

Minutes of the Marion County Zoning Commission Meeting
October 26, 2021

The Marion County Zoning Commission met in person on October 26, 2021, at 5:00p.m. 3014 East Main St., the Marion County Office Building.

Members present were Alan Terpstra, Sandy Agan, Larry De Zwarte and Keith Davis. Public present were Kevin Mart and Priscilla and Grant Rankin. Becky Cobb and Shane Mc Intrye joined the meeting via virtual.

The July 20, 2021, minutes were presented for approval. Chairman Terpstra called for a motion for approval. Davis made a motion to approve and Agan seconded the motion. A roll call vote was taken.

Terpstra	aye
Agan	aye
Davis	aye
De Zwarte	aye

Petition 84519- Kevin and Debra Mart are requesting to rezone Parcel 0698303000, 0698100000 and 0698200100 from A-1; Agricultural to A-R; Ag Residential. Mr. Mart is proposing to further split Parcel 0698303000 creating a subdivision therefor per 55.24 (6) rezoning is required. Potential further development of Parcel 0698100000 and 0698200100 has been implied by prospective buyers so it just makes since to rezone the entire farm owned by Mart at this time.

The legal is: The NW ¼ of Section 26, Township 76 North, Range 19 West of the 5th P.M., except the East 40 acres thereof, and except the following 4 parcels:

1. The East 279 feet of the West 894 feet of the North 237 feet thereof;
2. Parcel B of the NW1/4 of the NW1/4 according to the Plat of Survey recorded in Book 2007, Page 5454;
3. Parcel E of the NE1/4 of the NW1/4 according to the Plat of Survey recorded in Book 2019, Page 2579;
4. Parcel F of the NW1/4 of the NW1/4 according to the Plat of Survey recorded in Book 2019, Page 4568.

The request is conforming with the Future Land Use Plan. The land use is shown as low density residential.

Poffenbarger explained the owner and surveyor worked closely with the County Engineer to establish viable driveways. A location for a proposed future private road was also established.

Poffenbarger explained there is no concern from the Zoning Department with the request. The area has a significant amount of rural residential development. The area is reclaimed land from mining without a lot of agricultural value.

There was no concern expressed from the notified neighbors.

Any future development of Parcels 0698100000 and 0698200100 will have to comply with Corp restrictions and flood plain requirements.

With no further discussion Terpstra called for a vote on rezoning of Petition 84519. Agan made a motion and De Zwarte seconded the motion.

Terpstra	aye
Agan	aye
Davis	aye
De Zwarte	aye

Poffenbarger will forward to the Marion County Board of Supervisors for the November 9, 2021, meeting.

Petition Div84590 – Mart Farm Subdivision is a proposed minor subdivision of 6 lots. A portion of Parcel 0698303000. With a legal description of:

That part of the Northwest Quarter of Section 26, Township 76 North, Range 19 West of the Fifth Principal Meridian, Marion County, Iowa, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 26;
thence South 89 degrees 51 minutes 49 seconds West 985.23 feet along the north line of Parcel C, recorded in Book 2015, Page 2338, at the Marion County, Iowa, Recorder's Office, the north line of Parcel E, recorded in Book 2019, Page 2579, at said Recorder's Office, and along the north line of said Northwest Quarter to the northwest corner of said Parcel E and the point of beginning;
thence South 00 degrees 19 minutes 04 seconds East 671.60 feet along the west line of said Parcel E to the southwest corner of said Parcel E;
thence South 61 degrees 04 minutes 47 seconds West 517.40 feet;
thence North 78 degrees 47 minutes 25 seconds West 352.96 feet;
thence South 85 degrees 36 minutes 02 seconds West 446.62 feet;
thence South 00 degrees 03 minutes 30 seconds West 398.17 feet;
thence North 89 degrees 56 minutes 30 seconds West 413.00 feet to the west line of the Northwest Quarter of said Section 26;
thence North 00 degrees 03 minutes 30 seconds East 1021.43 feet along said west line to the southwest corner of Parcel B, recorded in Book 2007, Page 5454, at said Recorder's Office;
thence North 85 degrees 18 minutes 13 seconds East 288.67 feet along the south line of said Parcel B to the southeast corner of said Parcel B and to the southwest corner of Parcel F, recorded in Book 2019, Page 4568, at said Recorder's Office;
thence North 89 degrees 53 minutes 14 seconds East 327.33 feet along the south line of said Parcel F to the southeast corner of said Parcel F and the southwest corner of a tract of land described by a Warranty Deed recorded in Book 213, Page 251, at said Recorder's Office;
thence North 89 degrees 51 minutes 49 seconds East 279.00 feet along the south line of said tract to the southeast corner of said tract;
thence North 00 degrees 03 minutes 30 seconds East 237.00 feet along the east line of said tract to the northeast corner of said tract and to the north line of the Northwest Quarter of said Section 26;
thence North 89 degrees 51 minutes 49 seconds East 758.77 feet along said north line to the northwest corner of said Parcel E and to the point of beginning.

Said tract contains 31.37 acres and is subject to a Marion County, Iowa, Highway Easements over the north and west 2.43 acres thereof and is subject to easements and encumbrances of record.

Due to the adequate road frontage this subdivision can be done as a minor subdivision therefor not requiring a preliminary plat since no road are required.

The driveway locations have been established.

There are no concerns with septic as the lots are 3.62 acres or more.

With no further discussion Terpstra called for a vote on rezoning of Petition Div84590. Davis made a motion and Agan seconded the motion.

Terpstra	aye
Agan	aye
Davis	aye
De Zwarte	aye

Poffenbarger will forward to the Marion County Board of Supervisors for the November 9, 2021, meeting.

Petition 84665 – Nextlink on behalf of James and Janet Marlin are requesting a rezoning from A-1; Agricultural to A-R; Ag Residential to allow for for a 120' wireless tower on a property described as: A PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 74 NORTH, RANGE 18 WEST OF THE 5TH P.M. MARION COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 13,
THENCE SOUTH 89 DEGREES 41 MINUTES 58 SECONDS WEST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 397.21 FEET;
THENCE SOUTH 00 DEGREES 18 MINUTES 02 SECONDS EAST, A DISTANCE OF 22.37 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH, A DISTANCE OF 240.00 FEET;
THENCE WEST, A DISTANCE OF 240.00 FEET;
THENCE NORTH, A DISTANCE OF 240.00 FEET;
THENCE EAST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 57,600.00 SQUARE FEET OR 1.3223 ACRES, MORE OR LESS.

Mr. and Mrs. Rankin have some great concerns about a tower in the neighborhood.

Several questions were asked of Shane Mc Intrye, Nextlink representative.

- Is it a U.S. based company? Yes it is, the company is out of Texas doing work in the area to expand broadband.
- Will there be lighting on the tower? No towers under 150' are not required by FAA to have lighting.
- How long will it take the tower to go up? ½ a day once they get approval.
- Why the proposed location? The location is based on elevations, access to the property and a willing property owner.

Poffenbarger did measure and the concerned neighbor are more than 1200 feet east of the proposed site. The commission did not feel the tower would have much impact on the neighbor at that distance.

The tower was moved back to meet minimum setbacks from the right of way line of 120'. The height of the tower and the required fall zone. Poffenbarger explained the rezone area is a squared off fall zone area.

Davis explained it is the job of the commission to look at the greater good of the area and not just individuals.

With no further discussion Terpstra called for a motion on Petition 84665. Agan made a motion it and De Zwarte seconded the motion.

Terpstra	aye
Agan	aye
Davis	aye
De Zwarte	aye

Poffenbarger will forward to the Marion County Board of Supervisors for the November 9, 2021, meeting.

Although the site plan of the tower was covered in the rezoning Poffenbarger explained a separate action needed to be taken on the site plan.

As previously stated the tower is 120 feet tall monopole tower.

The rezone area is the area of the fall zone. There is one old building in the rezone area but it is not in the fall zone.

The access is shown as a 20-foot easement with a 5-foot utility easement.

There is no lighting on the tower.

Mc Intyre explained there is an 8' fence around the tower.

The monopole tower is 30 inches in diameter with a small dish on the top of the tower.

The mechanical box is placed about 8 feet up on the tower pole.

With no further discussion Terpstra called for a motion on the site plan for the tower proposed at 2438 Story Dr., Bussey. Davis made a motion it and De Zwarte seconded the motion.

Terpstra	aye
Agan	aye
Davis	aye
De Zwarte	aye

Poffenbarger will forward to the Marion County Board of Supervisors for the November 9, 2021, meeting.

Poffenbarger presented a letter that was drafted on behalf of the zoning commission to the BOS requesting a representative be present at the work session over the ordinance changes. During previous discussions Terpstra felt it was important before work started on the ordinance to get direction from the BOS. Poffenbarger feels a formal request would be the proper process. Poffenbarger also recommended either the chair or vice chair attend the BOS meeting on November 9 when the request is presented.

Terpstra called for action on the request letter. Davis made a motion to present the BOS with the letter and Agan seconded the motion.

Terpstra	aye
Agan	aye
Davis	aye
De Zwarte	aye

Poffenbarger discussed the resolution signed by the BOS requesting that Pershing to be added back into the Zoning of Marion County as the updates are done.

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

Minutes by Melissa Poffenbarger