1. Board Of Adjustment Packet

    Documents:

        JUNE 20, 2017 AGENDA - ITEM 1.PDF
        JUNE 20, 2017 HOUSING AND COMMUNIY DEVELOPMENT MEMO - ITEM 3.PDF
        JUNE 20, 2017 - 110 NORTH 2ND STREET REZONING APPLICATION - ITEM 2.PDF

Notice of Public Meeting
BOARD OF ADJUSTMENT

Agenda for Tuesday, June 20, 2017 – 5:00 p.m.
City Council Chambers, City Hall
10 West State Street, Marshalltown IA

Committee Members:

Kelli Thurston	David Schulze
Kevin Hitchins, Chair	Bob Wenner
Tammie Frederick	

Call to Order:
Roll Call:

1. Approve Agenda

Old Business:
None

New Business:

2. **PUBLIC HEARING:**
   Special Use – 110 N. 2nd Street – Evangelical Free Church

Date Agenda Posted: 06/15/17

James L. Lowrance, Mayor
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 MS

DATE: June 20, 2017 – Meeting Date

PUBLIC HEARING for Special Use Permit request for 110 N. 2nd Street for mix permitted and special uses within the R-4 District.

Evangelical Free Church purchased the property at 110 N. 2nd Street. It is their intention to operate a mixed use facility. They would like to utilize the upper story as residential and the main level would be used for various ministry opportunities.

Initially this request was submitted as a rezoning request to change the property to CBD, Central Business District. Following the discussion from the April Plan Zoning meeting staff has looked into alternative options due to the allowable uses in the CBD potentially being unfavorable to the area. After further discussion it was determined that a Special Use Permit would be appropriate to address the mixed use where the Commission and Board of Adjustment could specific conditions of approval. I believe this will be a better alternative for the community and will still allow the applicant the ability to conduct the activities they would like to conduct.

The Plan Zoning Commission reviewed the proposal, held a public hearing and made a recommendation which would allow for a variety of activities related to the church ministry in addition to the permitted housing on the second floor and church use. The following listed special uses were identified by the Commission and agreed upon by the applicant during the public hearing on May 11, 2017.

Chapter 15. Section 3. Special Uses.

4. Institutions, but not penal
6. Private clubs and lodges, except those whose primary activity is a service customarily carried on as a business.
8. Private schools, including pre-school, pre-kindergarten and special schools.
13. Small hospitality operations which serve the purpose of catering receptions, banquets, dances, and other special events.

Applicable code section related to Special Use Permit review. 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.

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.

Date Submitted & Fee Paid: ✓

Rezoning Application Form

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

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 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 $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: 110 N. 2nd Street	
Owner: Evangelical Free Church	
Mailing Address: 3111 S. 6th Street	
Phone: 641-752-7171	Fax:
Current Zoning Classification: R-4 Medium Density Residential	
Current Use: Rental Housing	
Proposed Zoning Classification: CBD	
Proposed Use: Ministry to Families 3-5 days/week in addition to Rental Housing	
Please list the uses of surrounding properties: Racom (CBD) Neighboring Houses (Residential)	
Signature and Date: Bob Kosbon	

Evangelical Free Church
3111 South 6th St.
Marshalltown, Iowa 50158
641-752-7171
bob@marshalltownefc.org

Evangelical Free Church

March 27, 2017

Dear Marshalltown City Leaders –

We would like to submit to you our plans for use of the property at 110 N. 2nd St. that we have recently purchased. In order to comply with the various city codes, please know that we will be using the house for Dual Purpose – as a rental house for a few of our members and as a neighborhood outreach facility to serve the needs of area families. We are aware that this would require us to apply for a variance so that the property could be re-zoned as commercial rather than residential.

We hope to minister to families of all ages up to 5 days per week and up to the occupancy load for the house. This ministry may include helping children or teens with their homework, reading to them and/or tutoring them that would be done under the supervision of two certified teachers who reside in the rental unit of the house. We have for many years conducted afterschool programs at Rogers, Franklin, Anson and Lenihan schools, so this house would give us opportunity to care for and help these families throughout the year on a more consistent basis. We may also conduct ESL (English as a Second Language) classes for the parents of these children. We may offer a Community Garden for neighboring families who have moved to Marshalltown from various countries around the world. Our whole purpose and goal is to help improve the northside neighborhood through practical ways of serving the people. We plan to take a house that sat empty for some 4 years, redeem it and make it a place of hope for the people of Marshalltown! Our desire is to partner with you in making Marshalltown a healthier community. Thank you for considering our request.

Sincerely,

Bob Kosbau

Pastor Bob Kosbau
641-751-5894