

Planning & Zoning Meeting Minutes
3/21/2024
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

David Kramer

David Lynn Kramer

Frank Carrol

Ronald Fadness, Bruening Rock

Floyd H., Bruening Rock

William & Sandy Boyd

Deb McWhirter called the meeting to order.

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

A motion was made to approve the minutes from the previous meeting dated January 18, 2024, by Roger Kregel and was seconded by Jane Close. Motion passed.

Old Business:

None

Public Hearing:

Chair McWhirter opened the public hearing on a request by Bruening Rock Products to rezone 38 acres from A-1 to A-2 for expansion of their limestone quarry on a parcel located at 18131 Vail Ave in the NE¼ NE¼ of Section 16, Township 92 North, Range 15 West of the 5th P.M.

Administrator Day presented her staff report and stated that Bruening Rock Products owns a 35-acre parcel to the South and are looking to expand their quarry operation to this parcel and discussed the uses that are allowed in the A-2 district, which includes all the same uses also allowed in the A-1 district. Administrator Day referred to the Butler County Comprehensive Plan Agricultural and Natural Resources goals which includes the preservation of a greenbelt system along all river and drainage systems in Butler County and with the extensive forested area along the creek running through this parcel, she recommended that the Commission consider rezoning just the Southern 19.5 acres in order to protect the greenbelt. Administrator Day further stated that

there is an existing acreage on site and the current owners would be allowed to reside there for up to 5 years and after that, the house would be demolished.

David Kramer was present for the hearing and expressed concerns about his farm rental lease that he currently has. Bruening Rock assured Mr. Kramer that they would want him to continue farming for the near future. Mr. Kramer was satisfied and stated that that was the only reason he had attended the hearing.

Discussion was had regarding the CSR and while the average CSR for the entire parcel was only 51.2, the Commission questioned what the average would be if they were to rezone just the Southern 19.5 acres and requested that Administrator Day figure that average for them, which was 54.9 and still well below the 70 CSR threshold the ordinance uses. Bruening Rock Products presented an aerial to the Commission and stated that they would prefer the Commission rezone the entire 38-acre parcel to make things easier. Discussion was had regarding the Special Exception permit that the applicant would need to get from the Board of Adjustment if the rezone was approved. Administrator Day stated that there is a list of documentation and other requirements in the ordinance that the applicant would need to provide regarding their operation in order to obtain the special exception permit and that mineral extraction was also subject to stricter setbacks than most other uses allowed in the A-2 district. Administrator Day also stated that the Board of Adjustment can place conditions on the permit and could potentially add conditions to protect the greenbelt area through their process. Administrator Day also added that the applicant foresaw only excavating 2 acres a year at most, but most likely it would be closer to 1 acre a year so it would take several years to even reach the creek and trees.

William and Sandy Boyd were also present on behalf of the request as the current owner of the property and discussed the low yield and productivity of the farm ground. The Commission discussed rezoning the entire parcel vs the South 19.5 acres and agreed that the Board of Adjustment would have better authority to add conditions to protect the greenbelt area and since it was not a huge zoning district change, they were ok with rezoning the entire parcel with confirmation that Administrator Day was also comfortable with that route. A motion was made to close the public hearing by Jane Close and seconded by John Backer.

A motion was made to approve the request to rezone 38-acres from A-1 to A-2 by John Backer and was seconded by Roger Kregel. Motion passed.

New Business:

Administrator Day discussed a major subdivision that might be coming before the Commission in the near future.

Administrator Day updated the Commission regarding the Comprehensive Plan meeting from the prior week and reported that she had reached out to INRCOG with the Commissions' concerns.

A motion to adjourn was made by Jane Close and was seconded by Roger Kregel. Motion passed.

Misty Day, Planning and Zoning Administrator

