

1. Agenda

Documents:

[AGENDA.PDF](#)

2. Supporting Meeting Documents

Documents:

[HUSAK FINAL PLAT.PDF](#)

[MINUTES.PDF](#)

[MEMO.PDF](#)

Notice of Public Meeting
Plan & Zoning Commission – AGENDA
Agenda for Thursday, August 11, 2016 – 5:00 PM
City Hall, Council Chambers
10 West State Street, Marshalltown

Call to Order:

Committee Members:

Jon Boston, Chair
Sharon Greer, Vice-Chair
Tammy Lawson,
Keith Bloomquist

Angela Lins-Eich
Fauna Nord
Steve Valbracht

Roll Call.

Business:

1. Review and approval of the minutes from 07/14/2016
2. **PUBLIC HEARING:**
Recommendation to the City Council regarding the Planned Unit Development amendment to Glenwood Place.
3. Review and recommendation to the City Council on the Husak Subdivision Final Plat

Complete the following contact information. (Please type or print clearly)

Owner Corporation Name	
Contact/Owner Name Douglas P Husak and Donna K Wind-Husak	
Owner Address 102 Duesenberg Dr Conrad, IA 50621	Owner Fax 641/752-7852
Owner Phone 641/751-2663	
Owner E-mail douglas.p.husak@wellsfargo.com	

Name of Law Firm Grimes Buck Schoell Beach & Hitchins	
Attorney Name Roger Schoell	
Attorney Address 102 E Church St Marshalltown, IA 50158	Attorney Fax 641/752-5179
Attorney Phone 641/752-4507	
Attorney E-mail roger@gbshlaw.com	

Engineer Firm Name Clapsaddle-Garber Associates	
Engineer Contact Person Steve Troskey	
Engineer Address 16 E Main St Marshalltown, IA 50158	
Engineer Phone 641/752-6701	Engineer Fax 641/752-2849
Engineer E-mail stroskey@cgaconsultants.com	

DEDICATION

STATE OF IOWA, MARSHALL COUNTY, ss:

Douglas P. Husak and Donna K. Wind-Husak, husband and wife, the record owners of the following described real estate, to wit:

Parcel "A" situated on the Northeast Quarter of the Southwest Quarter of Section Nine, Township Eighty-three North, Range Eighteen West of the 5th P.M., Marshall County, Iowa, as described in Plat of Survey recorded in Instrument #2016-00000849 of the records of Marshall County, Iowa,

Being the real estate upon which the following Subdivision, to wit:

Husak Subdivision of Parcel "A" situated on the Northeast Quarter of the Southwest Quarter of Section Nine, Township Eighty-three North, Range Eighteen West of the 5th P.M., Marshall County, Iowa, as described in Plat of Survey recorded in Instrument #2016-00000849 of the records of Marshall County, Iowa,

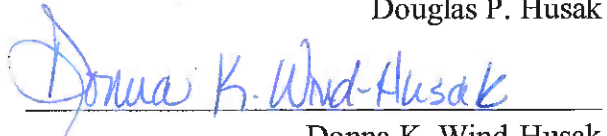
is laid out into lots as shown by the attached Plat, hereby certify that they caused said Subdivision to be laid out and platted into lots and that the disposition of the real estate as shown by said Plat is in accordance with their desire, conforming to the established requirements for platting under the ordinances of the City of Marshalltown, Marshall County, Iowa, and the applicable laws of the State of Iowa.

The lots of such Subdivision are accessed by a private road and same is not dedicated to the use of the general public.

That the measurements of the lots contained in said Subdivision are as indicated on the attached Plat drawing.

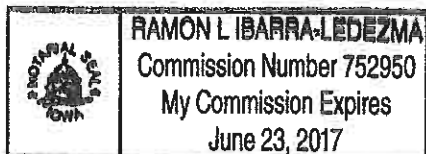
IN WITNESS WHEREOF, Douglas P. Husak and Donna K. Wind-Husak have caused the execution hereof this 1 day of August, A.D., 2016.


Douglas P. Husak


Donna K. Wind-Husak

STATE OF IOWA, MARSHALL COUNTY, ss.

On this 1st day of August, 2016, before me, the undersigned, a Notary Public, in and for the State of Iowa, personally appeared Douglas P. Husak and Donna K. Wind, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



Ramon L. Ibarra-Ledezma
Notary Public in and for the State of Iowa

Acknowledgement of Mortgage Holders

None.

**GRIMES, BUCK, SCHOELL
BEACH & HITCHINS**
ATTORNEYS AT LAW

ROGER R. SCHOELL
KEVIN R. HITCHINS

JEFFREY P. HAZEN
BREANNA M. NELSON

102 EAST CHURCH STREET
P.O. BOX 776
MARSHALLTOWN, IA 50158-0776
(641) 752-4507
FAX (641) 752-5179

Of Counsel
MAX H. BUCK

Deceased
LEONARD L. GRIMES
GENE L. BEACH

August 1, 2016

The Marshall County Board of Supervisors
and
The City Council of Marshalltown, Iowa

RE: Title Opinion - Husak Subdivision
GBSB&H Abstract #16-61
MCAC #23871

Gentlemen:

I have carefully examined the abstract of title in one part, beginning with the root title deed and certified down to April 15, 2016, at 11:35 a.m., covering the following described premises, to-wit:

Parcel "A" situated on the Northeast Quarter of the Southwest Quarter of Section Nine, Township Eighty-three North, Range Eighteen West of the 5th P.M., Marshall County, Iowa, as described in Plat of Survey recorded in Instrument #2016-00000849 of the records of Marshall County, Iowa.

I am of the opinion that the abstract as submitted complies with the Iowa Forty-Year Marketable Title Act and according to said abstract, Douglas P. Husak and Donna K. Wind-Husak, as joint tenants with full rights of survivorship, had title to said premises at the date last above mentioned pursuant to a Warranty Deed filed April 15, 2016 at Document No. 2016-00001731 of the records of Marshall County, Iowa. Said real estate is now platted as Husak Subdivision.

The abstract reveals the land is free from encumbrances.

The abstract reveals that all real estate taxes are shown to be paid, to and including both installments payable July 1, 2015 through June 30, 2016.

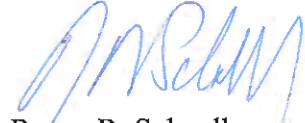
August 1, 2016

Page 2

This opinion is issued pursuant to the provisions of Section 354.11 of the Code of Iowa.

Very truly yours,

GRIMES, BUCK, SCHOELL, BEACH & HITCHINS



Roger R. Schoell
Title Guaranty No. 1166

RRS/mk

TREASURER'S CERTIFICATE

STATE OF IOWA, MARSHALL COUNTY, ss:

I, Jarret Heil, being Treasurer of Marshall County, Iowa, do hereby certify that land on which Husak Subdivision, Marshall County, Iowa, is laid out and platted as shown by the annexed plat is free from property taxes.

Witness my hand and seal this 20 day of July, 2016.

Jarret Heil by Debra Allen
Jarret Heil, Treasurer Property Tax
Marshall County, Iowa Supervisor

(SEAL)

AUDITOR'S APPROVAL OF SUBDIVISION NAME

STATE OF IOWA, MARSHALL COUNTY, ss:

I, Deanne Raymond, being Auditor of Marshall County, Iowa, do hereby approve,
pursuant to Iowa Code §354.6(2) and §354.11(6), the subdivision name
Husak Subdivision on the annexed plat and find the same to
be succinct and unique in Marshall County, Iowa.

Witness my hand and seal this 19 day of July, 2016.



Deanne Raymond

Deanne Raymond, Auditor

Marshall County, Iowa

**RESTRICTIVE COVENANTS OF
HUSAK SUBDIVISION OF PARCEL "A" SITUATED ON THE NORTHEAST
QUARTER OF THE SOUTHWEST QUARTER OF SECTION NINE,
TOWNSHIP EIGHTY-THREE NORTH, RANGE EIGHTEEN WEST OF THE
5TH P.M., MARSHALL COUNTY, IOWA, AS DESCRIBED IN PLAT OF
SURVEY RECORDED IN INSTRUMENT #2016-00000849 OF THE RECORDS
OF MARSHALL COUNTY, IOWA**

The undersigned owners in fee simple of Lots 1 and 2 of Husak Subdivision of Parcel "A" situated on the Northeast Quarter of the Southwest Quarter of Section Nine, Township Eighty-three North, Range Eighteen West of the 5th P.M., Marshall County, Iowa, as described in Plat of Survey recorded in Instrument #2016-00000849 of the records of Marshall County, Iowa, hereby make the following restrictive covenants for such lots:

1. The premises shall be used solely for residential purposes.
2. No building shall be designed for or adapted to the occupancy of more than one family.
3. No building construed on the premises other than the main residence shall be leased for residential purposes.
4. No structure shall be erected or permitted to remain on any lot other than a single family dwelling with private garage, guest houses, servants' quarters, and other out buildings clearly incidental to residential use of the premises.
5. No trailer, basement, tent, shack, garage, barn or other out buildings shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.
6. The premises shall not be used in any way that is offensive or injurious to the surrounding property.
7. Each titleholder of the lots, whether the said lot be vacant or improved, shall keep the said lot free of debris.
8. All residences shall have sodded and/or seeded yards.

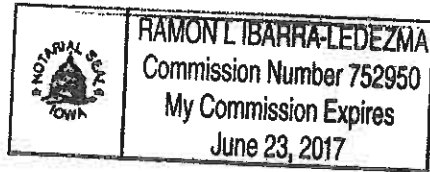
9. All residences shall be subjected to all appropriate building, plumbing and zoning laws of Marshall County and the State of Iowa.
10. When the construction of any building is once begun, it shall be completed within 180 days unless completion is rendered impossible as the direct result of weather, strikes, fires, national emergencies or national calamities.
11. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
12. Any or all of the foregoing restrictive covenants may be waived on written permission of the owners of all of the lots of this addition, or any changes or additions to such restrictions may be made by meeting this requirement at any time.
13. The invalidation of any one of the covenants by judgment, court order or otherwise, shall not affect the validity of any of the other provisions herein and the same shall remain in full force and effect under the terms hereof.
14. No lot shall be sold or conveyed without incorporating in the Deed of conveyance, either by reference or otherwise these restrictive covenants so as to perpetuate the use of said lots as herein contemplated.
15. Enforcement shall be by proceeding at law or in equity against any person or person violating or attempting to violate any covenants either to restrain or to recover damages, provided no violation shall ever work a reverter or forfeiture of the title. The prevailing party in such suit shall be entitled to reimbursement for all costs and attorney fees from the losing party.

Dated at Marshalltown, Iowa, this 1st day of August, 2016.


Douglas P. Husak

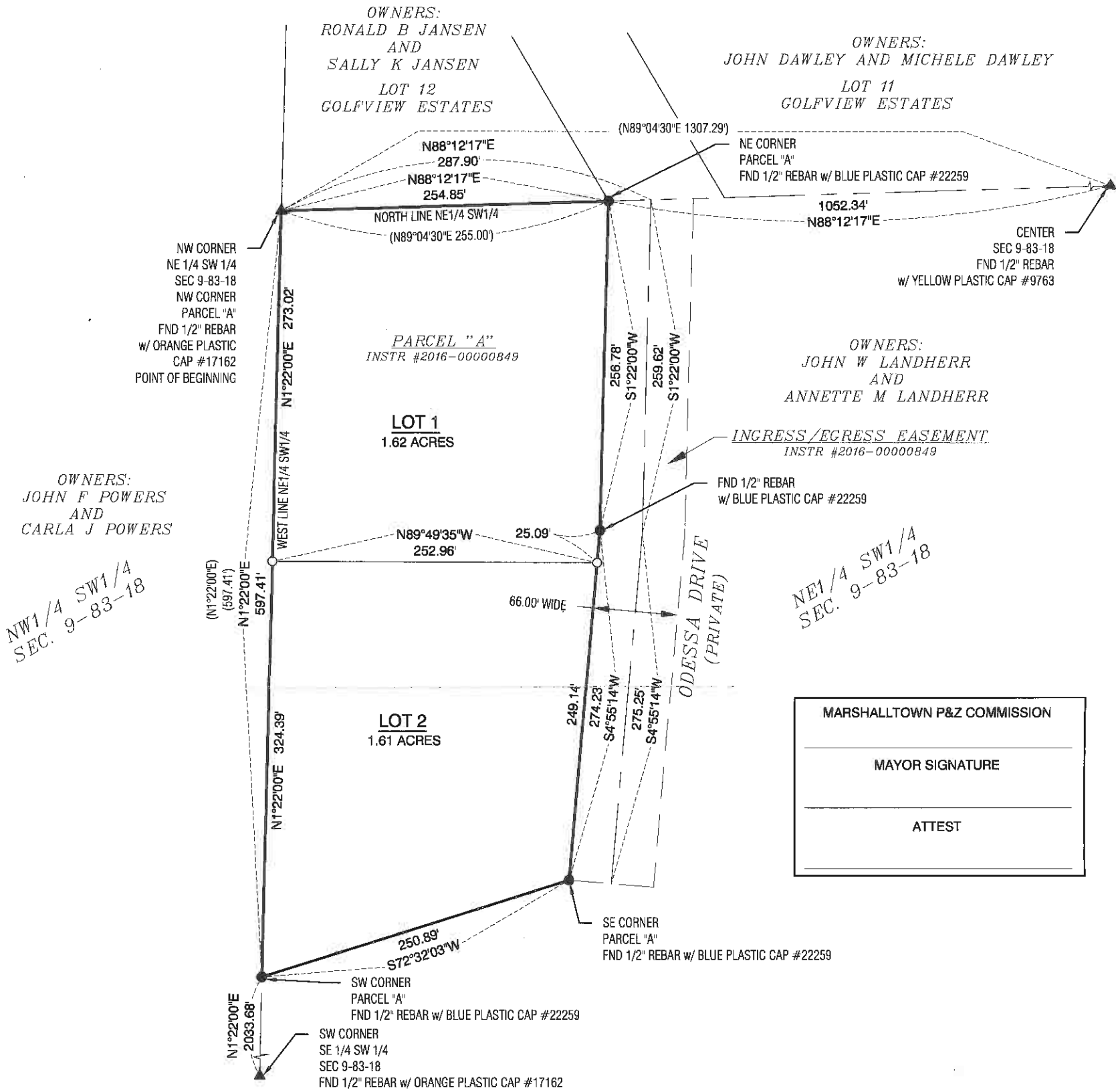

Donna K. Wind-Husak

On this 1 day of August, 2016, before me, the undersigned, a Notary Public in and for said state personally appeared Douglas P. Husak and Donna K. Wind-Husak, husband and wife, to me know 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.



Ramon L. Barra-Ledezma
Notary Public, State of Iowa

HUSAK SUBDIVISION FINAL PLAT



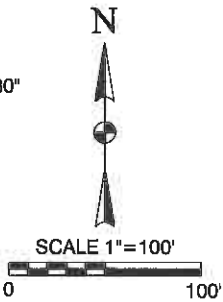
DESCRIPTION
SEE SHEET 2 OF 2

OWNER OF RECORD: DOUGLAS P HUSAK AND DONNA K WIND-HUSAK
SURVEY REQUESTED BY: DOUGLAS HUSAK
FIELD WORK COMPLETED: 7-1-2016

NOTE:
ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS.

LEGEND:

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- △ GOVERNMENT CORNER MONUMENT SET 1/2" x 30" REBAR w/BLUE PLASTIC ID CAP #22259
- PARCEL OR LOT CORNER MONUMENT FOUND
- SET 1/2" x 30" REBAR w/BLUE PLASTIC ID CAP #22259
- () RECORDED AS



HUSAK SUBDIVISION
LOCATED WITHIN PARCEL "A" IN THE NE 1/4 OF THE SW 1/4 OF SECTION 9-83-18
MARSHALL COUNTY, IOWA



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.

JEREMY A. HARRIS, PLS

date

Iowa License Number 22259

My License Renewal Date is December 31, 2017

Pages or sheets covered by this seal:

SHEETS 1 OF 2 AND 2 OF 2



Clapsaddle-Garber Associates, Inc.
16 East Main Street
Marshalltown, Iowa 50158
Ph 641-752-6701
www.cgaconsultants.com

DRAWN	SHEET NO.
CAQ	1
DATE	PROJECT NO.
7-17-16	76991.05

LEGAL DESCRIPTION

LOCATED ENTIRELY WITHIN A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "A" AND RECORDED IN INSTRUMENT #2016-00000849 IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5th P.M., MARSHALL COUNTY, IOWA.
MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 9, ALSO BEING THE NORTHWEST CORNER OF SAID PARCEL "A"; THENCE, N88°12'17"E 254.85' ALONG THE NORTH LINE OF SAID PARCEL "A" TO THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE, S1°22'00"W 256.78' ALONG THE EAST LINE OF SAID PARCEL "A"; THENCE, S4°55'14"W 274.23' ALONG THE EAST LINE OF SAID PARCEL "A" TO THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE, S72°32'03"W 250.89' ALONG THE SOUTH LINE OF SAID PARCEL "A" TO THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE, N1°22'00"E 597.41' ALONG THE WEST LINE OF SAID PARCEL "A", TO THE POINT OF BEGINNING. PARCEL "A" CONTAINS 3.23 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.



Clapsaddle-Garber Associates, Inc
16 East Main Street
Marshalltown, Iowa 50158
Ph 641-752-6701
www.cgaconsultants.com

DRAWN CAQ	SHEET NO. 2 OF 2
DATE 2-13-16	PROJECT NO. 76991.05

MINUTES
MARSHALLTOWN PLAN & ZONING COMMISSION
JULY 14, 2016

Call to order: 5:00 PM

Members Present: Jon Boston-Chair, Keith Bloomquist, Stephen Valbracht and Fauna Nord

Members Absent: Sharon Greer-Vice-Chair, Tammy Lawson and Angela Lins-Eich

1. Review and approval of the minutes from 06/9/16

Approved as distributed.

2. Review and recommendation to the City Council - Preliminary and Final Plat for Theisens Subdivision (Alliant Energy).

Spohnheimer presented information about the Preliminary and Final Plat for Theisens Subdivision related to the new substation. This plat will allow the lot to be created and sold to Alliant. There is a proposed right-of-way for the extension of S. 8th Street which will not be constructed until the substation work begins.

Motion by Nord to recommend approval of the Preliminary and Final Plat for Theisens Subdivision to the City Council. Second by Valbracht. All Aye. Motion Carried 4-0.

3. Review and recommendation to the Board of Adjustment – Interstate Power & Light Special Use Permit – tower at 1310 Iowa Avenue West.

Lawrence Bryant was present on behalf of Alliant to present the proposed tower change at 1310 Iowa Avenue West. The tower will replace an existing tower of the same height (295') however it will be a lattice style tower without the guide wires the current tower has.

Motion by Nord to recommend approval of the Special Use Permit to the Board of Adjustment. Second by Valbracht. All Aye. Motion Carried 4-0.

4. Review and set public hearing for August 11, 2016, for amendment to Glenwood Place Planned Unit Development.

Steve Troskey was present on behalf of Glenwood Place to address a request to add a new building to the complex just west of the existing facility. There will be an increase in density by more than 10% and therefore a full review is required including public hearings by the Commission and Council.

Spohnheimer indicated the next meeting will be August 11, 2016.

Motion by Valbracht to set the public hearing for August 11, 2016. Second by Nord. All Aye. Motion Carried 4-0.

Next meeting August 11, 2016.

With no further business the Commission adjourned.

Respectfully submitted,

Michelle Spohnheimer, Housing & Community Development Director



James L. Lowrance, Mayor
Randy A Wetmore, City Administrator
36 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5756
Fax - (641) 754-5742

Housing & Community Development

TO: Plan Zoning Commission

FROM: Michelle Spohnheimer, Housing & Community Development Director 

DATE: August 11, 2016 – Meeting Date

PUBLIC HEARING: Recommendation to the City Council regarding the Planned Unit Development amendment to Glenwood Place.

Glenwood Place Planned Unit Development is located west of S. 6th Street and south of the retention pond. The development includes a mix of housing units covering a continuum of care from independent living to memory care. Glenwood place would like to expand and add a new building between the primary facility and the duplexes to the west. This addition would result in an increase in density of more than 10% requiring an amendment process similar to that of a rezoning. A public hearing is set for the meeting on August 11, 2016. Following the public hearing the Council will have three readings and a public hearing amending the ordinance. The overall layout of the access roads is not changing. The most recent amendment was when the duplexes were added back in 2011/2012.

Review and recommendation to the City Council on the Husak Subdivision Final Plat

Previously the Commission reviewed the preliminary plat for the Husak Subdivision which is located outside of the Corporate City boundaries but within the 2-mile subdivision jurisdiction. The Commission had a split recommendation for the Council related to the infrastructure standards. The City Council granted the request to build at a standard which would not meet the City street standards. The proposal before the Commission now is for the Final Plat which will allow for the separation of Husak's larger lot into two lots. A recommendation will go to the City Council for consideration at their meeting on August 22, 2016.

2016 Tentative Meeting Schedule

September 8, 2016*	October 13, 2016	November 10, 2016	December 15, 2016
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City Council
Leon Lamer, Mike Gowdy, Al Hoop, Joel Greer
Robert Schubert, Bill Martin, Bethany Wirin

