

MINUTES
MARSHALLTOWN BOARD OF ADJUSTMENT
DECEMBER 15, 2015

Call to order: 5:00 PM

Members Present:

G. Ward Miller, Chair
David Schulze
Bob Wenner
Kelli Thurston
Kevin Hitchins

Members Absent:

1. Approval of Agenda –

Motion to approve by Wenner, second by Hitchins. Motion Carried 5-0.

2. Review and approval of minutes from 11/17/15

Motion to approve by Hitchins, second by Wenner. Motion Carried 5-0.

3. Staff Report

Spohnheimer presented the staff report including a meeting procedure outline. An overview of the role of the Board was presented.

4. Select a new Board Chair

Miller has chosen to step down as the Chair of the Board. Spohnheimer thanked him for his years of service as chair.

Motion by Schulze to nominate Hitchins to serve as chair. Second by Wenner. Hitchins Abstained. Motion carried 4-1.

5. PUBLIC HEARING: Sidewalk Deferment request for Heidi J. Cessford Revocable Trust for 1402 W. Olive Street.

Spohnheimer presented the Sidewalk Deferment request to the Board providing the applicable code sections and that staff had reviewed the request and recommends approval.

Paul Peglow was present on behalf of the owner. He described this is a new home and the street does not have curb and gutter and the deferment would be consistent with recent approvals and with the requirements.

Motion by Schulze. Second by Hitchins to approve the Sidewalk Deferment. Motion Carried 5-0

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

Spohnheimer presented the Variance request to allow a larger than permitted 2nd wall sign and a 3rd wall sign.

Scott Kane with Nagle Signs, Inc. was present to represent the owner. He described the client is often elderly and the company was concerned about visibility due to other surrounding signs and buildings and therefore requested the same signage on the north and south sides of the building.

Motion by Hitchins to approve the Variance request as presented with a 27” letter based on the hardship that sign visibility is blocked by other signs and/or buildings. Second by Thurston. Motion Carried 5-0

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.**

Motion by Wenner. Second by Thurston. Motion Carried 4-1, Hitchins-No.

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

Mayor Lowrance stepped forward to support Spohnheimers comments at the beginning of the meeting about how the meeting should be handled with respect to all parties.

Spohnheimer provided an overview of the proposal and the applicable code sections governing the board and the special use permit process. The staff report outlines the review criteria to be considered.

Ben Daniels and Bob Daniels presented details about the proposal including information about their development team and experience. They discussed the need for this type of facility in the community and Nationwide as demographics change. They specifically chose Marshalltown after looking at all communities with a population over 5,000 based on our market.

Iowa River Hospice representative confirmed the need for such a facility based on their experiences and shortage of available housing.

Daniels discussed the economic impact to the community including job creation, increased tax valuation and ongoing wages going back into the community. They discussed their relationship with HUD financing requirements which are very stringent.

Daniels discussed the building design includes residential living units and common spaces for gatherings. The 12 acre site includes landscaping, walking paths, a complete sidewalk and lighting.

They discussed traffic concerns previously brought up through public comment and indicated some grading that would take place at the corner and the decision to move the southern driveway to the west as requested.

Miller asked what the actual need in our area is. Daniels indicated market study more than 40 units of assisted living and 26 memory care units.

Hitchins asked if there was a connection to the previous developer or the unit on 5th Ave. Daniels confirmed there was no connection.

Schulve asked about the building square footage. Daniels indicated approximately 55, 000 with a potential 13,000 expansion.

Public comments received from David Day indicating an objection to commercial use in residential area. Thad Lents, wanted to know what the appearance would be on rear and side of the building and objected to commercial use. Jeff Denniston supported the project as a neighboring developer. Claire Long, indicated an initial concern about the curve which he feels has been addressed and project will benefit the area. Ray Hill future neighbor is open minded about the project. Peggy Hannam, continued to be opposed to the project. Jon Boston, spoke to his experience on the PZ Commission and his personal experience living close to a multi-family building without problems. Heather Vanburen, would rather see high end homes built. Jan Craft opposed to urban sprawl. Matt Garber, CGA commented on the road design and that it is adequate for this development. Mr. Paglia on Eagle Ridge had concerns about the snow build up due to the curve but believe the adjustments will help. Terry Gray supported the project.

Scott Freoff, Merrit Construction commented on his professional experience building these projects in neighborhoods and his personal experience living near one and it is positive for the neighborhood. Trudy Carmichael indicated development will happen at some point this is a great opportunity to have more control over what happens. Sharon Greer spoke on housing needs in community. Joel Greer compared to the Veterans Home as a neighbor.

Toby Godfrey owns a couple homes and is opposed indicating this is an upscale development area and open area is a better view. He indicated property values would decline \$30-\$75,000 and this is not like Bickford where the houses are cheaper.

Daniels presented some closing remarks to the Board.

Spohnheimer read the conditions previously discussed at a prior meeting.

Miller closed the public hearing.

Wenner indicated after voting no a month ago he was not happy with his vote and did not feel he really had all the information he needed and he inquired with staff on options to bring it back for discussion.

Wenner moved to approve the Special Use Permit with the following conditions:

- **Square footage of the structure would not exceed the general plan as presented including the possible expansion.**
- **The property perimeter would not be fenced.**
- **The land cannot be further split off, subdivided or sold separate from the project.**
- **The building design, roof pitches and appearances should be built in accordance with the designs presented so that they have a residential character.**
- **The setbacks should remain consistent with the plan presented at approximately 130' allowing for slight adjustments due to final grading.**
- **The site shall include landscaping and trees throughout increasing the visual appearance.**
- **Exterior lighting throughout the site should be designed to minimize light pollution and be directed as discussed in the presentation.**
- **Grading should be completed to enhance the visibility around the curve as described.**
- **Exterior design elements shall be consistent around the entire building.**
- **Snow removal will be managed to reduce drifting and visibility concerns.**

Second by Schulze. Motion Carried 3-2. Hitchins and Miller voting No.

With no further business the Board adjourned.

Respectfully submitted,
Michelle Spohnheimer, Housing & Community Development Director