

1. Board Of Adjustment Packet

Documents:

[APRIL 18, 2017 - HOUSING AND COMMUNITY DEVELOPMENT MEMO - ITEM 3.PDF](#)

[APRIL 18, 2017 - 11 NORTH 3RD AVENUE SPECIAL USE PERMIT - ITEM 2.PDF](#)

[APRIL 18, 2017 - AGENDA - ITEM 1.PDF](#)



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

Housing & Community Development

TO: Board of Adjustment

FROM: Michelle Spohnheimer, Housing & Community Development Director 

DATE: April 18, 2017 – Meeting Date

PUBLIC HEARING: Special Use Permit request for Midwest Liquor LLC for the property at 11 N. 3rd Avenue to allow Beer, Wine and Liquor Sales.

Previously the City Council amended the zoning ordinance OP, Office Park District to allow additional uses as special uses within the district. This included Beer, Wine & Liquor Stores. The applicant is purchasing the property at 11 N. 3rd Avenue (formally Medicap) to conduct this purpose. They have applied for a Special Use Permit.

The Plan Zoning Commission reviewed the request on Thursday, April 13th and made the following recommendations to the Board of Adjustment.

1. The existing signage may be changed to include the new business name but shall not exceed the size of the previous/existing signage.
2. No exterior temporary signage should be allowed such as banners.
3. No interior signage should be placed in the windows where it would be visible from the exterior.
4. All landscaping/rock areas shall be maintained in good condition.
5. The exterior façade of the building shall remain consistent with the current appearance and any changes to color or design shall go back to the Commission/Board for review.

Applicable code section related to Special Use Permit review. Chapter 31.

Section 3. Standards for Review.

In addition to the standards for review applicable to all requests under consideration by the Board of Adjustment, approval of a Special Use shall be granted only if the Board first determines:

That the Special Use applied for is provided in the zoning district within which the property is located.

That the proposed use and development will be in accordance with the intent and purpose of this Ordinance and the Comprehensive Plan.

City Council
Leon Lamer, Mike Gowdy, Al Hoop, Joel Greer
Bill Martin, Bethany Wirin



That the proposed use and development will not have a substantial adverse effect upon adjacent property; the character of the neighborhood; traffic conditions; parking; utility and service facilities; and other factors affecting the public health, safety, and welfare.

That the proposed development or use will be located, designed, constructed, and operated in such a manner that it will not interfere with the orderly use, development and improvement of surrounding property.

That adequate measures have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage, and similar facilities.

Section 4. Protective Restrictions.

The Board of Adjustment may place protective restrictions on any approval in order to assure that the purpose and intent of this ordinance is fulfilled. Such protective restrictions include but are not limited to: landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational controls, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements.

DATE SUBMITTED & FEE PAID: 3/23/17
HEARING DATE: 4/18/17



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 (\$50 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: 11 N 3RD AVE MARSHALLTOWN IOWA 50158

Owner: Midwest Liquor LLC

Mailing Address: 1625 W4th Street Waterloo iowa 50702

Phone: 319-610-6264

Email: Mamoon_Akhtar@yahoo.com

Owner's Agent (if applicable):

Agent Address:

Agent Phone:

Agent Email:

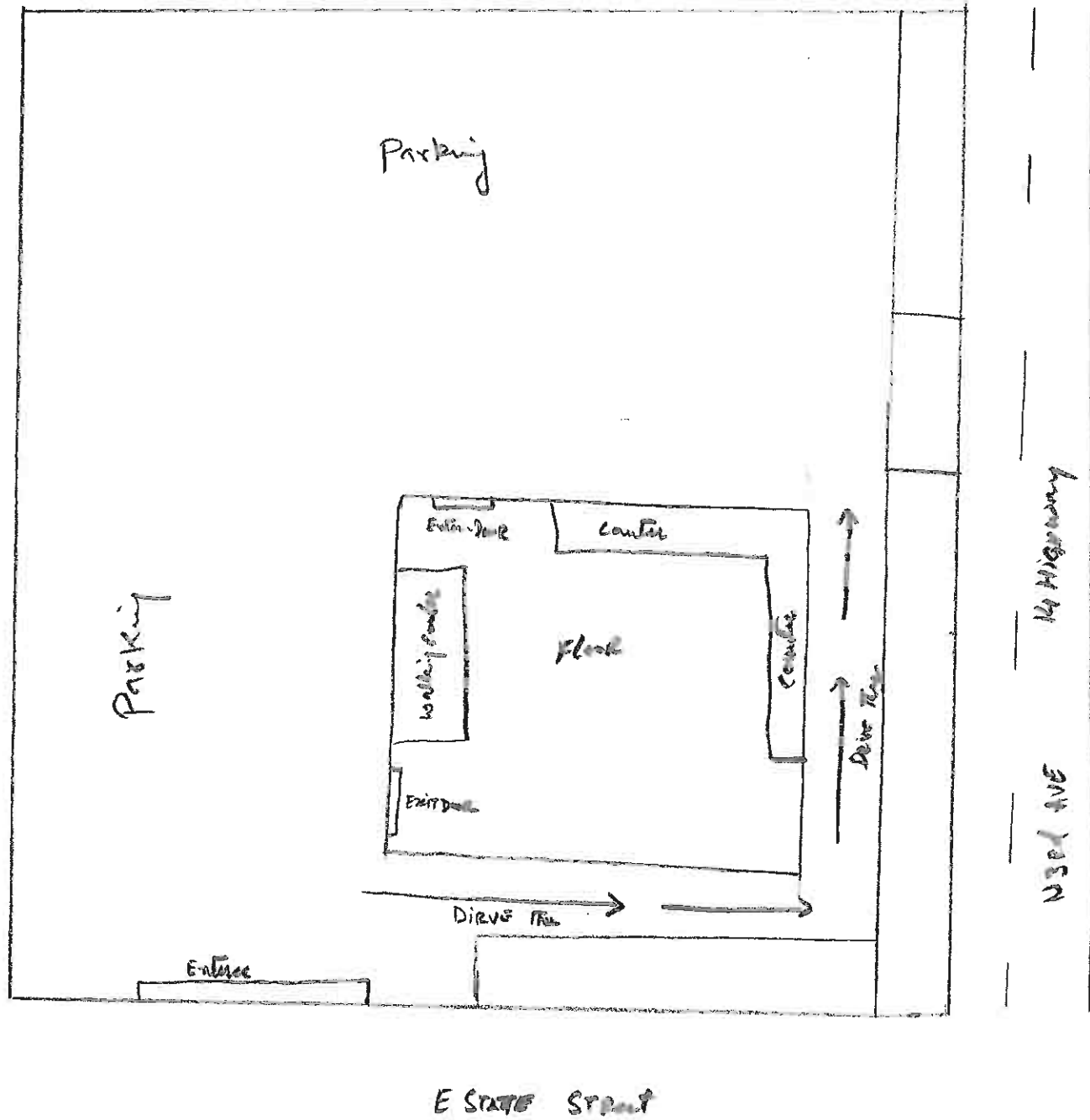
The board will use this information to review your request. Please attach any additional supporting information. If you have any questions, please contact the Zoning Department at 754-5756.

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: 03-20-2017

11 N 3rd AVE
Marshall Town Iowa 50158
319-830-2886



**Midwest Liquor LLC
(DBA) NEW STAR**

**1625 w 4th Street
Waterloo ,Iowa 50702
PH. (319)287-5807
FAX(319)287-5816
DATED: -----**





Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, April 18, 2017 – 5:00 p.m.
City Council Chambers, City Hall
10 West State Street, Marshalltown IA

Committee Members:

Kelli Thurston
Kevin Hitchins, Chair
Tammie Frederick

David Schulze
Bob Wenner

Call to Order:

Roll Call:

1. Approve Agenda

Old Business:

None

New Business:

2. PUBLIC HEARING:

Special Use – 11 N. 3rd Avenue – Midwest Liquor LLC

Date Agenda Posted: 04/13/17