

Minutes of the Marion County Zoning Commission Meeting  
July 18, 2023

The Marion County Zoning Commission met on July 18, 2023, at 5:00p.m. 3014 East Main St., the Marion County Office Building.

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

The public members present were Mike and LuAnn Blom, Cole and Chelsey Van Genderen, Ron and Sharon Byers, Travis Gosselink, Jake Hughes, Brittany and Tyler Adams, Loren Vander Wilt.

The June 20, 2023, minutes were presented for approval. Chairman Davis called for a motion for approval. Agan made a motion to approve, Miller seconded the motion. A roll call vote was taken.

Davis	aye
Miller	aye
Agan	aye
Treft	aye
Cunningham	aye

Davis opened the public hearing for Petition 906 – Rezoning from A-1; Agricultural to A-R; Ag Residential for the Helen Foster Trust (Parcel 0578900100). Property described as:

Foster's Subdivision is part of the East 35 acres of the West Half of the Northwest Quarter lying North of the centerline of Iowa primary road 592 North access road, except the East 159.4 feet of the South 1076.6 feet thereof.

AND part of the following described tract:

Commencing at the Southwest corner of the East 35 acres of the West Half of the Northwest Quarter, thence North 00°37'30" West along the West line of said 35 acres 689.6 feet to the point of beginning; thence North 00°37'30" West along said West line 745 feet; thence South 88°31' West 150 feet; thence South 00°37'30" East 745 feet; thence North 88°31' East 150 feet to the point of beginning

All of the above lying in Section 16-Township 75 North-Range 19 West of the 5th P.M., Marion County, Iowa and being more particularly described as follows:

Commencing at the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 16, thence South 89°35'55" West 159.40 feet along the North line thereof to the Point of Beginning; thence South 00°12'15" East 678.56 feet along the West line of the East 159.4 feet of said Southwest Quarter of the Northwest Quarter to the center line of Nevin Drive (North access road former Iowa Highway No. 592); thence South 88°56'35" West 422.39 feet along said centerline to the West line of the East 35 acres of the West Half of the Northwest Quarter of said Section 16; thence North 00°09'50" West 49.89 feet along said West line to the North right-of-way line of said Nevin Drive; thence South 88°56'35" West 149.34 feet along said right-of-way line to the East line of Lot 1 in Arnott Subdivision as shown on the Plat thereof recorded in Book 2004 on Page 4983 in the Office of the Marion County Recorder; thence North 00°12'55" West 635.22 feet along the East line of said Lot 1 to the North line of the Southwest Quarter of the Northwest Quarter of said Section 16; thence North 89°35'55" East 571.76 feet along said North line to the Point of Beginning, containing 8.78 acres subject to 0.48 acres of right-of-way.

Poffenbarger explained a subdivision is required as the number of lots will exceed 55.24 (6) bulk regulation, more than 4 lots per tract.

The land use is shown as Ag which allows for A-R; Ag Residential.

Poffenbarger explained the request is consistent with the area. Foster's are trying to maximize the sale of the property by making all of the front lots they own have access to the back 16 acres which is land locked.

Poffenbarger received one phone call from a neighboring property owner; just an inquiry with no concerns.

Through administrative review approval was given by Marion County Road Department and Environmental Health. Environmental Health did note placement of the septic needs to be verified to be on lot 1. The septic was installed without knowledge of the lot being split.

The property is serviced by a dead-end gravel road.

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

Davis	aye
Miller	aye
Agan	aye
Treft	aye
Cunningham	aye

With no further discussion Davis called for a vote to approve the rezoning of 0578900100 from A-1 to A-R. Miller made the motion and Agan seconded the motion.

Davis	aye
Miller	aye
Agan	aye
Treft	aye
Cunningham	aye

Part 2 of Petition 906 is Foster Subdivision. A two-lot subdivision of Parcel 0578900100.

Poffenbarger explained the subdivision meets the minimum standards of Marion County's Subdivision Ordinance and the Marion County Zoning Ordinance.

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

Davis	aye
Miller	aye
Agan	aye
Treft	aye

Cunningham aye

With no further questions on Foster Subdivision Davis called for a vote. Miller made the motion with the additional requirement that the septic on lot one be located, and easements be put in place if necessary. Agan seconded the motion.

Davis aye  
Miller aye  
Agan aye  
Treff aye  
Cunningham aye

Public hearing for Petition 907 – Cole Van Genderen is requesting to rezone (Parent Parcel 2275100500) Parcel B of the NE1/4 of the SE1/4 of Section 26, Township 77 North, Range 19 West, Marion County, Iowa per Book 2023, Page 2662 from A-1; Agriculture to C-A; Commercial Ag. Cole Van Genderen is looking to purchase the subject property to grow and expand his Pioneer Seed Agency to provide ag sales and services to the growers of Marion, Jasper and Mahaska Counties.

Neighbors were present with concerns about the effects of a commercial property across from West View Estates; the subdivision where they live. Concerns voiced were extra traffic, blocking their view of the sunset, dust, noise and potential other commercial ag uses. The neighbors present expressed many other neighbors also had concerns but were not present.

Van Genderen explained he is willing to apply dust control. He explained that his busy season is for a couple months a year. He delivers a lot of the seed to the farms. The building will be south facing so most of the activity will be away from view of the neighboring properties. The building is as far south and west as the proposed survey will allow.

Poffenbarger any use other than the proposed would have to undergo an additional site plan review. Commercial Ag is met to allow ag related businesses intermix in the agricultural area. It is much more restrictive than general commercial.

Poffenbarger explains that commercial and industrial belongs on or close to hard surface roads. Hwy 163 has sporadically placed commercial and industrial.

With no further discussion Davis called for a vote to approve closing the public hearing on Petition 907 for Cole Van Genderen from A-1 to C-A. Miller made the motion and Agan seconded the motion.

Davis aye  
Miller aye  
Agan aye  
Treff aye  
Cunningham aye

With no further discussion Davis called for a vote to approve the rezoning of Parcel B of 2275100500 from A-1 to C-A. Miller made the motion and Cunningham seconded the motion.

Davis aye  
Miller aye  
Agan aye  
Treft aye  
Cunningham aye

Part 2 of Petition 907- The site plan for Prime Ag Company- Cole Van Genderen.

This will include a 72 x 240 pole barn with offices, kitchen, full bathroom and sales and storage of agricultural products.

Storage of: Seasonal Seed bags and probox's, Seed treating equipment, Seasonal Herbicides in jugs and totes, and small farm equipment.

(Herbicides are fully secured in their original containers and only on site for short term. No permanent storage of Herbicides.)

Business hours : 8am-5pm Mon-Friday

Number of Employee's: 1 currently me with seasonal help and option to add 1 to 2 full-time.

Poffenbarger and Van Genderen discussed the lighting and respectful placement.

Since the building is over 10,000 square feet a detention pond leading to the field tile is required.

Miller questions why the septic and detention overlap. Poffenbarger explains the detention was done after administrative review. Adjustments will need to be made to the site plan.

Signage will be on the building and possibly one sign at the first driveway right off Hwy 163. The second driveway is an accessory driveway for ease of deliveries.

With no further discussion Davis called for a vote to approve the site plan on Petition 907 for Cole Van Genderen. Miller made the motion and Agan seconded the motion.

Davis aye  
Miller aye  
Agan aye  
Treft aye  
Cunningham aye

A public hearing was held to discuss the land use of Parcel 1264600000. Poffenbarger explains this area was not included in the 2013 land use plan. In 2013 this was under the City of Pella jurisdiction. Before zoning changes can be discussed the land use plan should be amended to allow for the proposed zoning. The area abutting Parcel 1264600000 is agricultural and the amendment is also including Parcel 1264600000 in agricultural. Ag Residential is allowed in Agricultural

Some neighbors were present. Although there was discussion it was not relevant to the land use change.

With no further discussion Davis called for a vote to close the public hearing on the land use plan for Parcel 1264600000. Miller made the motion and Cunningham seconded the motion.

Davis            aye  
Miller           aye  
Agan            aye  
Treff            aye  
Cunningham    aye

With no further discussion Davis called for a vote on the land use amendment of Parcel 1264600000. Miller made the motion and Agan seconded the motion.

Davis            aye  
Miller           aye  
Agan            aye  
Treff            aye  
Cunningham    aye

Public hearing for Petition 908- Mike and Luann Blom are requesting the rezoning of Parcel 1264600000 (the NE1/4 of the SW1/4 of 21-76-18 of the 5<sup>th</sup> P.M., Marion County Except the S1/8 thereof, and further Except the North 500 feet of the East 565 feet thereof.) They wish to rezone from A-1 to A-R; Ag Residential to further develop the parcel in rural residential.

Both meeting attendees and neighbor calls received have concerns with more development in the area given the condition of the road. Poffenbarger explained the hard surface road condition should be discussed with the County Road Department. The County Engineer has approved the rezoning and subdivision as submitted.

Poffenbarger explained when rezoning petitions are submitted the neighboring properties are surveyed. There are more than 40 rural residential properties on 210<sup>th</sup> Ave. just like the proposed use of the subject parcel.

The subject property being 28 acres only has 4 acres of crop ground. The highest and best use of this property is rural residential.

With no further discussion Davis called for a vote to close the public hearing on the rezoning request for Parcel 1264600000. Cunningham made the motion and Miller seconded the motion.

Davis            aye  
Miller           aye  
Agan            aye  
Treff            aye  
Cunningham    aye

With no further discussion Davis called for a vote on the rezoning of Parcel 1264600000 from A-1 to A-R. Miller made the motion and Agan seconded the motion.

Davis            aye  
Miller           aye  
Agan            aye  
Treff            aye  
Cunningham    aye

Part 2 of Petition 908 South Falls Minor Plat - The NE1/4 of the SW1/4 of 21-76-18 of the 5th P.M., Marion County Except the S1/8 thereof, and further Except the North 500 feet of the East 565 feet thereof. The proposed is a 6-lot subdivision with at least 3 acre per lot. There will be shared access. Each access will serve 2 lots and break at the property line.

Mr. Vander Wilt has concerns about the lot width. Poffenbarger explained that they meet the minimum requirements of Marion County. Mr. Vander also has concerns about fencing regulations. Poffenbarger referred him to the Township trustees as they are the fencing enforcement per State Code.

Mrs. Byers wants to make sure all the lots are 3 acres since they had to buy three acres. She was shown that they all meet three acres.

All have been approved for septic systems by Marion County Environmental Health.

With no further discussion Davis called for a vote to close the public hearing on South Falls Minor Plat of Subdivision. Cunningham made the motion and Miller seconded the motion.

Davis            aye  
Miller           aye  
Agan            aye  
Treff            aye  
Cunningham    aye

With no further discussion Davis called for a vote to approve South Falls Minor Plat of Subdivision. Cunningham made the motion and Miller seconded the motion.

Davis            aye  
Miller           aye  
Agan            aye  
Treff            aye  
Cunningham    aye

Davis called for a motion to adjourn. Miller made the motion and Cunningham seconded the motion. All in favor.

Minutes by Melissa Poffenbarger