to also “store and distribute” for Consolidated Energy in partnership with the existing farm operation uses of Carson - Barron Farms, the land no longer fell under the current A-1 zoning intent.

Mr. Donlea from Consolidated Energy then explained how the Carson – Barron location fit the needs of serving both the growing needs of the Carson – Barron farms along with the need for a storage site in this part of the county for their other numerous customers. Mr. Donlea felt the opportunity to “coop” with Carson – Barron Farms was a good fit for both.

Mr. Slattery then asked Mr. Donlea if there were needed setbacks for a storage facility similar to this one in regards to a residence or other structures. Mr. Donlea stated that not only will this be analyzed at the county level but, there are State of Iowa requirements as well, and that the State Fire Marshall would be involved with the exact placement of the storage structure. Mr. Donlea also informed the board that several other agencies would be involved with the process.

Mr. Cook then asked if these groups have already investigated this location. Mr. Donlea answered no, that the rezoning of the proposed sight was the first step.

Mr. Cook then asked if Mr. Donlea foresees any problems in regard to setbacks and any other issues with this location.

Mr. Donlea stated that these agencies will require at least 50’ from any property line or adjacent building.

Mr. Beier then noted that Buchanan County requires 25’ set back from any property line and that they took all this information into account when they considered the placement of this storage facility. Mr. Beier then referred to the aerial photos and stated that the proposed location would be 100 +/- from any dwelling, garage, or structure. Mr. Beier also noted that any insurance company would require at least 50’ setback and this proposed location would meet that requirement as well.

Mr. Slattery then asked if they are proposing a building here as well or just the storage tank. Mr. Donlea replied no, just the tank at this time.

Mr. Slattery then commented that this location will be much more accessible than the 4 – 1000 gallon tanks that currently exist. Mr. Donlea agreed.

Mr. Beier then added that they will be locating the tank as far South as possible to take as little of crop land out of production as possible. Mr. Beier confirmed this proposed location would be an extension of the current driveway and most of the crop land is rotated between Sweet Corn and row crops every other year.

Mr. Slattery asked if the tank will need to be set on concrete. Mr. Donlea confirmed it would set on 4 concrete piers and several other safety regulations would be installed as well.

Mr. Pech then explained that many times the board recommends restrictions with rezoning to different types of commercial applications. Mr. Pech then stated that if the board chooses to do that, the owners of the zoned property would need to revisit the zoning board in the future to change the land use from what the board intended the use. For example, if Carson – Barron Farms desired to use this land for a tavern in the future, the applicant would need to go through this process again to inform the County and adjacent neighbors.

Mr. Cook noted that the board must be careful with the other current land uses already affiliated with this property by mentioning the current Seed Corn sales business that falls under “A-1” Agricultural.

Mr. Beatty then read the other possible uses in reference to the Buchanan County Zoning Ordinance. Mr. Beatty advised that this fell under (m.) Storage, Warehousing, and Distribution of the Commercial – Manufacturing District. Principal Use setbacks are Front 25’, Side, 25’, and Rear 25’.

Mr. Beier confirmed he understood and stated that Consolidated Energy and Carson – Barron Farms have not yet finalized their agreement, but time is of the essence with harvest time soon approaching. Mr. Beier would prefer that the zoning restriction be noted as storage of petroleum based products in case in the future, Consolidated Energy would prefer to construct a building to store bulk barrels of oil, grease, etc.

Mr. Pech then confirmed that those details if suggested tonight would be finalized by the supervisors.

Mr. Beier wanted it noted that he would prefer that if a restriction was included that it be liberal enough to accommodate Consolidated Energy’s business storage practices.

Mr. Pech again stated that final exact negotiations could be discussed with the supervisors.

Mr. Doyle then asked if there is an issue with Consolidated Energy not owning the storage tanks and using the land.

Mr. Beier then answered that Carson Barron will own the real estate, not the tanks, the land will be leased.

Mr. Doyle then asked about the liability and who will be responsible if an explosion or a valve leak of some kind occurs.

Mr. Pech confirmed the board decides on land use and communicates with the land owner.

Mr. Beatty stated that those details would need to be noted in the lease agreement drawn up between the two parties and that their attorneys would or should address that. Mr. Pech agreed with that statement.

Mr. Cook made a motion to approve the application with the recommendation that the supervisors restrict the land use to petroleum storage and distribution. Any land use change in the future in regards to this legal description would need to be evaluated by the Zoning Board and Buchanan County. Mr. Slattery seconded the motion.

Motion carried with a vote of (7 – 0.)

3rd Item on the agenda was adjournment. Mrs. Brown made a motion to adjourn. Mr. Doyle seconded the motion. The motion carried 7 – 0.

Mr. Pech then announced that this information will be forwarded to the supervisors for an August 15th, 10:00AM public hearing and all those attending will be notified.

The meeting was adjourned at 7:17 PM

Chad Beatty

8/3/11

**BUCHANAN COUNTY ZONING MEETING
SEPTEMBER 6, 2011
7:00 PM ASSEMBLY ROOM**

At 7:00 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following board members: Dave Pech, Aaron Cook, Tom Doyle, Jim Grover, Jan Short, and Steve Walthart.

Board members absent were: Marlene Brown, John Ryherd, and John Slattery

Public guests included John Klotzbach from Independence, Iowa representing the Bulletin Journal, and Rusty Horn of Independence, Iowa.

1st Item on the Agenda was the minutes of the previous meeting. A motion was made by Mr. Cook to approve the minutes. The motion was seconded by Mrs. Short. All board members were in favor of the motion with a vote of (6 – 0). No further discussion concerning the minutes.

Item # 2 on the Agenda was the request to rezone .74 Acres from “A-1” Agricultural to “C-M” Commercial Manufacturing for operation of a concrete construction business. The site is located one half mile northwest of Independence in Section # 27 of Washington Township.

Mr. Beatty then explained the items included in their application packet, the location of the property on the aerial map in reference to Buchanan County including the meets and bounds description, presented a video and photos of the proposed area, and made reference to the 911 address.

Mr. Beatty also explained that in 2007, Parcel W was severed from the farmstead owned previously by Mr. Horn’s father and at that time the parcel classified as buildable soils under the Buchanan County Zoning Ordinance and did not require rezoning.

Mr. Pech then opened the meeting for the guests to inform the board of any information regarding the request. Mr. Horn introduced himself and acknowledged he would be growing a business he started last fall, Hornet Concrete. Mr. Horn acknowledged the larger parcel for the rezoning request as he will then have potential for growth, cold storage, and parking of equipment outside of the newly constructed building shown in Mr. Beatty’s presentation.

Mr. Pech then commented that with no one in attendance, there seems to be no opposition for the request.

Mr. Pech then explained to Mr. Horn about how the zoning board usually recommends a restriction with commercial zonings. Mr. Pech stated that the exact wording of the restriction is finalized by the Board of Supervisors and that meeting will be set by the

Board of Supervisors. Mr. Pech explained that all of the individuals who were notified for this meeting will be notified for that meeting.

A motion was made by Aaron Cook to approve the zoning request and to include a restriction for a “construction business”, not just a concrete business. The motion was seconded by Mr. Grover. The motion was approved with a vote of 5 to 1. Mr. Walthart was the lone no vote.

Further discussion included Mr. Walthart stated he was in favor of the rezoning request but, not the restriction to the rezoning.

3rd Item on the agenda was adjournment. Mr. Doyle made a motion to adjourn the meeting. Mr. Short seconded the motion. The motion carried with a vote of (6 – 0).

The meeting was concluded at 7:12 PM.

Chad Beatty

9/7/11

BUCHANAN COUNTY ZONING MEETING
October 7, 2011
7:00 PM ASSEMBLY ROOM

At 7:00 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (6) board members: Dave Pech, John Slattery, Tom Doyle, Jim Grover, Jan Short, Marlene Brown

Board members absent were: Aaron Cook, John Ryherd, and Steve Walthart

Public guests included: Karen Crawford, Bill Offerman, Pat Offerman, Keith Corkery from Corkery Paint, Lee Pries from Paul Niemann Construction, Ron Abben from Paul Neimann Construction, Terry Gaffney from Paul Niemann Construction, Mari Friedrich, Samantha Hayes, Ruth Strauel, and Joe Steinbron. Five guests were from Jesup, 5 from Lamont, and 1 from Sumner.

1st Item on the Agenda was the minutes of the previous meeting. A motion was made by Marlene Brown to approve the minutes. The motion was seconded by John Slattery. All board members were in favor of the motion with a vote of (6 – 0). No further discussion concerning the minutes.

2nd Item on the agenda was the request for Keith Corkery of rural Fairbank to rezone .6 of an acre from “A-1” Agricultural to “I” Industrial to expand his existing Equipment and Auto Repair Business. The site is located 6 miles North of Jesup in Section 31, Fairbank Township.

Mr. Beatty then explained the items included in their application packet, the location of the property on the aerial map in reference to Buchanan County including the meets and bounds description, presented a video and photos of the proposed area to the West, and made reference to the existing building and business.

Mr. Pech then opened the meeting for the guests to inform the board of any information regarding the request.

Mr. Corkery then introduced himself and acknowledged he is looking to grow his business he started several years ago. Mr. Corkery acknowledged the need was for the ability to complete his work indoors and the wish to store customers equipment inside prior to and after the work is completed. Mr. Corkery stated he likes his place to look organized, cleaner, neater, and the proposed building he proposes would allow him to expand the way he prefers.

Mr. Pech asks for the details of the building that Mr. Beatty mentioned earlier.

Mr. Corkery stated he prefers to keep the dust created by his work contained and he can only do that inside.

Mr. Pech then asked if he recalled the date of his rezoning. Mr. Corkery stated 5 or 6 years ago.

Mr. Beatty then informed the board it was zoned from "C-M" Commercial Manufacturing to "I" Industrial for his sandblasting business. That rezoning was in late 2002, December 2002, and finalized with the restriction agreement on January, 2003.

The restriction was to not allow no more than 5 vehicles, whether salable or salvage.

Mr. Pech then asked if Mr. Corkery remembered the restriction and if he agreed to sign another restriction if recommended.

Mr. Corkery agreed.

Mari Friedrich then asked if the rezoning was involved with the current grade work around the existing pond and if he was going to build houses on the property.

Mr. Pech and Mr. Beatty both explained the rezoning was not in that area and the request was only West of the existing business.

Mr. Pech and Mr. Beatty both assured her we were only discussing the land use of the request this evening and any other zoning on the property would need to be assessed in the future before the use changes.

Mr. Corkery also assured Mrs. Friedrich that the proposed area was west of his building.

Mrs. Friedrich was concerned with the plans of Mr. Corkery's pond.

Mr. Pech again assured that the board was only interested in the area requested tonight.

A motion was made by Marlene Brown to approve the request with the same restrictions with the prior "Industrial" rezoning. The motion was seconded by Jim Grover. All board members were in favor of the motion with a vote of (6 – 0). No further discussion concerning the request.

3rd Item on the agenda was the request for the Frederick and Margie Steinbron Trust of rural Jesup to rezone 1.6 acres from “A – 1” Agricultural to “C - M” Commercial – Manufacturing to construct a new facility for a warehousing, storage, and sales business. The site is located a ¼ mile South of Jesup in Section 7, Westburg Township.

Mr. Beatty then explained the items included in their application packet, the location of the property on the aerial map in reference to Buchanan County including the meets and bounds description, presented a video and photos of the proposed area, and made reference to the proximity to the 4 lane State Highway 520 and the “Industrial” zoned business to the East and the driveway that services the City of Jesup sewer storage lagoons.

Mr. Pech then opened the meeting for the guests to inform the board of any information regarding the request.

Joe Steinbron then explained that he intends to construct a building to store and sell items on EBay.

Mr. Pech then asked for any further comments or discussion.

Mr. Slattery then asked Joe why he needs a building on 91 CSR land to sell items on the internet.

Mr. Steinbron then explained the land is and always has been a pasture. Mr. Steinbron then admitted he really didn't understand what 91 CSR meant.

Mr. Pech then explained that this proposed land consists of some of the best soils in the county and does not fall under the County Comprehensive plan to remove the soils from production.

Mr. Steinbron then again explained that it is used for pasture and the cows have compacted the land overtime with a path to the buildings.

Mr. Doyle commented it was very high CSR.

Mr. Pech agreed and stated that this does not come anywhere near the removable soils in the County's comprehensive plan.

Mr. Doyle confirmed that the trust owns the farmstead to the North.

Mr. Steinbron confirmed his father lives there.

Mr. Slattery then commented that several parcels have been rezoned from this trust of land for residential uses and none of them had been 91 CSR.

Mr. Slattery then made a motion to deny the request. The motion was seconded by Mr. Doyle. All board members were in favor of the motion to deny the request with a vote of (6 – 0). Mr. Pech then reminded those in attendance that the Board of Supervisors will make the final decision and all those informed of the this meeting will be informed of that meeting when the time and date is set.

4th Item on the agenda was the request for Paul Niemann Construction of Sumner, Iowa to rezone 37.77 acres from “A-1” Agricultural to “I” Industrial to expand existing sand extracting (sand pit) business. The site is located a ¼ Mile Northwest of Lamont in Section 14, Madison Township.

Mr. Beatty then explained the items included in their application packet, the location of the property on the aerial map in reference to Buchanan County including the meets and bounds description, presented a video and photos of the proposed area, and made reference to the existing business to the Northeast and the Natural Gas Pipeline that runs through the SW corner of the property. Mr. Beatty stated that he is NOT aware of the existing pipeline’s exact location, but recognized that the applicants could inform this evening.

Mr. Pech then opened the meeting for the guests to inform the board of any information regarding the request. Mr. Abben introduced himself from Paul Neimann Construction and acknowledged they would be growing a business on land that they purchased last spring. Mr. Abben commented on the proximity to the existing facility and also their location near Aurora but, assured that the reserves were depleting and the company was looking for another source. Mr. Abben then explained their plans are to extract the area needed for current use, with the balance left for row crop farming until the demand increased. All excavation would take place to the North of the natural gas pipeline.

Mr. Pech then questioned the location of the pipeline. Mr. Beatty explained that the map is only an estimated location. Mr. Gaffney stated the pipeline was 575’ from 122nd street. Mr. Beatty then had Mr. Gaffney mark the map accordingly and presented it to the board.

It was agreed by all in attendance that the angle of the pipeline is more of a 45 degree angle on the SW corner of the parcel than the estimated location that was presented on the original map.

Mr. Pech then confirmed that the applicant had no intention to excavate, store, or extract near the Pipeline. Those from Niemann Construction agreed.

Bill Offerman then commented as a “farmer” the one who has farmed the land for 35 years and still farms the land. Mr. Offerman wanted it on the record that even though the ground is not the highest CSR, the land does produce a reasonable yearly crop. Mr. Offerman then stated that the applicant already owns a “sandpit” and once it is extracted, the only thing you leave to the next generation is a hole in the ground. He, as a farmer, wants to leave more than just a hole in the ground.

Mr. Pech and Mr. Offerman then both acknowledge a large percentage of the property was in the flood plain.

Mr. Beatty then explained that he had contact information for the applicant for certain regulations and setbacks in regard to the FEMA designated Flood Zone Area.

Mr. Beatty then reminded the board that the flood plain map is included in the packet and could refer to the packet now.

Mr. Pech then asked if the applicant was aware of the regulations to extract in a flood zone.

Mr. Abben was very knowledgeable with the regulations and mentioned several examples of how they conform with the laws to the board.

Mr. Beatty then explained that the DNR would issue and invoice for the permits, Buchanan County would not require any fees, unless a structure, septic system or well was in the plans.

Mr. Beatty commented that it sounds like Mr. Abben is very aware of the process and wishes of the DNR.

Mr. Abben then commented that is why they have plans of stockpiling in the existing quarry.

Mr. Slattery commented that he liked the idea of having the new quarry close to the existing versus placing it 5 miles away.

Mr. Slattery confirmed that there were no plans for blasting. The applicant agreed and stated not at this time.

Mr. Pech and the board then reviewed the CSR and soil maps and confirmed that the applicant plans to excavate in the North part of the parcel.

Mr. Abben then added that they will not plan to start excavation until 2013 because they have supplies to sell first.

Mr. Pech then asked of which type of materials would be supplied from this location.

Mr. Abben plans to sell fine sands for dairy use, concrete sand, pea gravel, and some oversized gravel.

Mr. Slattery then asked what the requirements were from the DNR to abandon the quarry, for instance, the one located in Aurora.

Mr. Abben thoroughly explained the process and stated whoever the property owner is can possess a pond to stock fish or use as they wish.

Mrs. Brown then asked if the top soil is part of the sand and what are the plans with the top soil.

Mr. Abben explained that the top soil is not part of the sand, but each site is different and they do sell some top soil, but not always. Some is kept for the future extracting plan.

Mr. Pech questioned if soil samples have been completed.

Mr. Abben confirmed.

Mr. Pech then asked the proposed depth of the pond.

Mr. Abben confirmed after the top soil was removed, it is estimated at 35'.

Lee Pries from Paul Niemann Construction then commented that the maximum depth that they can dredge is 35' to 40' under the water.

Mr. Pech then asked how close to the top of grade the sand is.

Mr. Pries confirmed 2' to 3'.

Mr. Pech then explained the ability for the board to recommend a zoning with a restriction.

Mr. Abben agreed.

Mr. Beatty explained that the potential restriction is black and white and falls under "q" in the Industrial Zonings. Extracting of and the processing of stone, sand, gravel, or soil.

A motion was made by Mr. Slattery to approve the zoning request and to include a restriction for an "Industrial Sand Pit Use". The motion was seconded by Mrs. Brown. The motion was approved with a vote of 5 to 0. Mr. Grover chose to abstain from voting.

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No further discussion.

5th Item on the agenda was adjournment. Mr. Doyle made a motion to adjourn the meeting. Mrs. Short seconded the motion. The motion carried with a vote of (6 – 0).

The meeting was concluded at 7:42 PM.

Chad Beatty, Zoning Administrator

10/6/11

BUCHANAN COUNTY ZONING MEETING
November 1, 2011
7:00 PM ASSEMBLY ROOM

At 7:01 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (6) board members: Dave Pech, John Slattery, Aaron Cook, Jim Grover, Jan Short, Steve Walthart

Board members absent were: Marlene Brown, John Ryherd, and Tom Doyle

Public guests included: Earlene Pint, Dick Pint, Cody Cramer, Lee Ann Waltzhe, Jim Hughes, Denny Donlea, Supervisor Ralph Kremer, Nate Clayberg from Buchanan County Economic Development, and John Klotzbach from the Bulletin Journal.

Mr. Pech explained the process of this meeting and reminded those in attendance that the zoning board is only a recommending body and the board of supervisors will make the final decision. Mr. Pech stated that when the public hearing is set that all of the same property owners will be notified of the time and date.

1st Item on the Agenda was the minutes of the previous meeting. A motion was made by Jim Grover to approve the minutes. The motion was seconded by John Slattery. All board members were in favor of the motion with a vote of (6 – 0). No further discussion concerning the minutes.

2nd Item on the agenda was the request for Mr. and Mrs. Richard Pint of rural Independence to rezone 2 acres from “C-M” Commercial Manufacturing to “R-1” Residential to allow the existing dwelling to be used as a single family dwelling as it will no longer be attached to, be part of a business, office, or recreational establishment. The site is located 1 mile East of Independence in Section 2, Sumner Township.

Mr. Beatty then explained the items included in their application packet, the location of the property on the aerial map in reference to Buchanan County including the meets and bounds description, presented a video and photos of the proposed area to the South, and made reference to the existing building and business and noted that this property was originally rezoned from “A-1” Agricultural to “C-M” Commercial - Manufacturing in 1977. Mr. Beatty also explained that single family dwellings are not allowed in a commercial - manufacturing district unless they are attached to, or be a part of a business, office, or recreational establishment. Mr. Beatty also noted that the Pints have upgraded the septic system to meet state and county regulations and that the onsite well has been treated and had a positive water sample about 6 weeks ago.

Mr. Pech then opened the meeting for the guests to inform the board of any information regarding the request.

Mrs. Pint then introduced herself as the current property owners and also explained that the individuals present, Cody Cramer, Lee Ann Waltzhe, are the potential buyers of the property if the rezoning passes.

Mr. Pech then asked why the parcel is proposed as such a unique shape.

Mr. Pint explained that they needed that shape to obtain 2 acres to meet the Buchanan County ordinance and they wanted to preserve as much of the timber as possible.

Mr. Walthart then asked why there was an odd transition on the Southwest corner.

Mrs. Pint responded that the reason was to keep the property pin out of the driveway with fear of losing the property pin in the future.

Mrs. Pint then added that the driveway is already established and there will be no need for an additional driveway or any adaptations to the existing.

Mr. Slattery then made a motion to approve the request. Aaron Cook seconded the motion.

The motion was unanimously approved with a vote of 6 to 0. No further discussion was added concerning the request.

3rd Item on the agenda was the request for B4J Ventures, LP of Independence wishes to rezone approximately 2 acres from “A-1” Agricultural to “I” Industrial to install a petroleum, warehouse, and distribution facility. The site is located a 1 ¼ mile South of Independence in Section 8, Sumner Township.

Mr. Beatty then explained the items included in their application packet, the location of the property on the aerial map in reference to Buchanan County including the meets and bounds description, presented a video and photos of the proposed area, and made reference to the proximity to the 4 lane State Highway 520 and the commercial zoned businesses to the North and the map that notes this area as potential area of annexation of the City of Independence.

Mr. Pech then opened the meeting for the guests to inform the board of any information regarding the request.

Mr. Hughes then introduced himself and stated that B4J Ventures, LP plans to remove the grain bins and use at another location.

Mr. Donlea of Heartland Fuels then stated that if the property is purchased, that they intend to keep using the existing machine shed structure for petroleum bulk and packaged goods storage.

Mr. Donlea then explained that they currently own a bulk plant on 10th Street in NE Independence and are looking to move out of the city limits.

Mr. Donlea then explained that this rezoning request is the first of many steps needed to be taken prior to relocation. The next steps include permitting and following regulations with the State Fire Marshall and the EPA. Mr. Donlea stated this site fits their needs for relocation.

Mr. Pech then commented that it is hard to find better dirt in the county.

Mr. Pech stated he understood the attraction of the location but, was concerned with taking this soil out of production as it is some of the best in the County.

Mr. Hughes then stated that is most likely the case for the entire farm and stated that many companies, not just Heartland Fuels are interested in this area and this farm due to the proximity of the interstate.

Mr. Pech stated he felt that this was “sad”.

Mr. Hughes then stated he feels that if or when the Monsanto road is constructed the area is going to be very attractive for other ventures.

Mr. Slattery then asked Mr. Donlea what type of plant they currently have.

Mr. Donlea stated that they own a bulk plant on 10th Street in NE that was originally oil and fuel storage. It is located south of the railroad tracks and West of Wapsie Valley Creamery.

Mr. Donlea then commented that they are located in a residential area and have preference to move.

Mr. Slattery agreed that the neighbors probably would agree.

Mr. Donlea stated that the current location was an inherited property with past consolidation.

Mr. Cook then asked what type of facilities would be planned for the proposed location.

Mr. Donlea replied there would be bulk fuel tank in concrete containment and construct that area east of the existing building where the current row crop land is now. Mr. Donlea also commented that they plan to install another driveway east of the existing to accommodate their company trucks.

Mr. Donlea said plans may include installing LP storage tanks where the existing bins are now, but the initial plans are to transport the existing facilities from the 10th street location there and will analyze as time allows.

Mr. Slattery then asked Mr. Hughes where the existing City Limits are in relationship to the 4 lane highway.

Mr. Slattery confirmed that the Hotel and Homestead restaurant were in the City Limits.

Mr. Beatty then explained in their packets included a map with the “gray” area being incorporated within the city limits and the “blue” and “white” dashed area was an area of potential annexation to the City of Independence.

Mr. Clayberg from Buchanan County Economic Development then spoke and stated it was his job to attract potential business to the area and the communities within Buchanan County. Mr. Clayberg stated that even though that task has been difficult with our economy it is recognized that Highway 520 is the biggest asset in Buchanan County. The highway is the transportation link to move things in and out of the area quickly.

Mr. Clayberg continued to comment that he understood the land is valuable soil but, feel those of us in the County need to determine what areas are potential growth areas of the County. Mr. Clayberg continued to state that both sides of the interstate in this area are prime developmental ground as we move forward in the future.

Mr. Pech then rebutted that he feels the largest asset in the County is our prime farm ground. Mr. Pech referred to the comprehensive plan as the number one objective is not to attract business but, to preserve farm ground.

Mr. Pech then continued to state that the zoning board analyzes the applications to determine if there is a need to take the soils and ground out of production to accommodate the requests.

Mr. Pech then stated he felt there were better areas of the county to relocate and to not take 86 CSR and 76 CSR out of production.

Mr. Pech then stated it seemed odd that the plan is to sell fuels to farmers but, in return the request is to take farm ground out of production.

Mr. Clayberg rebutted that he felt there could be a precedence set by this meeting tonight that future growth 6 months or 5 years from now could be affected by the decision tonight.

Mr. Pech then stated his hope tonight was to deter future development south of the interstate on prime farm ground.

Mr. Slattery then added he felt the City of Independence would be annexing this area in the near future.

Mr. Pech stated that the annexation was out of our hands.

Mr. Slattery then added he felt the request was a benefit to agriculture and made a motion to approve the request with the restriction of the use to be petroleum warehousing and distribution. Jan Short seconded the motion including the restriction.

Further discussion included:

Mr. Walthart asked why the packet included a well and septic would be needed.

Mr. Beatty stated that if a new structure included the need for a restroom or water the applicant would need to work with the County and State to install proper systems.

Mr. Walthart then asked if the Porta Potty could be used.

Mr. Beatty confirmed yes, as long as the tenant had the facility pumped by a certified pumper and the contents were properly disposed of and authorized by the County.

Mr. Cook then added it was difficult for him as he understood from a safety standpoint the edge of town seemed like the correct place for a facility like this. Mr. Cook stated he agrees with the less populated area but, would rather see this facility in an area with established Industrial zoning but again, did not know of any in the area.

Mr. Pech stated there is plenty of land North of Highway 520 that is currently farmed.

Mr. Cook added that is in close proximity of the new Independence High School.

Mr. Pech stated that the City of Independence has plenty of areas that this facility could be placed. Mr. Pech stated he assumed the reason or motive was for lower property taxes.

Mr. Slattery commented he thought it was a safety issue to move into the County.

Mr. Hughes then added that most of the property owners to the North of the Highway 520 are ear marking that land for retail type establishments. Mr. Hughes added that he felt the trends had been established for that area and "I" Industrial was not one of them.

It was then discussed by many that if and when Monsanto completes their facility it will only enhance the area for development.

Mr. Cook then added he wondered about the report of any safety issues with this type of facility. Mr. Cook stated that the public never hears of any issues either locally or across the state.

Mr. Donlea then added it was because of the required regulations that they and other companies need to follow. Mr. Donlea stated areas of concern included spills, contamination of some fashion, and the fire issue and when the facility is in a residential area it becomes a larger area of concern.

Mr. Donlea also added he felt this facility would not fit in with a retail type area or a high traffic area with the several trucks and semis that would need access “in and out” on a daily basis.

Mr. Donlea felt the South side of the Highway 520 fit the company’s needs and addressed safety concerns as well.

Mr. Cook then added he felt a concern of what happens if next month another applicant wants to develop in the same area and so on.

Mr. Pech stated he understood the attraction of the area to the potential buyer but, said there are some poorer soils like 408B with 67 CSR within feet of the request. Mr. Pech would like to see applicants encouraged to applying for areas of the county with poorer soils.

Mr. Hughes then added it was the reason this area was selected because 1 acre of the request has been out of production for many years.

Mr. Hughes then confirmed that the existing 1 acre building site is why the area is marketable and unfortunately the buyer needs 2 acres not just the building site.

Mr. Walthart stated that the area across the road to the north has poorer soils.

Mr. Pech then added that he would recommend that all of the applicants need to inquire about less productive farm land.

Mr. Beatty then reminded the board that a motion and a second had been made.

Mr. Pech then held a vote. The motion including a restriction passed with a vote of 4 to 2. Mr. Pech and Mr. Walthart were the two no voters.

4th Item on the agenda was adjournment. Mr. Walthart made a motion to adjourn the meeting. Mrs. Short seconded the motion. The motion carried with a vote of (6 – 0).

The meeting was concluded at 7:28 PM.

Chad Beatty, Zoning Administrator

11/2/11