

Minutes of the Marion County Zoning Commission Meeting
March 23, 2021

The Marion County Zoning Commission met on March 23, 2021 at 5:30p.m. met via Teams virtual/in person 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, Sarah Treft, Larry De Zwarte and Keith Davis. Other participants were Doug and Jana Van Polen, Ryan Koster, Richard Klein, Mark Klein, Duane Ver Ploeg.

Approval of the minutes was tabled as the packets contained the wrong minutes. Davis made the motion to table and Agan seconded the motion.

The order of the agenda was amended. Review of Petition 72625 Ver Ploeg Land LLC campground site plan was presented. Legal description: A general legal description for the existing area of the existing campgrounds, being the most southerly portion of Parcel 1286300100 and the most southerly portion of Parcel 1286100100 lying along the river. LEGAL DESCRIPTION: All that part of Government Lot 2 of Section 33, Township 76 North, Range 18 West of the 5th P.M. lying immediately adjacent to the Des Moines River and being presently used as campgrounds with buildings defined and assessed by the County as buildings on leased land. Individual buildings are defined by address and latitude and longitude coordinates as listed in the office of Marion County Planning and Zoning.

Poffenbarger explained this is a very basic site plan designed to bring a long-time existing campground area into compliance. The Board of Adjustments just approved the Special Use Permit for the campground. A requirement of 55.38 SUP is presenting the site plan to the Zoning Commission and the Board of Supervisors. The basic goal is the following:

1. Assign each property an E911 address as an identifier. Each area has a defined lease area.
2. All permanent properties must be grandfathered in or meet FEMA flood plain requirements.
3. All properties wells and septic systems must meet Marion County and Iowa DNR requirements.
4. Properties are not met for full time living. The 2 full time living units are grandfathered and allowed to continue until the existing structure becomes unlivable.

Poffenbarger explained the resolution adopted by the BOA in the meeting prior covered all the points.

The Zoning Commission was satisfied with materials presented by Poffenbarger.

With no further questions Terpstra called for a vote. Davis made a motion for approval and Agan seconded the motion. A roll call vote was taken.

Terpstra	aye
Agan	aye
Davis	aye
Treft	aye
De Zwarte	aye

Petition – 73453 – Ryan and Alicia Koster are requesting a zoning change on Parcel 1985803000. The rezoning request is to go from A-1; Agricultural to A-R; Ag Residential. This requirement is required per 55.24 (6) 4 dwellings/buildable lots per tract of ground. The legal description is:

Parcel G (Recorded Book 2013, Page 341) described as the West 550.3 feet of the East One-half of the Southwest Fractional Quarter (E1/2-SW Fr. ¼), Section 19 Township 77 North, Range 21 West of the 5th P.M., Marion County, Iowa, EXCEPT the South 435.6 feet thereof, lying south of the centerline of Drake Street as it presently exists and more particularly described as follows: (The South line of the SW Fr. ¼ is assumed to bear N90°00'00"E) Beginning at the SW corner of the NE1/4-SW Fr.1/4 of said Section 19, thence N00°02'10"E, 36.02' along the West line of said NE1/4-SW Fr.1/4 to said centerline of Drake Street; thence along said centerline S88°46'49"E, 65.33 feet to the P.C. of a 1000.00 ft. radius curve to the right; thence along said curve 111.81 feet, central angle 6°24'23", to the P.T. of the curve, chord for said curve being S85°34'38"E, 111.75; thence continuing along said centerline S82°22'26"E, 376.86 feet; thence S00°02'10"W, 855.65 feet to the North line of the South 435.6 feet of the SE1/4-SW Fr.1/4; thence along said North line S90°00'00"W, 550.30 feet to the West line of said SE1/4-SW Fr.1/4; thence along said West line N00°02'10"E, 879.65 feet to the Point of Beginning and continuing 11.255 acres, less .2555 acres, subject to road easement, 11.000 net acres remaining.

Poffenbarger explained the request is compatible with the area that is predominately rural residential. Many of the homes/lots were created prior to the ordinance change so there was no rezoning requirement. The adjacent parcel to the east was rezoned to A-R; Ag Residential in 2013. A waiver of subdivision was allowed at that time as well.

The Land Use Plan is Agricultural which allows for the request. The 13 acres is being split in to two parcels by minor subdivision to be presented in the next action.

Only the neighbor to the east called about the request. His only concern was his taxes being affected.

Poffenbarger explained Marion County Zoning had no concerns.

With no further questions Terpstra called for a vote. De Zwarte made a motion for approval and Davis seconded the motion. A roll call vote was taken.

Terpstra	aye
Agan	aye
Davis	aye
Treft	aye
De Zwarte	aye

The final plat Platinum Acres Minor Subdivision also proposed on Parcel 1985803000 was presented. Legal description is:

Parcel G (Recorded Book 2013, Page 341) described as the West 550.3 feet of the East One-half of the Southwest Fractional Quarter (E1/2-SW Fr. ¼), Section 19 Township 77 North, Range 21 West of the 5th P.M., Marion County, Iowa, EXCEPT the South 435.6 feet thereof, lying south of the centerline of Drake Street as it presently exists and more particularly described as follows: (The South line of the SW Fr. ¼ is assumed to bear N90°00'00"E) Beginning at the SW corner of the NE1/4-SW Fr.1/4 of said Section 19, thence N00°02'10"E, 36.02' along the West line of said NE1/4-SW Fr.1/4 to said centerline of Drake Street; thence along said centerline S88°46'49"E, 65.33 feet to the P.C. of a 1000.00 ft. radius curve to the right; thence along said curve 111.81 feet, central angle 6°24'23", to

the P.T. of the curve, chord for said curve being S85°34'38"E, 111.75; thence continuing along said centerline S82°22'26"E, 376.86 feet; thence S00°02'10"W, 855.65 feet to the North line of the South 435.6 feet of the SE1/4-SW Fr.1/4; thence along said North line S90°00'00"W. 550.30 feet to the West line of said SE1/4-SW Fr.1/4; thence along said West line N00°02'10"E, 879.65 feet to the Point of Beginning and continuing 11.255 acres, less .2555 acres, subject to road easement, 11.000 net acres remaining.

Poffenbarger explained this is a two-lot subdivision that meets the lot size requirements, frontage requirements, access requirements, the ability for septic system. One lot is 3.47 and the other lot is 7.43. At this time, they will utilize the same driveway. The ability for each lot to have a driveway.

Poffenbarger has no concerns with Platinum Acres Minor Subdivision.

With no further questions Terpstra called for a vote. Treft made a motion for approval and Agan seconded the motion. A roll call vote was taken.

Terpstra	aye
Agan	aye
Davis	aye
Treft	aye
De Zwarte	aye

Petition 73747 – VP Farms presented Phase 2 site plan of the Gathering Grounds at 2125 Hwy 5, Bussey. The LEGAL DESCRIPTION: The W1/2 of the NW1/4 of Section 17, Township 74 North, Range 18 West of the 5th P.M. lying west of Parcel B thereof according to Plat of Survey recorded in Book 241, Page 16, except the South 478 feet thereof; AND the East 1000 feet of the SE1/4 of the NE1/4 of Section 18, Township 74 North, Range 18 West of the 5th P.M.

The property was rezoned by the BOS on March 9, 2021 and Phase 1 site plan was approved.

Phase 2 details –

Celebration facility – 5888 sq. ft.

Lodge facility – 3854 sq. ft. – 12 -bedroom lodge

85 additional parking spots are required for Phase 2. 21 stalls at the celebration barn will be paved. 9 will be paved at the proposed lodge.

Concrete sidewalks will lead from the pave parking lots to the celebration barn and lodge.

Phase 2 has 4 additional ADA parking spots.

The County Engineer has reviewed the site plan included and has no concerns.

The location of the septic is shown on page 1 of the Garden and Associates design. Page 4 is the details of the septic servicing the Phase 2 buildings. The septic is required to meet Marion County Environmental Health codes and the State of Iowa DNR codes. Marion County Environmental Health has reviewed the plans and has no concerns.

The access has been approved at the proposed location by the Iowa DOT.

A variance was approved on February 23, 2021 for the paving requirements.

The existing drive is 925 feet and 24 feet wide gravel drive with a paved approach in the Right of Way. The design of the paved approach is shown on page 2 of 4 of the engineered drawings.

The property owner and/or contractor are required to get the NPDES permits required for excavation of more than one acre of ground and install the proper erosion control during construction.

Detention basins are not required with this project. There is an existing 8-acre pond on the Van Polen property down hill from the proposed structures to be utilized as a catch basin for drainage. The elevation of the celebration barn is 790 feet, and the proposed lodge is 810 feet. The pond is approximately 780 feet or less. Plans show the proposed tile to the pond to handle run off.

Existing trees and open space are shown. After the completion of the celebration barn trees will be planted.

There are no setback concerns from the rezoned district.

The parking spots are 18' x 8'6" with 24' wide aisle.

Utilities are underground as verified by Iowa One Call.

MidAmerican Energy is the electrical provider.

Marion County Rural Water is the water provider.

Security lighting will be placed on the buildings. At this time further lighting on the driveway and parking is not determined.

The property owner/contractor and/or architect are responsible to contact the State of Iowa Fire Marshall as to the sprinkler requirements that may impact the project. Marion County Ordinance does not have requirements pertaining to sprinklers.

Proposed signage is undetermined at this time. There will be a sign at the entrance. The owner is aware they must meet Marion County Code 55.20.

Poffenbarger explained the project was pretty much self-contained and had no impact on neighboring properties.

With no further questions Terpstra called for a vote. Treft made a motion for approval and Agan seconded the motion. A roll call vote was taken.

Terpstra	aye
Agan	aye
Davis	aye
Treft	aye
De Zwarte	aye

With no further questions Terpstra called for a vote. Agan made a motion for approval and Davis seconded the motion. A roll call vote was taken.

Terpstra	aye
Agan	aye

Davis aye
Treff aye

Poffenbarger explained she had hoped to have a draft of the proposed changes to the ordinance but it is still being reviewed by the attorney.

Terpstra called for a motion to adjourn. Agan made the motion and Treff seconded the motion to adjourn, all ayes.

Minutes by Melissa Poffenbarger

DRAFT