

Minutes of the Marion County Zoning Commission Meeting
January 18, 2022

The Marion County Zoning Commission met in person on January 18, 2022, at 5:30p.m. 3014 East Main St., the Marion County Office Building. Virtual attendance option was available from the Marion County website.

Poffenbarger called the meeting to order since this was the first meeting of the year until a vote could be taken on chairperson for 2022.

Davis made a motion for Terpstra to serve as chair and Agan seconded the motion. Terpstra will be the chairman for 2021.

Terpstra	Abstain
Treft	absent
Davis	aye
De Zwarte	aye
Agan	aye

Terpstra called for a motion for vice chairman. Agan made a motion for Davis to be vice chair. De Zwarte seconded the motion. Davis remaining the vice chair for 2021.

Terpstra	aye
Treft	aye
Davis	Abstain
De Zwarte	aye
Agan	aye

Members present were Alan Terpstra, Sarah Treft, Keith Davis and Larry De Zwarte and Sandy Agan was present online. Members of the public present were Jack Wooldridge, Amy Lenger, Ben Lenger, Pat Ryan, Tim and Mayele Pearce, Brian Davis and Ebon Carter.

The December 21, 2021, minutes were presented for approval. Chairman Terpstra called for a motion for approval. Treft made a motion to approve, and Davis seconded the motion. A roll call vote was taken.

Terpstra	aye
Treft	aye
Davis	aye
De Zwarte	aye
Agan	aye

Petition 86677 was presented- Site plan for Developing Great Relationships. The property is described as: North 250 feet of the West 435 feet of the SW1/4 of the NW1/4 of 24-77-18 and Parcel C of the NW1/4 of 24-44-18. Parcel 1341802000 and 1342000200. The property will be assigned addresses upon approval. The private drive is proposed to become 241st Ln.

Poffenbarger explained the Board of Adjustments issued a Special Use Permit for the campground use at the January 18, 2022, meeting prior to the Zoning meeting.

Poffenbarger explained the site plan presented.

The proposed use of the property is a private campground which will include 5 cabins and the existing tennis court which will also be meeting facility.

The proposed private permanent campground will include 5 – 20' x 25' private cabins and the existing tennis court that will be utilized as a common area.

Each cabin will have one bedroom and one bathroom.

The cabins will be exclusively used for seminars and retreats. The events will be 1 night to 5-night events. Hours of operation are 6 to 12 events a year. The property will be used year around but only one week a month. Arrival will be on Sunday with departure on Fridays.

The cabins will not be available for rent by the public.

The property is served by Rural Water.

The proposed cabins will be required to meet the septic requirements of Marion County Environmental Health.

Lighting will be an external light on each cabin and common night lights on the property.

Signage will be on the individual cabins. There is no plan for public signage at the road.

Parking is currently available at the common area. Private parking will be available at each cabin.

The closest neighboring home other than Mr. Vermeer is approximately 825 feet away.

The property is served by a private driveway that services Mr. Vermeer's entire property.

Due to the date of the survey on the property being prior to 2010 the property can utilize the private driveway by easement access. The current width of the private drive parcel is 100 feet.

Chairman Terpstra called for a motion for approval of the site plan for Developing Great Relationships. Davis made a motion to approve, and De Zwarte seconded the motion. A roll call vote was taken.

Terpstra	aye
Treft	aye
Davis	aye
De Zwarte	aye
Agan	aye

Poffenbarger will forward to the Marion County Board of Supervisors for the January 25, 2022, meeting.

The next action is a change to the Marion County Land Use Map for the area described as: The SE1/4 of the SE1/4 of the NE1/4 & the E327.6' of the NE1/4 of the SE1/4 of the NE1/4 of Sec. 9-75-19 from Agricultural to General Commercial. This action is necessary before rezoning petition #86677 can be heard.

Poffenbarger explains that there is intermixed land use in the area ranging from Agricultural to Commercial and Industrial. The area has highway access which is necessary for some of the uses in the area. According to the compatibility chart Ag and Industrial are reasonably compatible.

Poffenbarger also explained sometimes the land use is changed and expanded further than the rezoning. This is handled on individual basis. In this situation it is only recommended that the proposed rezone area land use be amended. This ensures the rezone area could not expand further than proposed without additional expansion of the land use.

During the discussion of the land use change Poffenbarger gave some of the history of the area and the reason Marion County Zoning feels this rezoning makes sense to clean up the area.

The property at 1558 Hwy T15 was granted a s SUP in 1990 for Gary Lenger and allowed to have up to 50 cars. On the 2000 zoning map the property was upgraded to C-2 Commercial. SUP run with the property.

The property at 1558 is 1.6 acres, there is nowhere to expand and difficult to screen from neighbors and the general public due to the lay of the land.

In April 2021 Mr. Lenger received a violation notice on the property at 1596 Hwy T15 and was required to clean up the cars. During this time the rezoning discussion came forward.

At that time Mr. Lenger did clean up the property at 1596 Hwy T15 and move any salvage he was keeping to the property zoned to allow it at 1558.

The property at 1596 Hwy T15 could be properly screened if the rezoning is approved. Salvage yards per the Marion County Zoning code are required to be screened as a part of the Special Use Permit that would be heard only if the rezoning is approved. This requires the fence to be at least 6 feet of wood, masonry, or if allowed steel. Openings cannot be less than 15 percent.

Mr. Lenger has proposed M-2 restricted. Meaning the front 660 feet of the proposed rezone area would be for decommissioning the cars. This area is proposing to also be screened from the building west back to the tree line.

The request for fencing would be to screen the entire west side open to neighboring properties and be allowed to utilize the trees as natural screening. The back 665 feet of the proposed rezone area would be the holding area and enclosed by trees on 3 sides.

If the salvage operation were to be moved to the proposed location. The operation would not be visible to the neighbors or passerby.

If the operation is to be allowed to move an amendment for the current operation at 1558 would be submitted to the BOA with the SUP to only allow 12 cars for sale with absolutely no salvage to be stored at 1558.

If the rezoning is not approved no changes will be made to the operation at 1558.

Terpstra explains the land use change is necessary if the proposed rezoning is to move forward. Changing the land use in the area is not a guarantee that the rezoning will be approved.

After further discussion from the commission Chairman Terpstra called for a motion for approval of the land use change from Agricultural to Industrial. De Zwarte made a motion to approve, and Davis seconded the motion. A roll call vote was taken.

Terpstra	aye
Treft	aye
Davis	aye
De Zwarte	aye
Agan	aye

Petition #86677 – The rezoning request from CJ Auto Salvage is for Parcel 0560200500 – 1596 Hwy T15, Knoxville, IA. (Legal description: The SE1/4 of the SE1/4 of the NE1/4 & E327.6 feet of the NE1/4 of the SE1/4 of the NE1/4 of 9-75-19 in Marion County. The request is to rezone from A-1; Agricultural to M-2; Heavy Industrial Restricted.

The proposed rezone area will be defined as:

The north 5 acres defined as: The East 327.6 feet of the NE¼ of the SE¼ of the NE¼ of Section 9, Township 75 North, Range 19 West of the 5th P.M. will be for the decommissioning of the vehicles with no salvage storage. The proposal is to fence from the existing 30' x 115' building west 150 feet and then south 100 feet to the fence line. The fence would have a gate in it to allow use of the drive to the containment area. The proposed fence would ensure screening from the neighboring properties and ensure that the operation does not expand outside the rezone area. This fence would need to be a 6-foot fence.

The vehicle containment area would be defined as: The SE¼ of the SE¼ of the NE¼ of Section 9, Township 75 North, Range 19 West of the 5th P.M. This area would be approximately 10 acres. The proposed 10 acres to be used for salvage containment is surrounded by trees on three sides and the Lenger's own the property around the containment area. The Lenger's are proposing to screen the west side which is open. Ultimately the screening is determined by the Board of Adjustments after the rezoning is finalized.

By defining and restricting the areas it would ensure minimal visibility from the neighbors and the passing public.

Mr. Ryan and Mr. Wooldridge have concerns about the property screening and protecting their property from the proposed use.

Mr. Wooldridge had several concerns about 1558 Hwy T15 after the history discussion. Poffenbarger explained although including the proposed changes was important the discussion tonight only pertains to the 1596 Hwy T15. Only if the proposed rezoning is approved will there be any changes to 1558 Hwy T15. That amendment would be handed by the Board of Adjustments.

Poffenbarger stated the County has received an acknowledgement from Katie Lenger as to the proposed change. Marion County required this acknowledgement since Katie Lenger is ½ owner and does not live around here. All property owners are responsible for actions on their property.

The lot in front of 1596 Hwy T15 is also owned by Mr. Lenger. This parcel is not being included in the rezoning. It was determined this parcel was not a viable prospect for access by the County Engineer.

The commercial driveway is a shared driveway with Mr. Lenger's residence. There is a recorded easement in place for the shared driveway. The allowance for an easement is allowed according to legal representation opinion since the building at 1596 Hwy T15 was built prior to the ordinance change in 2010 and therefor allowed by implied easement.

The driveway since now being used as a commercial driveway will need to be paved within the right-of-way according to 55.22 (3) B - B. Any off-street parking area having access from a paved public street or highway shall have a paved approach within the public right-of-way. The pavement materials for the approach, size and location of any required culverts, and the location for all driveway approaches shall be approved by the County Engineer. Refer to Section 55.31 for parking lot design standards associated with site plans.

Davis feels making the restrictions and stipulations clear is important in the rezoning.

Agan made a motion to approve the M-2 Restricted for salvage described as the front The East 327.6 feet of the NE¼ of the SE¼ of the NE¼ of Section 9, Township 75 North, Range 19 West of the 5th P.M. for decommissioning only which is approximately 660 feet back and 5 acres. A required 6-foot screening would be required from the existing building west 150 feet and south 100 feet to the tree line to ensure there would be no visibility to the neighbors. The containment area would be defined as: : The SE¼ of the SE¼ of the NE¼ of Section 9, Township 75 North, Range 19 West of the 5th P.M. This area would be approximately 10 acres for the salvage containment area.

After further discussion from the commission Chairman Terpstra called for a second on the motion to approve and De Zwarte seconded the motion. A roll call vote was taken.

Terpstra	aye
Treft	aye
Davis	aye
De Zwarte	aye
Agan	aye

Petition #86677 will be forwarded to the Board of Supervisors as approved on February 8, 2022. Poffenbarger explained to the neighbors they will receive notice of the BOS meeting in the form of a postcard.

The site plan for Petition #86677 was presented by Poffenbarger

The business plan presented shows CJ Auto Salvage will employ up to 6 people.

Parking for employees and customers will be provided on the east and south side of the building. There is currently one paved spot for ADA.

Hours of operation Monday thru Friday 8:00a.m. to 5:00p.m. Saturdays is by appointment only.

The current building is 30 feet x 115 feet. No additional buildings are being proposed at this time.

According to Marion County Environmental Health there is a permitted septic on the existing building.

Marion County has a copy of the Storm Water Permit obtained from the Iowa DNR for the proposed operation. The Iowa DNR does yearly monitoring of the storm water.

A business sign will be applied for and installed according to Marion County Zoning Code 55.20.

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The driveway since now being used as a commercial driveway will need to be paved within the right-of-way according to 55.22 (3) B - B. Any off-street parking area having access from a paved public street or highway shall have a paved approach within the public right-of-way. The pavement materials for the approach, size and location of any required culverts, and the location for all driveway approaches shall be approved by the County Engineer. Refer to Section 55.31 for parking lot design standards associated with site plans.

Chairman Terpstra called for a motion on the site plan. Davis made the motion and Treft seconded the motion. A roll call vote was taken.

Terpstra	aye
Treft	aye
Davis	aye
De Zwarte	aye
Agan	aye

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

Minutes by Melissa Poffenbarger