

Minutes of the Marion County Zoning Commission Meeting
October 20, 2020

The Marion County Zoning Commission met on at October 20, 2020 at 5:30p.m. met via Teams virtual meeting in accordance with Marion County's Disaster Declaration and pursuant to Iowa Code 21.8, This meeting will be held electronically as valid concerns exist that an in-person meeting would be impossible or impractical in seeking to adhere to Governor Reynolds State of Public Health Disaster Emergency Proclamation related to COVID-19 Community Spread Mitigation.

Members present were Alan Terpstra, Sandy Agan, Keith Davis, Larry De Zwarte and petitioner Matt Bengtson.

The minutes from the September 15, 2020 meeting were reviewed. Terpstra called for a motion to approve minutes; motion was made by Agan with corrections and a second by Davis; minutes approved.

68612- The request is to rezone from A-1; Agricultural to A-R; Ag Residential to allow for a parcel split in an area where the density of the tract requires a rezoning in accordance with 55.24 (6) Bulk Zoning Regulations for Marion County. The request for rezoning was made by MBV Properties, LLC for Parcel 2000100500 Parcel B: A parcel of land now included in and forming a part of the Northwest Quarter of the Northwest Quarter of Section 30, Township 77 North, Range 21 West of the 5th P.M., Marion County, Iowa more particularly described as follows: Beginning at the Northwest Corner of Section 30, Township 77 North, Range 21 West of the 5th P.M., Marion County, Iowa; thence North 89°20'04" East along the North Line of the Northwest Quarter of the Northwest Quarter of said Section 30; a distance of 952.13 feet to the Northeast Corner of the Northwest Quarter of the Northwest Quarter of said Section 30; thence South 00°21'40" East along the East line of the Northwest Quarter of the Northwest Quarter of said Section 30, a distance of 1318.56 feet to the Southeast Corner of the Northwest Quarter of the Northwest Quarter of said Section 30; thence South 89°39'22" West along the South Line of the Northwest Quarter of the Northwest Quarter of said Section 30, a distance of 526.13 feet; thence North 00°11'59" West, a distance of 68.57 feet; thence North 85°01'10" West, a distance of 431.44 feet to a point on the West Line of the Northwest Quarter of the Northwest Quarter of said Section 30; thence North 00°11'59" West along said West Line, a distance of 1204.61 feet to the Point of Beginning, containing 27.94 Acres, which includes 2.07 Acres of Public Highway Easement, subject to all easements, restrictions and covenants of record.

MBV Properties, LLC purchased Parcel 2000100500 and propose to divide into 4 lots. Per Marion County Bulk Zoning Regulations for A-1 Zoning 55.24 (5) 4 dwelling are allowed per 40-acre aliquot tract before rezoning to A-R; Ag Residential is required and a minimum of a minor plat is required. The bulk regulations allow for 4 dwellings per tract and there is currently a dwelling in the subject tract extending from the tract to the south therefore requiring the rezoning and minor plat of subdivision.

Poffenbarger explains the Land Use Plan shows this area as Agricultural which allows for A-R, Ag Residential.

Poffenbarger explains the area around the subject parcel is predominately ag residential which was developed prior to the requirement to rezone.

Poffenbarger explains this should be a two-part action. Action should be taken on the rezoning before reviewing the minor plat.

The Zoning Commission agrees with the proposed rezoning.

With no further questions Terpstra called for a motion. De Zwarte made a motion to approve the rezoning from A-1; Agricultural to A-R; Ag Residential and Agan seconded the motion. A roll call vote was taken.

Terpstra aye
Agan aye
Davis aye
De Zwarte aye

Poffenbarger explains there are still requirements needed on the plat before moving forward for final approval with the Board of Supervisors. The developer is aware of the requirements and the surveyor and lawyers are working on the following items:

- Building setback lines
- Any easements
- Adjoining property owners

The following documents need to be prepared:

- Owners Consent to Plat
- Resolution
- Mortgage holder consent restrictive covenants
- Title opinion
- Treasurer certificate
- Auditors' name approval certificate

Poffenbarger discusses the size of the lots range from 4.5 to 8.6 acres in size, plenty of room for septic.

All lots meet the minimum requirements for frontage.

Poffenbarger goes on to explain Marion County Secondary Roads has approved the driveway which will serve Lot 1 on Dubuque Dr. Lot 2 is served by an existing drive on to Hwy 316 and the petitioner is working with the DOT on the application for a joint driveway to serve Lot 3 and Lot 4. Since Lot 3 and 4 will have a shared driveway as preferred by the DOT a 60' easement is shown on Lot 3 and 4 for both lots to share to eliminate any potential issues in the future.

Poffenbarger explains the septic for Parcel A south of Lot 4 has an easement to be shown on Lot 4. The existing septic can stay until such time there is an upgrade to the septic. The easement is recorded.

With no further questions Terpstra called for a motion. Davis made a motion to approve with all the additional changes or requirements being done prior to moving forward to the BOS and Agan seconded the motion. A roll call vote was taken.

Terpstra aye
Agan aye
Davis aye
De Zwarte aye

Petition 68612 will move forward for review by the Board of Supervisors after all the following are done:

- Building setback lines
- Any easements
- Adjoining property owners

The following documents need to be prepared:

- Owners Consent to Plat
- Resolution
- Mortgage holder consent restrictive covenants
- Title opinion
- Treasurer certificate
- Auditors' name approval certificate

Terpstra called for a motion to adjourn. De Zwarte made the motion and Davis seconded the motion to adjourn, all ayes.

Minutes by Melissa Poffenbarger