

Minutes of the Marion County Zoning Commission Meeting
August 16, 2022

The Marion County Zoning Commission met in person on August 16, 2022, at 5:00p.m. 3014 East Main St., the Marion County Office Building. Virtual attendance option was available from the Marion County website.

Acting Chairman Davis called the meeting to order. The members present were Keith Davis, Sarah Treft, Leslie Miller and Larry De Zwarte. Members of the public present were:

AJ Horrigan
Josh Padget
Kari Padget
Randy Roth – Des Moines Skydivers
Brandon Stevens
Jessi Vos
Teri Vos
Rob Vos
Betty Van Zee
Arvan Van Zee
Darrell Boot
Bonnie Boot
Jay Boot
Kelsey Boot
Klayton Boot
Kenzey Boot
Keith De Bruin
Justin Boot
Alivia Boot
Verle Boot
Corrine Boot
Dan Van Donselaar
Larisa Van Donselaar
Cory Sims
Dana Sims
David Boot

Online attendees:

Paul Monsma
Rhonda Scott
David Scott
Vernon Boot

Minutes from the April 19, 2022, were reviewed and Miller made a motion to approve and Treft seconded the motion. A roll call vote was taken.

Davis	aye
De Zwarte	aye
Miller	aye
Treft	aye

Minutes from the July 18, 2022, work session were reviewed and De Zwarte made a motion to approve and Miller seconded the motion. A roll call vote was taken.

Davis	aye
De Zwarte	aye
Miller	aye
Treft	aye

Due to technical difficulties Chairman Davis advised the agenda would be amended to accommodate the online participants for Petition 892 rezoning of Parcel 1347501000 and Petition 893 Des Moines Skydivers site plan.

Poffenbarger presented the facts on the request from the Des Moines Skydivers for the public hearing.

There was no neighbor input on the site plan.

The DM Skydivers are going to be operating out of the Knoxville Airport. The airport does not allow on site camping, so the proposed site owned by Dan and Larisa Van Donselaar is the next closest property. Marion County has a copy of the 20-year lease for the 3 acres.

The property is zoned M-1 as a protection to the airport. Rezoning would not be an option. Private clubs are an allowed use in M-1 zoning.

The airport commission has sent a letter of support for the requested use of a private club house with sleeping space, shower house and bathroom facilities with accessory camping for club members only.

Davis asked about height restrictions with the airport. Van Donselaar added that there are not height restrictions at the beginning of the runway.

Poffenbarger went through the checklist.

The area is gated at the approved entrance for safety concerns.

The only lighting will be on the clubhouse.

The only signage is directional signage within the lease area. No signage will be posted along the County Road.

Water and electric will be installed in 2023. As of now no septic dump station will be installed. A contract with a septic pumper is in place for campers that will remain onsite all summer long, April to October. A septic will be installed per Marion County code for the club house.

2 ADA camping spots will be installed at the clubhouse. Area at each camper allows for parking of members.

The proposed 50' x 50' clubhouse is proposed for 2023.

Poffenbarger asked the group if there was anything to add with minimal additions.

Davis called for a motion to close the public hearing. Miller made the motion and De Zwarte seconded the motion.

Davis	aye
De Zwarte	aye
Miller	aye

Treft aye

With all the questions satisfied about the site plan Davis called for a vote. Miller made a motion and Treft seconded the motion.

Davis aye
De Zwarte aye
Miller aye
Treft aye

The public hearing portion of Petition 892 was open. Rezoning of Parcel 1347501000 from A-1 to A-R to allow for further residential development. This rezoning is a requirement in areas the density of the A-1 zoning district exceeds 4 buildable lots.

Poffenbarger explains the current future land use map shows the area as low density residential which allows for estate rural residential lots.

There is concern from Teri Vos over the wording of the Future Land Use Plan. A-R zoning is shown under the Agricultural land use which restricts the buildable lots per 40. Poffenbarger explains perhaps the A-R is not listed in low density residential, but the concept of rural residential lots is listed in the application. Poffenbarger notes the miswording of the land use plan to be updated in the future update process.

Poffenbarger explains the proposed future driveways have been approved by the County Engineering Department. Poffenbarger presents the proposed layout of the minor subdivision is the rezoning is approved.

The neighbors all voice great concern and question the location of the future driveways approved based on their past experiences with driveways and traffic concerns. Poffenbarger explains the driveway locations will be verified during the platting process.

Letters were received from Darrell and Bonnie Boot and Jay Boot as well as a response email from Rhonda Scott to address their concerns. Poffenbarger stated the Zoning Office also received calls from Teri Vos, Vernon Boot and Fred Kreykes, attorney for the Boot family with concerns.

The letters received listed concerns based on:

- Traffic
- Conflict between farm and residential and farm operations, dust, smell, large equipment
- The allowance to expand the hog or cattle feeding operation if there are additional residences
- Safety risks with additional houses and population in the area
- The future of their family operation with more homes are built in the area
- Future generation succession on the property

Poffenbarger explained she had been in contact with the Iowa DNR and there are no setback requirements for the open feeding operation currently on the Boot property.

Treft asks about the number of acres they have and the possibility to locate any future operation somewhere else on the property. Boots feel that is not feasible to move infrastructure to do so.

Poffenbarger explains that although no one likes to change the majority of the Monsma family have moved from the area and the property is going to be sold it is just a matter of how that will look. Five lots if the rezoning is approved. If split into five lots there would be very little chance of the property being split into any smaller lots. The property can

still be split into two parcels by plat of survey in accordance with the Marion County Zoning Ordinance. Selling the property is the current owners right. Poffenbarger also explains that if the property were sold in two chunks someone else may want to split it up even further into a major subdivision.

Treft asks Boots if there have been discussions to try and purchase the property. Darrell Boot states yes in passing but the attempts have been unsuccessful. Bonnie Boot feels the asking price will be more than a farm family can afford. Poffenbarger explains that although the two parties can certainly do that it should not affect the action on the petition which should be based on the facts before them. Poffenbarger did express if there were conversations between the parties, please notify the zoning office. If there is a potential sale of the property a rezoning would not be necessary.

The commission heard from Darrell Boot, Bonnie Boot, Jay Boot and Justin Boot with all the same basic concerns about the incompatibility of farming and residential. The concerns for safety and future expansion.

Vernon Boot was available online his concern is sensible use of the land, more productive farmland cannot be created we need to value what we have.

Teri Vos spoke to the approved driveways, and she disagrees with the approvals. She also states the portions of the land use plan referring to ag preservation and feels the rezoning would go against the land use plan. Poffenbarger points out that this area along Hwy T14 is shown as low density residential.

Davis called for a motion to close the public hearing. Treft made the motion and Miller seconded the motion.

Davis	aye
De Zwarte	aye
Miller	aye
Treft	aye

The commission had further discussion about tabling the petition for further review of the driveways. Treft voiced concern about the drive living in the area.

Davis expressed concern about developing farm ground.

De Zwarte is not in favor of developing farm ground.

Poffenbarger points out that they have four options: approve, approve with amendments, table for further information, or deny.

Davis called for a vote on Petition 892. De Zwarte made a motion to deny and Treft seconded the motion.

Davis	nay
De Zwarte	nay
Miller	abstains
Treft	nay

Poffenbarger explained the petition can still move forward with a recommendation of denial from the Zoning Commission to the Board of Supervisors. Poffenbarger informed the crowd all neighbors would be notified if the petition moves on to the Supervisors. She also stated if they chose to do a plat of survey and split two lots there will be no requirement for notification.

Poffenbarger asked the commission if they have any changes to be made to the proposed updates to the zoning ordinance. No noted changes from the commission. Poffenbarger states she will forward to the County Attorney for review and hope to have the public hearing with the commission on October 18, 2022.

Davis called for a motion to forward as presented to the County Attorney for review. Miller made the motion and Treft seconded the motion.

Davis	aye
De Zwarte	aye
Miller	aye
Treft	aye

Davis called for a motion to adjourn. Treft made the motion and Miller seconded the motion to adjourn, all ayes.

Minutes by Melissa Poffenbarger