

MARION COUNTY PLANNING COMMISSION

RECORD OF PROCEEDINGS

APRIL 24, 1997

Chairman Sieger called the meeting to order at 7:30 p.m.

Roll Call was answered by Dean Fincham, Don Fruechting, Marquette Eilerts, Jo Helmer, Dorman Becker, Terry Eberhard, Clark Wiebe and Eileen Sieger. Herb Bartel was in attendance. Eldon Pankratz was not in attendance. Also in attendance was Commissioner Bob Hein.

Eileen asked if there were any corrections or additions to the minutes of the March 27, 1997 meeting. There were no changes or corrections. Dean moves to approve the minutes of February 27, 1997 with the noted corrections. Dorman seconds. **In favor: 8, Opposed: 0, Motion carries.**

Eileen stated that Item #5-Continuation of application for Conditional Use Permit for **Peabody/Burns U.S.D. 398** has been withdrawn. Withdrawal letter is in the file.

Eileen asked if there were any additions to off agenda items: There were no additions.

Item #4 - Continuation of Application for **Donald C. Graumann Living Trust**: Rezone from AG to RR. Eileen stated that this application had been rescheduled from the March 27, 1997 to April 24, 1997 due to an error in the selectability/notification list. Not all surrounding property owners were notified 20 days prior to the meeting date. Application was duly published March 5, 1997. Mr. Jake Wiebe spoke on this application. He is the prospective buyer of this property. Mr. Wiebe wants to demolish the run down buildings and put siding on the house. Applicant stated that this property is on old Highway 56. Applicant stated that one of the boundaries is old 56 and the east boundary is the hedge row, west boundary is the edge of the trees. Eileen asked if there was property between the boundary and the north/south road. Applicant answered yes, and that it was 1/4 mile west from the north/south road. Applicant stated that besides the house, there is also a large barn on this property, (with a brand new roof), which he needs for building materials. Eileen asked if there was anyone living in the house now. Applicant stated that the Willems are currently residing there. Terry asked if the buildings are on the north boundary. Applicant stated that there are elm trees on the west side of the property, and the ten (10) acres has a definite boundary. Terry also asked if the septic system, laterals, were all on the ten (10) acres. Applicant stated yes. Clark stated that the septic systems drains to the east. Eileen asked if the water was from a well. Applicant

stated yes, however, rural water has been applied for. Eileen asked if there were any surrounding property owners present to speak on this application. Dolores Dalke stated that Mr. Graumann was out of state and could not attend this evening. Clark stated that he lives across the road and has information that he wants entered into the record. **(Clark's comments are attached and made part of this record)**. Clark read his comments. Herb stated that from the highway, it looks like the sewer system daylighted out into the field, and that there is a wet spot, and has every indication that the sewer system needs work on the lateral field. Public portion of meeting was closed.

Item #6 - Application for **Marvin Phillips**, conditional use permit for storage building on Airport Rd. Duly published in Hillsboro Star Journal on 4/2/97. Applicant stated he is looking at purchasing a metal Wicks Building for the storage. Applicant stated he would be approximately 65 feet in to the south, from the fence line. Driveway would be off Airport Rd. Applicant stated that the closing on this property will be 5/2/97, subject to the conditional use permit being issued. Building will be put up going east/west, approximately 58 feet from the road. Jo Helmer asked if the Applicant anticipated having just one building. Applicant stated no, as they are filled up, a new one will be put up, potentially as many as four to five buildings on the five acres. Clark asked if the access will be gravel or paved. Applicant stated that there will be a ten ft. apron all the way around the building in concrete. Eileen read letters from surrounding property owners expressing their concerns to this type of building/business on this property; Bonnie & Ken Vinduska, Mr. Walter Norman, Juanita Stovall, Donna Hett, Jack Hett, William & Mary Davis. Marquette Eilerts asked how many property owners were notified. Karen Hurt answered there were 329 letters sent out. Marquette Eilerts asked if Jerry Harris had a permit for his building. Herb stated that Jerry Harris' building was in place at the time that zoning was implemented. Eileen Sieger asked Dean Fincham if he noticed how much traffic is in and out of Jerry Harris' storage building. Dean answered that there is not a lot of traffic. Eileen asked if there were any surrounding property owners present wishing to speak on this application. Mr. William Davis stated that he objects to this property being commercial. Juanita Stovall and Mrs. Phillips spoke. Mrs. Davis also was worried about setting a precedent with this type of permit on this property. Public portion of meeting was closed.

Item #7 - Application for **Dale & Becky Nuss**, rezone from AG to RR. Duly published in the Hillsboro Star Journal on 4/2/97. Dale Nuss spoke on this application. Applicant has two tracts he wishes to rezone to RR. Tract A is current residence of Dale & Becky Nuss. Access to property is black top road, served by Rural Water District No. 4. Property has a sewage lagoon. Property is approximately 16 acres in size. Applicant requests that a minimum of ten of the 16 acres be rezoned to RR. Tract B is approximately 18 acres of native grassland. Property to be purchased by Kim Klein pending rezone from AG to RR. Driveway

entrance to be acceptable to Marion County Road & Bridge Dept., a minimum of 30 feet wide, starting at the NE corner of Tract B. 20 foot access road to be constructed along the east boundary of Tract B. Elevation will be level with 190th St. so that the access road will be visible and safe for traffic approaching or exiting Tract B. Mr. Klein will want to build a home on this property at a future date. Application has been made to Marion County Rural Water District No. 4 to service Tract B. Mr. Klein will leave the ground as native pasture to be grazed by livestock, except for the area for his home. Applicant requests that minimum of ten acres of the 18 to be rezoned. Property to be located in the middle of Tract B. Eileen asked about total acreage. Applicant stated 34 acres. Eileen asked what will happen with the remaining acres that aren't to be rezoned. Applicant stated that it will continue as AG grassland. Herb stated that the excess acreage would not be eligible for a permit. Applicant stated that perhaps the Commission should rezone the entire 16 and 18 acre tracts to RR. Eileen stated that the minimum is 10. Clark asked if the lagoon would be split. Applicant stated that the lagoon would be included in Tract A, it would be near the east boundary. Terry asked about the KDHE permit on the feedlot. Applicant stated that he believes that the tract is not enough to retain the feedlot permit. Jo Helmer asked if the boundary would be next to the new house. Applicant stated yes, there is a fence. Herb stated that there are three different transactions to be considered, to sell cultivated crop land, to sell existing homesight, and to sell a new homesight, which is currently pasture. Applicant stated that all existing buildings and corrals to be included with Tract A. Eileen asked for any surrounding property owners wishing to speak on this application. There were none. Public portion of meeting was closed.

Item #9 - Proposed amendments to the Zoning Regulations. Mr. Peter Rombold sent his recommended changes (**attached and made part of this record**). Commission members were in agreement with Mr. Rombold's changes, except for: Clark Wiebe questioned the removal of the Sanitary Landfill definition. Commission members discussed the 2,000 ft. notification and buffer zone. Commission members preference for notification and buffer zone is 5,280 ft./one (1) mile.

Item #8 - Application for **Adolph Kristek**, rezone from AG to RR. Mr. Christopher Costello spoke for the applicant. Duly published on 4/2/97. Mr. Costello is the attorney for L. Dena Goertz, the Conservator for Adolph Kristek. Applicant stated that this is a 25 1/2 acre tract of land. Property is in conservatorship, the estate owns the entire quarter section. Homestead has a home and several buildings on it. The proposed buyer is planning on restoring the home, it has not been lived in for several years. Mr. Costello would like the entire 25 1/2 acre tract rezoned to rural residential. Along west boundary there is a hedgerow, land surrounding property is farm ground. Dorman asked how many acres were in the homestead. Mr. Costello answered it is approximately 4.5 acres. Eileen asked if there were any surrounding property

owners to speak on this application. There were none.

Herb stated that his recommendation is to rezone only ten acres of the 25 1/2 acres be rezoned to rural residential. Mr. Costello stated he would rather rezone only ten acres than to be denied a rezone on the 25 1/2 acres. Public portion of meeting was closed.

Item #4 - Continuation of Application for **Donald C. Graumann Living Trust**: Rezone from AG to RR. Eileen asked for Herb's recommendation. Herb stated that the north boundary is to be at least fifty feet from the barn (primary building). West boundary to be the row of trees, south boundary is the highway. Marquette Eilerts moves that we recommend approval for rezone with the north boundary to be at least fifty feet from the barn. Terry Eberhard amends the original motion to add, the reason for recommending approval is to preserve the existing farmstead. Don Fruechting seconds. **In favor of amendment to the motion: 7, Opposed: 0. Amendment carries. In favor of motion as amended: 6, Opposed: 1. Motion carries.** Clark Wiebe abstains from voting on this application.

Item #6 - Application for **Marvin Phillips**, conditional use permit for storage building on Airport Rd. Several Members have a problem with the location. Herb stated that he is concerned about significant run off on the road that is not maintained by the County. Eileen asked Mrs. Davis how many acres she owns. Mrs. Davis answered, 17 acres. Jo Helmer stated that six letters from surrounding property owners out of 329 letters sent out, isn't really a lot. Jo Helmer and Clark Wiebe stated that there is a need for this type of storage, however, the location is not desirable. Dorman moves that the conditional use permit application be denied as the location is not desirable. Terry seconds. **In favor of motion for denial: 7, Opposed: 0. Motion carries.** Jo Helmer abstains from voting.

Item #7 - Application for **Dale & Becky Nuss**, rezone from AG to RR. Eileen asked for Herb's recommendation. Herb stated that he cannot recommend Tract B on this application, but could recommend Tract A. Clark stated he agrees with Herb. Terry asked if there should be a setback on the lagoon. Eileen asked the Applicant how close the lagoon comes to the proposed property boundary. Applicant answered, to the east side, it would be approximately 30 feet. Eileen recommends that the Commission address the issue of Tract A first. Terry moves that we recommend approval of the rezone from AG to RR on Tract A with the condition that the West, South & East boundaries meet the setback requirement of 50 feet from any structure, base of the lagoon, and fence line, for the reason that it meets all the requirements of rural residential. Don Fruechting seconds. Clark amends the motion stating that we need to include the term 16 acres plus/minus the 5/10's of an acre. Terry seconds. **In favor of amendment to the motion: 8, Opposed: 0. Amendment carries. In favor of motion as amended: 8, Opposed: 0. Motion carries.**

Tract B: Jo makes the motion that we continue the Tract B part of the application pending further information. Marquette seconds. **In favor: 5, Opposed: 3. Motion to continue carries.**

Item #8 - Application for **Adolph Kristek**, rezone from AG to RR. Terry moves that we recommend approval to rezone ten acres. Jo Helmer seconds. **In favor: 8, Opposed: 0. Motion carries.**

Dorman made a motion to adjourn the meeting. Terry seconds. **In favor: 8, opposed: 0. Motion carries.**

PLANNING & ZONING COMMISSION



Eileen Sieger, Chair

NOTED CHANGES: Correct spelling of Gerry Harris & correct spelling of Mr. Kline.