

Minutes of the Marion County Zoning Commission Meeting
June 20, 2023

The Marion County Zoning Commission met in person on June 20, 2023, at 5:00p.m. 3014 East Main St., the Marion County Office Building.

The members present were Leslie Miller, Keith Davis, Sarah Treft and Sandy Agan.

The public members present were Terri Chapman, Clark Symington, Val Symington and Matt Symington.

The May 16, 2023, minutes were presented for approval. Chairman Davis called for a motion for approval. Miller made a motion to approve, Agan seconded the motion. A roll call vote was taken.

Davis	aye
Miller	aye
Agan	aye
Treft	aye

Davis opened the public hearing for Petition 901 – Lautenbach LC request for rezoning Parcel 0840100500 from the current A-1 zoning to A-R; Ag Residential to allow for further development as required by 55.24 Marion County zoning regulations. Described as:

Legal Description: That part of the Northeast Quarter of Section 36, Township 76 North, Range 19 West of the 5th P.M., Marion County, Iowa, described by Real Estate Contract 2019-443.

That part of the East 10 acres of the SW1/4 of the NE1/4, and that part of the West 10 acres of the SE1/4 of the NE1/4 of Section 36, Township 76 North, Range 19 West of the 5th P.M., lying East of County Road T-15 and North of County Road G-46, except the north 30 feet thereof.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

That part of the Northeast Quarter of Section 36, Township 76 North, Range 19 West of the Fifth Principal Meridian, Marion County, Iowa, described as follows:

Beginning at the southeast corner of Parcel "G" of the Northeast Quarter of said Section 36, said Parcel "G" recorded in Book 2006, Page 6254, at the Marion County, Iowa, Recorder's Office.

thence South 00 degrees 27 minutes 21 seconds East 1282.30 feet along the east line of the west 10 acres of the Southeast Quarter of the Northeast Quarter of said Section 36 to the south line of said Southeast Quarter of the Northeast Quarter;

thence South 89 degrees 55 minutes 01 seconds West along the south line of the Northeast Quarter of said Section 36 to the southeast corner of Parcel C of the South 1/2 of the North 1/2 of said Section 36, said Parcel C recorded in Book 251, Page 82, at said Recorder's Office;

thence North 00 degrees 05 minutes 02 seconds West 324.20 feet along the east line of said Parcel C to the northeast corner of said Parcel C;

thence North 80 degrees 28 minutes 02 seconds West along the north line of said Parcel C to the center line of Marion County Highway T15;

thence northeasterly along said center line and along a non tangential curve 210.94 feet, concave to the northwest, having a radius of 716.20 feet, a central angle of 16 degrees 52 minutes 32 seconds, and a chord bearing North 24 degrees 58 minutes 04 seconds East 210.18 feet;

thence northeasterly along said center line and along a spiral curve, 200.00 feet in length, having a central angel of 81 degrees 28 minutes, a curvature of 8 degrees, bearing North 11 degrees 10 minutes 38 seconds East 198.89 feet;

thence North 08 degrees 24 minutes 45 seconds East 572.94 feet along said center line to the southwest corner of said Parcel "G";

thence North 89 degrees 35 minutes 20 seconds East 480.29 feet along the south line of said Parcel "G" to the southeast corner of said Parcel "G" and the point of beginning.

Said tract contains 17.43 acres and is subject to Marion County, Iowa, Highway Easements over the westerly and southerly 2.35 acres there of and is subject to easements and encumbrances of record.

Poffenbarger explains a land use change is not required; there are is designated Agricultural which allows for A-R.

Poffenbarger explained she had only heard from one neighboring property owner which had no concern, just inquired about.

The request is compatible with several of the other neighboring properties.

With no further questions and no public comment Davis called for a motion to close the public hearing. Miller made the motion and Agan seconded it. A roll call vote was taken.

Davis	aye
Miller	aye
Agan	aye
Treft	aye

Davis asked the commission if there were any further questions before action was taken on Petition 901. With no questions Miller made a motion and Agan seconded the motion.

Davis	aye
Miller	aye
Agan	aye
Treft	aye

The Board of Supervisors will take the final action on the rezoning.

Public hearing for part 2 of Petition 901 – Corner View Subdivision. A 4-lot subdivision on Parcel 0840100500; SW1/4 of the NE1/4 of the NE1/4 of Section 36, Township 76N, Range 19W. Terri Chapman explains she wishes to sell the 17-acre tract and feels smaller lots will sell best. Poffenbarger explains the area between Pella and Knoxville is a very desirable area. There are already many small rural residential properties in the area and the request is reasonable.

Lots one and two will share a wide driveway off of Highway T15 as required by the Marion County Road Department. Lots three and four will be accessed from Highway G46.

All lots are large enough for septic systems according to Marion County Environmental Health. Drainage due to the topography being very flat on lots 1 and 2 may require tiling of the drainage from the septic.

Poffenbarger explains the subdivision meets the minimum requirements of Marion County Subdivision ordinance.

With no further questions and no public comment Davis called for a motion to close the public hearing on Corner View Subdivision. Miller made the motion and Agan seconded it. A roll call vote was taken.

Davis	aye
Miller	aye
Agan	aye
Treft	aye

Davis asked the commission if there were any further questions before action was taken on Corner View Subdivision. With no questions Miller made a motion and Agan seconded the motion.

Davis	aye
Miller	aye
Agan	aye
Treft	aye

The Board of Supervisors will take the final action on Corner View Subdivision.

Public hearing for Petition 905 – Clark Symington is requesting a rezoning of Parcel 2146002000 from A-1 to C-A; Commercial Ag to allow for the relocation of Dakota Sales and Machinery to the property. The property is described as: Parcel 3 of SE SW of 3-77-20. This is a 10 acre parcel and the Symington’s own the parcel on both sides of this property for buffering from the neighboring properties. This property is serviced by approximately 4 miles of gravel road.

Symington stated his request was for all of Parcel 2146002000 for legal description ease and room for expansion if necessary.

We are a small family business engaged in retailing used compact to midsized tractors as well as some other light ag equipment (hay rakes, tedders, mowers, 3 point attachments etc..) We typically have 50 to 100 power units and perhaps that many more inert units in inventory with a weekly turnover of 5-10 units.

Poffenbarger explained there was no concern from Environmental Health.

An email was received from Marion County Engineer Tyler Christian, and he has no concerns with the request.

Poffenbarger explained there were no comments received from neighboring properties.

As a part of the rezoning a two-year sunset clause should be added. If commercial actions are to cease for a period of 2 years or more the property may be rezoned to the original A-1 zoning. A recommendation in accordance with the Zoning Ordinance if there is a change of use from the proposed implement sales the property would be subject to additional site plan review requirements. The property owners are in agreement with those requirements.

With the approval from Marion County Road Department, EH and no neighboring concerns Marion County Zoning Department feels Commercial Ag is met to intermix with Ag and the use seems acceptable.

With no further questions and no public comment Davis called for a motion to close the public hearing Petition 905. Miller made the motion and Treft seconded it. A roll call vote was taken.

Davis	aye
Miller	aye
Agan	aye
Treft	aye

Davis asked the commission if there were any further questions before action was taken on Petition 905. With no questions Miller made a motion and Agan seconded the motion.

Davis	aye
Miller	aye
Agan	aye
Treft	aye

The Board of Supervisors will take the final action on the rezoning.

Petition 905 – Part 2 – Site plan for Dakota Sales and Machinery.

The proposed use and size of building requires 8 to 10 parking stalls including 1 ADA compliant spot.

Hours of operation are from 8-5 Monday to Friday and Saturday by appointment only and closed Sunday.

We are proposing to build a 40x80 shop at the property; most of the building will be shop with the north end holding 2 offices and a mechanical room and bathroom.

The inventory would be stored onsite unsheltered.

The building would sit back approx. 150 feet from the road and run north and south parallel with road.

The operation is projected to add 5 to 8 extra vehicles a day. Rarely is there semis hauling equipment in; typically truck and trailers.

The commission asked about signage. The signage onsite will be on the building. They did inquire about a directional sign on Highway 14.

Lighting will be minimal, for security reasons.

The proposed setback from the road is 150 feet, 120 feet from the north property line and 130 feet from the south property line and 1000 feet to the back.

Symington did ask if there could be setback adjustments as they finalize the location of the building. Poffenbarger stated with 10 acres minor adjustments could be made. If the setbacks change drastically, they would need to present a new site plan. Symington did not think the changes would be significant. They will finalize the layout over the weekend before it moves forward to the BOS.

Davis asked the commission if there were any further questions before action was taken on Petition 905 site plan. With no questions Miller made a motion and Agan seconded the motion.

Davis	aye
Miller	aye
Agan	aye
Treft	aye

The Board of Supervisors will take the final action on the site plan.

Davis called for a motion to adjourn the meeting. Treft made the motion with Miller seconding the motion.

Next meeting July 18, 2023 at 5:00p.m.

Minutes by Melissa Poffenbarger