



PLAN ZONING COMMISSION

Notice of Regular Meeting
Thursday, May 6, 2021 at 5:00 PM
10 W. State Street - Council Chambers

1. Call To Order & Roll Call

Boston
Brodin
Eilers
Gruendler
Medina
Valbracht
Wittkop

2. Minutes From April 15 Meeting

Documents:

[04152021_PZ_MIN.DOCX](#)

3. Public Hearing: Rezone 8318-01-305-005 From R-2A To R-5

PUBLIC HEARING: Written Or Verbal Comments May Be Presented To The Commission During The Public Hearing. Please State Your Name And Address For The Record.

Documents:

[050622021_PZ__MEMO_REZONE 8318-01-305-005.PDF](#)
[REZONE APPLICATION.PDF](#)
[LEGAL DESCRIPTION.PDF](#)

4. Comprehensive Plan Amendment: Review And Recommendation To Council

Documents:

[050622021_PZ__MEMO_COMP PLAN AMENDMENT.PDF](#)

MISSION STATEMENT

The City of Marshalltown collaborates to provide a welcoming, safe, vibrant and growing community.

Plan Zoning Commission

Meeting Minutes from April 15, 2021

Meeting location: City Council Chambers, 10 W. State Street, Marshalltown, IA 50158

Meeting time: 5 PM

1) Call to order and roll call

Commission members present: Boston, Brodin, Eilers, Medina, Gruendler, Valbracht, Wittkop

Commission members absent:

2) Mins

Accepted with corrections made to date.

3) Special Use Permit: 2102 S 5th Ave Review & Recommendation to Board of Adjustment

Staff: Background

Valbracht: Does it really need a Special Use?

Bill Dodds Optima: Not changing uses. For all ages

Spohnheimer: Will confirm nursing facility status

Valbracht: Recommend

Eilers: 2nd

All Members voted in Favor

4) Preliminary Plat Viejo Bluffs Review & Recommendation to City Council

Staff: background

Valbracht: Recommend to Council

Medina: 2nd

All members voted in favor.

5) Final Plat Viejo Bluffs Review & Recommendation to City Council

Staff: background

Valbracht: Recommend to Council

Medina: 2nd

All members voted in favor.

6) Rezone Request: 8318-01-305-005 Review & Set Public Hearing

Staff: Background

Boston: Have neighbors objected? Why R-5?

Huegerich: R-5 simplicity of it, fewest restraints. 10 buildable acres.

Boston

MS: Allows for multiple buildings.

Huegerich: 108 units

MS: R-4 recommend, notified neighbors.

Valbracht: Will need to amend the comprehensive plan so it matches.

Eilers: would R-4 work for this development

MS: Yes

Valbracht: In favor of R-5

Brodin: Addressing perceived conflict of interest. The firm he works for is the listing agent. Will not financial gain from this.

Boston: Set public hearing for May 6th Special Meeting 5pm

Valbracht: 2nd

All members voted in favor

Meeting adjourned at 5:36 pm.

MARSHALLTOWN

I O W A

TO: Plan Zoning Commission

FROM: Caleb Knutson, City Planner

DATE: May 6th – Meeting Date

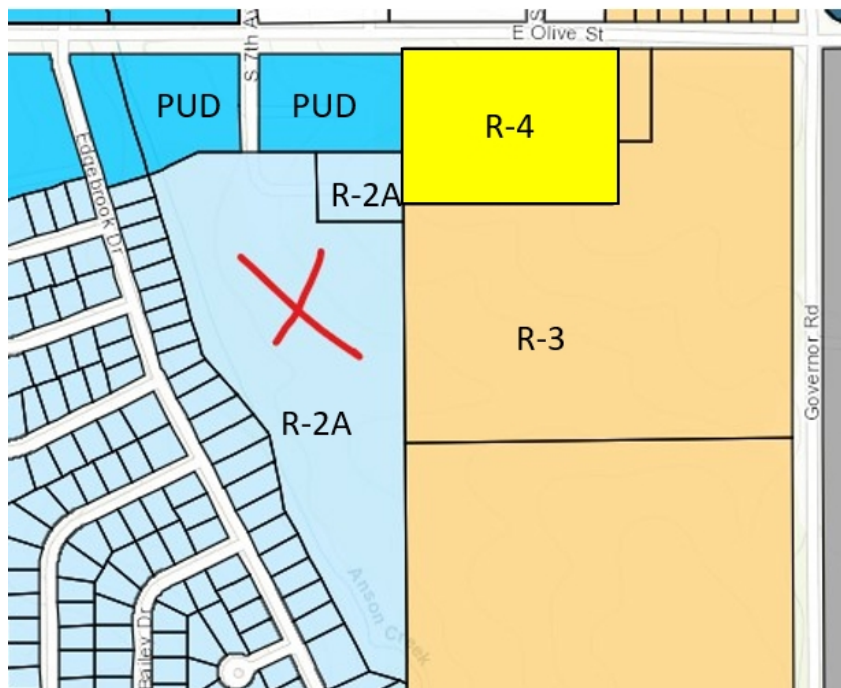
Parcel: 8318-01-305-005

FROM: HCI for a property owned by Brookview Terrace Inc.

SUBJECT: Rezone from R-2A to R-5

HCI plans to develop multi-family housing on parcel 8318-01-305-005 which is currently zoned R-2A, Low Density Residential, and does not allow for multi-family dwelling units. The rezoning to R-5, High Density Residential would allow for multi-family dwelling units, at a higher density level of 2,000 SF per dwelling unit. The total lot area of this parcel is 17.4 acres (757,944 sf) which would allow for the development of 378 dwelling units under the maximum area.

The Comprehensive Future Land Use Plan for this area is designated for medium density residential.



The following graphic shows the current zoning for the area.

Staff sent a notification to the adjacent property owner at 1802 S 7th Avenue that a request for rezoning has been submitted. The owner has not responded to the notice so the parcel was not included in the public hearing notice. Since a complete rewrite of the zoning ordinance is in process there is not a need to move forward at this time on the adjoining parcel.

Development of this property must meet all other applicable city codes related to items including but not limited to: Building, Fire, Engineering, Storm Water and Flood Regulations. These are processes that require administrative review and approval provided they comply with all requirements.

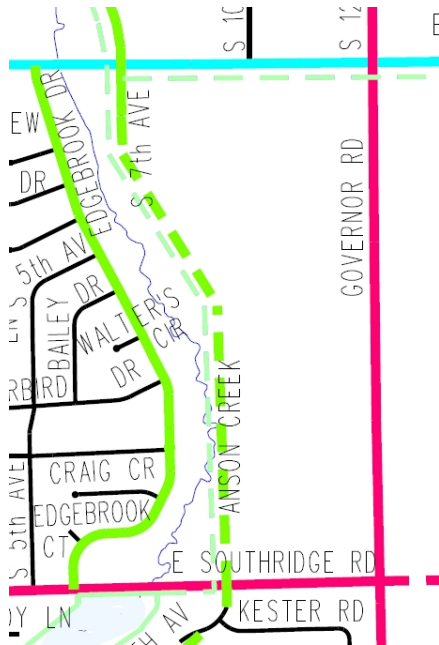
Housing & Community Development

36 North Center Street, Marshalltown, IA 50158

Tel. (641) 754-6583 - Fax (641) 754-5742

The Comprehensive Plan includes a Transportation Plan Map that shows the extension of S. 7th Avenue through this site as a Minor Collector Street along with a corresponding trail. A clip from the map is below. A large portion of the property is also in a flood area shown below.

Transportation Map



Flood Area



Recommendation: The public hearing will take place with the Plan Zone Commission on Thursday, May 6, 2021. The Commission should make a recommendation to the City Council.

The proposed Council schedule is:

1st reading – May 10, 2021

2nd reading & Public Hearing – May 26, 2021

3rd reading – June 14, 2021 unless waived by the City Council.

Housing & Community Development

36 North Center Street, Marshalltown, IA 50158

Tel. (641) 754-6583 - Fax (641) 754-5742

Date Submitted & Fee Paid: 4-7-2021

Rezoning Request Application Form

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

www.marshalltown-ia.gov

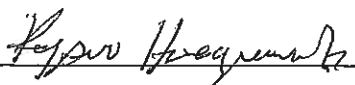
All items listed must be submitted with this application:

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.

_____ **Legal description of the property.** The property owner must provide a copy of the full legal description. If you do not have a copy, you can obtain one from the Marshall County Recorder's Office for a fee. The tax description found on the County Assessor's website is not the full legal description.

_____ **Application fee.** A \$500 fee is required payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Zoning Office.

Please type or print legibly in ink.

Property Address:	
BEG AT A PT ON SE COR OF W 30 ACRES NW SW SEC 1 N 0 DEG 5 MIN E 956.3' N 89 DEG 43 M	
Owner:	
Brookview Terrace Inc.	
Mailing Address:	
906 Benjamin Dr. Marshalltown IA 50158	
Phone:	E-mail:
402-957-1818	Ryan@hci1988.com
Current Zoning Classification:	
R2-A	
Current Use:	
Farm ground	
Proposed Zoning Classification:	
R5	
Proposed Use:	
Multifamily	
Please list the uses of surrounding properties:	
PUD/R-3. Farm, Multifamily, single family	
Signature and Date:	
 2021/6/2021	

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA, THENCE SOUTH 89°43' EAST 368.5 FEET; THENCE SOUTH 50 FEET; THENCE SOUTH 16°23' EAST 415.3 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 16°23' EAST 605.0 FEET; THENCE SOUTH 40°08' EAST 335.8 FEET; THENCE SOUTH 11°34' EAST 47.6 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1; THENCE EASTERLY ALONG SAID SOUTH LINE 108.4 FEET TO THE SOUTHEAST CORNER OF THE WEST THREE-FOURTHS OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1; THENCE NORTH 0°05' EAST 956.3 FEET; THENCE NORTH 89°43' WEST 341.1 FEET; THENCE SOUTH 65°31' WEST 179.5 FEET TO THE POINT OF BEGINNING.

AND

THE EAST 10 ACRES OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA, EXCEPT THE NORTH 373 FEET AND EXCEPT BEGINNING 373 FEET SOUTH OF THE NORTHEAST CORNER; THENCE SOUTH 225 FEET; THENCE WEST 288.9 FEET; THENCE NORTH 225 FEET; THENCE EAST 288.9 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA; THENCE SOUTH 89°25' WEST 438.4 FEET; THENCE SOUTH 11°34' EAST 221.55 FEET; THENCE SOUTH 27°23' EAST 582.8 FEET; THENCE SOUTH 66°46' EAST 151.5 FEET; THENCE NORTH ALONG SECTION LINE TO THE POINT OF BEGINNING, FROM ROOT OF TITLE

9805818 08/31/1998 04:47P 1 of 1
Joan A Smith-Legg Marshall County Recorder

STATE OF IOWA, MARSHALL CO.
entered upon transfer books and for
taxation this 13
day of September A.D. 1998

Joan A. Smith-Legg
9805818
9805818
500

REAL ESTATE TRANSFER
TAX PAID 110
STAMP #
\$ 103.20
50K
RECORDED
8/31/98
DATE COUNTY

Preparer Information George W. Sudenga, 118 East Main Street, Marshalltown, (515) 732-8800
Individual's Name Street Address City Phone



WARRANTY DEED

SPACE ABOVE THIS LINE
FOR RECORDER

For the consideration of SIXTY-FIVE THOUSAND (\$65,000.00)
Dollar(s) and other valuable consideration,

Gloria Jean Larsen and M. V. Larsen, wife and husband, and Kent M. Larsen and Ruth J. Larsen, husband and wife,

do hereby Convey to

Brookview Terrace, Inc., an Iowa Corporation,

the following described real estate in Marshall County, Iowa:

Commencing at the Northwest Corner of the Northwest Quarter of the Southwest Quarter of Section 1, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa; thence South 89°43' East, 368.5 feet; thence South 50 feet; thence South 16°23' East, 415.3 feet to the Point of Beginning; thence South 16°23' East, 605.0 feet; thence South 40°08' East, 335.8 feet; thence South 11°34' East, 47.6 feet to the South Line of the Northwest Quarter of the Southwest Quarter of Section 1; thence Easterly along said South Line 108.4 feet to the Southeast Corner of the West Three-fourths of the Northwest Quarter of the Southwest Quarter of Section 1; thence North 0°05' East 956.3 feet; thence North 89°43' West, 341.1 feet; thence South 65°31' West, 179.5 feet to the Point of Beginning.

AND

The East 10 acres of the Northwest Quarter of the Southwest Quarter of Section 1, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa; EXCEPT the North 373 feet and except beginning 373 feet South of the Northeast corner; thence South 225 feet; thence West 288.9 feet; thence North 225 feet; thence East 288.9 feet to the Point of Beginning.

AND

Beginning at the Northeast Corner of the Southwest Quarter of the Southwest Quarter of Section 1, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa; thence South 89°25' West, 438.4 feet; thence South 11°34' East, 221.55 feet; thence South 27°23' East, 582.8 feet; thence South 66°46' East, 151.5 feet; thence North along Section Line to the Point of Beginning.

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributiv share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

STATE OF IOWA

Dated: August 27, 1998

SS:

MARSHALL COUNTY,

On this 27 day of August,
19 98, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Gloria Jean Larsen and M. V. Larsen, wife and husband,
and Kent M. Larsen and Ruth J. Larsen, husband and
wife,

to me known to be the identical persons named in
and who executed the foregoing instrument and
acknowledged that they executed the same as their
voluntary act and deed.

Gloria Jean Larsen (Grantor)

M. V. Larsen (Grantor)

Kent M. Larsen (Grantor)

Ruth J. Larsen (Grantor)



Notary Public

(This form of acknowledgment for individual grantor(s) only)

MARSHALLTOWN

— I O W A —

TO: Plan Zoning Commission

FROM: Caleb Knutson, City Planner

DATE: May 6th – Meeting Date

FROM: Staff

SUBJECT: Amendment to the Comprehensive Plan

HCI's request to rezone parcel 8318-01-305-005 from R-2A to R-5 requires an amendment to the Comprehensive Future Land Use Plan. Due to R-5 designation of high density. Currently in the Comprehensive Future Land Use Plan for this area is designated for medium density residential.

Recommendation: The Commission should make a recommendation to the City Council for a resolution to amend the Comprehensive Future Land Use Plan.