Docket Numbers: 21/10018  
Applicant/Appellant: Martin Marietta Materials, Inc.  
Represented by Neil Grant  
11252 Aurora Ave  
Des Moines, IA 50322

**Appeal:** The applicant/appellant requests a Conditional Use Permit to add an additional 55.23 acres of property for future sand and gravel extraction, as well as four (4) Variances, including a variance of 150 feet to reduce the extraction setback adjacent to certain open space properties from 200 feet to 50 feet, including waiving backfill requirements; A variance of 150 feet to reduce the extraction setback adjacent to certain residential properties from 200 feet to 50 feet, including waiving backfill requirements; A variance to eliminate the landscape bufferyard requirements adjacent to certain residential properties; and a variance of 75 feet to reduce the extraction setback from public street right-of-way in certain locations from 125 feet to 50 feet, including waiving backfill requirements.

**Background:**
The applicant/appellant either owns or has lease agreements over 324.10 acres of land which is spread over twenty-nine (29) parcels in Sections 9 and 10 of Township 79 North, Range 24 West of the 5th P.M. (Saylor Township). The properties are all zoned “AG” Agricultural District, and the site is located approximately 3,000 feet East of the Johnston city boundary, one (1) mile North of the Des Moines city boundary, and one and one-half (1 ½) miles South of the Ankeny city boundary. The property is located North of NW 54th Avenue, East of NW 26th Street, and West of NW 6th Drive. Surrounding properties to the North and South are zoned “AG” Agricultural District, with properties to the West being zoned “OS” Open Space District, and properties to the East being zoned “LDR” Low Density Residential District. Surrounding land uses include a combination of extraction and mining operations, open space, and agricultural ground to the North and South, open space and residential uses to the East, and residential and open space uses to the West. See Attachment A at the end of this report for a vicinity map of the subject property and surrounding area.

**Property History**
The Polk County Board of Adjustment originally granted a Conditional Use Permit to Manatt’s, Inc. in 2002 for sand and gravel extraction on 252.45 acres of the subject property. The property was later sold to Martin Marietta Materials, Inc., and was allowed to commence sand and gravel extraction under the conditions of the previously approved permit. Martin Marietta Materials, Inc. was granted Conditional Use Permits to expand the extraction operation in 2008 (an addition of 46 acres) and 2017 (an addition of 27.51 acres). The original approval in 2002 was granted with a condition that all extraction activities shall be completed within 30 years of the original date of approval. This date was extended by five (5) years in 2017, therefore establishing an expiration date of September 30, 2037 for extraction activities.

The site also features a processing plant that is located at 1591 NW 54th Avenue, where extracted materials are also stockpiled for transport. The plant site features equipment, material stockpiles, a scale and scale house, and driveway access onto NW 54th Avenue. The extraction process involves the removal of overburden materials using typical grading equipment, which uncovers
the subsurface sand and gravel. Once the overburden is removed, sand and gravel is hydraulically dredged and pumped to the plant site where it is processed and stockpiled for sale and transport.

Summary of Requests:
The applicant/appellant has submitted the following requests for consideration of the Board of Adjustment:

- Docket 21/10018: A Conditional Use Permit to expand the sand and gravel extraction activities by 55.23 acres of land.
- Docket 21/10020: A 150-foot variance to reduce the required 200-foot extraction setback from parcels utilized as open space to 50 feet, and to waive the backfilling requirements.
- Docket 21/10021: A 150-foot variance to reduce the required 200-foot extraction setback from residential parcels to 50 feet, and to waive the backfilling requirements.
- Docket 21/10022: A variance to reduce the bufferyard requirements adjacent to residential parcels.
- Docket 21/10023: A 75-foot variance to reduce the required 125-foot setback from a public road right-of-way to 50 feet, and to waive the backfill requirements in certain locations on the property.

In regards to the Conditional Use Permit, the applicant is proposing to expand the extraction area, and is not proposing any amendments to approved conditions. Any relevant previously approved conditions would therefore remain a part of the permit.

The appellant has stated they believe the requested variances are consistent with other variances granted at the subject property, as well as at other sand and gravel extraction sites in the County, and has met with adjacent property owners to discuss the proposed variances. The appellant has stated that the reason for requesting a waiver to the backfilling requirements is there is not expected to be sufficient overburden available on site.

Relevant code sections to the proposed variances are as follows:

- Article 4, Division 4, Section 6, (E) Extraction Uses, (3) Performance Standards, (b) Setbacks: “No excavation, quarry wall, or storage area shall be located within one hundred twenty-five (125) feet from any street right-of-way.”
- Table 4.5 establishes setbacks from lot-lines of 200 feet from parcels utilized as Open Space and for Residential Uses.
- Article 4, Division 4, Section 6, (E) Extraction Uses, (3) Performance Standards, (c) Grading, (1): Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of construction rubble such as concrete, asphalt, or other materials, providing such materials are composed of non-noxious, noncombustible solids. (2): Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed the normal angle of slippage of such material, or thirty-three (33) degrees in angle, whichever is less. During grading and backfilling, the setback requirements in paragraph b. above may be reduced by one-half, so that the top of the graded slope shall not be closer than twenty-five (25) feet to any lot line, seventy-five (75) feet to any street line, nor within one hundred (100) feet of any nature reserve or residential district boundary line.
Table 10.3 establishes Bufferyard opacity levels between adjacent zoning districts and uses. A “Non-Residential” use in the “AG” Agricultural District shall maintain a “Moderate” Bufferyard adjacent to a single-family residential use in the “AG” District.

Public Testimony
Staff mailed sixty-three (63) notices to surrounding property owners within the required 500-foot notification boundary, including the Conditional Use Permit and Variance Appeals requested as well as the date, time and information for attending the public hearing. To-date staff has received two (2) response in support (three (3) additional letters of support from neighbors were submitted by the appellant and are included as Attachment D), and seven (7) in opposition of the requests.

The NRCS notified staff there is a conservation easement on the 29.79-acre parcel with District Parcel Number 270/00823-001-000 (located North of the property addressed as 1075 NW 54th Avenue), and there may be concerns with the impact of the extraction operation on this property. No formal comments have been received at the time of this report.

Natural Resources / Environmental
The subject property is located approximately one-half (1/2) mile East of the Des Moines River, and a portion of Saylor Creek which is controlled by a levee which runs through the Eastern portion of the subject property. The proximity of the property to waterways places a large portion of the Southern and Western side of the property within the Zone AE Flood Hazard Area (1% Annual Flood Chance), and the area East of the Saylor Creek Levee entirely within the Regulatory Floodway. The Floodplain Map is shown as Attachment B, Page 5. The property does contain wetland soils. The site topography is relatively flat with no significant changes in elevation. The topographic map of the site is shown as Attachment B, Page 4. There are some existing trees along the periphery of the site and immediately adjacent to the Saylor Creek levee, though the interior of the site will remain free of any landscaping, as extraction will be occurring within that area.

Roads / Utilities
The subject property is located North of NW 54th Avenue, East of NW 26th Street, and West of NW 6th Drive, which are all local roadways maintained by Polk County. An existing condition on the property restricts truck traffic from using NW 6th Drive north or South of the intersection with NW 54th Avenue. The scale house at the plant site is served by an onsite well and onsite septic system. There is a large diameter water main and accompanying easement under the control of Des Moines Water Works, which runs north and south through the property just west of the plant site. An 86-foot wide gas easement is located in the western half of the subject property. There is also a 100-foot wide electric transmission line easement, which cuts through the far northwestern corner of the property. All utilities and easements are required to be adequately protected during extraction and site operations.

Attachments:
Attachment A- Vicinity Map
Attachment B- Submitted Site Development Drawings
Attachment C- Variance Location Detail Sketch
Findings

Conditional Use Permit (21/10018)

Exhibit 1: Conditional Use Permit Reference Map

Analysis

The Board of Adjustment in reviewing an application for a Conditional Use permit shall consider the proposal in terms of the following:

1. **Existing zoning and land use in the vicinity of the uses.**
   The subject property is zoned “AG” Agricultural District, and is actively used for sand and gravel extraction, as are surrounding properties to the North and South. There are clusters of residential properties that are also located in the “AG” Agricultural District at the Northwest corner of the proposal on NW 56th Place and NW 58th Avenue, and residential properties located on the East side of NW 6th Drive which are zoned “LDR” Low Density Residential District.

2. **Planned and proposed public and private development, which may be adversely affected by the proposed use.**
   There are currently no major public or private developments planned in the area.
3. Whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public convenience or which will contribute to the general welfare of the area or Polk County.

The proposal is to expand the sand and gravel extraction operation that is currently in use, and other forms of development on the subject property would be very limited due to the significant areas of the properties located within the floodplain of Saylor Creek and the Des Moines River. The sand and gravel extraction on the subject property provides necessary material for development in other areas of the county, and the prevalence of the material at this location makes this a suitable use of the land.

4. Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.

If approved, the applicants will need to comply with all landscaping, bufferyard, and setback requirements not granted relief by variances. The applicant has contacted multiple property owners of the closest proximity to the proposed expansion area and has received letters of support of the proposal.

Findings

The application shall be denied if the Board of Adjustment finds any of the following:

a. The application and record fail to establish compliance with the standard made applicable to the proposed development by the provision of this Ordinance.

Extraction uses are permitted within the “AG” Agricultural District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment, subject to any conditions of approval.

b. The proposed use, developed in the proposed manner, and at the proposed location, would be inconsistent with the standards pursuant to the provisions of this Ordinance.

The proposed use will be required to comply with the County’s minimum site development standards for the proposed extraction use, unless any variances are approved by the Board of Adjustment.

c. The adverse impacts on the overall public health, safety and welfare are not balanced by the public or private benefits of the proposal. The Board of Adjustment shall include in this balance, any proposals of the applicant and any conditions that it might impose on the development, pursuant to the provisions of this Ordinance, to ameliorate problems associated with the development.

There is a regional demand for sand and gravel, as they are key inputs in the construction industry, including road and building construction, site development, and concrete production. Staff has recommended a number of conditions of approval, including carryover conditions from previously approved Conditional Use Permits for the subject property, which attempt to mitigate any adverse impacts.
In addition, no application for a Conditional Use Permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

A. The proposed use is not in harmony with the general purpose, goals, objectives, and standards of the following:

1. **Polk County Comprehensive Plan:** The proposal is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan. The 2030 Polk County Comprehensive Plan designates the subject property as being “Agricultural”, though the location of the property within the floodplain negatively impacts the suitability of the ground for crop production.

2. **Polk County Zoning Ordinance:** The Ordinance allows the use pending approval of this Conditional Use Permit by the Board of Adjustment and compliance with applicable use and site plan standards.

3. **Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

B. The proposed location of the use is not consistent with policies or provisions of the following:

1. **Comprehensive Plan:** The proposed location is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan, including the post operation end use plan to convert the site to a private recreation lake.

2. **Polk County Zoning Ordinance:** The subject property is zoned “AG” Agricultural District and extraction uses are permitted upon approval of a Conditional Use Permit by the Polk County Board of Adjustment and compliance with applicable use standards.

3. **Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** Consistent.

C. The proposed use at the proposed location results in a substantial or undue adverse effect on any of the following either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development:

1. **Adjacent property:** The applicant has requested setback variances and a bufferyard variance as a part of this proposal. If the Board of Adjustment does not find cause to approve said variances, the applicants shall meet all setbacks and landscaping
requirements as established in the Polk County Zoning Ordinance.

2. **Character of the neighborhood:** Extraction uses have been in operation on the subject property and adjacent properties for over 20 years. The proposed expansion does not constitute a substantially greater impact upon the larger neighborhood in terms of area or scope of work.

3. **Traffic conditions:** Existing and future traffic is permitted along identified haul routes. The applicants have indicated no substantial increase in traffic to the site.

4. **Parking:** Adequate parking exists on the plant site for customers and employees.

5. **Public improvements:** There are no known public improvements that will be impacted by the proposed use of the property.

6. **Public sites or rights-of-way:** The applicant has requested a variance to reduce the setback of the extraction operation from the right-of-way of NW 54th Avenue. The Board of Adjustment will review the request and determine if there will be a negative impact on the right-of-way. No other adverse impacts are expected.

7. **Other matters affecting the public health, safety, and general welfare:** None.

D. The proposed use in the proposed area is not adequately served by or imposes an undue burden on any of the following.

1. **Public improvements:** Adequate for proposed use.

2. **Public facilities:** Adequate for proposed use.

3. **Public utilities:** Adequate for proposed use.

4. **Public services:** Adequate for proposed use.

**Recommendation**

Staff recommends approval of the Conditional Use Permit for the expansion of the sand and gravel extraction operation on the subject property by 55.23 acres, increasing the total area of the permitted extraction use to 379.33 acres of land. This permit consolidates all of the previously approved Conditional Use Permits and conditions of approval, bringing the operation under one permit and set of conditions. Previously approved Conditional Use Permits are as follows: Docket #02/1302 – disposition filed on September 30, 2002, Docket #08/308 – disposition filed on February 22, 2008, Docket #312 – disposition filed on March 6, 2012, and Docket #17/6473 – disposition filed December 29, 2017. Below are the conditions of approval, including applicable conditions from prior approvals.

1. Floodplain Development Permits shall be obtained for all portions of the property containing areas of designated 100-year floodplain prior to any development. The applicant shall obtain
all required local, state and federal permits and approvals for the operation.

2. Dust control measures shall be taken to reduce any errant dust generated from the subject property, especially in relationship to the neighboring residential properties. The applicant shall be required to keep adjacent roadways clean from any dirt and mud accumulation generated from the subject property.

3. An updated development site plan shall be prepared by a licensed engineer and submitted to Polk County for review and approval.

4. All properties covered by this Conditional Use Permit shall be valid until September 30, 2037, as was approved with Docket #17/6473, a Conditional Use Permit which was granted on December 18, 2017. All extraction activities and completion of end use plans shall be completed by this end date.

5. The current plant site location at 1591 NW 54th Avenue shall not be relocated for the remainder of the Conditional Use Permit. Only grading equipment, dragline, dredge, pump, and related equipment may be located on areas of the subject property outside of the established plant site.

6. The applicant shall be responsible for entering into an agreement with Drainage District #1 (Polk County) for maintaining the required triple 12’ x 8’ x 50’ box culvert and related improvements. The County may require the proposed triple 8’ x 12’ box culvert to be removed from the subject property upon completion of the extraction project subject to end use.

7. The applicant shall meet all Polk County Air Quality Division requirements and comply with Polk County Noise Ordinance requirements.

8. Any future lighting at the site shall be shielded from adjacent property and shall meet Polk County’s Lighting Ordinance standards.

9. Trucks shall not use NW 6th Drive north or south of the intersection with NW 54th Avenue as a truck route.

10. Access to extraction areas shall be gained from the interior of the subject property. Access for extraction or related purposes by Martin Marietta shall be restricted from utilizing NW 58th Avenue and NW 56th Place.
Request: A 150-foot variance to reduce the required 200-foot extraction setback from parcels utilized as open space to 50 feet, and to waive the backfilling requirements.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?

Yes. The existing agricultural use of the subject property is a permitted use according to the Polk County Zoning Ordinance. However, the petitioner has requested a Conditional Use Permit to use the property for sand and gravel extraction, as an expansion to their existing extraction operation, to which the expansion area abuts. The effects of extraction within the otherwise required setback will be less intrusive to the subject property, as the prevalence of floodplain area and conservation easements greatly limits or prohibits the future development potential, and the properties will most likely remain as open space.
or agricultural ground in the future.

2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)

   Yes. Sand and gravel extraction occurs on multiple sites in the area, and the Board of Adjustment has granted similar setback variances. The waiver of backfill requirements will have the greatest impact to the preservation of property rights in the vicinity, as it would cause an encroachment of residual private recreational lakes to the neighboring properties.

3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

   Yes. Due to floodplain and conservation easements on the properties adjacent to the proposed variance, they will likely not be developed in the future. The requested setback variance will not likely affect the future plans for this property provided the appellant’s requirement to backfill to the required setbacks after extraction is completed.

4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

   Yes. The proposed use is adjacent to the appellant’s existing extraction use, and is in the vicinity of other extraction areas. No structures will be located on the subject property. The impact of extracting to the requested setback will likely be minimal.

5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

   Yes. The appellant is required to meet the environmental provisions of the Polk County Zoning Ordinance. The appellant is also required to submit a Flood Plain Development Permit before commencing with the proposed extraction use.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were answered affirmative, staff recommends Approval of the proposed variance subject following condition:

1. As waiving the requirement to backfill the extraction area to the required setback will adversely impact the preservation and enjoyment of the property in the future, and could negatively impact adjacent properties, the request to waive the backfilling requirement shall be denied.
Request: A 150-foot variance to reduce the required 200-foot extraction setback from residential parcels to 50 feet, and to waive the backfilling requirements.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?

Yes. The existing agricultural use of the subject property is a permitted according to the Polk County Zoning Ordinance. However, the petitioner has requested a Conditional Use Permit to use the property for sand and gravel extraction, as an expansion to their existing extraction operation, to which the expansion area abuts. The current property owners and residents of the affected properties have indicated support for the reduced setbacks (as is shown on Attachment D), and allowing the encroachment will allow Martin Marietta Materials, Inc. to fully
2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)

Yes. Sand and gravel extraction occurs on multiple sites in the area, and the Board of Adjustment has granted similar setback variances. The waiver of backfill requirements will have the greatest impact to the preservation of property rights in the vicinity, as it would cause an encroachment of future recreational areas to the neighboring properties at time of end use plan implementation.

3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

Yes. The encroachment will occur only during extraction operations, which is scheduled to be completed by September 30, 2037 (per the approved Conditional Use Permit). The public interest will be preserved and the intent of the ordinance will be met if the property is then backfilled to the required 200 foot setback.

4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

Yes. The proposed use is adjacent to the appellant’s existing extraction use, and is in the vicinity of other extraction areas. No structures will be located on the subject property. The impact of extracting to the requested setback will likely be minimal.

5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

Yes. The appellant is required to meet the environmental provisions of the Polk County Zoning Ordinance. The appellant is also required to submit a Flood Plain Development Permit before commencing with the proposed extraction use.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were answered affirmative, staff recommends Approval of the proposed variance subject following condition:

1. As waiving the requirement to backfill the extraction area to the required setback will adversely impact the preservation and enjoyment of the property in the future, and could negatively impact adjacent properties, the request to waive the backfilling requirement shall be denied.
**Variance Appeal #3 (21/10022):**

**Exhibit 4: Variance #3 Reference Map**

![Variance #3 Reference Map](image)

**Request:** A variance to reduce the bufferyard requirements adjacent to residential parcels.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?

Yes. The existing agricultural use of the subject property is a permitted according to the Polk County Zoning Ordinance. However, the petitioner has requested a Conditional Use Permit to use the property for sand and gravel extraction, as an expansion to their existing extraction operation, which abuts the subject property to the West. Due to flood concerns in the subject property, future residential development will be very limited. The acquisition of former residential properties by Marcus Marietta Materials, Inc. for the expansion of the sand and gravel excavation use, and the pending acquisition of adjacent right-of-way properties has changed the overall characteristic of the residential properties along NW 56th Place.
2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)

   Yes. Sand and gravel extraction occurs on multiple sites in the area, and current property owners have indicated support of the expansion of the sand and gravel extraction without the need for the installation of berming or landscaping.

3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

   Yes. Affected property owners have indicated support for the proposed variance. Due to the properties being located within the mapped floodplain of the Des Moines River and being prone to flooding, the long-term use of the subject properties as residences may not be possible. However, if residences do remain, the lack of berms and other bufferyards will allow residents to have views over the private recreational lakes which are planned for the site when the extraction operation ceases in 2037.

4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

   Yes. The flood-prone nature of the area is not beneficial to residential development, and removal of the residential properties in the surrounding area may prove necessary in the future.

5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

   Yes. The appellant is required to meet the environmental provisions of the Polk County Zoning Ordinance. The appellant is also required to submit a Flood Plain Development Permit before commencing with the proposed extraction use.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were answered affirmative, staff recommends Approval of the proposed variance subject following condition:

1. The variance shall be valid for five (5) years, at which time if the appellant has not purchased or secured contract-purchase offers for affected properties, all required landscaping and bufferyards shall be installed as is required by the Zoning Ordinance.
Request: A 75-foot variance to reduce the required 125-foot setback from a public road right-of-way to 50 feet, and to waive the backfill requirements in certain locations on the property.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?

Yes. The existing agricultural use of the subject property is a permitted according to the Polk County Zoning Ordinance. However, the petitioner has requested a Conditional Use Permit to use the property for sand and gravel extraction, as an expansion to their existing extraction operation, which abuts the subject property to the West. Variances to reduce the setback for extraction operations have previously been granted along NW 54th Avenue, and have been considered to be reasonable so long as the site is backfilled when extraction operations conclude. The proposed setback variance to the right-of-way of NW 6th Drive is reasonable.
due to the substantial right-of-way width, as it encompasses Saylor Creek. The proposed setback variance along NW 56th Place is reasonable due to the partial vacation of the Eastern portion of the right-of-way, and the decreased traffic due to the acquisition of former residential building sites for extraction operations.

2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)

Yes. Sand and gravel extraction occurs on multiple sites in the area, and the Board of Adjustment has granted similar setback variances. The waiver of backfill requirements will have the greatest impact to the preservation of property rights in the vicinity, as it would cause an encroachment of future recreational areas to the neighboring properties at time of end use plan implementation.

3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

Yes. The right-of-way which will be impacted the greatest by the proposed variance, NW 54th Avenue, has had previous variances granted. Therefore, the impact will only be on the length of the area of reduced setback, and no further intrusion will occur.

4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

Yes. The proposed use is adjacent to the appellant’s existing extraction use, and is in the vicinity of other extraction areas. No structures will be located on the subject property. The impact of extracting to the requested setback will likely be minimal.

5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

Yes. The appellant is required to meet the environmental provisions of the Polk County Zoning Ordinance. The appellant is also required to submit a Flood Plain Development Permit before commencing with the proposed extraction use.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were answered affirmative, staff recommends Approval of the proposed variance subject following condition:

1. As waiving the requirement to backfill the extraction area to the required setback will adversely impact the preservation and enjoyment of the property in the future, and could negatively impact adjacent properties, the request to waive the backfilling requirement shall be denied.
The site plan identifies the changes following approval of Conditional Use Permit #7/6473, including identifying additional areas added to future service areas, expanded hydrologic facilities, and an expanded planting schedule.

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The site plan identifies the changes following approval of Conditional Use Permit #7/6473, including identifying additional areas added to future service areas, expanded hydrologic facilities, and an expanded planting schedule.
Approximately one year before Phase 6 is developed, the predevelopment requirements contained in the site plan must be met, which includes but is not necessarily limited to the following:

a. Submit a floodplain development permit application and no rise certification.

b. Submit documentation that IDNR has extended the NPDES Permit coverage for this site.

c. Develop an agreement between Martin Marietta and Polk County Drainage District #1 for the construction and maintenance of the box culvert in the district's outlet ditch and to define who is responsible for the removal of the box culvert, if necessary. Submit a situation plan which includes plan and profile sheets and cross sections. Submit documentation that any required IDNR and Corps of Engineers permits have been obtained.

d. Submit an application for any Polk County required permits.
30.88 Acres Center Expansion Area
23.11 Acres East Expansion Area
0.42 Acres West Expansion Area
0.82 Acres North Expansion Area

DRAWING FILE NAME:
TIFF FILE NAME:

SCALE: 1" = 200'
872' 6" tall wood fence

No Changes to Existing Berms

Construct 4' Berm During Phase 5

No changes to existing berms along NW 54th Ave
Approximately one year before Phase 6 is developed, the predevelopment requirements contained in the site plan must be met, which includes but is not necessarily limited to the following:

a. Submit a floodplain development permit application and no rise certification.

b. Submit documentation that IDNR has extended the NPDES Permit coverage for this site.

c. Develop an agreement between Martin Marietta and Polk County Drainage District #1 for the construction and maintenance of the box culvert in the district's outlet ditch and to define who is responsible for the removal of the box culvert, if necessary. Submit a situation plan which includes plan and profile sheets and cross sections. Submit documentation that any required IDNR and Corps of Engineers permits have been obtained.

d. Submit an application for any Polk County required permits.
February 15, 2021

Polk County Board of Adjustment
c/o Polk County Planning and Development
5885 NE 14th Street
Des Moines, IA 50313

Dear Members of the Board of Adjustment:

Martin Marietta contacted me to explain their proposed variance requests and answer my questions. The various requests, including reducing the mining setback distance from our common property line; that no additional berming or landscaping shall be required as a result of the reduced setback, and that no backfilling of the ground to the original setback distance shall be required, are all acceptable to me. Please consider this letter as my formal support of the requested variances, as proposed by Martin Marietta.

Ruth Sereg
Property Owner
2560 NW 56th Place
February 15, 2021

Polk County Board of Adjustment
c/o Polk County Planning and Development
5885 NE 14th Street
Des Moines, IA 50313

Dear Members of the Board of Adjustment:

Martin Marietta contacted me to explain their proposed variance requests and answer my questions. The various requests, including reducing the mining setback distance from our common property line; that no additional berming or landscaping shall be required as a result of the reduced setback, and that no backfilling of the ground to the original setback distance shall be required, are all acceptable to me. Please consider this letter as my formal support of the requested variances, as proposed by Martin Marietta.

Marc Broer
Property Owner
5615 NW 26th Street
February 15, 2021

Polk County Board of Adjustment
c/o Polk County Planning and Development
5885 NE 14th Street
Des Moines, IA 50313

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Chris Griffith
Property Owner
5437 NW 26th Street