

Planning and Zoning Commission
Regular Meeting
March 25, 2013

- 1) The meeting was called to order at 7:00 p.m.
- 2) Roll Call.
Present: Nelson Bogaard, Julio Chiarella, Jim Danks, Bob Smith, Mike Vander Molen, Gary Van Vark, Ervin Van Wyk, Ann Visser, Teri Vos.
Absent: Craig Agan, David Landon.
Others Present: Lyle Vander Meiden, Florence Vander Meiden, Glenn Van Wyk, Denise Van Wyk, Dell Collins, George Wesselhoft.
- 3) Approval of Minutes. The minutes of the February 25, 2013 regular meeting were approved as submitted.
- 4) Public Hearing on Rezoning Application by Vermeer Manufacturing Company to Rezone 1688 Adams Avenue (Legal: The West Fractional Half of the Southwest Quarter, and the West Half (also described as the West 20.41 acres) of the Northeast Quarter of the Southwest Quarter; all in Section Six, Township Seventy-six, Range Seventeen, Mahaska County, Iowa.) from A1 Agricultural Zoning District to CC Community Commercial Zoning District.

No written comments were received.

Lyle Vander Meiden stated he is representing the Vander Meiden property which is east of the proposed change. He reviewed the Comprehensive Development Plan 165.47 of the City Code: 1. The Planning and Zoning Commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development. He stated we are going through this zoning change without a Comprehensive Plan and mentioned that he was part of the group that worked on it back in 2006 and 2007, no Comprehensive Plan was made for this area and thus it stayed agricultural. He asked if the change will cause hardship for the petitioner or surrounding property owners and will the authorization of such zoning change be of substantial detriment to the adjacent property. He added that as a family they are going to stay neutral and while development in the community is good the Commission is challenged with a very difficult decision with changing from AG to CC in an area that is M2.

Glenn Van Wyk stated they are just south across the highway and that their concern is that as far as their agricultural use they do not want to be held up by

what is put in place now. He added that their concern is that it is not more manufacturing and they have a concern with the smokers lined up by their property. He added that they are staying neutral as Mr. Vander Meiden but wanted to express his opinion as far as agricultural part as once they start building what else is going to come, with concern that agricultural is not deterred.

Dell Collins stated that he has spoken to most everyone in attendance and appreciates their concerns and as part of their manufacturing, this use is something for their employees, they are not going to change from manufacturing. Regarding the smoking he stated that they sympathize with the Van Wyks and they are looking at policies right now and understand that is a concern in the neighborhood. Mr. Collins mentioned they have long said that they are manufacturing and will always be manufacturing but they also look at agricultural as a plus with kids learning, keeping the barns and they can go out and watch the harvest and planting outside. They are looking at this as a positive thing and certainly to promote manufacturing as they continue to grow and do well and being able to attract employees, and they will try to do everything in their power to be good neighbors.

Lyle Vander Meiden mentioned a point of interest for clarification that he would like to have an opinion for the Commission on conflict of interest.

George Wesselhoft responded that the City Attorney was conferred with in advance and that there are two areas of conflict of interest, legal conflict of interest and perceived conflict of interest, only the management level employees at Vermeer Corporation would need to abstain to avoid a legal conflict of interest. Other employees that are not management that serve on the Planning and Zoning Commission may still vote on the rezoning.

There was further discussion.

The public hearing was closed.

- 5) Rezoning Application by Vermeer Manufacturing Company to Rezone 1688 Adams Avenue (Legal: The West Fractional Half of the Southwest Quarter, and the West Half (also described as the West 20.41 acres) of the Northeast Quarter of the Southwest Quarter; all in Section Six, Township Seventy-six, Range Seventeen, Mahaska County, Iowa.) from A1 Agricultural Zoning District to CC Community Commercial Zoning District. Vermeer Manufacturing Company submitted rezoning application for the property east of the Lely and Global Pavilion areas in Mahaska County. This includes 79.28 acres. The current zoning under the extraterritorial zoning is A1 Agricultural. The proposed zoning is CC Community Commercial. The proposed use is an early learning center (day care center) and other potential future projects. Since no manufacturing is proposed and since the property is separated from the rest of the Vermeer campus by the public right of way (county line road) the necessary zoning is commercial instead

of industrial. The Comprehensive Plan, Future Land Use Map targets the area proposed to be rezoned for Agriculture. Therefore, the rezoning proposal is not consistent with the Comprehensive Plan

Ervin Van Wyk asked why they want to do the whole 79 acres commercial and not just the area where the day care will be located.

Dell Collins responded that the plots that they came out, they will be touching two of them as far as where this will be located and also the lines for geothermal.

Gary Van Vark asked about not rezoning the whole 79 acres and what other uses are planned since they are proposing the whole 79 acres.

Dell Collins responded they are willing to look at it and that they are considering some type of heritage facility with the Vermeer family property.

Bob Smith pointed out that they own about 150 acres total and they did not do all of their properties as part of the rezoning but because they cross the section line that they that is why they took what they did.

There was further discussion about the rezoning area and possible uses under CC zoning.

Glenn Van Wyk expressed his concern again about agricultural livelihood with the development crossing the county line.

Jim Danks mentioned that they are trying to look out for everyone and mentioned the two mile jurisdiction which has been in place since 2002.

There was discussion about the zoning map versus the Comprehensive Plan as it pertains to M2 heavy industrial in the area.

Julio Chiarella made a motion to recommend approval with direction to amend the Comprehensive Plan. Nelson Bogaard seconded the motion.

Mike Vander Molen mentioned that he supports the rezoning but noted the smoking concern.

Upon vote Chiarella, Bogaard, Danks, Vander Molen, Van Vark, Van Vy, Visser voted yes. Smith, Vos abstained. Motion carried 7 to 0 with 2 abstentions.

- 6) Other Business. There was no other business.
- 7) The meeting was adjourned at 7:35 p.m.

Respectfully submitted,
George Wesselhoft

Planning and Zoning Director