

**MINUTES OF THE BLACK HAWK COUNTY PLANNING AND ZONING
COMMISSION MEETING
First Floor Conference Room - Waterloo City Hall
Wednesday, May 31, 2022, 6:00 p.m.
Meeting was also conducted via Zoom**

Hyberger called the regular monthly meeting of the Black Hawk County Planning and Zoning Commission to order at 6:00 pm, Wednesday, May 31, 2022, at the First Floor Conference Room - Waterloo City Hall.

I. Call to order and roll call

Members present: Sage, Nagle, Bosier, Schares, and Schaefer participated via Zoom. Agee participated in person.

Members absent: None

Also present: Black Hawk County Planning Staff –Seth Hyberger and Lexi Blank participated in person and 10 members of the public participated at the meeting.

Approval of the Agenda

It was moved by Sage and seconded by Schaefer to approve the agenda for May 31, 2022. Motion to approve the agenda carried unanimously.

II. Approval of the minutes for the April 19, 2022 regular meeting.

It was moved by Agee and seconded by Schaefer to approve the minutes. Motion to approve the minutes carried unanimously.

III. New Business

1. 4844 Schenk Road Mixdorf Rezone

Request to rezone 1.5 acres from “A” Agricultural District to “A-R” Agricultural-Residential District in order to construct one new single family home.

Hyberger gave the staff report.

Josh Mixdorf, 4844 Schenk Road, noted the original home that was built at 4844 Schenk Road was destroyed by tornado and was previously located closer to the existing agricultural buildings that currently contain 100 head of cattle and manure pits. The home was later rebuilt on the northwest corner of the lot at 4924 Schenk Road. Mixdorf noted that he will soon be inheriting the farm and will be taking over the cattle operation. That is why he is requesting to rezone the 1.5 acres north of where cattle are located and next to his parent’s existing home. Mixdorf noted that the rezone area is currently pasture and is not in farm production. Schares noted that having driveway access coming off of East Dunkerton Road could be problematic due to poor visibility. Mixdorf indicated he would have road access come off of an existing driveway off of Schenk Road and not off of East Dunkerton Road.

Agee voted to deny the request.

It was moved by Schaefer and seconded by Schares to approve the request by Josh and Hannah Mixdorf to rezone 1.5 acres from “A” Agricultural District to “A-R” Agricultural-Residential District in order to construct a new single family home at 4844 Schenk Road. The request was approved with a 5-1 vote.

2. West of 8226 West Griffith Road AUR Iowa Farm, LLC Rezone

Request to rezone 1.164 acres from “A” Agricultural District to “C-M” Commercial Manufacturing District in order to construct a data center.

Hyberger gave the staff report and noted that the public hearing for the rezone and special permit for a data center west of 8226 West Griffith Road will be combined.

John Paul Baric on behalf of AUR Iowa Farm, LLC, 270 Cornerstone Drive, STE 101 C, Cary, NC, indicated that he only plans to rezone a small portion of the lot that is not being farmed and noted the land was selected because it was formerly railroad land and it is in close proximity of an electric substation. Baric indicated the data center will be constructed to meet all Black Hawk County building code requirements. In addition, Baric stated that the noise level at the data center is at 85 decibels, but the noise drops down to 42 decibels at 120 feet away from the proposed data center site. Therefore the noise created by the data center will be minimal. Baric indicated they worked with Grundy County Rural Electric Cooperative to select the data center location and noted their energy consumption will be reduced accordingly during peak periods to ensure the overall integrity of the local energy grid.

Janelle Glasener, 34332 230th Street, Reinbeck, indicated the proposed data center is not located on former railroad property and the land is prone to flooding. Janelle Glasener questioned if the land can be raised out of the floodplain without impacting or flooding neighboring properties. Lee Koenigsfeld, 1221 R Avenue, Buckingham, noted that groundwork to elevate the site would be intrusive and questioned if the site could be raised in such a way to prevent storm water runoff from impacting neighboring properties.

Barbara Glasener, 808 Cedar Lane, Waverly, indicated that her family has been farming the land for a long time and noted that raising the proposed site will require more than minimal dirt work. In addition Barbara Glasener indicated W Griffith road is often 3 to 5 feet underwater when severe flooding occurs and elevating the proposed site will be bad for the roads and neighboring farm ground. Barbara Glasener stated that neighbor Mary Lynch, 1101 E Avenue, Grundy Center, stated that she isn't sure if installing a sewer septic system and well in the 100-year floodplain will work, and noted the area has suffered from brown outs in the past. Barbara Glasener in addition stated that there are other substation locations in Black Hawk County that are better suited for a data center without floodplain issues.

Jeff Stark, 6 Saint Andrews Court, Alta, noted he is a co-trustee of land with Barbara Glasener and indicated he is against the rezone request. The land already has below market rent because of the flooding issues associated with it and no engineer will be able to elevate the site in such a way that it will prevent flood waterers from impacting his family's property. In addition his aunt depends on the rent generated from the property as part of her retirement income.

Baric indicated that he looked at other sites in Grundy County, but this was the only suitable site with adequate electricity and land owners willing to sell him property for a new data center.

Baric noted that he plans to work with an engineer to design a data center site with a barrier wall and detention that will prevent flood waters from impacting neighboring properties.

Schaes questioned if elevating the site can be engineered in such a way that it would prevent flood waters from impacting neighboring properties. Stark indicated that if the data center is built at that location in the 100-year floodplain, that the applicant will not be able to ensure that storm water will not encroach upon neighboring properties during a flood event.

It was moved by Agee and seconded by Schaefer to deny the request by AUR Iowa Farm, LLC to rezone 1.164 acres from “A” Agricultural District to “C-M” Commercial Manufacturing District in order to construct a data center at west of 8226 West Griffith Road. The request to deny was unanimously approved.

3. West of 8226 West Griffith Road AUR Iowa Farm, LLC Special Permit

Request for a special permit to allow for a data center off of a gravel road, place fill in the 100-year floodplain to elevate the data center buildings three feet above the base flood elevation, and place the data center in the 100-year floodplain in the “C-M” Commercial Manufacturing District.

Hyberger gave the staff report.

It was moved by Agee and seconded by Schaefer to deny the request by AUR Iowa Farm, LLC for a special permit to allow for a data center off of a gravel road, place fill in the 100-year floodplain to elevate the data center buildings three feet above the base flood elevation, and place the data center in the 100-year floodplain in the “C-M” Commercial Manufacturing District at west of 8226 West Griffith Road. The request to deny was unanimously approved.

4. 8226 West Griffith Road AUR Iowa Farm, LLC Rezone

Request to rezone 0.96 acres from “A” Agricultural District to “C-M” Commercial Manufacturing District in order to construct a data center.

Hyberger gave the staff report and noted that the public hearing for the rezone and special permit for a data center at 8226 West Griffith Road will be combined.

John Paul Baric on behalf of AUR Iowa Farm, LLC, 270 Cornerstone Drive, STE 101 C, Cary, NC, noted that the second proposed site only has a small portion currently in the 100-year floodplain. However, that portion of the land will not be utilized for the data center. Baric noted both locations will have the same buildings/equipment and similar site layouts.

Steve Glasner 34332 230th Street, Reinbeck, noted the second site at 8226 West Griffith road is a better location, but it is still located on the low side of the lot where ground or storm water could still pond during a severe rain event. Steve Glasner noted the land should remain agricultural and not be rezoned to commercial. Janelle Glasener also questioned if the data center could cause a small micro-climate. Lee Koenigsfeld, questioned if crop growth could be impacted by the data center and if the electrical connection between the data center and substation will be above or below ground. Lee Koenigsfeld in addition stated that land should still remain agricultural and not converted to commercial. Barbara Glasener indicated she was a co-owner of land to the west

of the rezone area and would like to see the land remain agricultural. Barbara Glasener noted the second site is higher, but water does still pool in the area. In addition Barbara Glasener questioned how employees will gain access to the site and if the land is suitable for a sewer septic system and water well.

Jeff Stark stated that he is a co-trustee of the land adjacent to the second site and questioned why the Planning and Zoning Commission would approve this site for a data center when it should remain agricultural. Baric indicated that the heat produced by the data center will not impact the micro-climate. In addition Baric noted the data center will bring 7 to 8 jobs to the area, hire local contactors for construction, result in \$100,000's being invested into the local economy, and Grundy County Rural Electric Cooperative will have the necessary energy available to support the data center.

Agee noted that the land is really good agricultural land that is some of the best farm land in world. Baric indicated that less than an acre of land will be impacted by this project. Schaefer asked if this project will have any benefit to the agricultural industry. Baric noted that the data farm will draw energy in order to create digital currencies. Jeff Stark stated the data center will not produce crops that will feed the world. Schares voted to approve the request.

It was moved by Agee and seconded by Schaefer to deny the request by AUR Iowa Farm, LLC to rezone 0.96 acres from "A" Agricultural District to "C-M" Commercial Manufacturing District in order to construct a data center at 8226 West Griffith Road. The request to deny carried with a 5 to 1 vote.

5. 8226 West Griffith Road AUR Iowa Farm, LLC Special Permit

Request for a special permit to allow for a data center off of a gravel road in the "C-M" Commercial Manufacturing District.

Hyberger gave the staff report

It was moved by Agee and seconded by Schaefer to deny the request by AUR Iowa Farm, LLC for a special permit to allow for a data center off of a gravel road in the "C-M" Commercial Manufacturing District at 8226 West Griffith Road. The request to deny carried with a 5 to 1 vote.

IV. Discussion

No Discussion Items

Adjournment

It was moved by Sage and seconded by Nagle to adjourn the meeting at 7:30 p.m. Motion to approve carried unanimously.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Seth Hyberger", with a long, sweeping flourish extending to the right.

Seth Hyberger,
Black Hawk County Zoning Administrator