

1. Board Of Adjustment Packet

Documents:

[SITE LAYOUT - ITEM 6.PDF](#)

[THE WILLOWS TRAFFIC INFORMATION - ITEM 7.PDF](#)

[WILLOWS DEVELOPMENT TRAFFIC IMPACT MEMO - ITEM 8.PDF](#)

[1402 WEST OLIVE SIDEWALK DEFERMENT - ITEM 2.PDF](#)

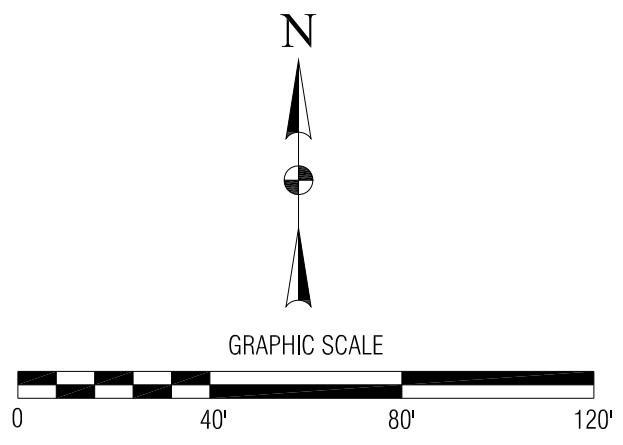
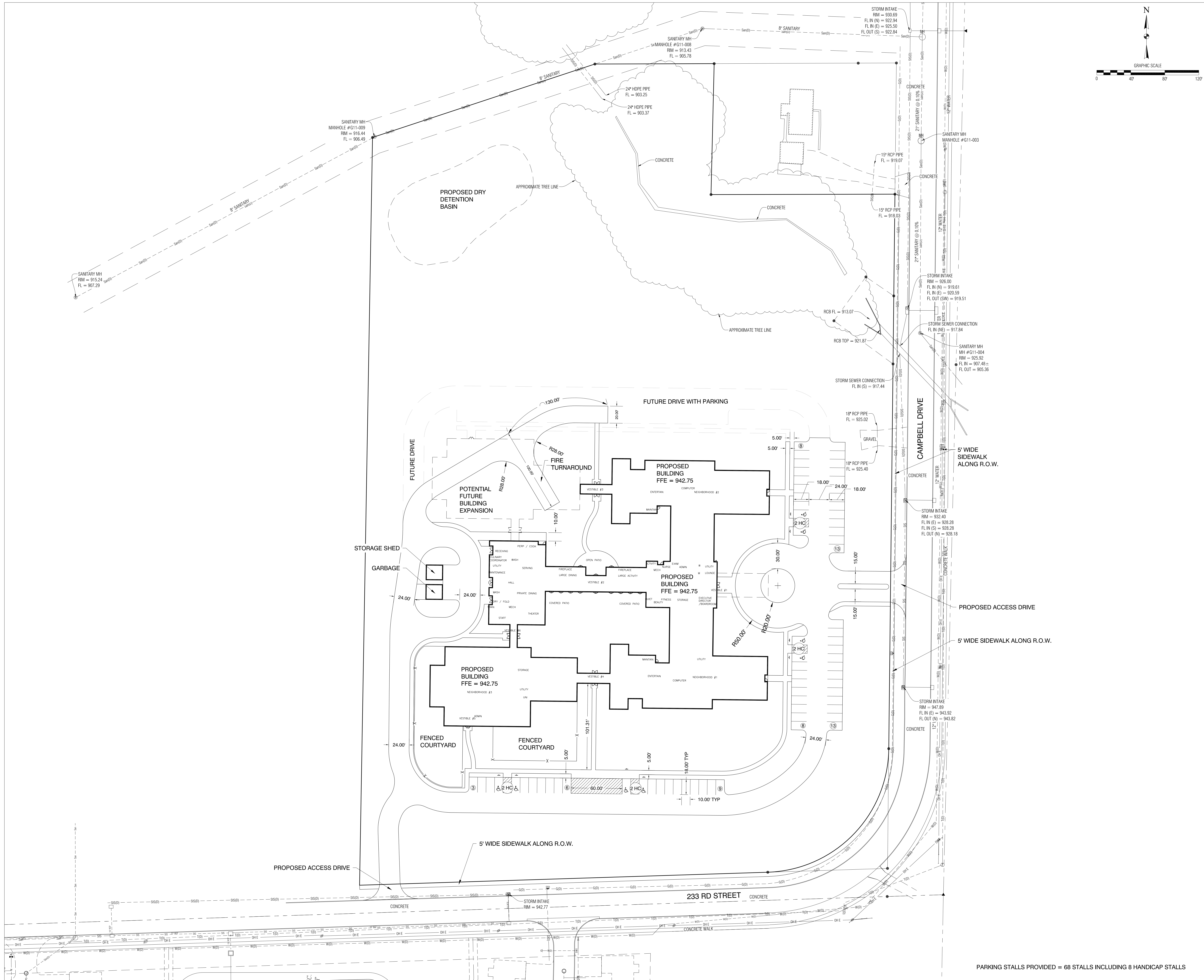
[ARTISTS SKETCH - ITEM 4.PDF](#)

[BOARD OF ADJUSTMENT AGENDA DECEMBER 15, 2015 - ITEM 1.PDF](#)

[HOUSING AND COMMUNITY DEVELOPMENT MEMO - ITEM 3.PDF](#)

[SEWER MEMO - ITEM 5.PDF](#)

[36 NORTH CENTER STREET SPECUAL USE PERMIT - ITEM 9.PDF](#)



Client	RASA, LLC 304 East Lowe Ave Fairfield, Iowa 52556 Attn: Ben Daniels
Architect	Soga + Associates Architects, Inc. 2131 Whyte Park Ave Walnut Creek, CA 94596 T 415.896.0955 C 415.992.1255 Clement T. Soga Registered Iowa Architect, License #07146
General Contractor	Merit Construction Company 1000 29th Avenue SW Cedar Rapids, IA 52404 Office: 319-364-1974 Fax: 319-366-6470
Civil Engineer	Clapsaddle-Garber Associates, Inc. 16 East Main Street Office: 641-752-6701 Fax: 641-752-2849

Issue: Date: Comments:

NOT FOR CONSTRUCTION

The Willows for Marshalltown

Marshalltown, Iowa

Date: 12-9-15
 Scale: Project No. CGA PN: 5569.04
 Drawing Title: LAYOUT EXHIBIT
 Sheet Number: 1 OF 3

PARKING STALLS PROVIDED = 68 STALLS INCLUDING 8 HANDICAP STALLS

The Willows of Marshalltown Traffic Information

12/08/15

New Traffic Will be Light

The estimated traffic generation for The Willows is 159 trips per day. A “trip” is defined as a route that is either originating from or destined to a given property. In other words, a vehicle driving from The Willows to town, and then returning to The Willows would count as two trips.

The source of this estimate is The Institute of Transportation Engineers (ITE). The ITE is an international educational and scientific association of transportation professionals who are responsible for meeting mobility and safety needs. Traffic count data is based on over 4,800 individual studies throughout the country.

The City of Marshalltown’s staff, including Planning and Zoning and City Engineering departments, do not require a full traffic study for this project. This decision is based on how low the anticipated traffic will be.

Additionally, the R2 zoning for this property, if developed into a neighborhood of single-family homes, would generate approximately double the daily traffic of The Willows. The 12.44-acre site could comfortably fit 35 single family homes, which would each generate 9.55 trips per day, totaling 334 trips.

Further, the roads leading to this site are considered by the City of Marshalltown as Major Collectors.

Major and Minor Collectors: these roadways provide balance between mobility and access. Their principal function is to carry short trip lengths and to serve adjacent land. Residences and businesses often have direct access to these roads. Collectors also take traffic from local road to the higher order roadways and provide travel for short trips.

Traffic related to The Willows falls into 4 main categories:

1. Resident Traffic
 - a. Resident-owned vehicles
 - b. Staff transportation of residents for trips to town and off-site activities
2. Visitor Traffic
 - a. Friends and family of residents are welcome to visit, just as they would any other residence
3. Staff
 - a. Care Staff
 - i. Morning: approx. 6am to 2pm – 6 Staff
 - ii. Afternoon: approx. 2pm to 10pm – 6 Staff
 - iii. Evening: approx. 10pm to 6am – 3 Staff
 - b. Administrative Staff
 - i. Approx. 8 am to 5 pm – 5 Staff
 - c. Kitchen Support Staff
 - i. Mealtimes – 1 to 3 additional staff

4. Deliveries and Trash Removal

- a. Food service deliveries will be 1 to 2 times per week. Our food service vendor also supplies housekeeping supplies and other operational necessities. This delivery is in a straight truck – not a semi – similar in size to a Schwans truck. Our vendors will be required to access the property from the service entrance on the Western edge of our property along 233rd street. And we will request that they approach our site from the West, coming from Highland Acres Rd whenever possible.
- b. Trash Removal will be once per week like any residence. The removal truck will be required to access our property through the service entrance. We will request that whenever possible, they access the site from the West, along 233rd street.
- c. Mail will be delivered once per day as in any residence. Mail will be delivered into our building, as each resident will have his or her own post box near the activities area.
- d. Any and all other deliveries will come to our site as they would any residence. UPS and FedEx will make deliveries along the same route they already take every day.
- e. We have no expectation of semi-truck deliveries for any reason. Our site layout is not designed for this type of vehicle.

Emergency Vehicle Traffic – Very Light and No Sirens

AMBULANCE: Assisted Living is not a large generator of ambulance calls. Each resident wears a pendant or wristband that allows them to call for help no matter where they are within our property. The location-aware technology alerts all staff. All alerts are responded to immediately. Most incidents are handled by our trained staff. In the event that an ambulance is needed, all non-emergency ambulance calls placed by our staff will include a request that the ambulance only use their lights, and not their sirens through residential neighborhoods.

It should also be noted that the fastest route from the new hospital on Highway 14 to our property is West along Iowa Ave, North on Highland Acres, and East along 233rd St. This route has very few residences.

Between the current hospital and our property, the direct route will be along Campbell as it turns into Olive.

It is impossible to predict the future, but our years of operating assisted living facilities in Iowa have shown us that ambulance trips are not a daily or even weekly occurrence. And in the past 6 communities in which we have operated, the local emergency respondents have always respected our request to impact our neighbors as little as possible by forgoing the use of sirens.

FIRE: The Willows will be a fully-sprinkled building, per state fire requirements. A wet system will protect the main floor, with a supplemental dry system to protect the attic space. Modern fire prevention and detection systems will minimize the need for the fire department to be called.

Current Traffic Data

The DOT maintains a database of statistics on roadways across Iowa. This information can be helpful to evaluate the impact of an increase in traffic generated by a development.

Exhibit 1 – 2013 Annual Average Daily Traffic

The daily traffic on Westwood Drive is 2,230 motor vehicles. If all of our expected trips were routed along Westwood Drive, the result would be only a 7% (159/2230) increase over the current traffic. As low as this impact is, we expect the *actual impact to be less*. Westwood Drive is only the most direct route for *some* of the destination and origin points in Marshalltown. Not most. Please see below.

Traffic along Campbell Dr. and 233rd are both approximately 330 vehicles per day.

Traffic Routes are Favorable

The proposed site is accessible by three primary routes. Depending on the point of origin, the most direct route to The Willows is one of:

Route 1: East along 233rd from Highland Acres

Route 2: West along Olive St., then South on Campbell Drive

Route 3: West along Westwood Ave., then South along Campbell Drive

Exhibit 2, a 9-page exhibit, shows the City of Marshalltown divided into 9 equal sectors. Each page of the exhibit demonstrates the most direct route between the proposed site and a destination within one of the 9 sectors.

Dividing our expected 159 daily trips among the three routes, as derived from exhibit 2, the distribution of Willows-generated daily traffic could be:

71 Trips via 233rd Street (44.4%)

44 Trips via Olive Street (28%)

44 Trips via Westwood Drive (28%)

Exhibit 3 Shows the direct routes for visitors to The Willows coming from out of town.

Conclusion From every approach except for the North, the most direct route is via 233rd Street, not along the more heavily populated Westwood Ave.

Planned Improvements to Campbell/233rd Safety

The curve where Campbell Dr. turns into 233rd St. has been reported as hazardous. The road appears to have an appropriate speed limit of 35 mph until shortly before the curve, where it is reduced to 25 mph.

The purported hazard stems from the existing topography of the proposed site of The Willows. The elevation of the ground on the site is higher than the road. As a driver approaches the curve from either the West or the North, it is difficult or impossible to see if there are vehicles approaching the curve from the other direction.

This is particularly hazardous for Claire Long of 2450 233rd St. Mr. Long's driveway access is located at the apex of the curve. If Mr. Long is approaching his home heading Southbound on Campbell Dr., it is very difficult to see any oncoming traffic approaching from the West on 233rd St. The left turn into his driveway is dangerous.

We will greatly improve that, as explained below.

Exhibit 4 – Page 1

This exhibit shows the view from passenger vehicle driving Southbound on Campbell approaching the curve, as described above. Identified with an arrow is the top of a car approaching the curve from 233rd St. This view was rendered using the existing topographical map of the site, and accurately represents the hazard described.

Exhibit 4 – Page 2

The Willows hired Clapsaddle-Garber to perform the engineering work to develop our site grading plan. The entire footprint of our building needs to be on a single-elevation foundation. This will require the moving of earth from the South end of the property to fill in the slope on the North. The earth that is moved will include that which presently impedes the view of oncoming traffic around this curve.

This image represents the same view, which now allows the driver to see not one, but 4 other vehicles approaching from 233rd street.

Exhibit 4 – Page 3

This page shows the scenario described above from an aerial view.

Conclusion This curve will be safer than it is now when The Willows completes its site work.



James L. Lowrance, Mayor
Randy Wetmore, Administrator
Justin Nickel, Public Works Director
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5734
Fax - (641) 754-5793

DEPARTMENT OF PUBLIC WORKS

12/8/2015

To: Members of the Board of Adjustment

From: Justin Nickel
Director of Public Works

Re: Traffic impact of the proposed Willows Assisted Living Development

This memo will address the concerns of neighboring citizens to the proposed Willows Assisted Living Development.

- The traffic model estimates that this development will generate 159 trips per day to and from the site. A trip is defined as a route either originating from or destined for a given property. By comparison, if the site was developed into single family homes the model predicts traffic generation of 344 trips per day.
- Both Campbell Drive and 233rd Street are identified as major collectors by the City of Marshalltown and Iowa DOT transportation networks. These roads provide balance between mobility and access. These roads carry traffic from residential streets in residential neighborhoods to arterials such as Iowa Avenue, Center Street or Highway 30.
- The increase in truck traffic accessing the site is minimal. Developers expect food and supply deliveries one or two times per week, trash removal once per week and UPS or Fedex deliveries on a daily basis. Development of this property to residential or any other use would generate as much or more truck traffic. Campbell Drive and 233rd Street are both constructed of seven inch thick portland cement concrete pavement, which is sufficient to carry the increase in passenger vehicles and truck traffic.

cc: Michelle Spohnheimer, Housing and Community Development Director

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Bill Martin, Robert Schubert, Bethany Wirin



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:

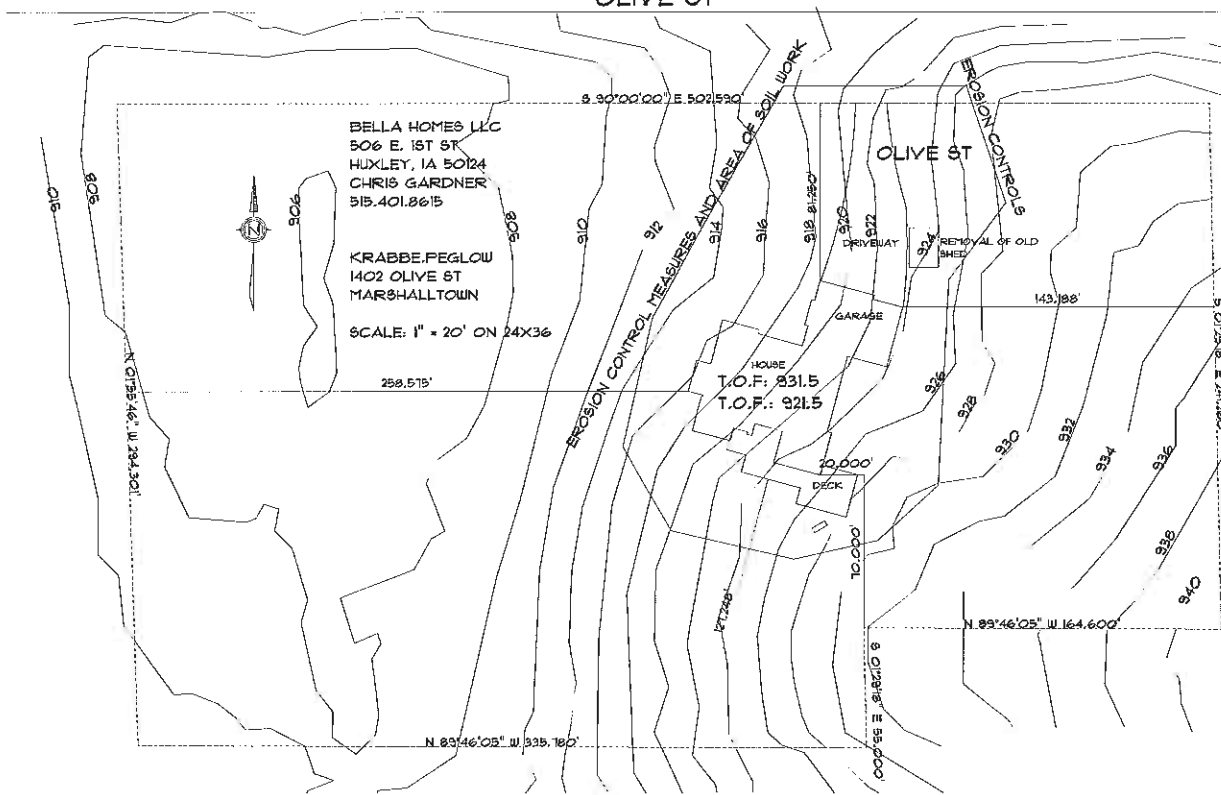
1. Is the location of the proposed sidewalk adjacent to a street which has or will have curb and gutter; ☐ yes ☒ no
2. Does the location of the proposed sidewalk have grade and drainage problems which would significantly interfere with the construction of the sidewalk at that location (if yes, describe 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):

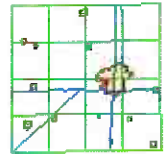
There are currently no sidewalks along West Olive Street.

Owner or Agent Signature: 	Date: 11-19-15
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OLIVE ST



Marshall County Assessor



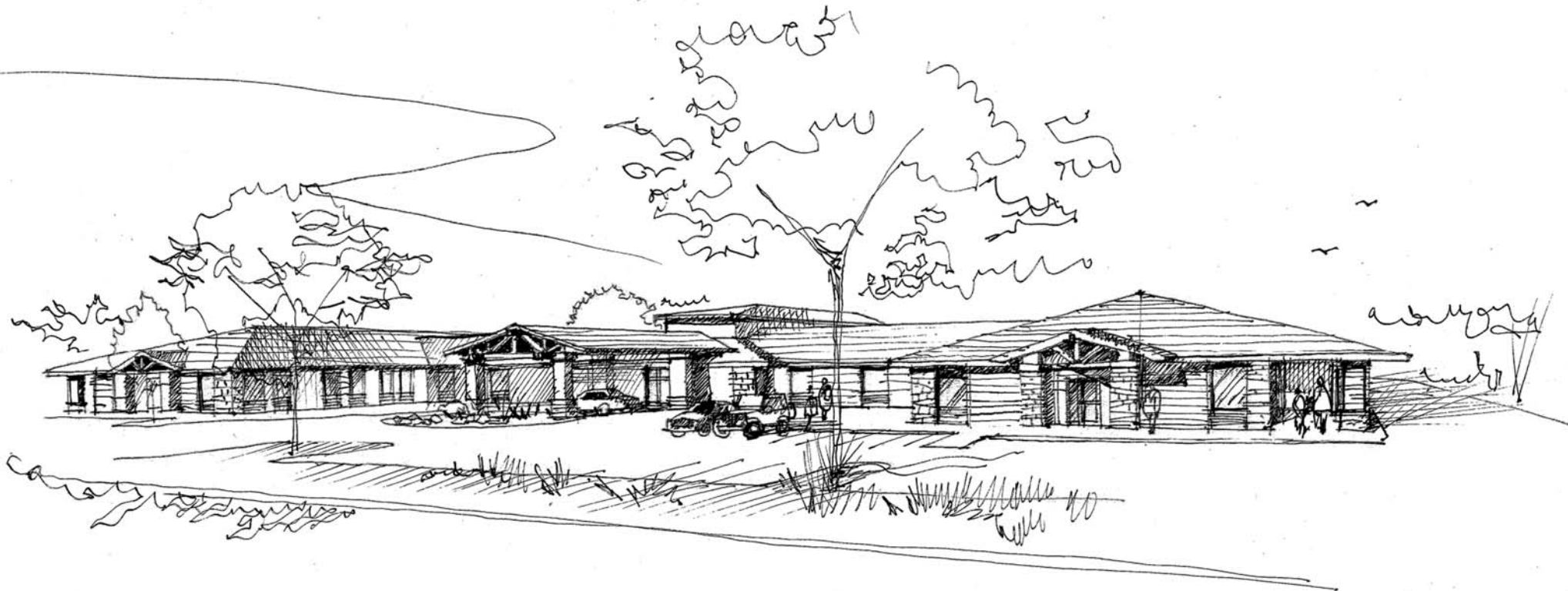
(C) 2015 Marshall County - Representation only, not a survey!



THE WILLOWS

— OF MARSHALLTOWN —

ASSISTED LIVING & MEMORY CARE



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Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, December 15, 2015 – 5:00 p.m.
City Council Chambers, City Hall
10 West State Street, Marshalltown IA

Committee Members:

Kelli Thurston
Kevin Hitchins
G Ward Miller, Chair

David Schulze
Bob Wenner

Call to Order:

Roll Call:

1. Approve Agenda
2. Review and approval of the Minutes from 11/17/15

Old Business:

None

New Business:

3. Staff Report
4. Select a new Board Chair
5. **PUBLIC HEARING:**
Sidewalk Deferment request for Heidi J. Cessford Revocable Trust for 1402 W. Olive Street.
6. **PUBLIC HEARING:**
Variance request for Randy Roth RK Aspen Marshalltown, LLC for 2615 S. Center Street.
7. Motion to rescind the vote on the motion to approve the Special Use Permit for The Willows – Assisted Living and Memory Care facility, 2315 Campbell Drive from the November 17, 2015 Board of Adjustment meeting.
8. **PUBLIC HEARING:**
Special Use Permit request for The Willows – Assisted Living and Memory Care facility, 2315 Campbell Drive.

Date Agenda Posted: 12/04/15

Additional supporting materials will be posted on the City website by 12/11/15

<http://ci.marshalltown.ia.us/meetings/view/MeetingID/1266>



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: Board of Adjustment

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: December 15, 2015 Meeting

Please note that additional supporting information related to this meeting will be posted by December 11, 2015, on the City website. Limited information was available at the time the agenda was posted.

Staff report:

The following is a staff report related in general to the Board of Adjustment and items specifically on the upcoming agenda.

I would like to begin this report with a refresher on how the board meetings should be conducted. I am reacquainting myself with the technicalities again since taking over the planning responsibilities and I thought this would be helpful for all involved to know what is expected to occur at a meeting.

Overall it is important that all parties are treated with respect and it is important for the Chair to help redirect if comments and discussions begin to go off topic, become repetitive or cross the line of appropriateness. It is important to our City as an organization that ALL people are treated with respect.

I would like the board to address each agenda item with the following sequence.

1. Board Chair announces the agenda item.
2. If applicable the Board Chair declares the public hearing open.
3. Staff presents the request formally providing an overview of the regulations that apply, applicable review criteria, staff recommendations and any comments received by the office prior to the meeting.
4. The applicant presents their request including project details, supporting documentation and representative comments.
5. The Board questions the applicant about the request in an effort to determine if all applicable criteria are being addressed.
6. The applicant is able to respond to questions presented by the Board.
7. Following any initial Board questions the Board will hear public comments. The Board Chair should remind the public to state their name and address and to keep comments direct and limited in time. Questions and comments should be directed to the Board. Should comments become repetitive the Chair may limit comments only to new information.

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8. Following all public comments the applicant shall have an opportunity to respond to the Board to address any concerns or answer any additional questions the Board may have.
9. The Board Chair can then declare the public hearing closed and ask for a Motion.
10. A Motion if made should be made as an affirmative “to approve...”
11. Conditions may be placed as part of the motion.
12. The motion should also clearly identify the basis for the decision based on the applicable review criteria. (i.e. Variance approved because hardship related to topography or application does not meet the hardship criteria because it is self-inflicted)
13. Following a second to the motion the Board may continue discussion by the Board if needed and then the Chair can call for the vote.
14. In order to pass an affirmative vote of three is required regardless of the number of Board members present.

I would also like to remind all parties involved that the Board of Adjustment is a Quasi-judicial board and therefore ex parte communication is not appropriate. All communication with the public or applicants should be directed to the City staff or take place at a public meeting. There is a great article by Gary Taylor with ISU extension related to ex parte communication I encourage you all to read. <http://articles.extension.org/pages/27630/ex-parte-contacts> Should there be questions prior to a meeting direct those to me so that I can prepare answers for the entire board as part of the public discussion.

Moving forward I will do my best to prepare the Board with the information in the staff report that you need in order to make a decision based on the established review criteria. We will also be looking to arrange some general Board & Commission training after the first of the year.

Select a new Board Chair:

Ward Miller has indicated he would like to end his role as chair of the Board. I would like to thank Ward for taking on that responsibility for at least the past 5 years if not longer. A new chair will be selected to take over that role. Ward plans to remain on as a Board member.

PUBLIC HEARING: 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 Plan Zoning Commission on December 10, 2015 at their next meeting.

PUBLIC HEARING: Variance request for Randy Roth RK Aspen Marshalltown, LLC for 2615 S. Center Street.

Randy Roth RK Aspen Marshalltown LLC, (Aspen Dental) has requested a Variance for the building at 2615 S. Center Street related to Signage. The property is zoned CC, Community Commercial which allows for one freestanding sign and two wall signs. The freestanding sign met all applicable requirements as well as the primary wall sign on the East and those have been approved.

The variance request is to allow a larger secondary wall sign. The allowable square footage for the sign on the north wall is 35 s.f. The proposed signage totals 68.9 s.f. This exceeds the allowable footage by 33.9 s.f or 97%. The third wall sign proposed for the South wall is currently not permitted. The proposed sign is the same size as the other two at 68.9 s.f.

I have included the criteria for variance review as part of your consideration.

Ch. 34. Section 3.3. Variations: To grant a variation in the following instances:

- a) *In the yard requirements of any district where there are unusual or practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions provided such variations will not seriously affect any adjoining property or the general welfare.*
- b) *In the determination that a strict application of the terms of this Ordinance relating to the construction, or alterations of building or other structures, or use of land will impose upon the property owner unusual and practical difficulties or particular hardship.*
- c) *The following are variance review guidelines:*
 - i. *A variance is not the appropriate remedy for a general condition.*
 - ii. *Self-inflicted hardships are not grounds for a variance.*
 - iii. *Personal hardships are not grounds for a variance. The hardship must relate to the physical character of the property.*
 - iv. *Economic conditions are not grounds for a variance (solely).*
 - v. *Hardships must be severe. A variation from the strict application of the terms of this Ordinance shall be in harmony with its general purpose and intent, and the Board shall be satisfied that a granting of such variation will not merely serve as a convenience to the*

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- applicant, but will alleviate some demonstrable and unusual hardship. vi. If granted, variance must not adversely affect the neighborhood.*
- vii. All applicants must be treated fairly.*
- viii. Substantial justice will be done with the grant of the variance.*
- d) In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.*

Motion to Rescind the vote on the motion to approve the Special Use Permit for The Willows – Assisted Living and Memory Care facility, 2315 Campbell Drive from the November 17, 2015 Board of Adjustment meeting.

According to Robert's Rules of Order, "Any vote taken by an assembly, except those mentioned further on, may be rescinded by a majority vote, provided notice of the motion has been given at the previous meeting or in the call for this meeting..."

A motion to rescind may only be made by a member of the Board who voted in opposition initially. The second may be made by any member of the Board. The motion to rescind the vote from the November 17, 2015 meeting has been placed on the agenda and posted in accordance with publication requirements and therefore only needs a simple majority to pass. There is not a public hearing on this motion and should it pass the following item has had the public hearing notification published.

PUBLIC HEARING: Special Use Permit request for The Willows – Assisted Living and Memory Care facility, 2315 Campbell Drive.

The Willows is a proposed assisted living and memory care facility requesting a special use permit from the City of Marshalltown. The property at 2315 Campbell Drive is zoned R-2, Low Density Residential which does allow for uses such as nursing homes to obtain a special use permit.

This land had previously been considered for an Alzheimer care development by a previous company and was zoned Planned Unit Development at that time. The property was rezoned back to R-2, low density residential when that project did not move forward to allow for more development options.

The Plan Zoning Commission reviewed the request Thursday, November 12, 2015 and recommended unanimous approval.

Following the Board of Adjustment meeting on November 17, 2015 additional information is being prepared and will be posted to the City website as soon as it becomes available. The agenda and staff report are being posted as of December 4, 2015 to ensure notice can be provided to interested parties.

The Board of Adjustment has the authority under the zoning ordinance to review and act on Special Use Permit requests. The following section applies to this review.

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Ch. 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.

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.

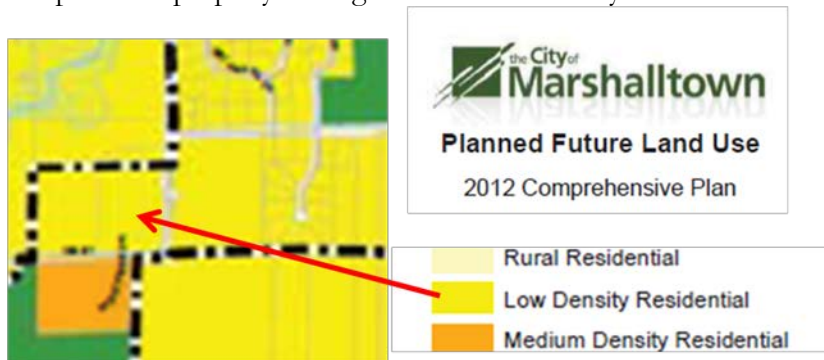
That the proposed development or use will be located, designed, constructed, and operated in such a manner that it will not interfere with the orderly use, development and improvement of surrounding property.

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.

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

The City of Marshalltown recently updated the Comprehensive Plan which is posted in its entirety on the City website. http://ci.marshalltown.ia.us/static/departments/housing/comp_plan.php

This particular property is designated as Low Density Residential as shown in the following excerpt.



The proposed project includes 58 units with a possible 18 unit expansion totaling 76 units. The lot area per unit at full design is 6,373 s.f. per unit.. 95% of the units are studio or one-bedroom units with a maximum occupancy of 80 people. If this area were to develop with single family dwellings the lot area would allow for approximately 35 homes once you allowed for street placement. The average

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family size in Marshalltown based on the 2010 census is 2.66 people. A single family development under the R-2 classification could expect to see 93 residents.

Based on the proposed use, lot area and occupancy this project does appear to meet the intent of the comprehensive plan and zoning ordinance adopted by the Marshalltown City Council.

Review Criteria: 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.

Discussions related to traffic dominated a large percentage of the comments received previously. I anticipate further information to be included in the supporting documentation to address traffic impacts. It is important to note that development of any kind will result in increased traffic compared to the farm field. Information was presented that demonstrated the traffic generated from a single family development according to the R-2 standards would generate more than twice the amount of traffic than an assisted living complex.

The road is designated as a Major Collector by the City of Marshalltown. The following is the definition for Major Collector according to the Comprehensive Plan.

Major and Minor Collectors: these roadways provide balance between mobility and access. Their principal function is to carry short trip lengths and to serve adjacent land. Residences and businesses often have direct access to these roads. Collectors also take traffic from local road to the higher order roadways and provide travel for short trips.

The City Engineer will be preparing a memo for the Board related to transportation standards and anticipated impact.

The building design elements are in character with residential appearances. The proposed building is a single story design. The R-2 district allows up to a 2 ½ story building. The proposed setbacks far exceed the minimum requirement of 30' for the front yard (south), 15' for the other street side (east), 7' side yard (west) and 35' rear yard (north).

Parking provided meets the need for employees, residents and visitors. The proposed plan will meet the parking and buffering requirements set out in the zoning ordinance. Additionally the applicant has indicated that the site would be landscaped providing a buffer beyond the minimum standards required by the City.

Utilities are available at this site and the streets are in place. Based on discussions with utility providers during the development review period the property is serviceable to meet the project needs.

There are not any public health, safety and welfare concerns associated with the development.

Based upon the information available at this time the proposed use and development does not appear to have a substantial adverse effect upon adjacent property

City Council
Leon Lamer, Mike Gowdy, Al Hoop, Joel Greer
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Review criteria: 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.

The proposed project location and design is on an existing platted lot which has utility service and road access available. Development of this property will not limit access or land-lock any surrounding properties. The adjacent properties all have street frontage. Development of this property should not interfere with the orderly use, development and improvement of surrounding property.

Review criteria: 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.

As previously discussed the proposed development is not anticipated to result in unreasonable traffic congestion. The development will not limit further development potential of surrounding properties. The site development will include storm water management compliant with all State and local requirements.

The board may consider protective restrictions as outlined in the following section:

Ch. 31 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.



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

December 7, 2015

To: Board of Adjustment

From: Michelle Spohnheimer
Housing & Community Development Director

Re: Information related to Sanitary Sewer service for The Willows.

On Friday, December 4, 2015 a resident called with concerns about the ability of the sewer to serve the assisted living project. They had heard that the sewer was approximately 30' deep and could not support any additional pressure.

I asked for information from Steve Simons the City Sewer Superintendent. Mr. Simons replied with the following information.

The sewer line that runs down Campbell Dr. was installed as part of the Sanitary Sewer Expansion Project 93015. It was installed in early 1999 and was sized to allow for future growth to the southwest portion of Marshalltown and is therefore a 21" pvc pipe.

Just the mere fact that the pipe is a 21" speaks to the ability to serve an enormous area for the future growth. Most residential additions are constructed using 8" sewer main. As a matter of reference, think of an area that is between S. 6th St and Center St, between Meadow Lane and South St.,.....this area is all served by 8" sewer. I don't have the actual number of homes served, but I would estimate to be well over 500 homes and businesses. The majority of those lines flow into a 15" sewer main which eventually flows into a 21" sewer line that ends up into the Y Sewer Lift station before being pumped to the Water Pollution Control Plant.

I hope this helps answer the neighbors question and eases any concern that they may have. Please call me if you have any other questions.

SRS

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



DATE SUBMITTED & FEE PAID: _____
HEARING DATE: _____

 the City of
Marshalltown
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:

X **A site plan, drawn in ink to scale.** This site plan shall not be larger than 11" X 17."

X **Any other applicable drawings or diagrams.** Home Occupation Special use permits must submit a floor plan diagram.

X **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.

X **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: **2315 CAMPBELL DR.**

Owner: **ERVIN HARRE (SELLING TO CLIENT)**

Mailing Address: **304 E. LOWE AVE, FAIRFIELD, IA 52556**

Phone: **641-451-0898**

Email: **BENRTD@GMAIL.COM**

Owner's Agent (if applicable): **STEVE TROSKEY, CGA ENGINEERS**

Agent Address: **16 E. MAIN ST.**

Agent Phone: **752-6701**

Agent Email: **STROSKEY@CGACONSULTANTS.COM**

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: **10-26-15**

October 26, 2015

Michelle Spohnheimer
Housing Director
City of Marshalltown
36 North Center Street
Marshalltown, IA 50158



RE: The Willows – Marshalltown
Assisted Living and Memory Care facility
2315 Campbell Drive

Dear Michelle:

Please accept this application for a Special Use Permit for an assisted living and memory care facility at 2315 Campbell Drive in Marshalltown. Current zoning of this property is R2: Low density residential.

The Willows of Marshalltown will be an innovative Assisted Living and Memory Care community serving the unmet and fast-growing demand for senior care in Marshall County.

The Willows promises a modern facility with a mix of 40 studio, one and two bedroom choices for Assisted Living residents, and 18 apartments in the Memory Care neighborhood. Residents will be served three meals per day in a restaurant-style atmosphere and experience a vibrant and diverse social calendar. The site also includes an onsite beauty salon and other amenities.

With plenty of lawn and outside space, The Willows plans walking paths, sunrise views, and areas of vegetable gardens where residents can be involved with an activity that has been the heritage of rural Iowa for generations.

Our goal is to set a new standard of excellence in senior residential care, with high quality of life, social enrichment, community involvement, a state-of-the-art building, and beautiful landscaping.

The Willows will stimulate the local economy by adding as many as 50 new jobs and creating a significant contribution to the tax base.

The Willows leadership team has over 25 years of combined experience in the development and operations of successful Assisted Living communities in Iowa. The Willows is a new concept that gives special attention to the unique needs of individuals with Alzheimer's and dementia.

Please contact me at 641-752-6701, or stroskey@cgaconsultants.com if you have any questions.

Sincerely,

CLAPSADDLE-GARBER ASSOCIATES, INC.

A handwritten signature in black ink that reads "Stephen Troskey".

Stephen T. Troskey
Project Manager

2315 Campbell Drive Legal description:

Lot 3 in the subdivision of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 9, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa.