

1. Agenda

Documents:

[AGENDA.PDF](#)

2. Supporting Meeting Documents

Documents:

[602 IOWA AVENUE WEST - THEISENS - SIDEWALK DEFERMENT.PDF](#)
[2001 S 18TH AVENUE - MENARDS - SIDEWALK DEFERMENT.PDF](#)
[MEMO.PDF](#)
[MINUTES.PDF](#)

Notice of Public Meeting
Plan & Zoning Commission – AGENDA
Agenda for Thursday, June 11, 2015– 5:30 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 03/26/15
2. Sidewalk Deferment – Menard, Inc. – 2001 S. 18th Avenue
3. Sidewalk Deferment – Theisen Development Co. LLC – 602 Iowa Avenue West
4. Future meeting schedule discussion.

Date posted: 06/05/15

<http://ci.marshalltown.ia.us/meetings/view/MeetingID/1210>

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 refer to the attached deadline and meeting schedule. Attendance at all meetings is required.** The complete application with fee must be submitted by 5:00 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 5:30 PM on a Thursday following a Council meeting 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 first and 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.

X **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.

X **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.

X **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: 602 IOWA AVE. WEST (FRONTAGE ROAD) 1/2 (S. 6TH ST) 2/2	
Owner or Agent: THEISEN DEVELOPMENT CO. LLC AGENT: CGA CONSULTANTS	
Mailing Address (owner or agent): 16 W. MAIN ST.	
Phone (owner or agent): 641-752-6701	Fax (owner or agent): 641-752-2849

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
S. 6TH ST FRONTAGE RD/IOWA AVE. W.
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):

SEE ATTACHED

Owner or Agent Signature: Stephen Trukey	Date: 5-20-15
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Theisen's is constructing a 37,500 square foot retail and storage addition to their property at 602 Iowa Ave. West. The size of this project necessitates construction of sidewalks along all public roads adjoining the property.

There is currently a frontage road between Theisen's and Iowa Ave West and a recent extension of South 6th Street to the east of the property. Theisen's is asking for a deferment for the frontage road/ Iowa Ave West and the southern portion south of South 6th Street.

There has been some discussion with the City to deed the frontage road to Theisen's which would make it a private driveway instead of a public road. If this were the case today the sidewalk would be required along Iowa Ave. West and not the frontage road.

In 2011 a sidewalk deferment was granted to 504 Iowa Ave West which was in a similar situation. We would ask that the Board of Adjustment consider granting Theisen's the same deferment with the understanding that should Iowa Avenue be improved the property owner would then be responsible for construction.



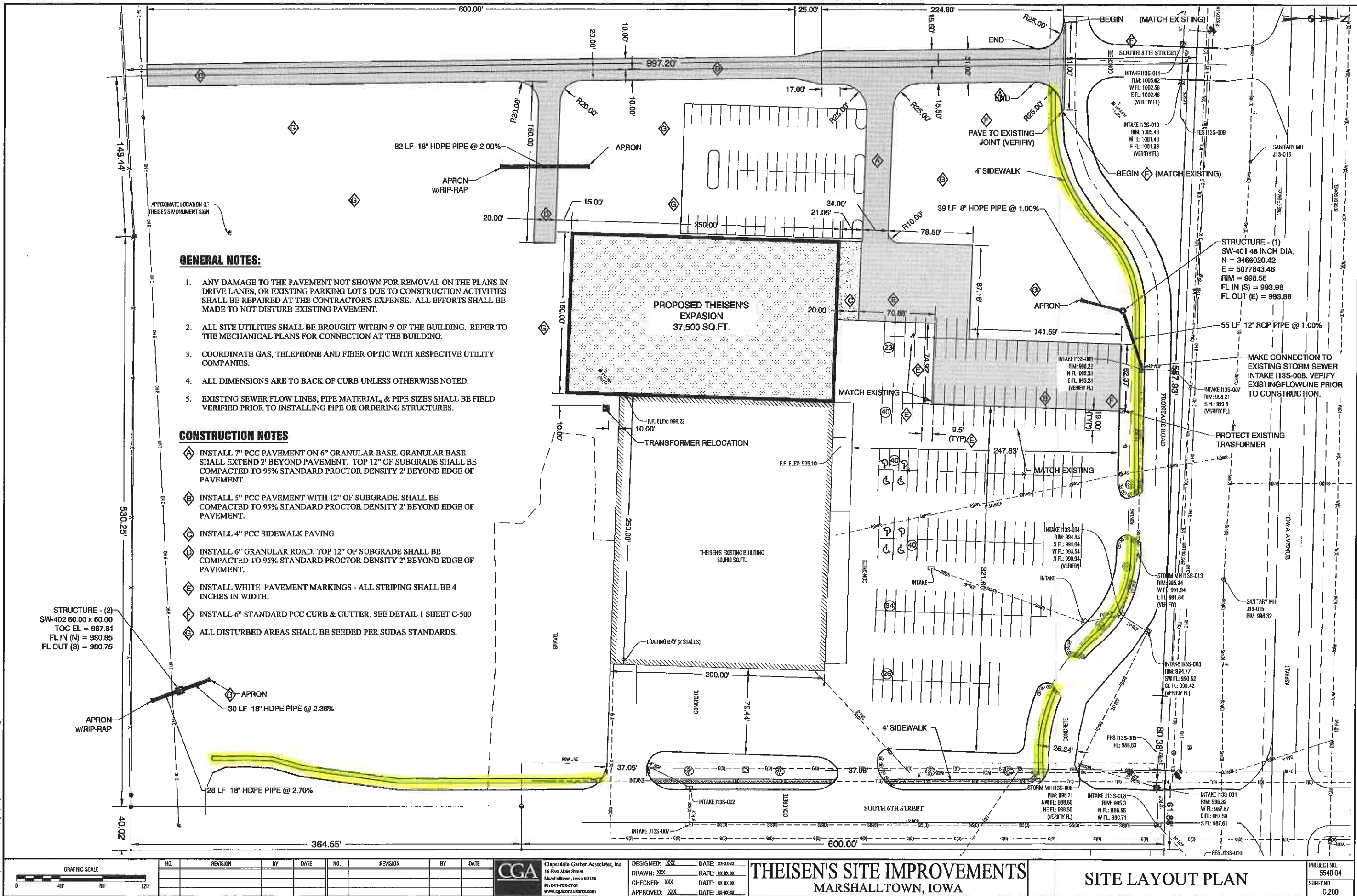
GENERAL NOTES:

1. ANY DAMAGE TO THE PAVEMENT NOT SHOWN FOR REMOVAL ON THE PLANS IN DRIVE LANES, OR EXISTING PARKING LOTS DUE TO CONSTRUCTION ACTIVITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. ALL EFFORTS SHALL BE MADE TO NOT DISTURB EXISTING PAVEMENT.
2. ALL SITE UTILITIES SHALL BE BROUGHT WITHIN 5' OF THE BUILDING. REFER TO THE MECHANICAL PLANS FOR CONNECTION AT THE BUILDING.
3. COORDINATE GAS, TELEPHONE AND FIBER OPTIC WITH RESPECTIVE UTILITY COMPANIES.
4. ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
5. EXISTING SEWER FLOW LINES, PIPE MATERIAL, & PIPE SIZES SHALL BE FIELD VERIFIED PRIOR TO INSTALLING PIPE OR ORDERING STRUCTURES.

CONSTRUCTION NOTES

- A INSTALL 7" PCC PAVEMENT ON 6" GRANULAR BASE. GRANULAR BASE SHALL EXTEND 2' BEYOND PAVEMENT. TOP 12" OF SUBGRADE SHALL BE COMPACTED TO 95% STANDARD PROCTOR DENSITY 2' BEYOND EDGE OF PAVEMENT.
- B INSTALL 5" PCC PAVEMENT WITH 12" OF SUBGRADE. SHALL BE COMPACTED TO 95% STANDARD PROCTOR DENSITY 2' BEYOND EDGE OF PAVEMENT.
- C INSTALL 4" PCC SIDEWALK PAVING
- D INSTALL 6" GRANULAR ROAD. TOP 12" OF SUBGRADE SHALL BE COMPACTED TO 95% STANDARD PROCTOR DENSITY 2' BEYOND EDGE OF PAVEMENT.
- E INSTALL WHITE PAVEMENT MARKINGS - ALL STRIPING SHALL BE 4 INCHES IN WIDTH.
- F INSTALL 6" STANDARD PCC CURB & GUTTER. SEE DETAIL 1 SHEET C-500
- G ALL DISTURBED AREAS SHALL BE SEEDED PER SUDAS STANDARDS.

STRUCTURE - (2)
SW-402 60.00 x 60.00
TOC EL = 987.81
FL IN (N) = 980.85
FL OUT (S) = 980.75



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE



Clapsdille-Garber Associates, Inc.
18 East Main Street
Marshalltown, Iowa 50158
Ph 641-762-6701
www.cgaassociates.com

DESIGNED: XXX DATE: XX-XX-XX
DRAWN: XXX DATE: XX-XX-XX
CHECKED: XXX DATE: XX-XX-XX
APPROVED: XXX DATE: XX-XX-XX

THEISEN'S SITE IMPROVEMENTS
MARSHALLTOWN, IOWA

SITE LAYOUT PLAN

PROJECT NO.
5540.04
SHEET NO.
C.200

City Of Marshalltown

Sidewalk Deferment Application Packet

36 N. Center Street, Marshalltown, IA 50158

Ph: 641-752-3154 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.

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✓ **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: \$215 pol.

Hearing Date: _____

Sidewalk Deferment Application Form

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-752-3154 Fax: 641-754-5742
www.ci.marshalltown.ia.us

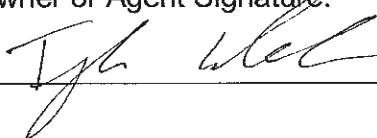
Please type or print legibly in ink.

Property Address: <u>2001 South 18th Ave Marshalltown, IA 50158</u>	
Owner or Agent: <u>Tyler Edwards Real Estate Rep Menard, Inc</u>	
Mailing Address (owner or agent): <u>5101 Menard Dr Eau Claire WI 54703</u>	
Phone (owner or agent): <u>715-876-2143</u>	Fax (owner or agent): <u>715-876-5998</u>

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1. Is the location of the proposed sidewalk adjacent to a street which has or will have curb and gutter; ☐ yes ☒ no
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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):

Owner or Agent Signature: 	Date: <u>4/21/15</u>
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April 21, 2015

RE: Marshalltown Sidewalk Deferment Application

Dear Members of the Planning Commission,

Menard, Inc. is requesting a deferment of a sidewalk adjacent to our industrial facility at 2001 South 18th Ave. We are requesting the deferment because the property is in a rural area and there are no other nearby sidewalks or pedestrian activity and is not on a school route. Without those items there is no reason to install a sidewalk that will never be used. Because this is an industrial center surrounded by farm fields there will be no pedestrian activity generated like a commercial or residential use would generate.

Installing a sidewalk along the entire length of road frontage would be a substantial financial burden because the sidewalk will not be used. We appreciate your consideration of the matter and if there are any questions please contact me directly. Thank you.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read "Tyler Edwards", is written over a horizontal line.

Tyler Edwards
Real Estate Representative
Menard, Inc. – Properties
5101 Menard Drive
Eau Claire, WI 54703
P: 715-876-2143
C: 715-579-6699
F: 715-876-5998
tedwards@menard-inc.com



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", located to the right of the "FROM:" line.

DATE: June 5, 2015

Sidewalk Deferment – 2001 S. 18th Avenue - Menards

Menard, Inc. is building a production site at 2001 S. 18th Avenue. They have requested a sidewalk deferment for the frontage along S. 18th Avenue and Governor Road. I understand the Commission has had prior discussion regarding changing the bike route to Governor Road which may impact the small section along Governor Road. Neither frontage currently has curb and gutter. A recommendation from the Commission will be submitted to the Board of Adjustment at their meeting on June 16th.

Sidewalk Deferment – 602 Iowa Avenue West - Theisens

Theisens is expanding their building at 602 Iowa Avenue West. They have requested a sidewalk deferment for the frontage along Iowa Avenue West and a portion of S. 6th Street. The sidewalk requirement comes into play due to the percentage increase in the building. There has been discussion about the vacation of the frontage road returning it to Theisens which impacts if the lot frontage is on an improved street with curb and gutter. Should Theisens acquire the frontage road Iowa Avenue is not finished and the deferment would meet the conditions outlined for justification. A recommendation from the Commission will be submitted to the Board of Adjustment at their meeting on June 16th.

Future meeting schedules

April 27th was Stephen Troskey's last day with the City. At this point in time the position will not be refilled and I will be taking over many of his responsibilities including Board management. As part of this consolidation we are reviewing meeting frequency, dates and times. I am proposing that we limit the opportunity for meetings to monthly if needed. I would recommend keeping the Thursday following the first Council meeting of the month (2nd Monday) as the date and we can discuss the timing. I understand that there may be need for special meetings which we can always consider. If you are not able to attend the meeting and have comments about this please contact me.

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



MINUTES
MARSHALLTOWN PLAN & ZONING COMMISSION
MARCH 26, 2015

Call to order: 5:30 PM
Adjournment 5:45 PM

Members Present:
Keith Bloomquist
Tammy Lawson
Jon Boston, Chair
Moon Chaplin-Eich
Fauna Nord
Stephen Valbracht

Members Absent
Sharon Greer, Vice-Chair

1. Review and approval of minutes from 3-12-15

Approved as distributed.

2. Public Hearing - Ordinance Change Application - Fence Height in M2 District

Jeremy Adkins was present to describe this application. He seeks to change the fence height limits in the M2 Heavy Industrial District. Boston said the Commission has not discussed fence height rules in twenty five years and is not opposed to a higher limit in the industrial park. Valbracht said since the M2 zoning district extends near downtown he would like to see different rules east of 18th Ave. Motion to recommend allowing ten foot fences east of 18th Ave. Fences west of 18th will remain 8 feet high.

Motion: Nord 2nd: Lawson

Motion Approved: 6-0

3. Public Hearing - Rezoning Request - JBS property along 10th Ave.

Brad Carl was present to describe this application. JBS seeks to rezone five parcels it owns from to M2 Heavy Industry from R3 Medium Density Residential. There are parking lots on two of the parcels currently with plane to build two more and a temporary office structure on the others. Motion to approve rezoning parcels as presented.

Motion: Chaplin-Eich 2nd: Lawson

Motion Approved: 6-0

With no further business the Commission adjourned.

Respectfully submitted,
Stephen Troskey, City Planner