



PLAN AND ZONING COMMISSION

Notice of Regular Meeting

Thursday, June 29, 2023 at 4:30 PM

City Council Chambers, City Hall

10 W. State Street - Council Chambers

1. Call To Order & Roll Call

Boston

Brodin

Casady

Eilers

Gruendler

Valbracht

Wittkop

2. Approve Meeting Minutes From March 9, 2023

Documents:

[030923_PZ_MIN_FINAL.PDF](#)

3. REVIEW And SET PUBLIC HEARING For Rezoning Request Of 201 E Merle Hibbs Blvd,
Parcel Number 8318-11-426-012

Documents:

[06292023_PZ_MEMO_VA CLINIC 216 E MERLE HIBBS BLVD.PDF](#)
[REZONING APPLICATION FORM_FILL - EC.PDF](#)
[LEGAL.PDF](#)

MISSION STATEMENT

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

Plan and Zoning Commission

Meeting Minutes – March 9th, 2023

Meeting was called to order at 5:00 PM in the City Council Chambers at 10 W. State Street

1. Roll Call:

Present: Boston, Brodin, Casady, Eilers, Gruendler, Valbracht, and Wittkop

Absent: None

2. Select Chair Person

Motion to select Boston as Chair Person by Valbracht

Second by Eilers

All approve Boston as Chair Person

3. Meeting Minutes from 8/11/2022

Minutes are approved as distributed.

4. PUBLIC HEARING and ACTION to Board of Adjustment on Special Use Permit Request 102 N 9th Ave, Dustin Tapp

Chair declared the public hearing open. No Public hearing. The public hearing was closed. Hector Hernandez, City Planner presented information on the proposed towing service company. Jon Boston suggested an increase in height of privacy fence from 6FT to 8FT.

Valbracht motion to approve the special use permit for 102 N 9th Ave, Dustin Tapp with the following conditions an 8FT privacy fence. Brodin seconded the motion. All Aye. Motion Carried.

5. PUBLIC HEARING and ACTION to Board of Adjustment on Special Use Permit Request 1414 Iowa Ave W, TC Casady Property LLC

Chair declared the public opened. The following public comments were received. Jim Bell local property and business owner expressed an opposition due to negative impact on the neighborhood. Bell mentioned the water concerns, decrease in property value, hours of operation, and turning concerns. Bell questioned the hours of operations. Shannon Robinson from Greenfield Dr concerned about the traffic, visual appearance from rear window, and decrease property value, and the view from their homes and contamination of the water. Fred Vanmetre discussed the location of the site and mentioned the other location. Kelly Miller spoke about how smell and traffic will come from the location. John Hall the president of Chamber of Commerce explained how this would increase the value of the properties, and it is

different type of commercial from retail. Hall mentioned how this would fall more like light industry. Douglas Steward suggested that Stones move office space to the vacant mall. Heather Thomas the city engineer addressed the traffic concern by only increasing by one percent. Contamination of the creek would be tested and likely discharged, and wash bay going to the sewer. Kevin Johnson seconded all the concerns.

Carmen Wedgewood talked about how he lives next to a sanitation location on Washington and no smell and does not even notice it is next to his house. Gary Thompson city council member disagreed with the proposed zoning category. He stated this use should be allowed such as the existing business that are grandfathered in. Written comments were received from Cynthia Britson and Antonio Banderas included in the packet. Public hearing was closed.

The applicant presented the request to the board. Todd Casady responded to the question to what portion of the property would be used, proximately 2 acres would be used. It was believed it was a good fit for Iowa Avenue. Stones wants to be a good neighbor. Mike Keeran with Stone Sanitation presented information on Stones operations. He addressed operations and concerns about nuisance that were mentioned by the residents. The project would include a new building for office, a wash bay, and repair. They are willing to do the fencing and buffering to meet the requirements. He mentions that no garage would be stored on site, the trucks would be cleared and emptied. They chose the location due to the easy access to the landfill and the majority of the operations in Marshalltown. Keeran described the regulation that Stones has to follow from the state level. 20 vehicles would be stored at the location

Staff presentation, Hector Hernandez presented information on the special use permit application.

The commission asked questions related to operations discussed on operation. Repairs off site to trucks. Brodin asked about fence height. Commission discussed landscaping and buffering. Valbracht recommended no impacts or by-products of the use, including noise, dust, or odor shall be discernible from abutting property. Boston recommended change 6' to 8' solid fence.

Valbracht motion to approve the special use permit for 1414 Iowa Ave W, TC Casady Properties LLC with the following conditions 8 FT privacy fence with buffering to include a combination of trees and bushes. Seconded by Eilers. 5-1 except for Boston and Casady who abstained. Meeting Adjourned at 6:15 pm

MARSHALLTOWN

I O W A

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: June 29, 2023 – Meeting Date / July 13, 2023 Public Hearing

SUBJECT: Review and Set Public Hearing: Rezoning Application for 201 E Merle Hibbs Blvd (Parcel Number 8318-11-426-012)

Policy Issue: A rezoning is an amendment to the Zoning Map, which is part of the Zoning Ordinance. Rezoning requests go before the Plan Zoning Commission for a review and public hearing where a recommendation is made to the City Council.

Request: RISE M LLC the owners of the lot at 201 E Merle Hibbs Blvd (Parcel Number 8318-11-426-012) have proposed to change the zoning from Mixed-use to General Commercial. The development use will be considered All Other Medical Facilities in Medical Facilities under the zoning ordinance.

Current Zoning Classification: The current zoning classification is Mixed-use. Mixed-Use has building standards which this proposal does not meet.

Comprehensive Plan Designation: Marshalltown 2030 Comprehensive plan has this zoned as low density residential for future land use. A proposed amendment to the Comprehensive Use Plan is recommended if this property is rezoned.

Staff Review: RISE M LLC is proposing a new outpatient clinic that will service for specialty health services for medical, outpatient, and/or professional services to Veterans. The building is intended use for Veteran's Affairs.

Zoning categories this proposal as Medical Facilities. Medical Facilities means a use category containing uses providing medical or surgical care to patients. Some uses may offer overnight care. Uses in this use category include: Acupuncture clinic; Blood or plasma center; Chiropractor; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental office; and other uses meeting the definition of Medical Facilities according to the Zoning Administrator.

Use Category	Specific Use ¹	Cv = Conventional Cl = Cluster In = Infill	Residential								Mixed-Use		Nonresidential				Standards
			AS	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	Cl	Cv	In	Cv	In							
Medical Facilities	Hospital	--	--	--	--	--	--	S	S	--	--	--	P	--	P	156.C.005	
	All Other Medical Facilities	--	--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005	

All Other Medical Facilities are a Permitted Use in General Commercial zoning.

Housing & Community Development

24 North Center Street, Marshalltown, IA 50158 - Tel. (641) 754-5756 - Fax (641) 754-5742
The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.



Purple=General Commercial White=Mixed-Used Blue= Public Institution

Review Criteria.

In determining whether to approve, approve with conditions, or deny a Zone Change, the review bodies shall consider provisions of Subsection 156.J.002.5, Common Review Criteria, together with the following:

Property Dimensions. The dimensions of the subject property to accommodate reasonable development that complies with the requirements of this ZO, including parking, open space, and buffering requirements.

Need. The pace of development and the amount of vacant land currently zoned for comparable development in the vicinity of the subject property.

Hardship. A comparison of the hardship to the applicant with the relative gain to the public health, safety, and welfare.

Consistency. The proposed zone change is consistent with the Comprehensive Plan or Future Land Use Map and increase the likelihood of advancing the goals, objectives, and policies of the Comprehensive Plan Land Use Map, or another adopted area plan, including but not limited to redevelopment plans;

Compatibility. The range of uses allowed by the proposed zoning district will be compatible with the properties in the immediate vicinity of the subject property;

Suitability. The suitability of the subject property for the zoned purposes;

Changed Conditions. The character of the surrounding area is transitioning or being affected by other factors, such as traffic, a new school, adjoining uses, or environmental issues; and

Support. Nearby property owners are in support of, or do not oppose, the proposed map amendment.

Recommendation – The zoning officer recommends a rezoning to general commercial due to mixed-use zoning amendments not being ready to proceed. The zoning ordinance is pending a revised update under the mixed-use district building standards.

Housing & Community Development

24 North Center Street, Marshalltown, IA 50158 - Tel. (641) 754-5756 - Fax (641) 754-5742
The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.

Next Steps: Review the request based on the previous criteria and set public hearing for the Planning & Zoning Commission meeting on July 13th, 2023 to receive comments and ultimately make a recommendation to City Council on July 24, 2023.

Housing & Community Development

24 North Center Street, Marshalltown, IA 50158 - Tel. (641) 754-5756 - Fax (641) 754-5742
The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.

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

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 2nd and 4th 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

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:

201 E Merele Hibbs Boulevard

Owner:

RISE M LLC

Mailing Address:

801 Burns St. Hawley, MN 56549

Phone:

701.899.2309

E-mail:

dfatland@c2construct.com

Current Zoning Classification:

MU - Mixed-Use

Current Use:

Agricultural

Proposed Zoning Classification:

GC - General Commercial

Proposed Use:

Medical

Please list the uses of surrounding properties:

Medical and Commercial (Walmart to the West of property and McFarland Clinic)

Signature and Date:



6/26/2023

\$7 chg.

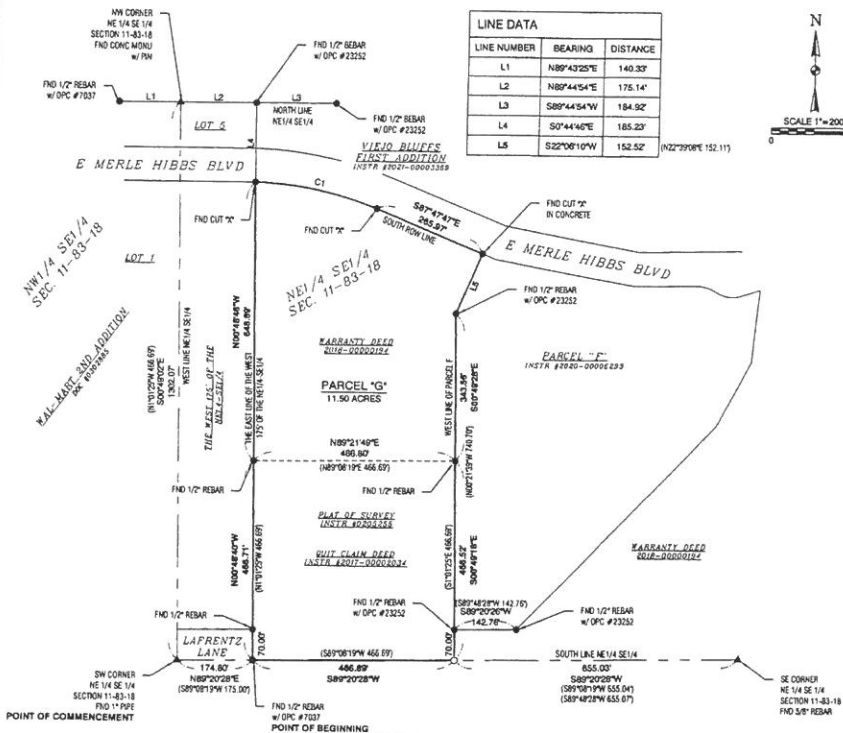
PLAT OF SURVEY

INDEX LEGEND	
LOCATION:	PARCEL "G" LOCATED IN THE NE 1/4 SEC 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA
PROPRIETOR:	STALZER FARMS INC.
REQUESTED BY:	DANIEL FATLAND
PREPARED BY:	CLAPSADLE-GARBER ASSOCIATES, INC.
RETURN TO:	16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158
	PHONE 841-760-0701
	CGA@CGACONSULTANTS.COM



Recorded 11/22/2022 at 10:37:03 AM
Amt: \$7.00 Charge Page 1 of 1
Revenue Tax
Marshall County Iowa
Nan Benson County Recorder
File 2022-00006062

LINE DATA		
LINE NUMBER	BEARING	DISTANCE
L1	N89°43'25"E	140.33'
L2	N89°44'54"E	176.14'
L3	S89°44'54"W	184.92'
L4	S07°44'40"E	185.23'
L5	S22°06'10"W	152.52'

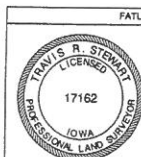


Curve Table					
CURVE DATA	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD
C1	289.78'	788.85'	21°02'44"	S79°19'37"E	288.13'
	(289.78')	(788.85')	(21°02'45")	(N77°52'14"W)	(288.13')

LEGAL DESCRIPTION:

PARCEL "G" LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M.; THENCE, N89°29'28"E 174.80' ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, N07°48'40"W 486.71' ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, N07°48'40"W 646.89' CONTINUING ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTH RIGHT OF WAY LINE OF EAST MERLE HIBBS BOULEVARD; THENCE, SOUTHEASTERLY 289.78' ALONG THE ARC OF A 788.85' RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A CHORD BEARING OF S79°19'37"E AND A CHORD DISTANCE OF 288.13'; THENCE, S67°47'47"E 285.97' ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "F" AND RECORDED IN INSTRUMENT NO. 2020-00002893 IN THE OFFICE OF THE RECORDER, MARSHALL COUNTY, IOWA; THENCE, S22°06'10"W 152.52' ALONG THE WEST LINE OF SAID PARCEL "F"; THENCE, S07°44'40"E 185.23' ALONG THE WEST LINE OF SAID PARCEL "F"; THENCE, S07°48'18"E 486.52' ALONG THE WEST LINE OF SAID PARCEL "F" TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 11; THENCE, S89°29'28"W 486.89' ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 11.50 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

LEGEND:	
FOUND	PLSS CORNER FOUND (see notes)
SET	PARCEL OR LOT CORNER
	PLSS CORNER - 1/2" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#17162)
	1/2" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#17162)



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, P.L.S.
Iowa License Number 17162
My License Renewal Date is December 31, 2023
Pages or sheets covered by this seal: THIS SHEET



PROJECT NO. 79680
DATE OF SURVEY: 10-26-22
DRAWN BY: TMM
FIELD CHECK: SLS/HAT
SHEET NO: 1 OF 1