

Minutes of the Marion County Zoning Commission Meeting
April 16, 2024

The Marion County Zoning Commission met on April 16, 2024, at 5:00 p.m., at 3014 East Main St., Knoxville, IA, Marion County Office Building.

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

The public members present were Jim and JoAnn Schroder, Ron Kaldenberg, Jennie and Arvin Van Waardhuizen, Pat Wisse, Kyle Anderson, Brant Champoux, Mark Van Haaften, Cole Vander Linden, and Frank Arnett.

Davis called the meeting to order at 5:00 p.m.

The January 16, 2024 minutes were presented for approval. Chair Davis called for a motion for approval. Miller made a motion to approve, Cunningham seconded the motion. A roll call vote was taken.

Miller	aye
Davis	aye
Agan	aye
Treft	aye
Cunningham	aye

Petition 2024-1 – Elfreida De Haai, represented by Arvin Van Waardhuizen with prospective buyer, Tyler Vander Linden, request to rezone everything in the SE ¼ of the SW ¼ of Parcel 2152100000 EXCEPT Parcel B, C and Parcel E from M-1, C-2, and A-1 to all A-1-Agricultural. Poffenbarger explained this is more or less a map clean-up and the property is currently used for agricultural purposes. The property was rezoned in 1980 for recycling business which no longer exists.

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 the motion. A roll call vote was taken.

Miller	aye
Davis	aye
Agan	aye
Treft	aye
Cunningham	aye

Davis asked the commission if there were any further questions before action was taken on Petition 2024-1. With no questions Miller made a motion to recommend approval of the request to rezone as submitted and Cunningham seconded the motion.

Miller	aye
Davis	aye
Agan	aye
Treft	aye
Cunningham	aye

Petition 2024-2 – Elfreida De Haai, represented by Arvin Van Waardhuizen with prospective buyer, Frank Arnett, request to rezone Parcel E in the SE ¼ of the SW ¼ of Section 7, Township 77N, Range 20W in Marion County per the survey recorded in Book 2024, Page 1056 from C-1 and A-1 to M-1R (Light Industrial-Restricted). Poffenbarger presented this update is considered a map correction dating back to 1980 and provided history related to this property. Prospective buyer is working with Environmental Health. Poffenbarger explained the M-1R (Light Industrial-Restricted) is being requested to keep the property as is with the current manufacturing operation. Any expansion would require review by the Zoning Commission and approval by the Board of Supervisors. Also, there is approximately 6 miles of gravel to get to this location and thus would not be suitable for any larger scale operation.

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

Miller	aye
Davis	aye
Agan	aye
Treft	aye
Cunningham	aye

Davis asked the commission if there were any further questions before action was taken on Petition 2024-2. With no questions Miller made a motion to recommend approval of the request to rezone as submitted and Agan seconded the motion. A roll call vote was taken.

Miller	aye
Davis	aye
Agan	aye
Treft	aye
Cunningham	aye

The Board of Supervisors will take the final action on the rezoning. The first reading will be May 14, 2024.

Land Use Plan Amendment- All that part of the S ½ of the SW ¼ of Section 15, Township 77 North, Range 19 West of the 5th P.M. lying North of Baldwin’s Addition to the Town of Otley and north of a westerly extension of the North line of said addition, and lying North and East of the northeasterly right-of-way line of Iowa Primary Highway No. 163, and lying South and West of the right-of-way of Business Highway 163. Poffenbarger presented why the Marion County Land Use Plan should be amended to reflect C-1 (General Commercial) prior to the next rezoning item on the agenda for this property as described. Made it clear that even if the Land Use plan is amended it does not imply the rezoning will be approved.

Davis asked the commission if there were any further questions before action was taken on the Land Use Plan Amendment. With no questions Miller made a motion to recommend approval of the Land Use Plan Amendment and Cunningham seconded the motion. A roll call vote was taken.

Miller	aye
Davis	aye
Agan	aye
Treft	aye

Cunningham aye

Petition 2024-3- Request to rezone 215 Summit St., Otley from R-2; One and Two Family Residential to C-1R; General Commercial District Restricted. Restricted to allow for a commercial plumbing and heating warehouse/office space. (A Restricted Rezoning to allow for Service Commercial/Warehousing specific to plumbing and heating operation due to the location, size of the property and limited property access. A sunset clause allowing one year for the commercial use to commence. Failure to commence after one year may allow Marion County to rezone the property back to the original R-2; One and Two Family Residential.) (Parcel 2242400000) LEGAL DESCRIPTION - Lots 6, 7, and 8 in Block 2 and Lots 1, 2, 3 and 4 in Block 3 in Baldwin's Addition to the town of Otley, MARION COUNTY, IOWA, and that part of the SE 1/4 of the SW 1/4 of Section 15, Township 77 North, Range 19 West of the 5th P.M. encompassing Summit Street lying between Blocks 3 and 4 in Baldwin's Addition and also Johnston Street lying between Blocks 2 and 3 in said Baldwin's Addition: and Lot 1 and the Northwesterly 44 feet of Lot 2 in Block 4 in Baldwin's Addition to the town of Otley, MARION COUNTY, IOWA, and part of the SE 1/4 of the SW 1/4 of Section 15, Township 77 North, Range 19 West of the 5th P.M., MARION COUNTY, IOWA, described as follows: Beginning at the Northwest corner of Block 3 in said Baldwin's Addition, thence South 38" 41' West 65.6 feet, thence South 27" 30' East 397.3 feet, thence North 62" 30' East 60 feet to the West line of Block 4 in said Baldwin's Addition, thence Northerly 424 feet along the West line of Block 3 and 4 in said Baldwin's Addition in the Northwest corner at said Block 3 being the point of beginning.

Poffenbarger presented the request to rezone this property from R-2 (One and Two Family Residential) to C-1R (General Commercial District-Restricted). Explained the request for the restriction is to only allow for a commercial plumbing and heating warehouse/office space due to the location, size of the property, and limited property access. Also requesting a sunset clause to allow one year for the commercial use to commence. Failure to commence after one year may allow Marion County to rezone the property back the original R-2 (One and Two Family Residential) zoning. Provided the plans the proposed buyer, Kyle Anderson, has for developing this property to accommodate his commercial business, AMC Mechanical Group. Received an email from neighbor, Tyler Theune, in opposition to this rezoning stating concerns about traffic. Neighbor, Patricia Uitermarkt, called the Zoning office objecting the rezoning request stating concerns about traffic.

Neighbors, Jim and JoAnn Schroder, were present and spoke in favor of the rezoning request. Brant Champoux, AMC Mechanical Group, provided information on expected traffic and types of vehicles that would be coming and going on the property.

Kyle Anderson, AMC Mechanical Group, and Mark Van Haaften, Executor of the Estate, requested the Board of Supervisors consider waiving the 2nd and 3rd readings as time is of the essence with this purchase/sale. Mr. Anderson's purchase of this property is contingent on the approval of the rezoning. Mr. Van Haaften is wanting to close the estate.

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

Miller	aye
Davis	aye
Agan	aye
Treft	aye
Cunningham	aye

Davis asked the commission if there were any further questions before action was taken on Petition 2024-3. With no questions Miller made a motion to recommend approval of the request to rezone as submitted and Agan seconded the motion. A roll call vote was taken.

Miller	aye
Davis	aye
Agan	aye
Treft	aye
Cunningham	aye

Chair Davis reiterated the Zoning Commission is a recommending board only. The Board of Supervisors will have final say.

Miller called for adjournment of the meeting. Cunningham made the motion and Treft seconded the motion. Meeting adjourned at 5:45p.m.

Minutes by Melissa Poffenbarger and Karie Ellwanger.