



## PLAN ZONING COMMISSION

Notice of Regular Meeting  
**Thursday, September 9, 2021 at 5:00 PM**  
10 W. State Street - Council Chambers

Plan Zoning

Thu, Sep 9, 2021 5:00 PM - 6:00 PM (CDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/443639765>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (872) 240-3212

- One-touch: tel:+18722403212,,443639765#

Access Code: 443-639-765

New to GoToMeeting? Get the app now and be ready when your first meeting starts:  
<https://global.gotomeeting.com/install/443639765>

1. Call To Order & Roll Call

Boston  
Brodin  
Eilers  
**Gruendler**  
Medina  
Valbracht  
Wittkop

2. Minutes From June 17 Meeting

Documents:

[06172021-PZ\\_MIN.PDF](#)

3. Special Use Permit: 1901 S Center St

Documents:

[06172021\\_PZ\\_\\_MEMO\\_1901 S CENTER ST SPECIAL USE PERMIT.PDF](#)  
[1901 S CENTER ST SPECIAL USE APPLICATION.PDF](#)

4. City Rezoning Proposal For Parcels: 8418-25-126-001, 8418-25-176-001, 8418-25-201-001, 8418-25-201-002, 8418-25-226-001, 8418-25-276-001, 8417-30-100-003 (2002 Marion St.) To M-2 Heavy Industry. Set Public Hearing For 9/23/21

Documents:

[PZ MEMO ORD M-2 REZONE CITY PROPERTY\\_2021.PDF](#)  
[REZONING APPLICATION FORM\\_CITY M-2 2021.PDF](#)  
[LETTER OF SUPPORT FROM MARSHALLTOWN CHAMBER OF COMMERCE.PDF](#)

**MISSION STATEMENT**

**The City of Marshalltown collaborates to provide a welcoming, safe, vibrant and growing community.**

## **Plan Zoning Commission**

Meeting Minutes from June 17<sup>th</sup>, 2021

Meeting location: City Council Chambers, 10 W. State Street, Marshalltown, IA 50158

Meeting time: 5 PM

### **1) Call to order and roll call**

Commission members present: Boston, Brodin, Medina, & Gruendler

Commission members absent: Eilers, Valbracht, Wittkop

### **2) Mins**

Accepted

### **3) Special Use Request: 502N 12<sup>th</sup> Ave**

Staff: Background

Boston: Buffering?

Heather Thomas CGA: Code states if there is a street between the parking & residential there is no need for buffering.

Boston: Further questions?

Brodin: Motion to Approve request

Medina: 2<sup>nd</sup>

All Members voted in Favor

All members voted in favor

Meeting adjourned at 5:15 pm.

# MARSHALLTOWN

— I O W A —

TO: Plan Zoning Commission

FROM: Caleb Knutson, City Planner

DATE: September 9<sup>th</sup> – Meeting Date

**FROM: Staff**  
**SUBJECT: 1901 S Center St Special Use Permit**

Mrs. Thurston is requesting that office space (real estate) be allowed at 1901 S Center St. Currently zoned R-5, Office or office buildings require a special use permit in this zoning district. Under previous owner it was also used as office space for real estate.

**Recommendation:** Make recommendation to Board of Adjustment

DATE SUBMITTED & FEE PAID: 9-1-2021  
HEARING DATE: \_\_\_\_\_



## BOARD OF ADJUSTMENT

### Special Use & Home Occupation Special Use Permit Application

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 Fax: 641-754-5742

All items listed must be submitted with this application:

☒ **A site plan, drawn in ink to scale.** This site plan shall not be larger than 11" X 17."

☒ **Any other applicable drawings or diagrams.** Home Occupation Special use permits must submit a floor plan diagram.

☒ **Application fee.** A \$300 fee is required for a special use request (\$150 for a Home Occupation Special Use request). Make check payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Housing Department.

☒ **Legal description of the property.** The property owner should have a copy of the legal description of the property. *Please note that the tax description on the Marshall County assessor's webpage is NOT the legal description.* The legal description is listed on the property's abstract or owners may obtain a copy of the recorded deed from the Marshall County Recorder's Office for a fee.

It is the burden of the applicant to provide sufficient facts with this application and at the Board of Adjustment meeting to support a finding that all the standards for approval have been met. For all special use requests, with the exception of a Home Occupation Special Use request, the Plan & Zoning Commission shall first review the proposal and make a recommendation to the Board of Adjustment.

**Attendance at all meetings is required.**

**Please type or print legibly in ink.**

Property Address: 1901 S. Center Street, Marshalltown, Ia 50158

Owner: Current: Charles & JoAnn Butcher, if special use approved owner would be: Kellissa Thurston (applicant)

Mailing Address: 102 W. South Street, Marshalltown, IA 50158 (Kelli Thurston, applicant)

Phone: 641-751-8284

Email: [thurston.kelli@gmail.com](mailto:thurston.kelli@gmail.com)

Owner's Agent (if applicable): N/A

Agent Address: N/A

Agent Phone: N/A

Agent Email: N/A

**The board will use this information to review your request. Please attach any additional supporting information. If you have any questions, please contact the Zoning Department at 754-5756.**

Please describe the request and what justification there is for the proposal. Attach additional pages if necessary. If applicable, please provide a description of the business or use, discuss any signage to be used, and parking issues.

Owner/Agent Signature: 

Date: 09/01/2021

The property at 1901 S. Center Street is zoned R-5, High Density Residential and the property class is commercial. Since 1990 this building has been owned and operated as a real estate office open to the public. In approximately 2017 the owners retired from real estate and the building has gone unused, but remained unchanged.

Over the years, the building has suffered from neglect and extreme overgrowth of trees and bushes, while also accumulating several vehicles in the parking lot.

It is my goal to acquire this building, renovate it, and open it up again as a real estate brokerage office.

I am requesting a special use permit to allow me to use this building for commercial purposes. I would keep standard business hours (8am-5pm), and by appointment if after hours or on the weekends.

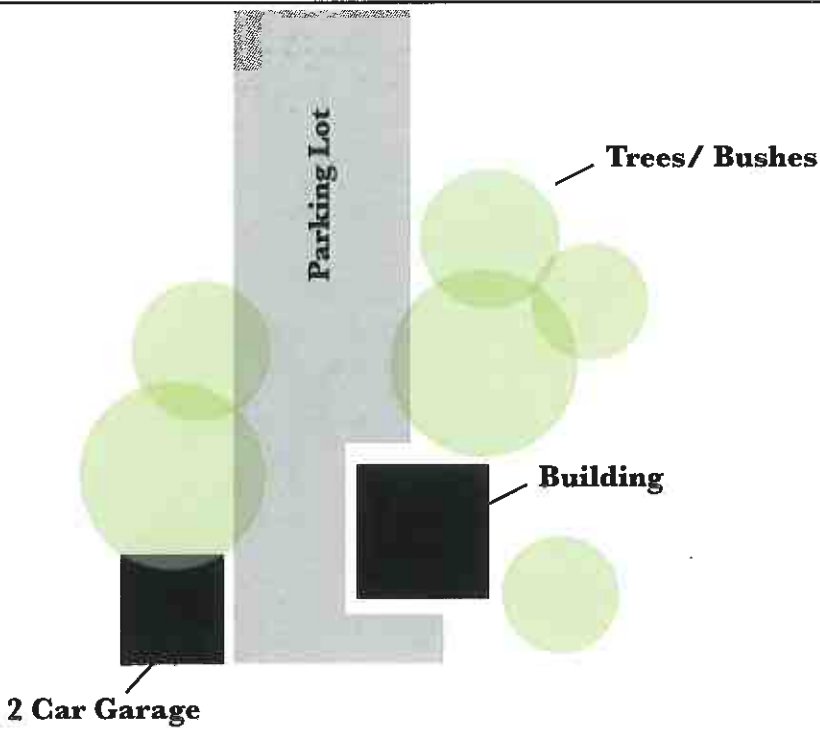
Due to the nature of my business (real estate) there will not be an excess of noise or traffic to the building, as most clients quietly come in to sign paperwork and usually depart within an hour or less. Therefore, this should not interfere with the peace and quite of the neighboring houses.

I am not proposing any changes to the footprint of the building, garage, or parking lot.

Planned immediate changes include: new energy efficient windows, removal of junk cars from parking lot, tree trimming and removal, restoration of front and rear entrances, rearranging of current offices to allow for main floor conference room.

Planned long-term changes include: New siding, new roof, renovate 2<sup>nd</sup> floor bathroom, waterproof and finish basement for storage.

**Edgeland Drive**



**W. Meadow Lane**

**S. Center Street**







Legal description:

Lot 6 of Lot 1 of Lot 5 of the Northeast Quarter of the Southwest Quarter of Section 2,  
Township 83 North, Range 18 West of the 5<sup>th</sup> P.M., Marshall County, Iowa,

Lot 5 of Lot 1 of Lot 5 of the Northeast Quarter of the Southwest Quarter of Section 2, in  
Township 83 North, Range 18 West of the 5<sup>th</sup> P.M., Marshall County, Iowa, subject to  
the easement recorded Book B-4, Page 70 of the records of the Recorder's Office of  
Marshall County, Iowa

0181. NO  
INDEXED  
FEE PAID

## WARRANTY DEED — JOINT TENANCY

For the consideration of ONE (\$1.00)  
Dollar(s) and other valuable consideration, GEOFFREY K. WALTER and KAY K. WALTER,  
husband and wife

do hereby Convey to CHARLES A. and JO ANN M. BUTCHER, husband and wife

as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common, the following described real estate in  
MARSHALL County, Iowa:

Lot 6 of Lot 1 of Lot 5 of the Northeast Quarter of the Southwest Quarter of Section 2, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa

This Deed is given in full and complete satisfaction of that one certain contract dated June 10, 1985 and filed in Micro-File No. 400-1985-6, July 25, 1985, in the records of the Marshall County, Iowa Recorder.

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

STATE OF ~~Idaho~~ South Dakota,  
MARSHALL Davison COUNTY.

Dated: June 27 1990

On this 27<sup>th</sup> day of June  
19 90, before me the undersigned, a Notary  
 Public in and for said State, personally appeared \_\_\_\_\_  
Geoffrey K. Walter and  
Kay K. Walter, husband and  
wife

Geoffrey K. Walter  
Geoffrey K. Walter (Grantor)

Kay K. Walter  
Kay K. Walter (Grantor)

to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Carol Ann 12-22-93 Notary Public  
(This form is for a deed in lieu of mortgage for individual grantor(s) only)

STATE OF IOWA, MARSHALL CO.  
Entered upon transfer books and for  
taxation file  
day of June, 1990  
Walter K. Walter  
AUDITOR  
DEPUTY

JUN 28 10 AM 11: 26  
FILE  
RECORDED

0 DIST. NO.  
INDEXED  
FEE PAID



WARRANTY DEED — JOINT TENANCY

SPACE ABOVE THIS LINE  
FOR RECORDER

For the consideration of ONE (\$1.00)  
Dollar(s) and other valuable consideration, GEOFFREY K. WALTER and KAY K. WALTER,  
husband and wife  
do hereby Convey to CHARLES A. and JO ANN M. BUTCHER, husband and wife  
as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common, the following described real estate in  
Marshall County, Iowa:

Lot 5 of Lot 1 of Lot 5 of the Northeast Quarter of  
the Southwest Quarter of Section 2 in Township 83  
North, Range 18 West of the 5th P.M., Marshall  
County, Iowa, subject to easement recorded Book B-4, Page  
70 of the records of the Recorder's Office of Marshall  
County, Iowa

REAL ESTATE TRANSFER  
TAX PAID 2  
STAMP #  
\$41.25  
RECORDED  
DATE 11/10/90 COUNTY 64

This Deed is given in full and complete satisfaction of that one certain  
contract dated June 10, 1985 and filed in Micro-File No. 400-1985-6,  
July 25, 1985, in the records of the Marshall County, Iowa Recorder

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in  
fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear  
of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real  
estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby  
relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number,  
and as masculine or feminine gender, according to the context.

STATE OF IOWA South Dakota, ss: Dated: June 27, 1990  
MARSHALL Davison COUNTY,

On this 27<sup>th</sup> day of June, 1990 before me the undersigned, a Notary  
Public in and for said State, personally appeared  
Geoffrey K. Walter and  
Kay K. Walter, husband and wife

Geoffrey K. Walter  
Geoffrey K. Walter (Grantor)  
Kay K. Walter  
Kay K. Walter (Grantor)

to be the identical persons named in and who  
acknowledged the foregoing instrument and acknowledged  
the same as their voluntary act and

Notary Public  
12-23-92  
Acknowledgment for individual grantor(s) only  
Havrevold

(Grantor)

Kellissa J Thurston  
102 W. South Street  
Marshalltown, IA 50158

1967  
72-753/7739

09/04/2021

Pay to the  
Order of City of Marshalltown \$ 300.00  
Three hundred and no/100 Dollars

MEMBERS 1st COMMUNITY CU

For BOA app fee  
⑆27397533⑆⑆0054867010107⑆ 1967

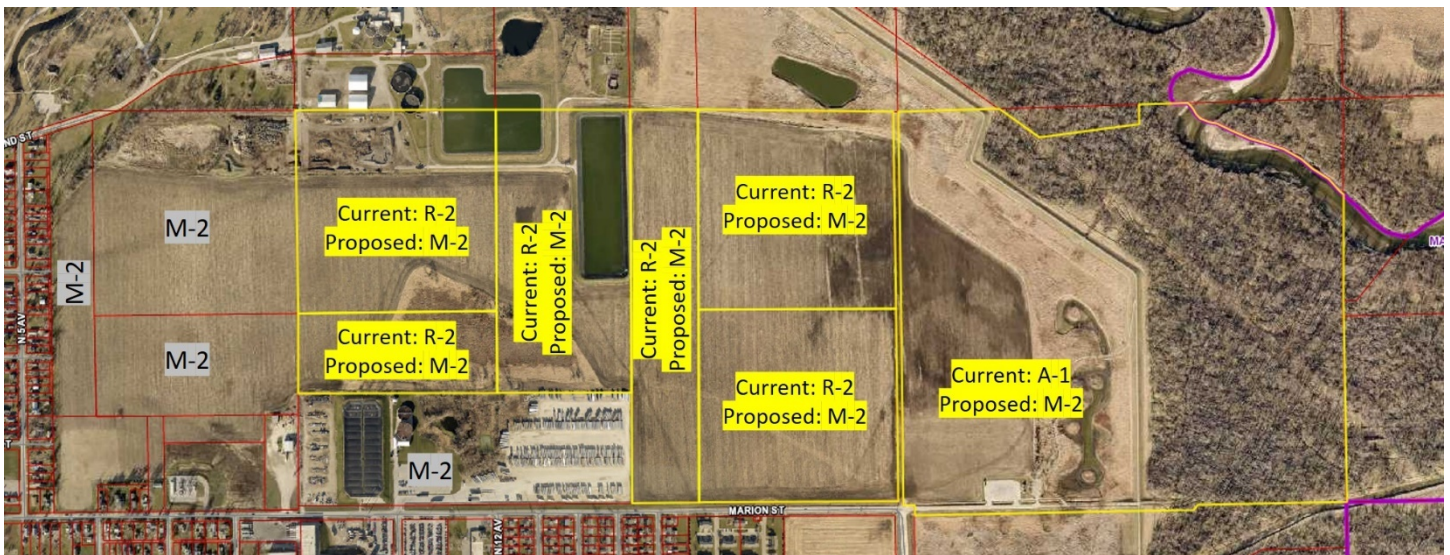
— I O W A —

FROM: Michelle Spohnheimer, Housing & Community Development Director

## Rezoning Request:

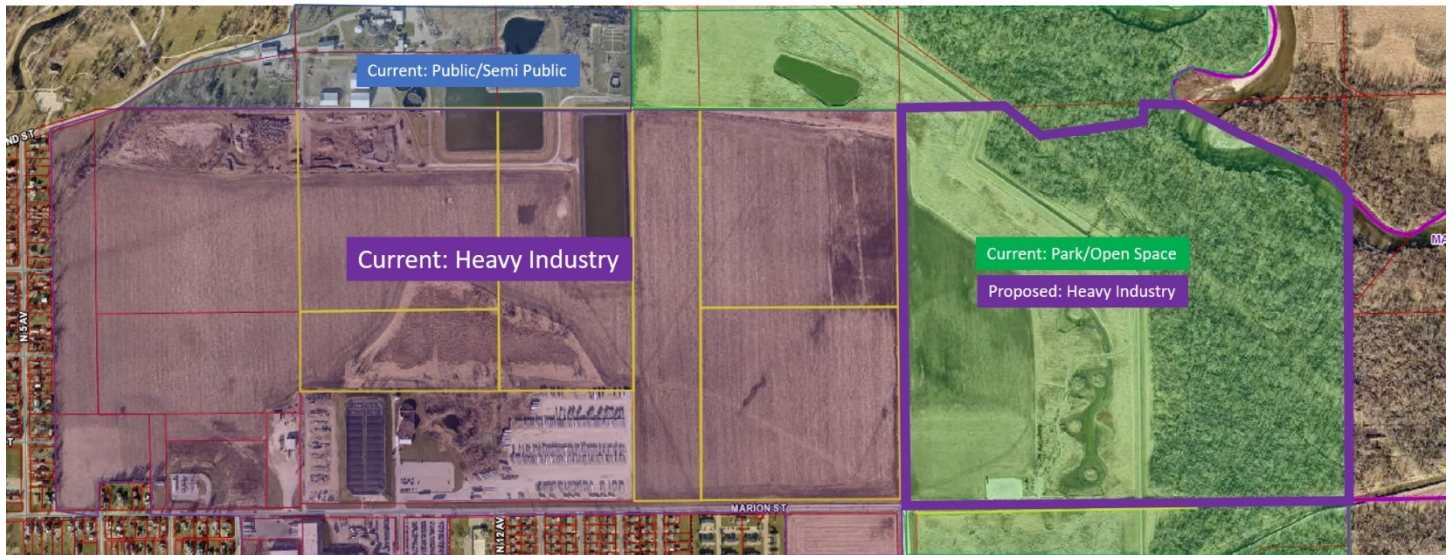
**SUBJECT: PIN 8418-25-126-001, 8418-25-176-001, 8418-25-201-001, 8418-25-201-002, 8418-25-226-001, 8418-25-276-001, 8417-30-100-003 (2002 Marion St.) – Rezone from R-2 and A-1 to M-2**

**Recommendation:** The Plan Zoning Commission is scheduled to meet on Thursday, September 9<sup>th</sup> to discuss the proposal and will then hold a public hearing on September 23<sup>rd</sup> to receive comments. The Commission will make a recommendation on the rezoning proposal to rezone the parcels included from R-2, Low Density Residential and A-1, Agricultural Reserve to M-2, Heavy Industry to the City Council following the public hearing. The rezoning is being completed now to encourage new industrial development.



**Background:** The majority of the property currently has a Land Use designation of Heavy Industry except for parcel 8417-30-100-003 (2002 Marion St.) which is Parks/Open Space. Changing the zoning or land use for this parcel will not limit the area from being used for park/open space. This majority of the area was identified as future industrial development area as part of the Comprehensive Plan.

## Land Use Designation



**Budget Impact:** None

**Attachment:** Rezoning application form.

# MARSHALLTOWN

— I O W A —

## HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT

36 North Center Street, Marshalltown, IA 50158

Ph: 641-754-5756 Fax: 641-754-5742

[www.marshalltown-ia.gov](http://www.marshalltown-ia.gov)

---

### Rezoning Request Application Packet

---

**Application:** Applications will not be accepted unless complete. All required items must be submitted with the application. Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.

**Notifications:** The City will place a sign on the property to notify the public that a rezoning request has been submitted. The sign includes the city's phone number so that concerned individuals will have an opportunity to learn about the proposal and can present information on this matter to the Commission and/or Council at the public hearing. A notice of public hearing is also published in the newspaper.

1. The burden of providing sufficient evidence to make the applicant's case shall be on the applicant in all cases.
2. The rezoning request must be considered by the Plan Zoning Commission and the City Council. Contact the Housing & Community Development Director for a schedule of the upcoming meetings. Please note the deadline dates for each meeting. The commission will review the request at a regularly scheduled meeting at least once prior to the public hearing. A public hearing must be held by the commission prior to making a recommendation to the City Council. The Plan Zoning Commission meets in the City Council Chambers at City Hall at 5:00 PM on the Thursday following the first Council meeting of the month.
3. The Marshalltown City Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month at 5:30 p.m. in the City Hall Council Chambers. According to Iowa Code, the rezoning requires three readings and a public hearing.
4. Under optimum conditions it takes about 4-6 months to rezone property if the issue is not controversial. Larger projects may require additional time.
5. Applicants are encouraged to provide all applicable information as early as possible to facilitate the process.

Date Submitted & Fee Paid: \_\_\_\_\_

## Rezoning Request Application Form

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 Fax: 641-754-5742

[www.marshalltown-ia.gov](http://www.marshalltown-ia.gov)

---

All items listed must be submitted with this application:

Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.

\_\_\_\_\_ **Legal description of the property.** The property owner must provide a copy of the full legal description. If you do not have a copy, you can obtain one from the Marshall County Recorder's Office for a fee. The tax description found on the County Assessor's website is not the full legal description.

\_\_\_\_\_ **Application fee.** A \$500 fee is required payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Zoning Office.

**Please type or print legibly in ink.**

|                                                 |         |
|-------------------------------------------------|---------|
| Property Address:                               |         |
| Owner:                                          |         |
| Mailing Address:                                |         |
| Phone:                                          | E-mail: |
| Current Zoning Classification:                  |         |
| Current Use:                                    |         |
| Proposed Zoning Classification:                 |         |
| Proposed Use:                                   |         |
| Please list the uses of surrounding properties: |         |
| Signature and Date:                             |         |



9/8/2021

City of Marshalltown  
Plan & Zoning Commission

RE: City Land – Industrial Rezoning Consideration

Plan & Zoning Commission Members,

As the primary economic development organization for the City of Marshalltown, I'm writing to you to express our strong support in seeing this land rezoned for industrial purposes. Given the lack of supply of available industrial land, coupled with strong location factors, this land is a primary target for immediate industrial growth.

Currently within the City of Marshalltown there is little for available industrial land. In our efforts of attracting and retaining strong employers for our community, we know that availability of land is a major factor and the City's proactive approach to creating more land availability will assist our efforts significantly. We are devoid of any large industrial sites for attraction of new companies. This land would create those opportunities.

The process of site selection for most large-scale industrial location decisions involves a significant amount of de-risking the final site to give them the best chance at success. By proactively completing the rezoning we are shaving valuable time and political consideration in the future, which makes our site more attractive for business consideration.

It is our hope that through this rezoning effort we will establish new industrial land that our organization can begin marketing on behalf of the City. We continue to strive to create meaningful employment opportunities for our community, county, and region. We ask you to please support the rezoning and begin by setting the public hearing and ultimately approving this request by city staff.

Sincerely,

A handwritten signature in blue ink. The signature is stylized, with the first part appearing to be "John" and the last part being "Hall". The ink is a vibrant blue.

John Hall

President & CEO

Marshalltown Area Chamber of Commerce