

1. Agenda

Documents:

[AGENDA.PDF](#)

2. Supporting Meeting Documents

Documents:

[1402 W OLIVE SIDEWALK DEFERMENT.PDF](#)
[MEMO.PDF](#)
[MINUTES.PDF](#)

Notice of Public Meeting
Plan & Zoning Commission – AGENDA
Agenda for Thursday, December 10, 2015– 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 11/12/15
2. Recommendation to Board of Adjustment on Sidewalk Deferment request for Heidi J. Cessford Revocable Trust for 1402 W. Olive Street.

Date posted: 12/07/15

<http://ci.marshalltown.ia.us/meetings/view/MeetingID/1267>

City Of Marshalltown

Sidewalk Deferment Application Packet

36 N. Center Street, Marshalltown, IA 50158

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

www.ci.marshalltown.ia.us

Purpose: The Marshalltown Code of Ordinances include specific development standards for sidewalks. There are occasions, however, when the strict application of such standards may be inappropriate because of unique characteristics of the property. The deferment procedure is designed to permit adjustments to this requirement when there are unique or extraordinary circumstances applying to a parcel of land that prevent the practical installation of a sidewalk. The circumstances under which a deferment may be granted can be found in Section 26-45 of the Marshalltown Code of Ordinances.

Application Packet: 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.

Submission Deadline: The Plan & Zoning Commission shall first review the proposal and make a recommendation to the Board of Adjustment. **Please contact the zoning administrator at 641-754-5756 for meeting schedules. Attendance at all meetings is required.** The complete application with fee must be submitted by 4:00 p.m. on the deadline date to the Housing & Community Development Department Office, located at 36 N. Center St.

Board Meetings: The Plan & Zoning Commission will meet at 5:00 PM on a Thursday following the first Council meeting of the month (2nd Monday) and make a recommendation to the Board of Adjustment. The Board of Adjustment considers the facts presented by the applicant in the application and testimony given at the public hearing, and makes the final decision, based on the standards in the Ordinance. The Board of Adjustment meetings are held at 5:00 p.m. on the third Tuesday of each month in the City Council Chambers, second floor at 10 W. State Street. Attendance at the meetings is required.

It is the burden of the property owner 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. The concurring vote of three (3) members of the Board is necessary to decide any issue before the board regardless of the number of members present at the meeting. The Board is a five (5)-member board. Appeals to the decision of the Board of Adjustment can be made in District Court.

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.

☒ **A site plan, drawn in ink and to scale, which clearly shows the variance being sought. This site plan shall not be larger than 11" X 17." And must include:**

- Dimensioned property lines indicating any easements;
- Location & identification of adjacent streets and alleys;
- Location and size of all existing and proposed buildings and structures (include distances to all property lines and distances between buildings and structures.);
- Dimensioned driveways and parking areas; and
- Any other pertinent information necessary to fully understand the need for a deferment.

☒ **Legal description of the property.** The property owner should have a copy of the legal description. If not, owners may obtain a copy of the recorded deed, which contains the legal description, from the Marshall County Recorder's Office for a fee.

☒ **Application fee.** A \$250 fee is required payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Housing Department.

Date Submitted & Fee Paid: _____

Hearing Date: _____

Sidewalk Deferment Application Form

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

www.ci.marshalltown.ia.us

Please type or print legibly in ink.

Property Address: 1402 West Olive Street	
Owner or Agent: Heidi J. Cessford Revocable Trust	
Mailing Address (owner or agent): Paul C. Peglow, Agent 118 East Main Street, Marshalltown, IA 50158	
Phone (owner or agent): 641-752-8800	Fax (owner or agent): 641-752-8095

A deferment may only be granted if the following conditions are met:

1. Is the location of the proposed sidewalk adjacent to a street which has or will have curb and gutter; ☐ yes ☒ no
2. Does the location of the proposed sidewalk have grade and drainage problems which would significantly interfere with the construction of the sidewalk at that location (if yes, describe below or on additional paper). ☒ yes ☐ no
3. If the location of the proposed sidewalk is on non-residential or non-retail property, and neither 1 nor 2 above apply, answer the following:
 - a. Do pedestrian generators exist in this location (ex: School, park, church, retail center, etc.)? ☐ yes ☐ no
 - b. Do sidewalks or bike paths near the location allow for alternate pedestrian routes (if the proposed sidewalk is needed to connect area residential property to other sidewalks in the area the property is not eligible for a deferment)? ☐ yes ☐ no
4. Is the property in a residential area where there is no sidewalk within one block or 360 feet and there are additional hardships involved with constructing a sidewalk (i.e. extensive landscaping, structure placement or grading.) ☒ yes ☐ no

Additional Comments and Information (attach additional as necessary):

There are currently no sidewalks along West Olive Street.

Owner or Agent Signature: 	Date: 11-19-15
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Topographic map showing erosion control measures and area of soil work. The map includes contour lines, a north arrow, and various labels for structures and terrain features.

Property Information:

- BELLA HOMES LLC
- 506 E. 1ST ST
- HUXLEY, IA 50124
- CHRIS GARDNER
- 515.4018615

Structures and Features:

- KRABBE, PEGLOW
- 1402 OLIVE ST
- MARSHALLTOWN
- HOUSE
- DECK
- DRIVEWAY
- GARAGE
- REMOVAL OF OLD SHED

Topographic Data:

- Contour lines: 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940
- Scale: 1" = 20' ON 24X36
- North Arrow

Boundary Measurements:

- Top: S. 30° 00' 00" E. 502.530'
- Right: S. 07° 38' E. 241.160'
- Bottom Right: N. 89° 46' 05" W. 164.600'
- Bottom: N. 83° 46' 05" W. 335.180'
- Left: N. 07° 55' 46" W. 284.301'
- Internal: 298.575'
- Internal: 20.000'
- Internal: 10.000'
- Internal: 10.000'

Erosion Control Measures and Area of Soil Work:

- Area of Soil Work (shaded area)
- Erosion Control Measures (dashed lines)

Marshall County Assessor



(C) 2015 Marshall County - Representation only, not a survey!



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

A handwritten signature in black ink, appearing to be "MS".

DATE: December 10, 2015 – Meeting Date

Recommendation to Board of Adjustment on Sidewalk Deferment request for Heidi J. Cessford Revocable Trust for 1402 W. Olive Street.

A sidewalk deferment request has been submitted for the property at 1402 W. Olive Street. A new home is being constructed and sidewalk is required with new construction on a vacant lot. W. Olive Street does not have curb and gutter currently and meets the conditions set out to receive a deferment.

Sec. 26-45. Deferments of Sidewalk

- a.) *The construction of a sidewalk, as required by Section 26-44 may be deferred for a specified period of time in a given instance, if recommended by the Plan and Zoning Commission, and upon the findings and decision of the Board of Adjustment. Deferments are not favored and shall only be approved where specific conditions warrant it, and in addition the following conditions are met:*
- 1.) *Where the location of the proposed sidewalk is not adjacent to a street which has or will have curb and gutter; or*
 - 2.) *Where the location of the proposed sidewalk has grade and drainage problems which would significantly interfere with the construction of the sidewalk at that location; or*
 - 3.) *Where the location of the proposed sidewalk is on non-residential or non-retail property adjacent to an existing street with curb and gutter, and grade and drainage problems would not significantly interfere with the construction of its sidewalk at that location, and the following conditions are met:*
 - i.) *No pedestrian generators exist in this location; or*
 - ii.) *The unique use of the property in conjunction with sidewalks or bike paths near the location allow for alternate pedestrian routes, unless the proposed sidewalk is needed to connect area residential property to other sidewalks in the area.*

City staff has reviewed the request and recommends approval. The item will be presented to the Board of Adjustment on December 15, 2015 at their next meeting.

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



MINUTES
MARSHALLTOWN PLAN & ZONING COMMISSION
NOVEMBER 12, 2015

Call to order: 5:00 PM

Members Present: Jon Boston, Chair, Sharon Greer, Vice-Chair, Keith Bloomquist, Tammy Lawson, Fauna Nord, Stephen Valbracht, Angela Lins-Eich

Members Absent: none

1. Review and approval of minutes from 09/10/15

Approved as distributed.

2. Recommendation to Board of Adjustment on Special Use Permit for The Willows - Assisted Living and Memory Care facility, 2315 Campbell Drive.

Tom Diemerly with MEDIC and Ben Daniels with The Willows, presented information about the request for a Special Use permit. Daniels explained the growing demand for senior housing based on population trends. Marshalltown came to the top of the list of communities based on his criteria with regards to need.

The project will include 58 units initially 40 assisted living and 18 designated for memory care. Daniels discussed that this is family run and he has been in the assisted living care business in operations for several years before deciding to start out independently.

Projected timeline would be to begin construction in June and with a 12-13 month construction period.

Nord indicated one call with concern about property value impact. Spohnheimer indicated the office has received three calls for information. Greer discussed Bickford Cottage as a comparable has not caused problems within the neighborhood that we are aware of. Valbracht noted that the proposal in accordance with the comprehensive plan recently adopted by the Council.

Motion to recommend approval of the special use permit request as presented to the Board of Adjustment by Valbracht. Second by Lawson. All Aye. Motion Carried.

3. Recommendation to the City Council on Preliminary Plat for Partners 1st Addition.

Steve Troskey with CGA was present on behalf of Partner's 1st Addition Preliminary Plat. This is the area west of S. 18th Avenue including an extension of South Street with TIG is building. The infrastructure improvements are being partially covered by a RISE grant from the State.

Spohnheimer indicated there are still some technical corrections needing to be made prior to moving on to the City Council but that the general layout would not be changing.

Motion to recommend approval of the Preliminary Plat for Partner's 1st Addition to the City Council by Valbracht. Second by Bloomquist. All Aye. Motion Carried.

With no further business the Commission adjourned.

Respectfully submitted,

Michelle Spohnheimer, Housing & Community Development Director