

MARSHALLTOWN

— I O W A —

PLAN AND ZONING COMMISSION

Notice of Regular Meeting

Thursday, September 12, 2024, at 5:00 pm

City Council Chambers, City Hall

10 West State Street, Marshalltown, IA 50158

1. CALL TO ORDER

2. ROLL CALL

- Boston
- Brodin
- Casady
- Eilers
- Gruendler
- Isom
- Valbracht

3. Approve Minutes From August 15, 2024 Meeting

Documents:

[08-15-2024_PZ_Minutes_CK.pdf](#)

4. Review Special Use Permit From ITC Midwest LLC

Representatives from ITC Midwest LLC will be available to answer questions.

Documents:

[Marshalltown IA Special Use Permit Application.pdf](#)
[Site Plan ITC-02-001 - corrected road name.pdf](#)

5. Discussion On Proposed Changes To Chapter 156 - Table 156.B.004-1 Residential District Lot And Building Standards

Documents:

[Table 156 B 004-1 B.pdf](#)

6. Motion To Approve Modifications For Public Hearing On October 17, 2024 At 5:00 Pm For Amendment To Chapter 156 - Residential District Lot And Building Standards

7. Discussion On Proposed Changes To 156.J.005.1 Special Use Permit Pertaining To Public Hearings

Documents:

[156.J.005.1 Special Use Permit.pdf](#)

[156.J.002.12 Development Review Summary Table.pdf](#)

MISSION STATEMENT

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

Plan and Zoning Commission

Meeting Minutes – August 15, 2024

The meeting was called to order by Chairman Boston at 5:00 PM in the City Council Chambers at 10 W. State Street, Marshalltown, IA

Item 2: Roll Call:

Present: Boston, Eilers, Isom, Gruendler, and (attended remotely) Valbracht and Casady). Absent: Brodin.

Also attending, Heather Thompson, Public Works director (remotely) and Cindy Kendall, and Trey Rouse, Consultants.

Item 3: Approve Meeting Minutes from June 26, 2024 and July 9, 2024.

The Chair asked for comments. As there were no comments or corrections, the minutes of the June 26 and July 9, 2024 meetings were approve as presented.

Item 4: Public Hearing on Chapter 156 Article E Parking, Loading and Stacking.

Chairman Boston opened the public hearing at 5:02pm. As there was no public attending, as no written comments, the Chair declared the public hearing closed at 5:03.

Chairman Boston reviewed table 156.E.004 suggesting modifications on some of the maximum parking limits. Mr. Rouse was asked to give a comparison to other cities. After discussion, changes were made to the following categories: Restaurants, Retail Repair, Sales, and service and Vehicle Sale and Service. A motion was presented by Eilers, seconded by Isom to approve the changes as discussed and send it to the Council for ratification. All ayes, with Brodin absent.

Item 5: Discussion on Chapter 72 Parking

In the packets, the Commission received the marked up copy of Chapter 72 from Alicia Hunter, City Clerk who also has experience in the Police department. A motion was presented by Gruendler, seconded by Eilers to pass this back to the city Council for their review.

Item 6: Discussion on Chapter 156 Table 156.B.004-1 Residential District Lot and Building Standards

This table was presented in the packets to the Commission. The markups in Red reflect changes discussed between Chairman Boston and former City Planner Hernandez. After some discussion, and comments from Trey Rouse, the Contracted Planner, the committee decided to take a closer look at these changes at the September meeting.

Before adjournment, Cindy Kendall and Trey Rouse briefed the Commission on a pending Special Use Permit that is tentatively scheduled for September. Questions were asked about the procedure which will be reported back to the Commission upon legal review.

Meeting Adjourned at 5:42 pm.

Special Use Permit Application

Housing & Community Development Department - 24 N. Center Street, Marshalltown, IA
50158 Ph: 641-754-5756 - Fax: 641-754-5742 - E-mail: bldginsp@marshalltown-ia.gov

All applicable items listed must be submitted with this application:

_____ **Project Description.** Include a cover letter or project description summarizing the proposed project.

_____ **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.** This may include site improvements, design features, public services, and compatibility.

_____ **Application fee.** A \$300 fee is required for a special use request. Make check payable to "City of Marshalltown." The fee must be paid when the application is submitted.

_____ **Full legal description of the property.** *Please note that the tax description on the Marshall County assessor's webpage is NOT the full legal description.* The legal description is listed on the property's abstract and/or a recorded deed or may be obtained from the Marshall County Recorder's Office for a fee.

_____ **Owner's consent to apply (if applicable).** If the applicant is NOT the current title owner, a letter from the title owner shall be included indicating consent to apply.

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, the Plan & Zoning Commission shall first review the proposal, hold a public hearing and make a recommendation to the Board of Adjustment which will also hold a public hearing prior to acting. A public hearing notice will be published and a sign will be posted on site for public information.

Attendance at all meetings is required.

Please type or print legibly in ink.

Property Address:	
Owner:	
Mailing Address:	
Phone:	Email Address:
Agent Name (if applicable):	
Owner's Agent Address:	
Agent Phone:	Agent Email Address:

Answer the following questions as part of the application. Responses may be provided as a separate document.

1. **Surrounding Properties.** How will this special use permit impact the surrounding properties? How will the proposed special use operate or be designed in a manner that does not diminish the use or functionality of surrounding properties? You may include supporting evidence from a professional appraiser, real estate professional, or other professional. *Additional review criteria:* The board shall consider if approval creates an unwanted concentration of similar special uses.
2. **Hours of Operation and Site Improvements.** Please state the following: Provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements.
3. **Public Services Available.** Please state if adequate public services are available without disruption to existing uses (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection).
4. **Nuisance.** Is there any existing or potential of a nuisance if the special use permit is granted? (If, in the opinion of Plan and Zoning Commission or Board of Adjustment, the special use becomes a nuisance, the Special Use Permit may be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.)
5. **Design Features.** Please describe how design features will be incorporated to sufficiently protect adjacent uses. Address areas such as: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing, and building placement;
6. **Compatibility.** Will the proposed use be compatible with adjacent existing uses? (Compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise and lighting, or other undesirable conditions.)
7. **Location.** Identify any other practicable alternative locations considered where a Special use would not be required

The board will use this information provided as part of the application in addition to information presented at the public meetings to review your request. Please attach any additional supporting information to be considered that has not previously been discussed. If you have any questions, please contact the Zoning Department at 641-754-5756 or bldginsp@marshalltown-ia.gov Meeting schedules will be set by the City Planner and agendas are posted to the City website: <https://www.marshalltown-ia.gov/AgendaCenter>

Owner/Agent Signature: _____

Date: _____

Table 156.B.004-1
Residential District Lot and Building Standards
(See Figures 156.B.004-1 through -6, below)

Housing/Building Type ¹	Maximum Gross Density (Units/ Acre)	Common Civic or Open Space/ Landscape Surface Area Ratio ²	Minimum Lot ³		Maximum Building Height	Minimum/Maximum Setbacks			
			Area	Width		Front	Side Street	Side ⁴	Rear
Graphic Legend			A	B	C	D	E	F	G
AG - Agricultural Residential Conventional Development Type									
Single-Family Detached ⁵	0.04	N/A	25 Acres	120	35 ft.	50 ft.	20 ft.	15 ft.	50 ft.
Permitted Nonresidential Uses ⁷	N/A	N/A	25 Acres	120	35 ft.	50 ft.	20 ft.	15 ft.	50 ft.
RR - Rural Residential Conventional Development Type									
Single-Family Detached	2.82	N/A	14,375 s.f.	85 ft.	35 ft.	35 ft.	10 ft.	8 ft.	35 ft.
Permitted Nonresidential Uses ⁷	N/A	N/A	14,375 s.f.	85 ft.	35 ft.	35 ft.	10 ft.	8 ft.	35 ft.
RL - Low Density Residential Conventional Development Type									
Single-Family Detached	4.40	N/A	9,000 s.f.	75 ft.	35 ft.	30 ft.	8 ft.	7 ft.	35 ft.
Single-Family Attached	4.90	N/A	8,000 s.f.	60 ft.	35 ft.	30 ft.	8 ft.	7 ft.	35 ft.
Duplex	5.64	N/A	7,000 s.f.	60 ft.	35 ft.	30 ft.	8 ft.	8 ft.	35 ft.
Permitted Nonresidential Uses ⁷	N/A	N/A	9,000 s.f.	75 ft.	35 ft.	30 ft.	15 ft.	10 ft.	35 ft.
RL - Low Density Residential Cluster Development Type									
Single-Family Detached	5.58	15%	6,500 s.f.	60 ft.	35 ft.	15 ft.	7 ft.	7 ft.	25 ft.
Single-Family Attached	5.64	15%	6,000 s.f.	50 ft.	35 ft.	15 ft.	7 ft.	7 ft.	20 ft.
Duplex	5.98	20%	5,250 s.f.	50 ft.	35 ft.	20 ft.	8 ft.	8 ft.	20 ft.
Permitted Nonresidential Uses ⁷	N/A	20%	6,500 s.f.	60 ft.	35 ft.	15 ft.	7 ft.	7 ft.	25 ft.
RM - Medium Residential Density Conventional Development Type									
Single-Family Detached	7.15	N/A	5,000 s.f.	60 ft.	35 ft.	30 ft.	10 ft.	5 ft.	25 ft.
Single-Family Attached	8.56	N/A	4,500 s.f.	50 ft.	35 ft.	20 ft.	10 ft.	5 ft.	25 ft.
Duplex	10.47	N/A	4,000 s.f.	50 ft.	35 ft.	20 ft.	8 ft.	5 ft.	20 ft.
Townhouse	11.44	N/A	3,500 s.f.	25 ft.	45 ft.	20 ft.	8 ft.	5 ft.	20 ft.
Multiplex	11.54	N/A	3,500 s.f.	75 ft.	45 ft.	20 ft.	8 ft.	5 ft.	20 ft.
Apartment	18.513	N/A	2,000 s.f.	60 ft.	45 ft.6	10 ft.	5 ft.	5 ft.	10 ft.
Manufactured Home Park	Refer to § 156.C.005(D)(1), Manufactured Home Park								
Permitted Nonresidential Uses ⁷	N/A	N/A	5,000 s.f.	75 ft.	35 ft.	20 ft.	10 ft.	10 ft.	25 ft.
RM - Medium Residential Density Infill Development Type									
Single-Family Detached	11.40	N/A	3,250 s.f.	40 ft.	35 ft.	20 ft.	5 ft.	5 ft.	20 ft.
Single-Family Attached	11.66	N/A	3,250 s.f.	40 ft.	35 ft.	20 ft.	5 ft.	5 ft.	20 ft.
Duplex	11.91	N/A	3,000 s.f.	30 ft.	35 ft.	10 ft.	5 ft.	5 ft.	20 ft.
Townhouse	11.44	N/A	3,500 s.f.	25 ft.	45 ft.	10 ft.	5 ft.	5 ft.	25 ft.
Multiplex	13.33	N/A	3,000 s.f.	75 ft.	45 ft.	10 ft.	5 ft.	5 ft.	25 ft.
Apartment	23.21	N/A	1,600 s.f.	60 ft.	45 ft.6	10 ft.	5 ft.	5 ft.	10 ft.
Manufactured Home Park	Refer to § 156.C.005(D)(1), Manufactured Home Park								
Permitted Nonresidential Uses ⁷	N/A	N/A	5,000 s.f.	75 ft.	35 ft.	20 ft.	10 ft.	10 ft.	25 ft.
RM - Medium Residential Density Tiny House or Cottage Development Type									
Cottage Court	9.48	30%	2,000 s.f.	45 ft.	20 ft.	20 ft.	8 ft.	5 ft.	20 ft.
Tiny House	14.5	30%	1,000 s.f.	40 ft.	20 ft.	20 ft.	8 ft.	5 ft.	20 ft.
RH - High Density Residential Conventional Development Type									
Single-Family Detached	13.46	N/A	2,750 s.f.	40 ft.	35 ft.	20 ft.	5 ft.	5 ft.	20 ft.
Single-Family Attached	13.78	N/A	2,750 s.f.	40 ft.	35 ft.	20 ft.	5 ft.	5 ft.	20 ft.
Townhouse	18.18	N/A	2,000 s.f.	20 ft.	45 ft.	10 ft.	10 ft.	5 ft.	15 ft.
Multiplex	21.50	N/A	2,000 s.f.	45 ft.	45 ft.	10 ft.	10 ft.	10 ft.	25 ft.
Apartment	30.66	N/A	1,200 s.f.	60 ft.	45 ft.6	10 ft.	5 ft.	5 ft.	10 ft.
All Permitted Nonresidential Uses ⁷	N/A	N/A	7,500 s.f.	50 ft.	40 ft.	10 ft.	10 ft.	10 ft.	25 ft.
RH - High Density Residential Infill Development Type									
Single-Family Detached	14.81	N/A	2,500 s.f.	40 ft.	35 ft.	20 ft.	5 ft.	5 ft.	20 ft.
Single-Family Attached	15.16	N/A	2,500 s.f.	40 ft.	35 ft.	20 ft.	5 ft.	5 ft.	20 ft.
Multiplex	21.39	N/A	1,875 s.f.	45 ft.	45 ft.	10 ft.	8 ft.	5 ft.	25 ft.
Townhouse	21.87	N/A	1,600 s.f.	18 ft.	45 ft.	5 ft.	5 ft.	5 ft.	15 ft.
Apartment	30.66	N/A	1,200 s.f.	60 ft.	45 ft.6	5 ft.	5 ft.	5 ft.	10 ft.
All Permitted Nonresidential Uses ⁷	N/A	N/A	N/A	N/A	40 ft.	10 ft.	10 ft.	10 ft.	25 ft.

Notes:

1. Refer to § 156.C.004, Limited Use Standards, and § 156.C.005, Special Use Standards, for additional standards that may apply to a given housing type.
2. Minimum common civic or open space is calculated based on a percentage of the overall subdivision and applies to residential and mixed-use districts. Landscape surface area ratio is calculated based on a percentage of the lot and applies to nonresidential developments.
3. Minimum lot area is calculated on a "per dwelling unit" basis. Minimum lot width is calculated for the entire lot.
4. Zero feet is the side setback for the shared party wall between single-family attached units and between townhouse units.
5. Including a manufactured or modular home on its own lot (applies to all districts).
6. The maximum height of an apartment building may be increased by special use permit as set forth in § 156.C.005, Special Use Permit Standards.
7. Refer to Table 156.C.003-1 for list of uses.

Subsec. 156.J.005.1 Special Use Permit.

(A) *Generally.* A special use permit is to determine if the Board of Adjustment should authorize a new special use to be established or for an existing special use to intensify, expand, or convert to another special use.

(B) *Applicability.* A special use permit is required before establishing any use designated as a special use as in § 156.C.003-1, Use Table or before converting a nonconforming use to another nonconforming use pursuant to the provisions in § 156.C.005, Special Use Permit Standards.

(C) *Review criteria.* In determining whether to approve, approve with conditions, or deny a special use permit, the BOA shall consider the provisions of Subsec. 156.J.002.5, Common Review Criteria, together with the following:

(1) *Concentration.* The special use does not create an unwanted concentration of similar special uses that is likely to discourage permitted uses by making the vicinity less desirable for them.

(2) *Location.* There is no practicable alternative location where the use is permitted by right within the general vicinity of the parcel proposed for development, or, if such a location exists, the proposed location is comparable or more favorable in terms of:

(a) Providing a needed community service;

(b) Providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity;

(c) Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; and

(d) Making more efficient use of public infrastructure.

(3) *Affirmative findings.* In order to approve a special use permit, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

(D) *Procedures.*

(1) *Review and decision.* The Zoning Administrator shall review the proposed special use permit and give a report to the Plan and Zoning Commission. The PZC shall hold a public hearing and make a recommendation to the BOA, who shall subsequently conduct a public hearing before making final action to approve, approve with conditions, or deny the proposed special use permit.

(2) *Public notice and public hearing.* The required public notice and public hearing as denoted in Table 156.J.002.12-2, Review Steps, shall be conducted in conformance with the procedures set out in Subsec. 156.J.002.6, Public Notice, and Subsec. 156.J.002.7, Public Meetings and Hearings.

(3) *Time frame.* Approval of a special use permit shall be valid for the period of time set out in Table 156.J.002.12-1, Development Review Summary Table. Thereafter, the permit shall expire or be granted an extension as set out in Subsec. 156.J.002.10, Inactive and Expired Applications, and Subsec. 156.J.002.11, Approval Extension.

(4) *Notice of decision.* The Zoning Administrator shall provide a copy of the decision to the applicant within ten days of the BOA's decision.

(E) *Effect of approval.* The issuance of a special use permit shall not authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of an application for any permits or approvals which may be required by the city, including, but not limited to, a building permit, certificate of occupancy, and subdivision approval.

Subsec. 156.J.002.12 Development Review Summary Table.

(A) *Generally.* Procedures for obtaining development review approval pursuant to this Zoning Ordinance are summarized in this section.

(B) *Applications and procedures.* Each application required by this Zoning Ordinance is spelled out in Table 156.J.002.12-1, Development Review Summary Table, below.

Table 156.J.002.12-1 Development Review Summary Table					
Development Application (Reference)	Submittal Timing	Expiration ¹	Review Responsibilities		Applicable Standards
			Recommendati on	Final Decision	
ADMINISTRATIVE APPLICATIONS: Require final decisions in which city staff apply the standards in this Zoning Ordinance. Administrative applications typically require objective analysis by city staff and may involve the exercise of very limited discretion.					
Table 156.J.002.12-1 Development Review Summary Table					
Development Application (Reference)	Submittal Timing	Expiration ¹	Review Responsibilities		Applicable Standards
			Recommendati on	Final Decision	
ADMINISTRATIVE APPLICATIONS: Require final decisions in which city staff apply the standards in this Zoning Ordinance. Administrative applications typically require objective analysis by city staff and may involve the exercise of very limited discretion.					
Site Plan (156.J.004.1)	In order to make a limited modifi-cation to a site plan that has already been approved but that has not received a Certificate of Occupancy	365 days	Zoning Administrator		--
Building Permit (156.J.004.2)	Prior to erecting, altering, re-placing, re-locating, re-building, re-pairing, or re-storing a principal or accessory building or structure	180 days	Zoning Administrator	Building Official	--
Floodplain Development Permit (156.J.004.3)	Prior to initiating or continuing any development or substantial improvement within a regulatory floodplain as shown on a Flood Insurance Rate Map (FIRM)	90 days	Floodplain Administrator		§ 156.C.006

Sign Permit (156.J.004.4)	Prior to constructing, installing, placing, relocating a sign, or modifying a sign's dimensions or illumination	The use associated with the sign is abandoned; The sign is removed or abandoned; or The sign is not completely constructed, installed, placed, changed, relocated, or attached within 180 days from the date of the sign permit issuance	Zoning Administrator	Article G
Master Sign Plan (156.J.004.5)	Prior to or concurrent with submittal of a Site Plan, Planned Unit Development Plan, or sign permit	2 years	Zoning Administrator	Article G
Certificate of Occupancy (156.J.004.6)	Upon completion of construction or before a change in occupancy	None	Building Official	--
Administrative Adjustment (156.J.004.7)	In order to adjust a numeric standard in this Zoning Ordinance by up to 10%	Same as application being modified	Zoning Administrator	--
Temporary Use Permit (156.J.004.8)	Prior to establishing a temporary use related to a public or commercial event	180 days	Zoning Administrator	§ 156.C.008
Limited Use Permit (156.J.004.9)	Prior to establishing, changing, or expanding a limited use	180 days	Zoning Administrator	§ 156.C.004
Floodplain Variance (156.J.004.10)	Prior to or concurrent with submittal of a Floodplain Development Permit	180 days	Floodplain Administrator	§ 156.C.006

LEGISLATIVE APPLICATIONS: Require final decisions that establish or change the way the use, design, or development of land will occur on a site-specific, city-wide, or intermediate scale. Elected and appointed administrative bodies make final decisions based on general considerations of fostering and preserving the public health, safety and general welfare, including the city's fiscal well-being. Such final decisions are characterized by the exercise of broad discretion.

Text Amendment (156.J.003.1)	Prior to amending ZO	None	Zoning Administrator	City Council	--
Zone Change (156.J.003.2)	Prior to establishing or expanding a use or residential density prohibited in the current zoning district		1st: Zoning Administrator 2nd: PZC		--
Master Development Plan (156.J.003.3)	Concurrent with or subsequent to a zone change application and prior to plats, plans or permits for a mixed-use center	2 years	Zoning Administrator	PZC	Article D

QUASI-JUDICIAL APPLICATIONS: Require final decisions that establish the way design or development will occur on specific sites in manners that either vary from the standards of this Zoning Ordinance or that are contested by an aggrieved party. The Board of Adjustment makes final decisions based on findings of fact and analysis of how specific provisions of this Zoning Ordinance and the Comprehensive Plan apply to the site. Such final decisions are characterized by exercise of discretion.

Special Use Permit (156.J.005.1)	Prior to the operation of any land use that is designated as a special use	180 days	1st: Zoning Administrator 2nd: PZC	BOA	§ 156.C.005
Variance (156.J.005.2)	Prior to or concurrent with submittal of a Site Plan, Building Permit, or Sign Permit	180 days	Zoning Administrator		Article B, Article D, Article E, Article F
Appeal of Administrative Decision (156.J.005.3)	Within 30 days after a final decision by the Zoning Administrator or Building Official on a matter addressed in this ZO	None	Zoning Administrator		--

KEY: "ZO"= Zoning Ordinance; "PZC" = Plan and Zoning Commission; "BOA" = Board of Adjustment

TABLE NOTES:

1. Measured from the date of approval. Expiration occurs if the applicant does not diligently pursue completion of the project or the subsequent required approval. See Subsec. 156.J.002.10, Inactive and Expired Applications.

(C) *Review steps.* Table 156.J.002.12-2, Review Steps, summarizes the review procedures involved in the development proposal process.

Table 156.J.002.12-2						
Review Steps						
General Review Procedures (Subsection Reference)	Administrative Applications	Legislative		Quasi-Judicial		
		ZO Text Amendment	All Other	Written Interpretation	Variance	Appeals
Table 156.J.002.12-2						
Review Steps						
General Review Procedures (Subsection Reference)	Administrative Applications	Legislative		Quasi-Judicial		
		ZO Text Amendment	All Other	Written Interpretation	Variance	Appeals
Pre-Application Conference (156.J.002.1)	No	No	Yes	No	No	Yes
Applications and Fees (156.J.002.2)	Yes	No	Yes	No	Yes	Yes
Application Completeness (156.J.002.3)	Yes	No	Yes	No	Yes	Yes
Staff Review (156.J.002.4)	Yes	Yes	Yes	Yes	Yes	Yes
Common Review Criteria (156.J.002.5)	Yes	Yes	Yes	Yes	Yes	Yes
Public Notice (156.J.002.6)	No	Yes	No	No	Yes	Yes
Public Meetings and Hearings (156.J.002.7)	No	Yes	Yes	No	Yes	Yes
Continuances and Withdrawals (156.J.002.8)	No	No	Yes	No	Yes	Yes
Successive Applications (156.J.002.9)	No	No	Yes	No	Yes	Yes

Inactive or Expired Applications (156.J.002.10)	Yes	No	Yes	No	Yes	Yes
Approval Extension (156.J.002.11)	Yes	No	Yes	No	Yes	Yes
KEY: "Yes" = Common Review Procedure Required; No = Common Review Procedure Not Required						

(Ord. 15039, passed 4-11-2022)