

1. Agenda

Documents:

[AGENDA.PDF](#)

2. Supporting Meeting Documents

Documents:

[107 W LINN REZONING MAP.PDF](#)
[DRY WAREHOUSE.PDF](#)
[MARION ST.PDF](#)
[MEMO.DOC](#)
[MINUTES.DOC](#)

Notice of Public Meeting
Plan & Zoning Commission – AGENDA
Agenda for Thursday, July 31, 2014– 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

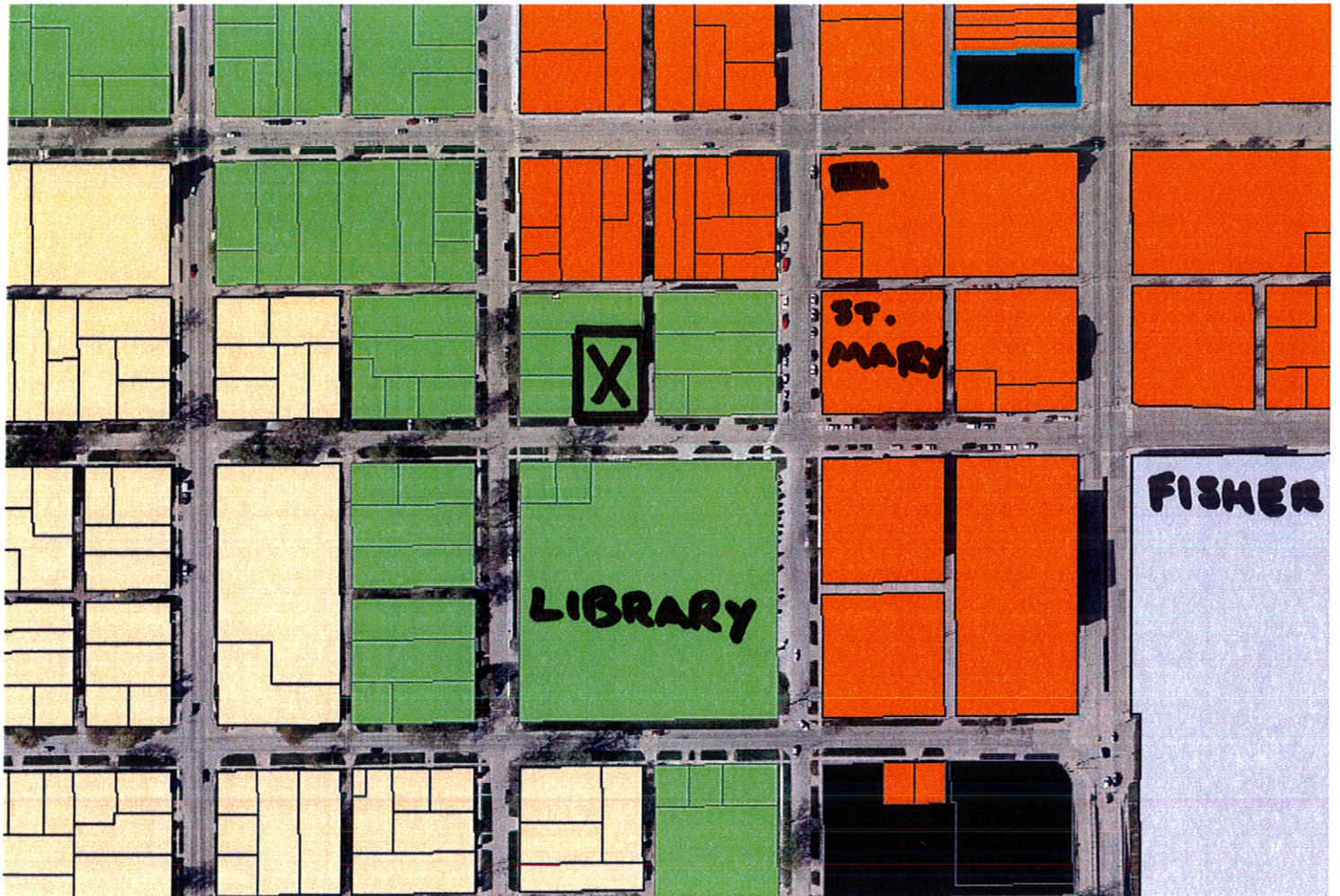
Roll Call Start: Lins-Eich

Business:

1. Review and approval of the minutes from 5-1-14
2. Recommendation on Sidewalk Deferment
 - a. JBS activated sludge treatment facility
 - b. JBS dry storage warehouse addition
3. Discussion on potential rezoning
 - a. 107 West Linn Street

Meeting information can be found at: <http://www.ci.marshalltown.ia.us/meetings/view/MeetingID/1114>

Date posted: 7/24/14



 R4 MEDIUM DENSITY RESIDENTIAL

 CBD

 R3 MEDIUM DENSITY RESIDENTIAL







MAKING YOUR WORLD STRONGER

WOODBURY

YES

April 6, 2014

City of Marshalltown
24 N Center Street
Marshalltown, IA 50158
Ph.: 641.754.5756

Re: Sidewalk Deferment Application
Parcel # 0725312013
JBS USA LLC – Marshalltown, IA
Dry Storage Warehouse Addition

Dear Plan & Zoning Commission

The JBS USA LLC – Marshalltown facility has recently constructed on Parcel #0725312013 a dry storage facility. With the raise in property value and/or construction of the warehouse building, JBS has become subject to the City's zoning ordinance requiring sidewalks be constructed on the sides of the parcel facing North 8th Avenue and also Woodbury Street (along the west side of North 8th Ave and north side Woodbury St.).

While JBS concurs with the construction of a sidewalk on the west side of the said parcel – and is in the process of expediting its construction, JBS does object to adding a sidewalk on the north side of the property on the south side of Woodbury Street. Along the south side of this parcel, Woodbury Street dead-ends in a cul-de-sac. Further, any sidewalk constructed around the cul-de-sac before intersecting a pre-existing sidewalk that exists across on the north side of Woodbury Street. Additionally, there is little by way of pedestrian traffic that would be served with this sidewalk construction as the cul-de-sac is fenced off at its east edge to traffic to and from JBS. Moreover, the parcel does not connect on its east side to any residential property.

JBS therefore is requesting the Planning and Zoning Commission to defer having JBS construct the sidewalk along the full length of south side of the above referenced parcel.

As you review the application, if you have any questions, please contact Mr. Isaac Yoder at (641) 844-6721.

Respectfully,

Isaac Yoder
Environmental Manager

Cc: Troy Mulgrew
Cyril Thill

Attached: Sidewalk Deferment Packet
a) Site Plan, b) Legal Description, c) Application Fee (\$250.00)

City Of Marshalltown Sidewalk Deferment Application Packet

24 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/Zoning Department Office, located on the first floor of City Hall, 24 N. Center St.

Board Meetings: 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 meetings are held at 5:00 p.m. on the first and third Tuesday of each month in the City Council Chambers, second floor of City Hall, 24 N. Center St. Attendance at the meeting 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:

6/6/14
\$250.00

Hearing Date:

742
June 17th
2014

Sidewalk Deferment Application Form

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

www.ci.marshalltown.ia.us

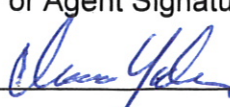
Please type or print legibly in ink.

Property Address:	
402 N 10 th Ave Marshalltown, IA 50158	
Parcel # 0725312013 at corner of 8 th & Woodbury	
Owner or Agent:	
JBS USA, LLC (Swift)	
Mailing Address (owner or agent):	
402 N 10 th Ave, Marshalltown, IA 50158	
Phone (owner or agent):	Fax (owner or agent):
641-844-6721	970-336-5626

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

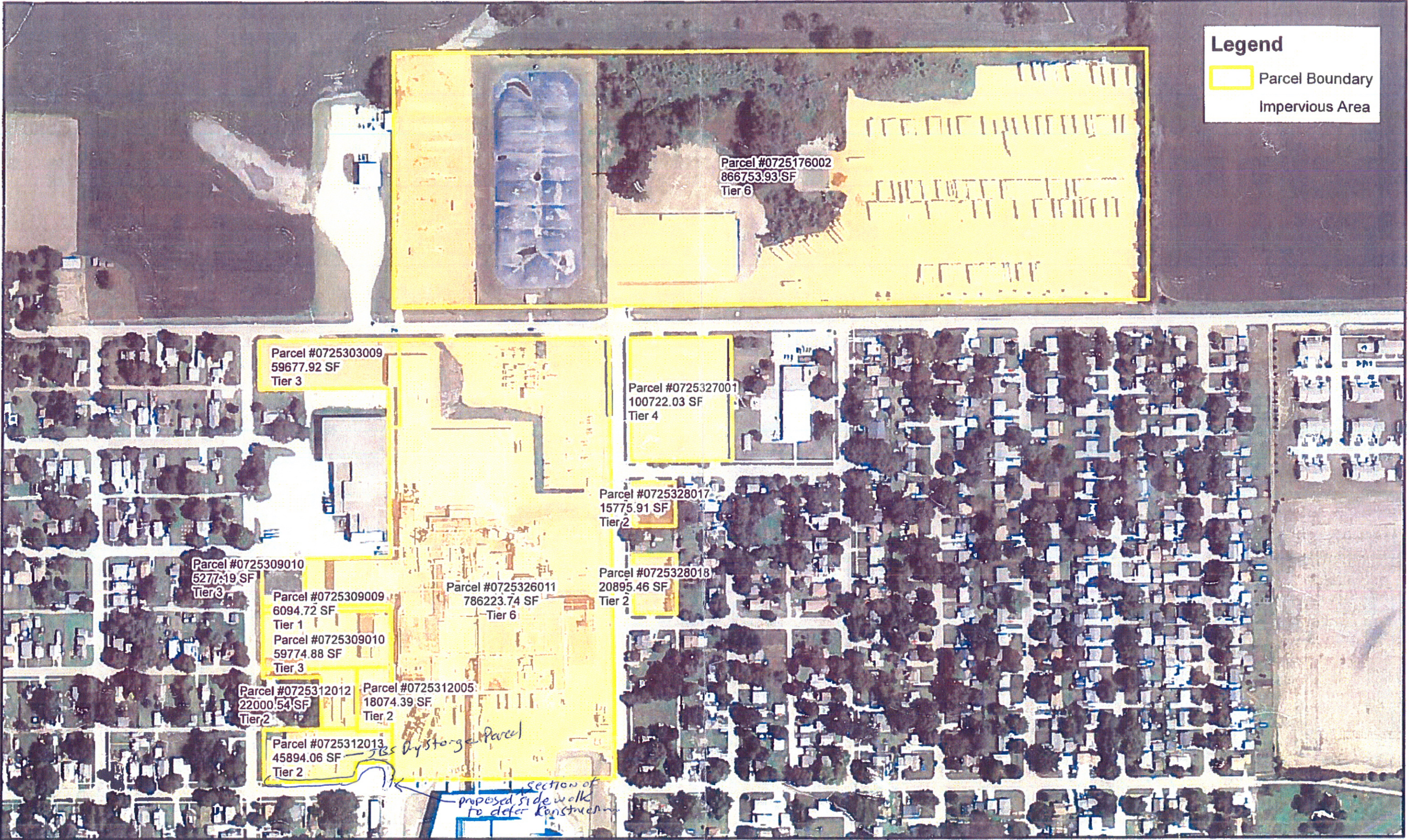
Additional Comments and Information (attach additional as necessary):

Owner or Agent Signature:	Date:
	6/6/14



Swift and Company

JBS Dry Storage
Parcel # 0725312013





MAKING YOUR WORLD STRONGER

MARION

NO

April 6, 2014

City of Marshalltown
24 N Center Street
Marshalltown, IA 50158
Ph.: 641.754.5756

Re: Sidewalk Deferment Application
Parcel # 072516002
JBS USA LLC – Marshalltown, IA
New Activated Sludge Treatment Works

Dear Plan & Zoning Commission

The JBS USA LLC – Marshalltown facility is preparing to construct on Parcel #0725176002 an activated sludge treatment facility. With the raise in property value, the plant appears to have become subject to the City's zoning ordinance requiring a sidewalk be constructed on the side of the parcel facing Marion Street (along the North side of the street).

JBS objects to adding a sidewalk to this section on the north side of Marion Street as it will create an undue safety hazard by providing more points for pedestrians to cross into busy industrial traffic. Additionally, the sidewalk being requested would be on a low lying section of ground and could be periodically subject to flooding and, in the winter, extra icy.

There are no pedestrian generators on the north sides of the street, save JBS which already has an employee parking lot on the parcel, and a property crossing with flashing signal and an already existing crossing sidewalk. Moreover, the parcel, neither at its east nor west end, connects to any residential property. On its west end, the property abuts to Carthage Truck Wash, and to its east end, to a farm field.

JBS therefore is requesting the Planning and Zoning Commission to defer having JBS construct the sidewalk along the full length of south side of the above referenced parcel.

As you review the application, if you have any questions, please contact Mr. Isaac Yoder at (641) 844-6721.

Respectfully,

Isaac Yoder
Environmental Manager

Cc: Troy Mulgrew
Cyril Thill

Attached: Sidewalk Deferment Packet
a) Site Plan, b) Legal Description, c) Application Fee (\$250.00)

Date Submitted & Fee Paid:

6/6/14
\$250.00

Hearing Date:

Tue
June 17th
2014**Sidewalk Deferment Application Form**

24 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.

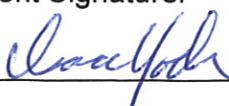
Property Address: 1106 Marion, Marshalltown, IA 50158		Parcel # 0725176002 Activated Sludge WW Treatment +
Owner or Agent: JBS USA, LLC (Swift & Co.)		
Mailing Address (owner or agent): 402 N 10 th Ave, Marshalltown IA 50158		
Phone (owner or agent): 641-844-6721	Fax (owner or agent): 970-336-5626	

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

- Is the location of the proposed sidewalk adjacent to a street which has or will have curb and gutter;
☒ yes ☐ no
- 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
- 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:
 - Do pedestrian generators exist in this location (ex: School, park, church, retail center, etc.)?
☒ yes ☐ no
 - 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

Additional Comments and Information (attach additional as necessary):

* Only JBS along this North section of Marion Street - see attached cover letter

Owner or Agent Signature: 	Date: 6-6-14
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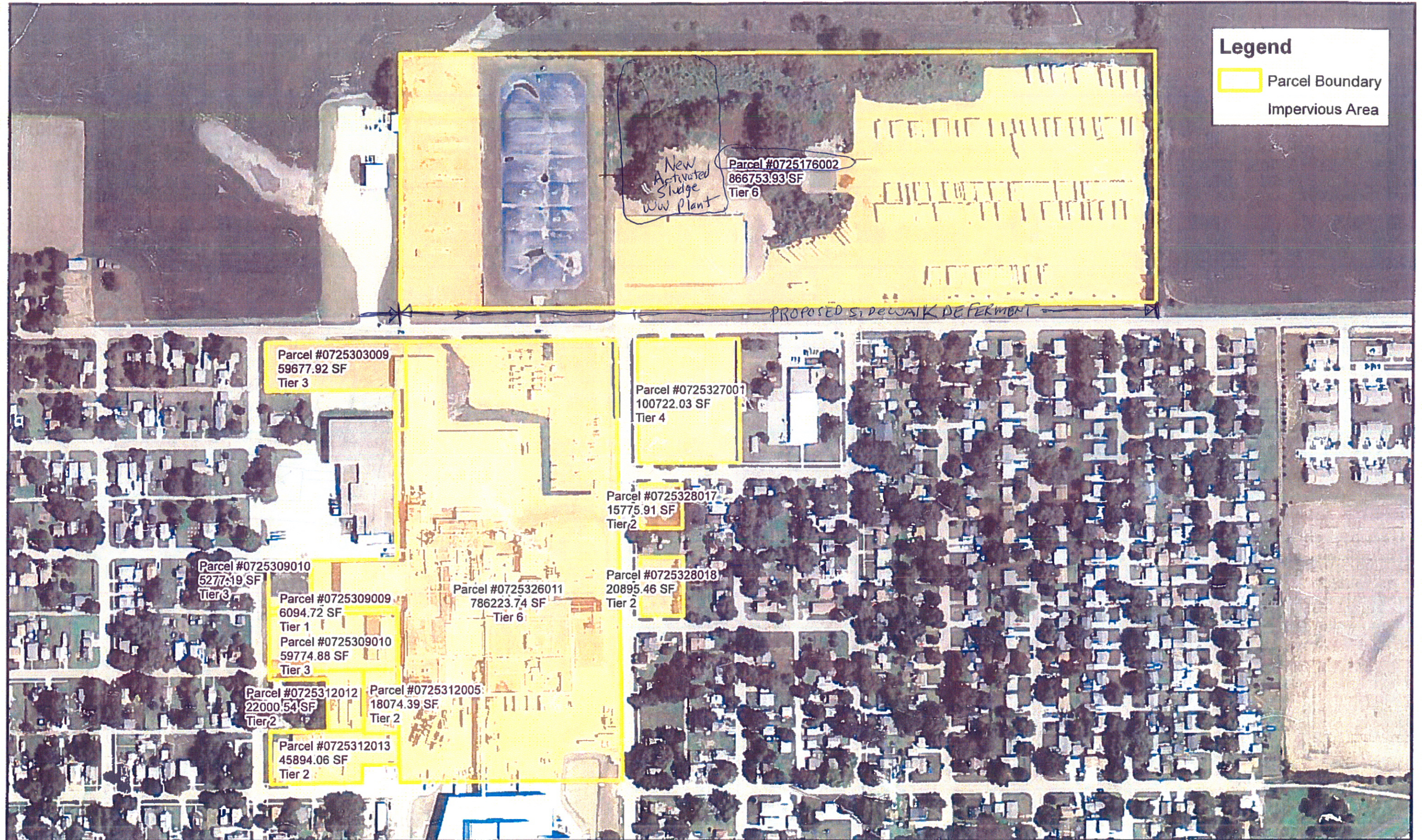
Parcel # 0725176002

Traffic, Bicycling, Directions



Swift and Company

Parcel # 0725176002
JBS Activated Sludge
Wastewater Treatment



Memorandum

To: Plan & Zoning Commission
From: Stephen Troskey – City Planner
Date: October 23, 2017
Re: July 31, 2014 Meeting

Sidewalk Deferments

JBS constructed two projects which had a value large enough to require sidewalks. One is a dry storage warehouse along Woodbury and the other is a sludge treatment plant along Marion St. Sidewalk Deferment applications are reviewed by the Plan & Zoning Commission and then approved/denied by the Board of Adjustment.

At the last Board of Adjustment meeting they asked to receive input from the Public Works Department in regards to sidewalk deferments and that change will start with these applications. The new Public Works director, Justin Nickel, has reviewed these applications and agrees with the deferment along Woodbury but disagrees with the deferment for Marion Street. He will be at the Board of Adjustment meeting on August 5th to outline the decision-making process.

The maps of each deferment area have been uploaded to the city webpage.

Rezoning

Farmer's Savings Bank owns 107 W. Linn St. This property was a transmission and auto repair garage for many years. The property is zoned R4 Medium Density Residential which does not allow auto repair uses. Farmer's Bank asked about the potential of rezoning this property to CBD Central Business District which allows auto repair uses with a Special Use Permit. If the property is rezoned any auto repair use must first be approved by the Plan & Zoning Commission and Board of Adjustment. Non-auto repair retail or office space would be allowed without special approval.

If this property is rezoned it would be "spot zoning" which means a small parcel of one zoning type is surrounded wholly by a different and incompatible zoning district. In order to be rezoned legally, neighboring properties to the east would need to be rezoned as well (please see maps on webpage) to create a contiguous area of CBD zoning. If multiple properties were rezoned into the CBD district they would need to comply with CBD zoning regulations which do not permit any new single family residences. If existing houses were to be destroyed any new structures would need to be multifamily or mixed-use.

I can be reached at stroskey@ci.marshalltown.ia.us or 641-752-3154.

MINUTES
MARSHALLTOWN PLAN & ZONING COMMISSION
JULY 31, 2014

Call to order: 5:30 PM
Adjournment 6:20 PM

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

Members Absent
Fauna Nord

1. Review and approval of minutes from 05-01-14

Approved as distributed.

2. Recommendation on Sidewalk Deferment
a. activated sludge treatment facility

Cyril Thill was present to describe these applications for JBS sidewalk deferments. He said there were no pedestrian generators on the north side of the street and people to use the sidewalk would require them crossing Marion Street twice. Valbracht said there needs to be a sidewalk as footpaths have been worn in the grass due to people walking. Greer asked about planting trees in the right-of-way to control dust. Thill said utility companies do not want trees in the area due to potential root interference with utility lines. Motion to recommended approval on the condition a sidewalk is built on the entire south side of Marion Street of JBS owned property.

Motion to approve: Valbracht 2nd: Lawson
Motion Approved : 6-0

b. dry storage warehouse

This sidewalk would be on the north side of Woodbury Street which ends in a cul-de-sac. The south side has a sidewalk. No questions from the commission.

Motion to approve: Valbracht 2nd: Lins-Eich
Motion Approved : 6-0

3. Discussion on 107 East Linn Street rezoning

Jerrold Leffler from Farmer's Bank was present to discuss rezoning this property. The bank owns this property which is zoned R4. Leffler wants the property to be rezoned to CBD to allow for its highest and best use. Rezoning the parcel would require the rezoning of adjacent parcels as well as to eliminate spot zoning. Boston suggested rezoning the quarter-block of this parcel. Valbracht said he did not want to rezone any single family houses and make those non-conforming uses. Valbracht suggested Leffler talk to the neighbors.

No action by the commission.

With no further business the Commission adjourned.

Respectfully submitted,
Stephen Troskey, City Planner