

# MARSHALLTOWN

— I O W A —

## BOARD OF ADJUSTMENT

Notice of Public Meeting

**Tuesday, August 21, 2018 at 5:00 PM**

TEMPORARY LOCATION

MARSHALLTOWN PUBLIC LIBRARY COMMUNITY MEETING ROOM

105 West Boone Street, Marshalltown IA

1. Call To Order & Roll Call

Frederick  
Hitchins  
Schulze  
Thurston  
Wenner

2. PUBLIC HEARING: Special Use Permit - Martin Marietta Materials, Inc.

**Public Hearing:** Written or verbal comments may be presented to the Board during the public hearing. Please state your name and address for the record.

Documents:

[082118\\_MARTIN MARIETTA\\_MEMO.PDF](#)  
[MARTIN MARIETTA.PDF](#)

3. PUBLIC HEARING: 6 E Linn Street - David Thompson

**Public Hearing:** Written or verbal comments may be presented to the Board during the public hearing. Please state your name and address for the record.

Documents:

[082118\\_6 E LINN\\_THOMPSON\\_MEMO.PDF](#)  
[THOMPSON APPLICATION.PDF](#)

# MARSHALLTOWN

## I O W A

TO: Board of Adjustment

FROM: Michelle Spohnheimer, Housing & Community Development Director

DATE: August 21, 2018 – Meeting Date

### **SPECIAL USE PERMIT request for Martin Marietta Materials, Inc.**

Martin Marietta is proposing a new sand and gravel mining operation for property currently owned by Interstate Power and Light Company (Alliant). This property is zoned M-2, Heavy Industry. This zoning ordinance requires a Special Use Permit for this type of operation. Martin Marietta has been operational in Marshalltown for 80 years without any problems. Access will be provided off of Main Street Road through the Alliant Sutherland Station.

|                     |                                  |
|---------------------|----------------------------------|
| Zone:               | M-2 Heavy Industry               |
| Use:                | Sand and gravel mining operation |
| Comprehensive Plan: | Heavy Industrial                 |

### **Zoning Ordinance - Chapter 31 Section 3. Standards for Review.**

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

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

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

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.

**Recommendation:** The Plan Zoning Commission recommended approval of the request to the Board of Adjustment with no additional conditions.

DATE SUBMITTED & FEE PAID: \_\_\_\_\_  
HEARING DATE: \_\_\_\_\_



## BOARD OF ADJUSTMENT

### Special Use & Home Occupation Special Use Permit Application

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

All items listed must be submitted with this application:

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

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

\_\_\_\_\_ **Application fee.** A \$300 fee is required for a special use request (\$50 for a Home Occupation Special Use request). Make check payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Housing Department.

\_\_\_\_\_ **Legal description of the property.** The property owner should have a copy of the legal description of the property. *Please note that the tax description on the Marshall County assessor's webpage is NOT the legal description.* The legal description is listed on the property's abstract or owners may obtain a copy of the recorded deed from the Marshall County Recorder's Office for a fee.

It is the burden of the applicant to provide sufficient facts with this application and at the Board of Adjustment meeting to support a finding that all the standards for approval have been met. For all special use requests, with the exception of a Home Occupation Special Use request, the Plan & Zoning Commission shall first review the proposal and make a recommendation to the Board of Adjustment.

**Attendance at all meetings is required.**

**Please type or print legibly in ink.**

Property Address:

Owner:

Mailing Address:

Phone:

Email:

Owner's Agent (if applicable):

Agent Address:

Agent Phone:

Agent Email:

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

Please describe the request and what justification there is for the proposal. Attach additional pages if necessary. If applicable, please provide a description of the business or use, discuss any signage to be used, and parking issues.

Owner/Agent Signature:

Date:

## **OVERVIEW**

Martin Marietta Materials, Inc. respectfully requests the City of Marshalltown review and approve our application for a Special Use Permit for a proposed sand and gravel extraction operation. The subject property is located south of the Alliant Sutherland Generating Station and west of former Quarry Road (now vacated).

Martin Marietta has operated sand and gravel operations in this area for over eighty years, including what is now known as Sand Lake Park on East Main Street.

Martin Marietta is a publicly owned corporation based in Raleigh, North Carolina and is a leading supplier of aggregate and heavy building materials with operations in 32 states.

We intend to operate this site using a portable dredge and processing plant. Site equipment would be powered by a combination of line power and diesel engines. The processing equipment will typically be present at the site once or twice per year to build stockpiles of finished material. Sales of finished products will occur year round. Site grading may begin in late 2018 with the plant moving in to commence production immediately after site grading work is completed. A new scalehouse, shop, and scale will also be built in late 2018 or early 2019. Potable water will be provided by a well. Sanitation will be provided by a septic system. Access to the site for customer trucks would be through the existing entrance to Sutherland Power Station off East Main Street.

We believe this remote location provides a significant spatial buffer between the site and surrounding neighbors. In general, the area near the subject property is sparsely populated agricultural land. The heavily vegetated riparian areas along the river to the east, the existing vegetation in the property line fence to the south, as well as existing vegetation along East Main

Street provide significant screening. The area to the north and west sides of the site is zoned for a heavy industrial and used as agricultural land and power plant facilities. The nearest residential property is located one half mile south from the proposed plant site.

The availability and accessibility of sand and gravel reserves in the Marshalltown area has decreased over time as the City has grown, covering up potential reserves. As this growth continues, one of primary building materials required is sand for use in ready mix concrete and asphalt. A sand source located close to the end use is imperative to reduce overall truck traffic within the City and county, as well as to reduce the cost of development. As sand sources are forced farther away from the end use (next closest sand source is in Tama), more trucks are required to transport the sand back to the market.

The subject property contains sand reserves that are anticipate to last between 30 and 50 years based upon historic sales from the area. The sand and gravel will be extracted in phases which will allow for concurrent reclamation and ultimately create a 90+ acre lake. Typical shoreline will have a 3 to 1 grass slope to the water line with the underwater slope at the natural angle of repose. Initial overburden excavation from the site will be used to elevate the plant site above the floodplain elevation. Topsoil will be stockpiled in berms for future reuse in site reclamation. Future overburden excavation will be used to backfill the pond north of the plant site while excess overburden and topsoil may be sold commercially. Upon completion of mining, the anticipated land use is a private recreational lake.

Martin Marietta believes this proposal meets special use requirements of the City of Marshalltown, which allows for safe, environmentally sound and well-regulated mineral extraction operations.



200 1<sup>st</sup> St. SE

Cedar Rapids, IA 52401

July 31, 2018

Michelle Spohnheimer  
Housing & Community Development Director  
City of Marshalltown  
36 N. Center Street  
Marshalltown, IA 50158

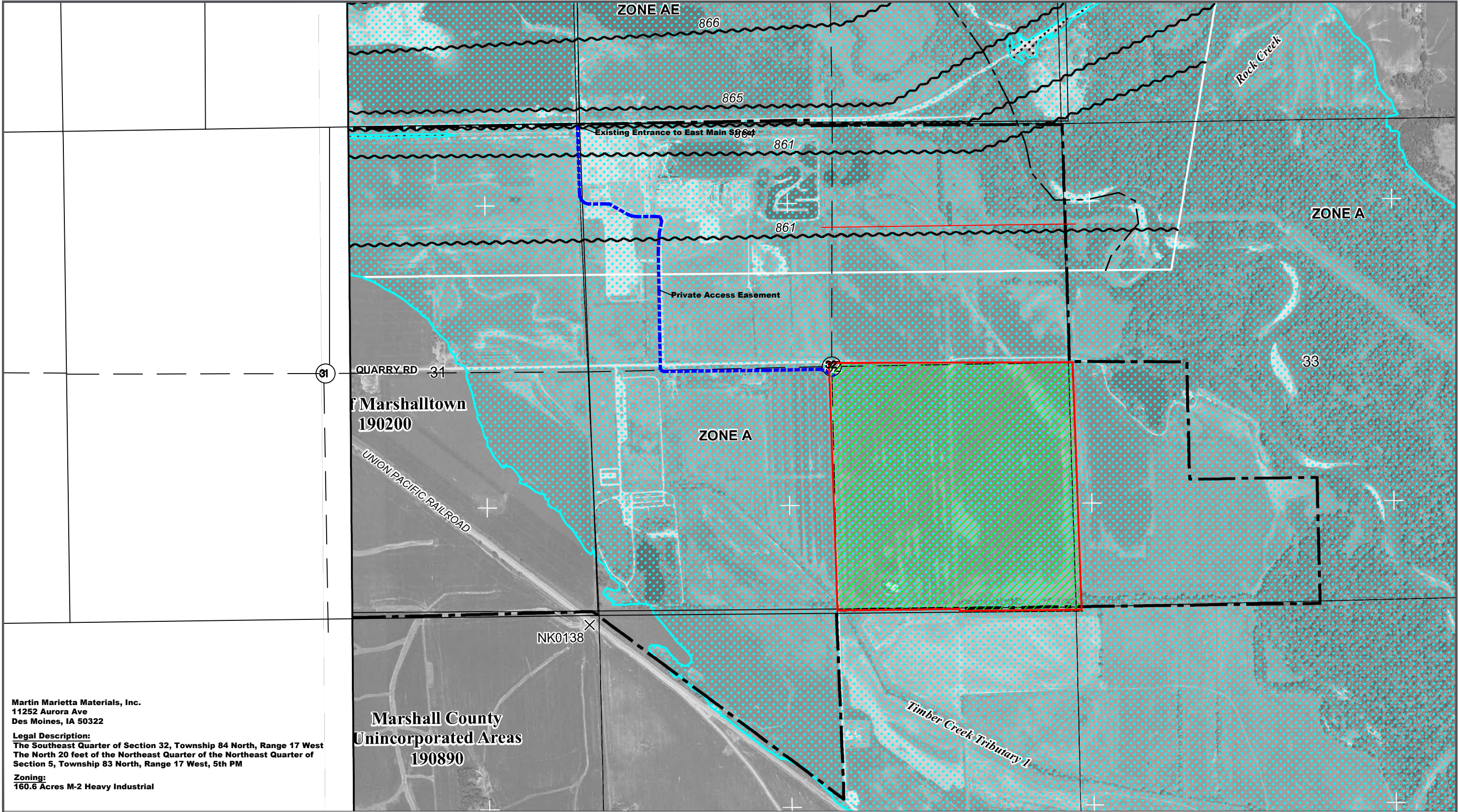
RE: Martin Marietta Special Use Permit (SUP) Application

Dear Ms. Spohnheimer

Please be advised that Interstate Power and Light Company (Alliant Energy) has an agreement in place with Martin Marietta Materials Real Estate Investments, Inc. to sell the subject property to Martin Marietta, subject to zoning approval by the City of Marshalltown for their intended use (sand and gravel mining). As such, Interstate Power and Light Company (Alliant Energy), as the current owner of the subject property, consents to Martin Marietta's SUP application. Please let me know if you have any questions or need any further information.

Mark Wills

Real Estate and Right of Way Representative  
Alliant Energy  
200 1st St. SE | Cedar Rapids, IA 52401  
Office: (319) 786-8196



Martin Marietta Materials, Inc.  
11252 Aurora Ave  
Des Moines, IA 50322

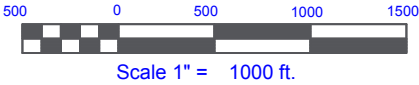
**Legal Description:**  
The Southeast Quarter of Section 32, Township 84 North, Range 17 West  
The North 20 feet of the Northeast Quarter of the Northeast Quarter of  
Section 5, Township 83 North, Range 17 West, 5th PM

**Zoning:**  
160.6 Acres M-2 Heavy Industrial

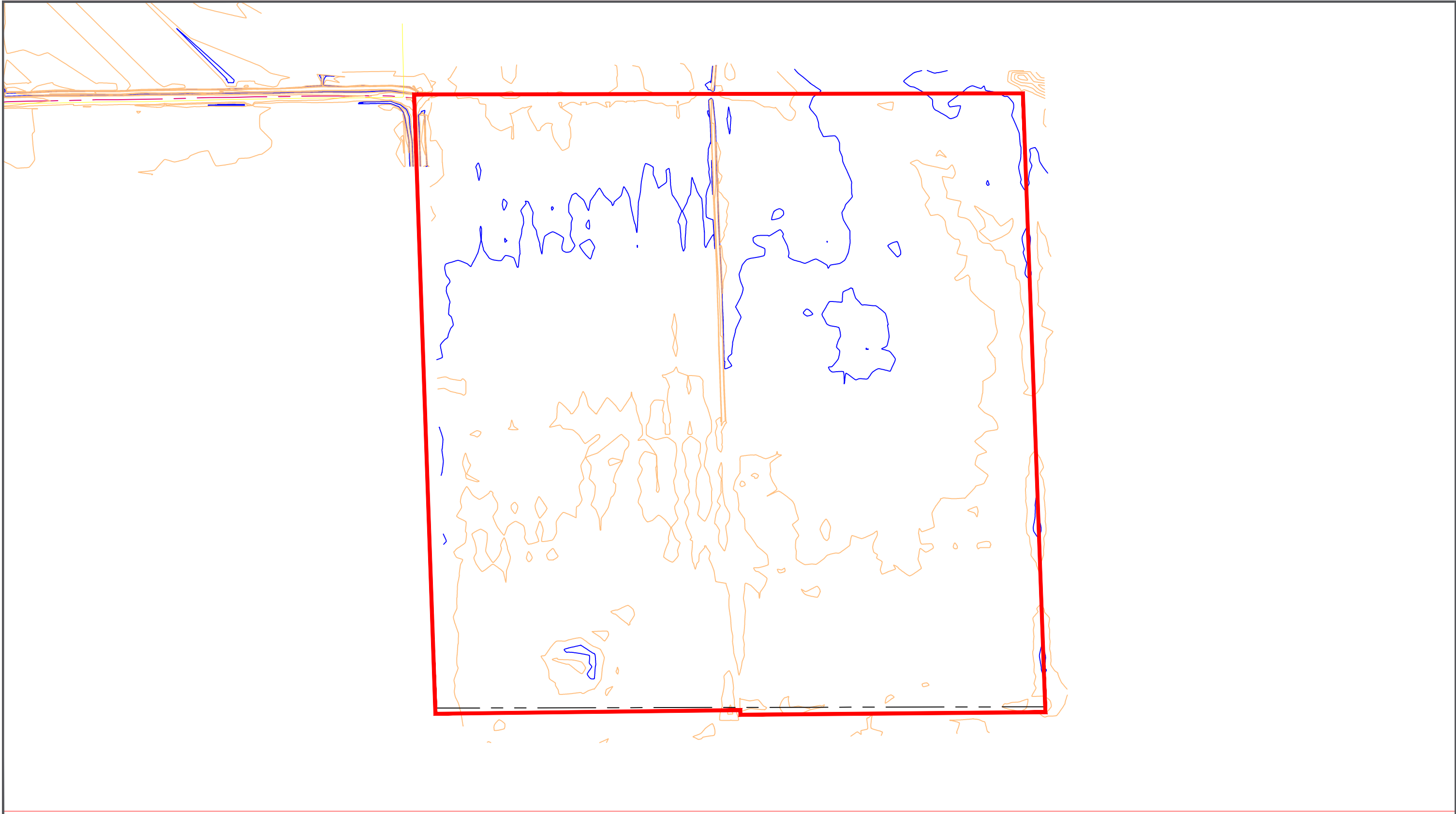
**Marshall County**  
**Unincorporated Areas**  
**190890**



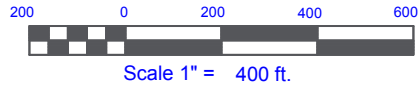
11252 AURORA AVENUE  
DES MOINES, IOWA 50322  
(515)254-0030



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| TIFF FILE NAME:<br>E:\    | CHK BY:        | SCALE:<br>1" = 1000' | PHOTO DATE:         | PHOTO FRAME:<br>FRAME # | DRAWING NAME:<br>Vicinity and Flood Plain Map |



11252 AURORA AVENUE  
DES MOINES, IOWA 50322  
(515)254-0030

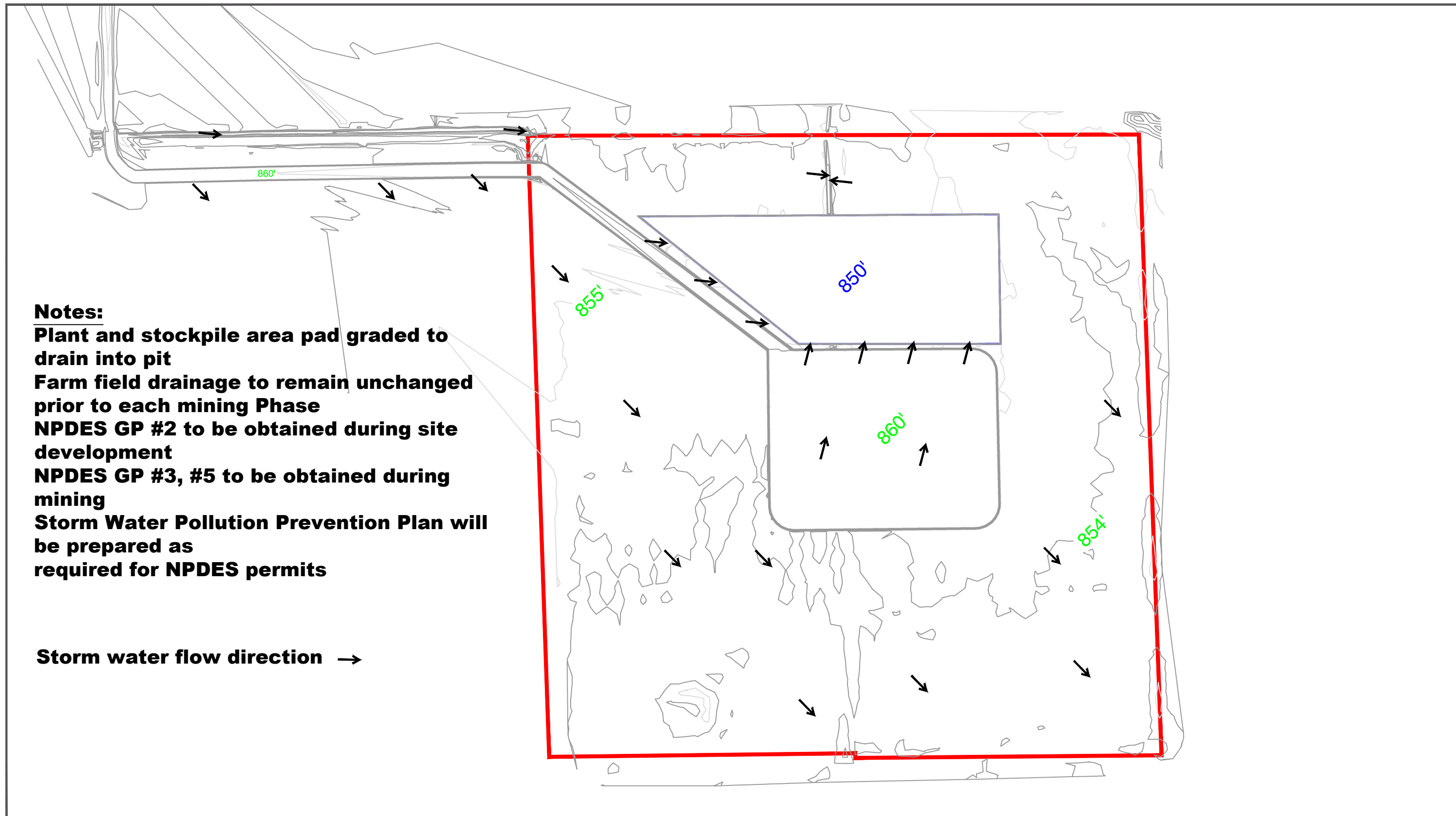


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| TIFF FILE NAME:<br>E:\    | CHK BY:        | SCALE:<br>1" = 400' | PHOTO DATE:         | PHOTO FRAME:<br>FRAME # | DRAWING NAME:<br>Existing Contours |

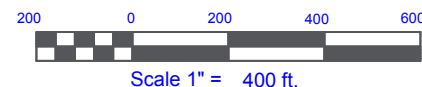
**Notes:**

**Plant and stockpile area pad graded to drain into pit**  
**Farm field drainage to remain unchanged prior to each mining Phase**  
**NPDES GP #2 to be obtained during site development**  
**NPDES GP #3, #5 to be obtained during mining**  
**Storm Water Pollution Prevention Plan will be prepared as required for NPDES permits**

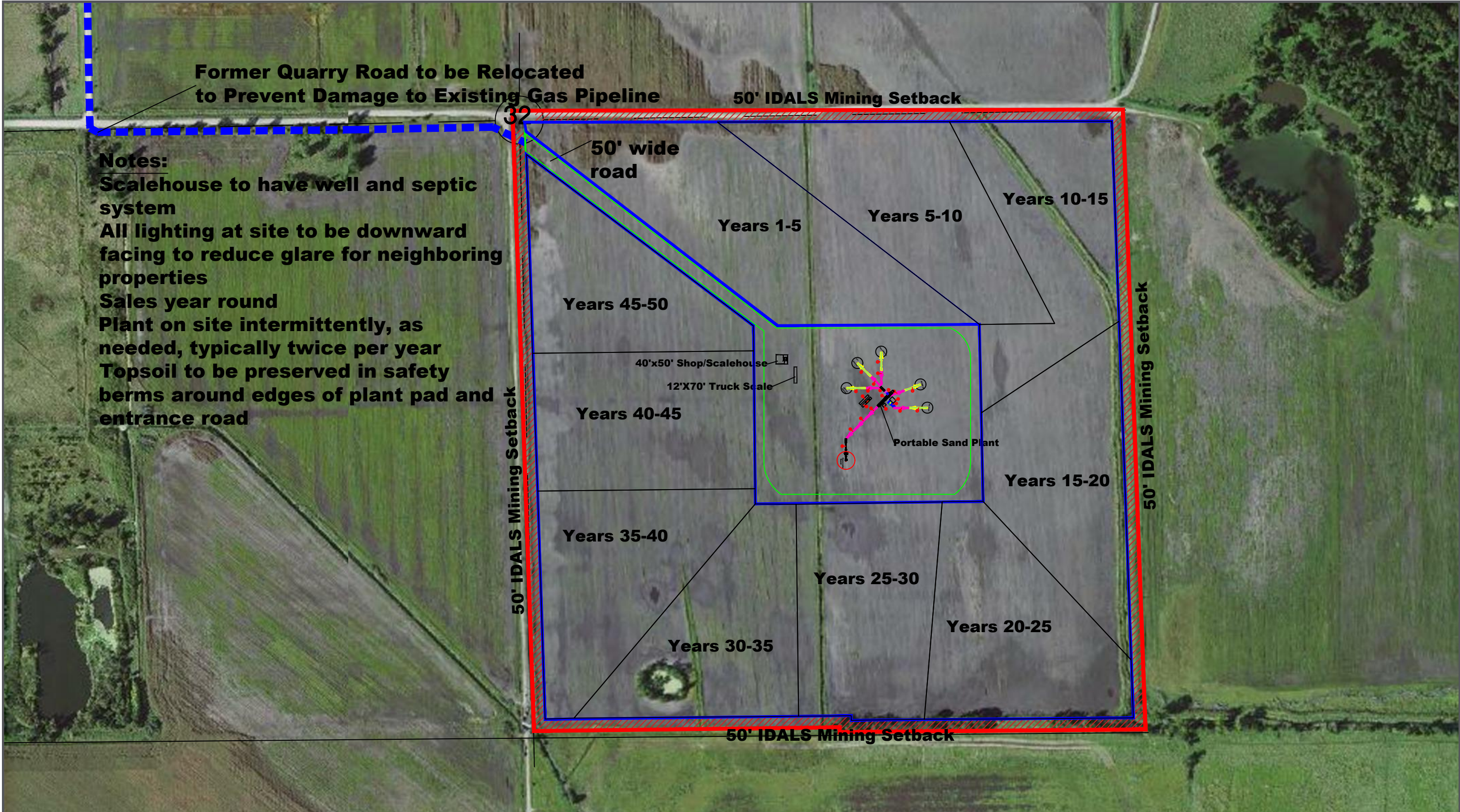
**Storm water flow direction →**

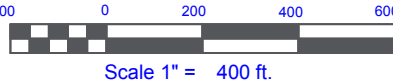


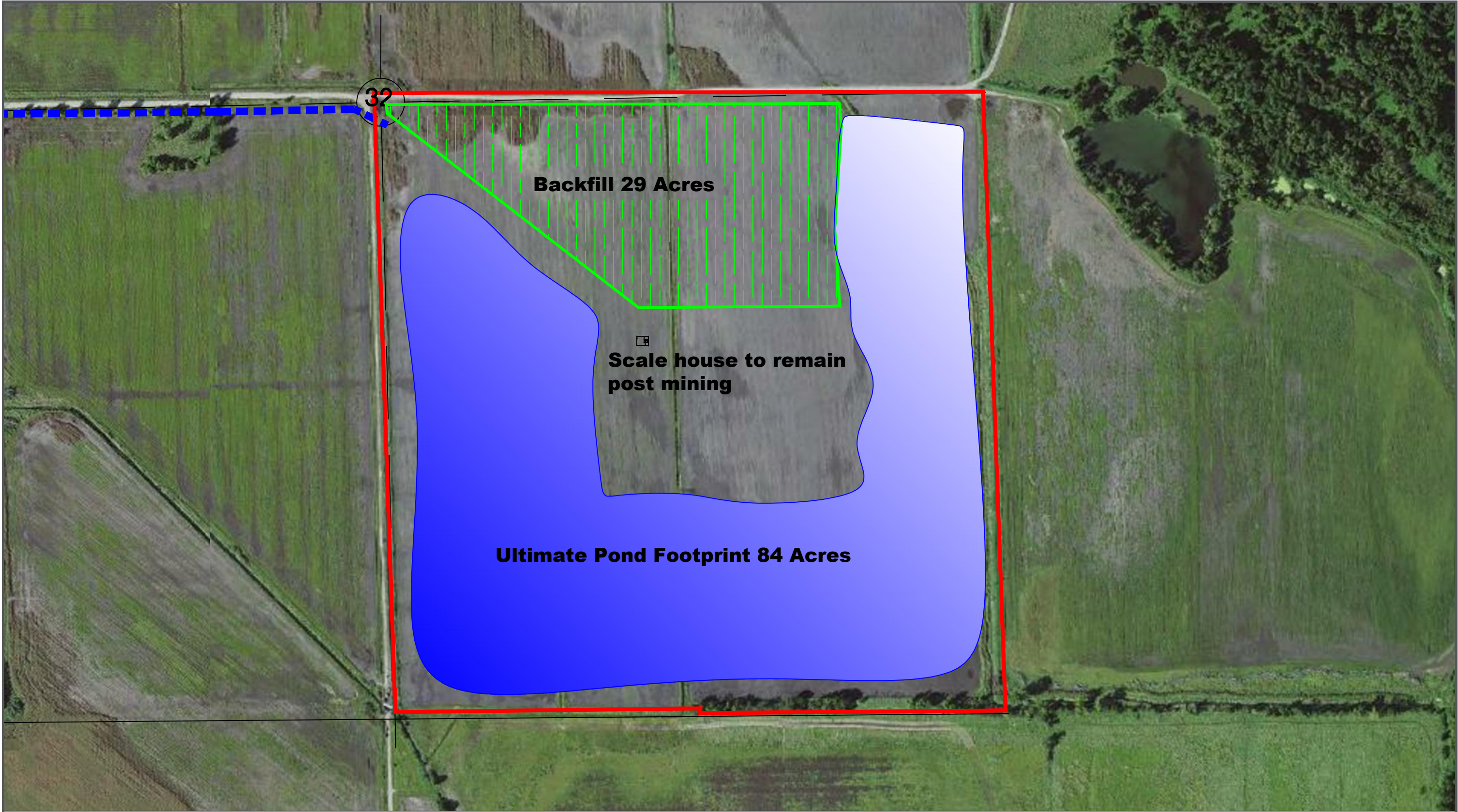
11252 AURORA AVENUE  
DES MOINES, IOWA 50322  
(515)254-0030



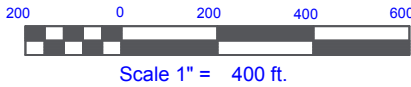
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| E:\                |         | 1" = 400' |             | FRAME #      | Proposed Contours (1'+5') and Stormwater Flow |



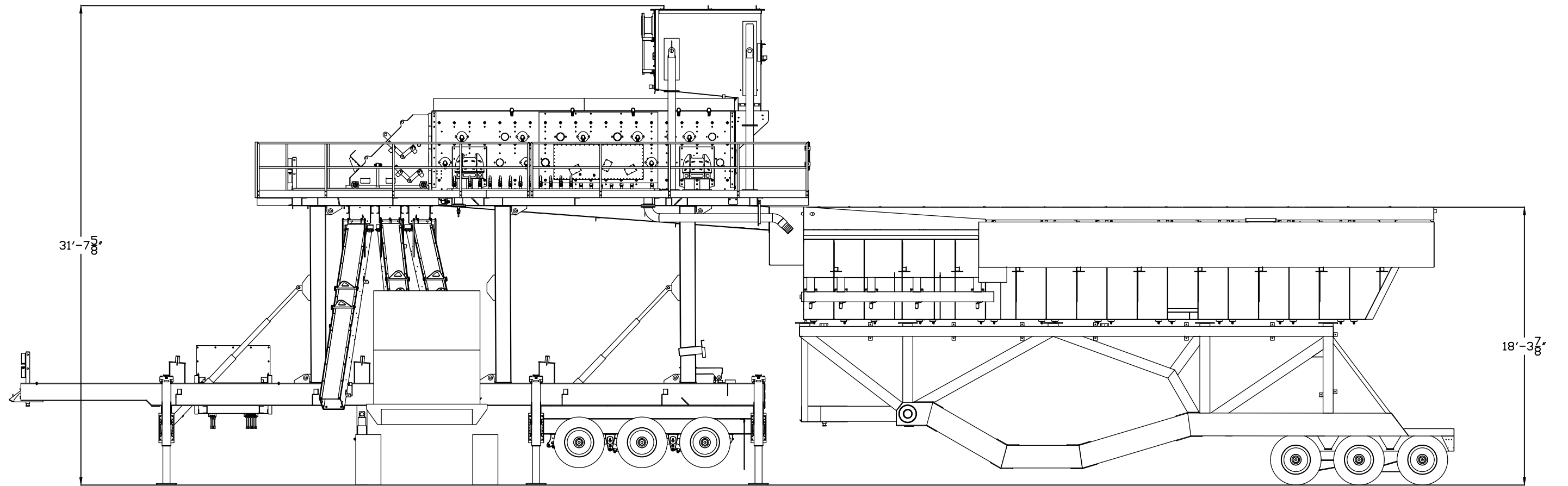
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|  <div>11252 AURORA AVENUE<br/>DES MOINES, IOWA 50322<br/>(515)254-0030</div> |  |  | DRAWING FILE NAME: | DWN BY: | DATE:     | COUNTY:     | STATE:       | QUARRY:            |
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|                                                                                                                                                                 |                                                                                      |                                                                                       | E\                 |         | 1" = 400' | 2014 NAIP   | FRAME #      | Mining Phases      |



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DES MOINES, IOWA 50322  
(515)254-0030



|                    |         |           |             |              |                    |
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| TIFF FILE NAME:    | CHK BY: | SCALE:    | PHOTO DATE: | PHOTO FRAME: | DRAWING NAME:      |
| E:\                |         | 1" = 400' | 2014 NAIP   | FRAME #      | Final Pit Shape    |



# MARSHALLTOWN

## I O W A

TO: Board of Adjustment

FROM: Michelle Spohnheimer, Housing & Community Development Director

DATE: August 21, 2018 – Meeting Date

### **VARIANCE request for 6 E. Linn Street – David Thompson**

An application for a variance/waiver has been received from the proposed buyers of the property at 6 E. Linn Street requesting the allowance of parking to be in front of a proposed building perpendicular to the street.

|                     |                               |
|---------------------|-------------------------------|
| Zone:               | CBD Central Business District |
| Use:                | Commercial                    |
| Comprehensive Plan: | Downtown Mixed Use            |

### **Zoning Ordinance - Chapter 22 Section 3. Performance Standards**

Existing uses on the effective date of this ordinance shall not be required to modify existing operations to come into compliance with the following performance standards, but shall not increase the amount of outside storage. The following standards shall apply to newly created uses.

1. The use shall not be rendered objectionable or detrimental to the vision of the downtown districts due to exterior appearance or by the emission of dust, gas, noise, odor, or smoke, or in any other way.
2. There shall be no outside storage or display of goods and services (including temporary and portable structures), except for temporary goods and services removed on a nightly basis, equipment associated with a child care facility, schools, telecommunications equipment, or unless otherwise noted in this ordinance. The Board of Adjustment shall have the authority to waive this requirement for temporary or seasonal circumstances.
3. Parking areas for uses in the CBD district shall be submitted and approved by the city. Parking and parking lots shall not be used for the storage of a vehicle for more than (ten) 10 days.
4. Where a structure exists on a lot, the parking spaces shall be adjacent to the structure and shall not be adjacent to the right of way lined up perpendicular to the street along the frontage of the lot. The Board of Adjustment may waive this requirement in cases where it is logical to have parking adjacent and perpendicular to the street frontage. In cases where this requirement is waived, curb stops or other barriers shall be required to deter parking over the sidewalk.

**Recommendation:** The Board of Adjustment may consider the request, place conditions on the application as determined to be necessary.

Date Submitted & Fee Paid: ☒

Hearing Date: 8/21/08

## Variance Application Form

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

### 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 variance.

☒ Site photographs showing all views of the property, including any special features such as topography and existing and adjacent structures. **Please note:** Materials submitted with the application or presented as evidence during the public hearing will not be returned and must be kept as a part of the public record.

☒ Completion of all of the following questions included in this application.

**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 fee of \$150 for owner-occupied residential properties and a fee of \$200 for any other property is required payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Housing Department.

Please type or print legibly in ink.

|                                                                 |            |
|-----------------------------------------------------------------|------------|
| Property Address:<br>605 E. LINN ST. / LOT 7, 8 AND 9, BLOCK 21 |            |
| Owner:<br>DAVID THOMPSON / PURCHASING FROM WELLS FARGO          |            |
| Mailing Address:<br>605 WESTWOOD DR.                            |            |
| Phone:<br>641 751 6797                                          | Fax:       |
| Email Address:<br>THOMPSON@TRUEVALUE.NET                        |            |
| Owner's Agent (if applicable):<br>C G A STEVEN TROSKY           |            |
| Agent Phone:<br>641-752-6701                                    | Agent Fax: |

EXCEPT  
BOOK  
A-13  
PAGES 452  
+  
453

All of the following questions must be answered. The board will use this information to review your request. Additional information may be attached if necessary. Contact the Housing & Community Development Director at 641-754-5756 with any questions.

**The applicant makes the following request:**

STORE FRONT TO FACE CENTER ST  
WITH  
PARKING IN FRONT OF BUILDING

**Please state your hardship.**

IN ORDER TO COMPETE IN TODAY'S  
BUSINESS CLIMATE WE MUST FOLLOW  
OUR COMPETITORS

In order to grant a variance, the Board of Adjustment must make a finding of unnecessary hardship. The hardship must be related to the physical aspects of the property and not a personal hardship. The granting of a variance should not merely serve as a convenience to the applicant. To support a finding of unnecessary hardship, the board must find, based upon your evidence, that all of the following are met:

1. The land in question cannot yield a reasonable return if used only for a purpose allowed in the district. State how you will lose all beneficial use and/or enjoyment of the property if the variance is not granted. You may include supporting evidence from a professional appraiser, real estate professional, or other professional. The Board may require documentation of loss of value in order to grant this variance.

WE NEED TO BE SET UP LIKE  
OUR COMPETITORS!

2. This variance is required because of the unique circumstances of this property and not the general conditions of the neighborhood. The applicant must show that physical circumstances (such as an odd-shaped lot or difficult topography) on the property are unique to this property and unlike other properties in the vicinity. Also, the hardship should not be self-inflicted.

NEIGHBORING PROPERTIES ARE  
SIMILAR - DIAMOND VOBEL

MAIN STREET SITE LINES <sup>RULES</sup> SHOULD  
BE NOT FOLLOWED

WE ARE A BARE LOT NOT  
ON MAIN.

3. **The proposal will not alter the present character of the area or seriously affect any adjoining property.** The applicant must show that the proposal is compatible with the character of the surrounding area.

DIAMOND JOBEL ALSO HAS  
PARKING IN FRONT +  
NO NEIGHBORS

4. **The variance will not be in contrary to the public interest.** The applicant must present information to indicate the variance will not impair an adequate supply of light and air to adjacent property, will not unreasonably increase the congestion in public streets or endanger public safety, nor will it devalue nearby property.

THE PUBLIC INTEREST NEEDS  
TO BE THE REBUILDING OF OUR  
COMMUNITY

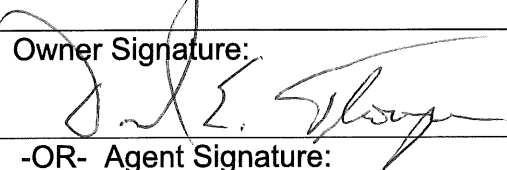
5. **The general intent and purpose of the Zoning Ordinance is protected.** A variance must be consistent with the intent of the Zoning Ordinance and the Comprehensive Plan. Is there another option which you could pursue that would not require a variance? If alternatives exist which do not require a variance, the proposal would not be consistent with the intent of the Zoning Ordinance and Comprehensive Plan.

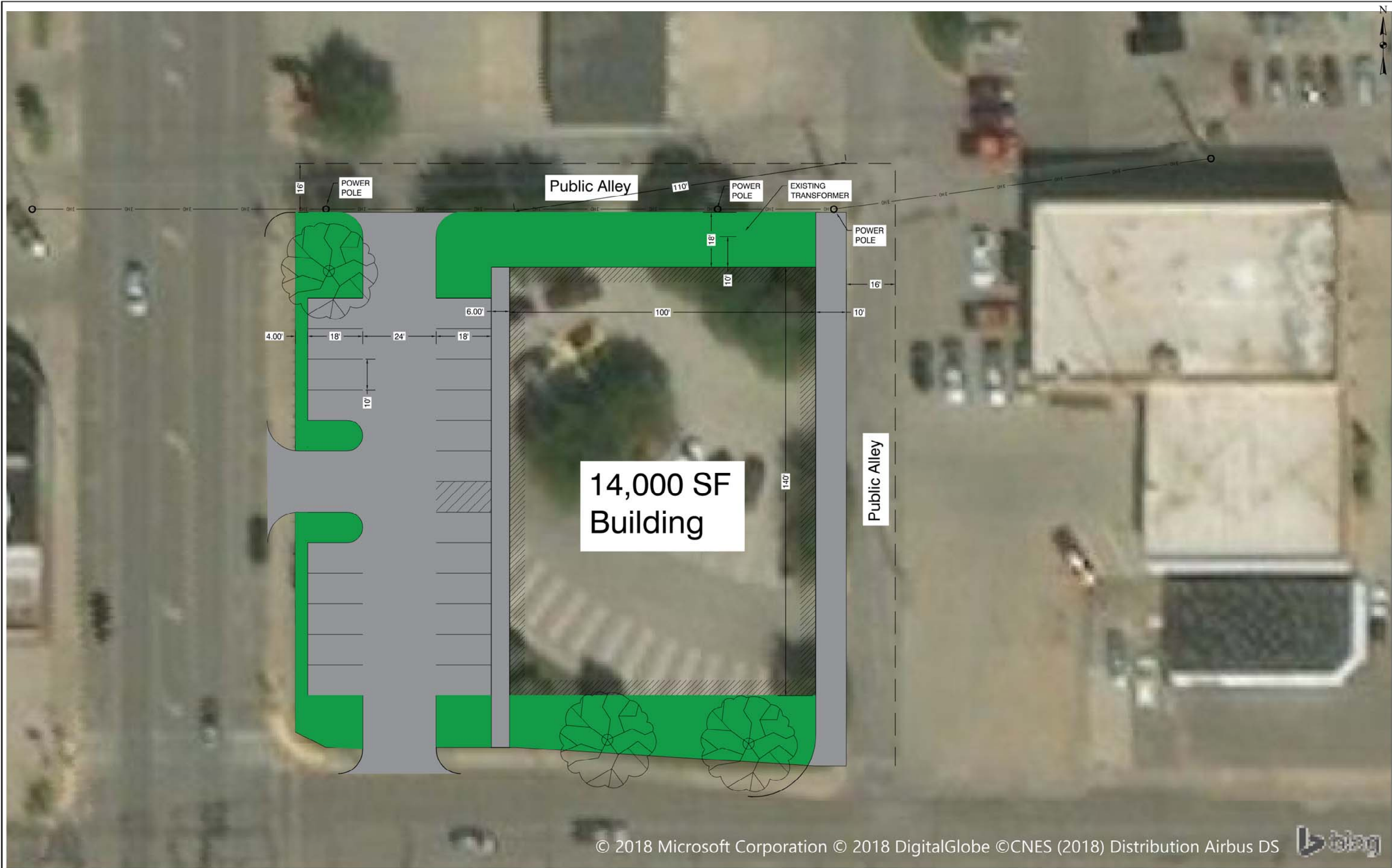
NO

**Additional Comments and Information:**

Attach additional information as necessary.

**As evidenced by the signature(s) below, I (we) certify that I (we) have been denied a building/zoning permit, that I (we) have submitted all the required information to appeal for a variance, and that said information is factual.**

|                                                                                                         |                 |
|---------------------------------------------------------------------------------------------------------|-----------------|
| Owner Signature:<br> | Date:<br>8/6/18 |
| -OR- Agent Signature:                                                                                   | Date:           |



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NO SCALE

| NO. | REVISION | BY | DATE | NO. | REVISION | BY | DATE |
|-----|----------|----|------|-----|----------|----|------|
|     |          |    |      |     |          |    |      |
|     |          |    |      |     |          |    |      |
|     |          |    |      |     |          |    |      |



Clapsaddle-Garber Associates, Inc.  
16 East Main Street  
Marshalltown, Iowa 50158  
Ph 641-752-6701  
www.cgaconsultants.com

|                                |            |
|--------------------------------|------------|
| DESIGNED: ####                 | DATE: #### |
| DRAWN: ####                    | DATE: #### |
| CHECKED: ONCEPT #1 - 14,000 SF | DATE: #### |
| APPROVED: ####                 | DATE: #### |

**TRUE VALUE**  
MARSHALLTOWN, IOWA

CONCEPT LAYOUT

|             |
|-------------|
| PROJECT NO. |
| ###         |
| SHEET NO.   |
| ###         |