

MARSHALLTOWN

— I O W A —

PLAN ZONING COMMISSION

Notice of Regular Meeting
Thursday, January 14, 2021 at 5:00 PM
10 W. State Street - Council Chambers

Planning & Zoning Commission
Thu, Jan 14, 2021 5:00 PM - 7:00 PM (CST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/694446245>

You can also dial in using your phone.
(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (571) 317-3112
- One-touch: tel:+15713173112,,694446245#

Access Code: 694-446-245

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/694446245>

1. Call To Order & Roll Call

Boston
Brodin
Eilers
Gruendler
Medina
Valbracht
Wittkop

2. Minutes From October 15 Meeting

Documents:

[011421_PZ_MIN.PDF](#)

3. 802 E Southridge Rezone

Documents:

[802 E SOUTHRIDGE REZONE APP.PDF](#)

[SUGAR CREEK PUD.PDF](#)
[01142021_PZ_MEMO_REZONE 802 E SOUTHRIDGE RD.PDF](#)
[RETRACEMENT SURVEY OF 802 E SOUTHRIDGE RD MARSHALLTOWN.PDF](#)

4. Zoning Comprehensive Review & Rewrite Introduction-Kendig Keast Collaborative

Documents:

[ZONING ORDINANCE PROJECT INFORMATION.PDF](#)

MISSION STATEMENT

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

Plan Zoning Commission

Meeting Minutes from October 15, 2020

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, Eilers, Valbracht, Wittkop

Commission members absent: Brodin, Medina

2) Cross Country Estates Subdivision: Preliminary and Final Plat

Boston: Cross Country is routine

Knutson: background

Troskey: Three neighbors want to extend 30'

Valbracht: Make recommendation

Eilers: 2nd

Motion passes, all vote in favor.

3) Final Plat E Southridge

Knutson: background

Spohnheimer:

Boston: The lots to the south are larger, that what is being proposed. It meets the minimum standards, but won't provide consistency.

Valbracht: Meets all the requirements.

Boston: Parking concerns. What does the city own?

Spohnheimer: City owns all of this.

Boston: thought it was just the west end.

Heather Thomas (CGA): Easements are all ok. Ready to proceed.

Boston: Public Comment?

Larry Kester: Did city council approve this purchase? Access to proposed housing would be limited. Adding more driveways isn't positive. Creating congestion is not positive. The consideration should be to preserve the value of Cross Country. These lots do not help that.

Dean Kenagy: This will be the new entrance of Cross Country Estates, and will be a gateway.

This is different from preliminary plat. The lot lines should line up, it will eliminate a few lots.

Bill Cassidy: Question why the city bought the property; hoped the city would great a green space. Cross Country is probably one the largest tax base in Marshalltown. Expand the tax base that is similar to cross country. Appreciate consideration to the taxes paid in this area, and to keep property values up.

Boston: would entertain a motion

Knutson: Steve did make a motion before public comment.

Boston: 2nd?

Eilers: 2nd that.

Boston: any questions?

Eilers: Did we see normally see prelim plats that are different from final plats?

Spohnheimer: Purchased by city, and approved by council. City is making an effort to increase

housing. Marshalltown has a housing shortage. Prelim plat was a best guess of what a layout could look like. Commission chose not to recommend rezone to R2 to council.

Boston: Just for the portion rezoning

Spohnheimer: No. First rezone when council thought they wanted to change it to R2.

Commission recommended it should stay R-2A. Commission didn't want to limit develop opportunity. Council followed Commission's recommendation. Second rezone was just for the small piece, from PUD to R-2A. Received offer. All the lots meet minimum requirements. No special variances requested.

Boston: Didn't matter if it was R2 or R-2A, the preliminary plat shows the lines match up. Not in favor of this final plat.

Boston: to amend Steve's motion to require the lots 6-15 be reduced to 8 lots.

Eilers: to be clear? You want the lot lines to line up?

Boston: To more closely line up.

Eilers: 2nd motion

Valbracth: This has gone the correct way zoning through council. This has gone through the proper steps. Us directing our own random lot sizes is really poor form. If this needs to be rezoned that will slow development.

Boston: agree but the preliminary plat is different & shows lining up.

Knutson: Often Prelim and Final plats change.

Boston: I don't want to see them change this much

Valbracth: We are making our own zoning rules.

Boston: That's the purpose

Valbracth: Do this the right way, go through council. Ad hoc decision at a P&Z meeting is not the way to go about this.

Boston: This is the first time we've seen this.

Eilers: See both sides of issue.

Valbracth: We loose sight in zoning. They are operating within the parameters within the zone. I support staying within those

Wittkop: Agree with Steve. They are operating within the guidelines we set. Why are we asking them to change?

Vote on the amendment to the Motion.

Amended motion does not pass: 1-3

Original Motion passes 3-1.

Meeting adjourned at 5:33 pm.

Date Submitted & Fee Paid: 12-28-2020

Rezoning Request Application Form

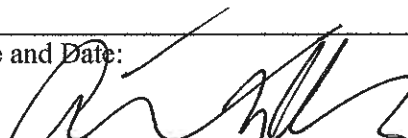
36 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 Fax: 641-754-5742
www.marshalltown-ia.gov

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: 802 E SOUTHRIDGE RD, MARSHALLTOWN, IA 50158	
Owner: Yan Qiu & Jing Jing Chen	
Mailing Address: 1203 S. 3rd St, Marshalltown, IA 50158	
Phone: 626-382-8503	E-mail: chadwickchiu@hotmail.com
Current Zoning Classification: Planned Unit Development (PUD)	
Current Use: Single vacant lot	
Proposed Zoning Classification: R-2A Low Density Residential District	
Proposed Use: Single Family Lot	
Please list the uses of surrounding properties: West and north side: Anson Creek (majority within property). West side of Anson Creek: SUGAR CREEK TOWN HOME and vacant lot. East side: AGRICULTURAL land. South side: E Southridge Rd.	
Signature and Date:  Chen Jingjing 12/28/2020	

Unique Doc ID: 2714440
Recorded: 12/4/2020 at 11:24:49.577 AM
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$20.00
Revenue Tax: \$9.60
Marshall County, Iowa
Nan Benson - Recorder
Doc. Number: 20200006785

Return To: Eric R. Bidwell, 106A S. 1st Avenue, Marshalltown, Iowa 50158
Taxpayer: Yan Qiu and Jing Jing Chen, 1203 S 3rd Street, Marshalltown, IA 50158
Preparer: Eric R. Bidwell, 106A S. 1st Avenue, Marshalltown, Iowa 50158, Phone: (641) 753-3648



WARRANTY DEED - JOINT TENANCY

For the consideration of One (\$1.00) Dollar and other valuable consideration, Gary D. Rubenbauer, a single person does hereby Convey to Yan Qiu and Jing Jing Chen, as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common, the following described real estate in Marshall County, Iowa:

Lot Sixty-one, in Sugar Creek Estates 7th Addition to Marshall, Marshall County, Iowa.

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 distributive 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.

Dated: December 31, 2020.


Gary D. Rubenbauer, Grantor

STATE OF IOWA, COUNTY OF MARSHALL

This record was acknowledged before me on December 4, 2020, by Gary D. Rubenbauer.



Signature of Notary Public





LEGAL DESCRIPTION

THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 12, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5th P.M., MARSHALL COUNTY, IOWA, EXCEPTING THE WEST 270.0 FEET THEREOF AND EXCEPT THE NORTH 320.0 FEET THEREOF, CONSISTING OF 23.7 ACRES, MORE OR LESS.

ZONING

EXISTING ZONING PUD (PLANNED UNIT DEVELOPMENT)
 PROPOSED ZONING PUD (PLANNED UNIT DEVELOPMENT)

SETBACKS

FRONT YARD
 30' MINIMUM (SINGLE FAMILY)
 20' MINIMUM (OTHER UNITS)

SIDE YARD
 8' MINIMUM (ALL UNITS)

REAR YARD
 25' (SINGLE FAMILY)
 20' (OTHER UNITS)

DEVELOPMENT DATA

TOTAL AREA	23.2 ACRES
TOTAL UNITS	140 UNITS
GROSS DENSITY	6.4 UNITS/ACRE

SINGLE FAMILY (LOTS 1-17)

17 UNITS
 4.1 ACRES

DUPLEX TYPE A (LOTS 18-23, 28-33)

28 UNITS
 4.6 ACRES

DUPLEX TYPE B (LOTS 24-27)

14 UNITS
 1.9 ACRES

APARTMENTS/INDEPENDENT LIVING (LOT 34)

45 UNITS
 2.7 ACRES

APARTMENTS (LOT 35)

45 UNITS
 2.7 ACRES

PUBLIC ROAD R/W

4.9 ACRES

PUBLIC OPEN SPACE

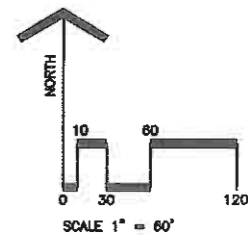
2.3 ACRES

PROJECT PHASING

PHASE ONE (EDGERBROOK DRIVE, EDGERBROOK COURT, CRAIG CIRCLE)	LOTS 1-33
PHASE TWO (APARTMENTS)	LOT 34
PHASE THREE (APARTMENTS)	LOT 35

LEGEND

- WATER
- SANITARY SEWER
- STORM SEWER
- ELECTRIC
- TELEPHONE
- GAS
- - - EASEMENT
- PROPERTY LINE
- STREET LIGHT
- ◇ HYDRANT
- STORM INTAKE
- MANHOLE



MARSHALLTOWN

————— I O W A —————

TO: Plan Zoning Commission

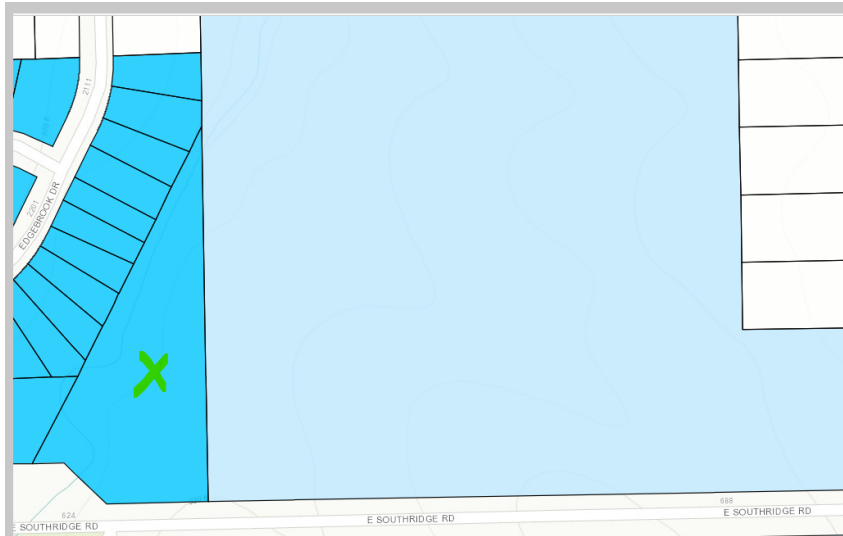
FROM: Caleb Knutson, City Planner

DATE: January 14 – Meeting Date

Rezone

FROM: Yan Qui & Jing Jing Chen
SUBJECT: Rezone from PUD to R-2A

Yan Qui, and Jing Jing Chen have applied to rezone their newly acquired property for R-2A. Presently 802 E Southridge Rd is zoned as Planned Unit Development. As defined in the Marshalltown code *“The purpose of the planned unit development (PUD) is for more efficient use of land and public services...”* In order for any resident to built upon this property they will have to go through the full PUD process.



The Bulk requirements are:

Building height	2-1/2 Stories or 35 feet maximum
Front Yard	30 feet minimum. The front yard depth shall be measured from the required right-of- way lines corresponding to the street classifications in the most recent City Comprehensive Plan, as amended

Housing & Community Development
 36 North Center Street, Marshalltown, IA 50158
 Tel. (641) 754-6583 - Fax (641) 754-5742

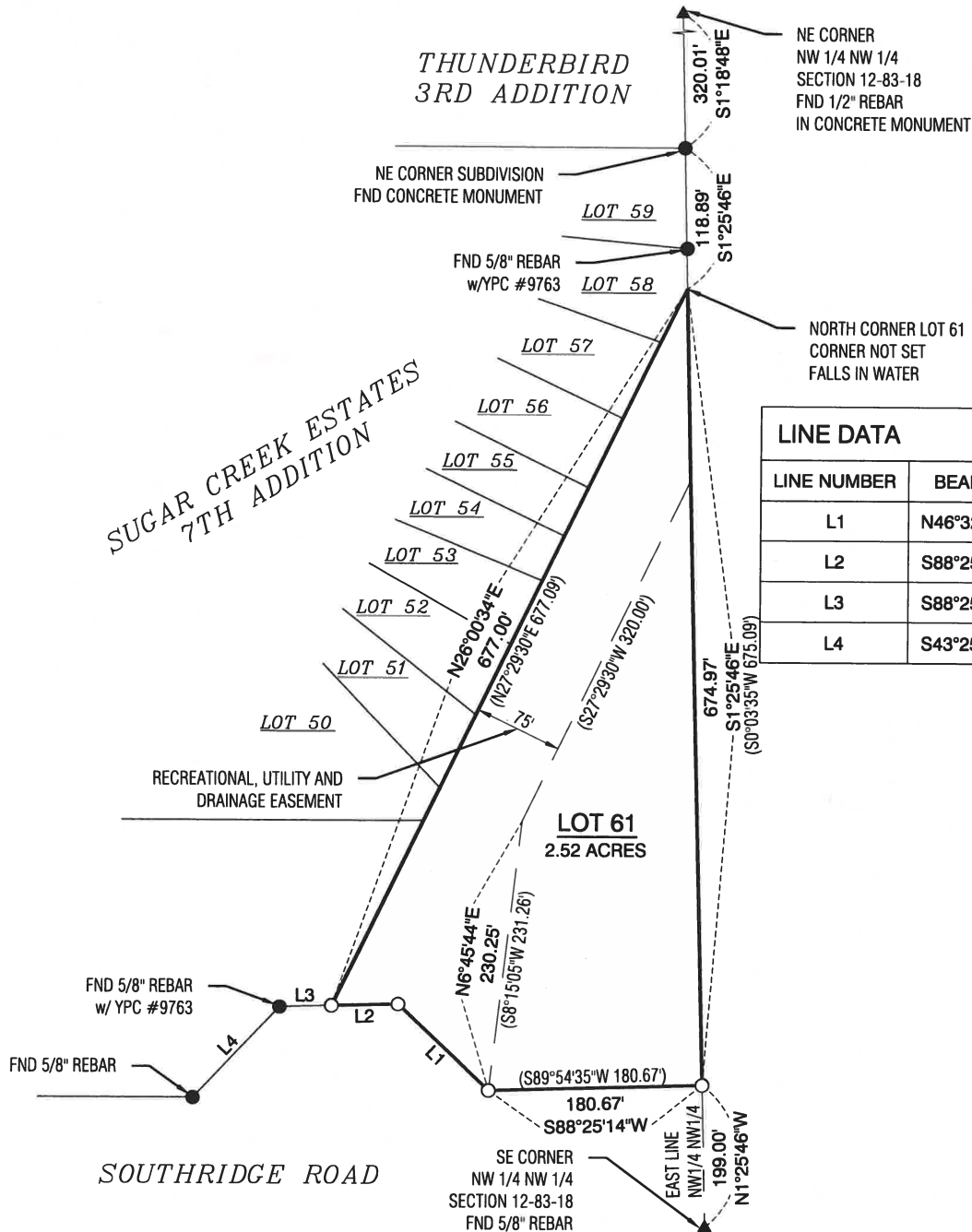
	If 2 or more lots in any existing block are occupied by buildings with setbacks less than required and the lots existed on the effective date of this chapter, then the average front yard depths of such adjacent lots shall be the established building line
Lot area per dwelling unit	Single-family detached: 8,000 square feet minimum Single-family attached & two family: 6,000 square feet
Lot width	An average width of 65 feet minimum
Rear yard	20% depth of the lot minimum, but no rear yard shall be required to be greater than 35 feet
Side yard	*7 feet minimum *16 feet minimum both sides yards combined *When a new single-family detached or attached dwelling, or a duplex is constructed the side yard that is contiguous with the outside/exterior wall of an attached garage shall be a minimum of 10 feet *Single-family attached: 8 feet minimum one side yard only *Corner lots: width of yard on the side street line shall not be less than 1/2 the depth of the front yard

Background: 802 E South Ridge is a part of the Sugar Creek PUD. Originally designed for multifamily housing (apartments).

Recommendation: Set Public Hearing for February 11.

PLAT OF SURVEY RETRACEMENT

INDEX LEGEND	
LOCATION:	LOT 61, SUGAR CREEK ESTATES, 7TH ADDITION TO MARSHALL, MARSHALL COUNTY, IOWA
PROPRIETOR:	GARY D RUBENBAUER AND ANN A RUBENBAUER
SURVEY REQUESTED BY:	GARY RUBENBAUER
FIELD WORK COMPLETED:	11/7/2019
SURVEY PREPARED BY:	CLAPSADDLE-GARBER ASSOCIATES, INC, 16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158 PHONE 641-752-6701 TSTEWART@CGACONSULTANTS.COM



LINE DATA		
LINE NUMBER	BEARING	DISTANCE
L1	N46°32'39"W	105.93'
L2	S88°25'14"W	56.24'
L3	S88°25'15"W	43.76'
L4	S43°25'55"W	105.98'

(N45°03'17"W 105.93')

(N89°54'35"E 56.24')

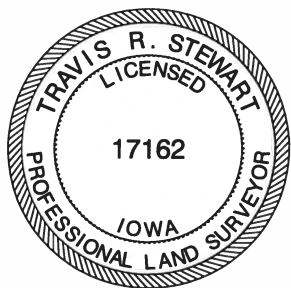
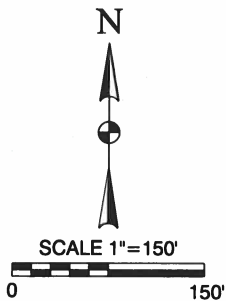
(N89°54'35"E 43.76')

(S44°56'50"W 106.07')

DESCRIPTION - 20190000172
 LOT SIXTY-ONE SUGAR CREEK ESTATES 7TH ADDITION TO MARSHALL, MARSHALL COUNTY, IOWA.
 SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

- LEGEND:**
- ▲ GOVERNMENT CORNER MONUMENT FOUND
 - △ GOVERNMENT CORNER MONUMENT SET
1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
 - PARCEL OR LOT CORNER MONUMENT FOUND
 - SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
 - () RECORDED AS

NOTE:
 ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS.



RUBENBAUER SURVEY
 MARSHALL COUNTY

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS _____ date _____
 Iowa License Number 17162
 My License Renewal Date is December 31, 2019
 Pages or sheets covered by this seal: THIS SHEET



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

DRAWN CAQ	SHEET NO. 1
DATE 11-11-2019	PROJECT NO. 78635.05

Zoning Ordinance Rewrite Project

Thank you for being willing to serve on either our Ordinance Advisory Committee (OAC) or Staff Advisory Team (SAT) as part of our Zoning Re-write Project. I wanted to share a little more background with you about this project as well as what to expect as part of this process.

History

The City of Marshalltown has had a Zoning Ordinance since 1957. In 1998 we began a major rewrite of the ordinance. During the past 20 years we have seen a number of amendments of varying levels. A number of things go into maintaining a zoning ordinance. We see changes because of Federal or State case law, changes due to development trends or new technology, and requests for variations from private property owners. Over time as changes are made to the ordinance we sometimes have unintended consequences develop such as conflicting language or areas that get left out or overwritten. It is important to occasionally go through things and evaluate our code and make the necessary updates to position us for the future.

Current Project

The City Council approved a Zoning Ordinance Rewrite project as part of the Strategic Plan in 2020. Staff prepared a Request for Proposals and received submissions in late 2020. Kendig Keast Collaborative (KKC) in partnership with Bolton & Menk Inc. (BMI) was selected to complete the project. KKC has extensive experience rewriting zoning codes and has worked in close to 200 communities across the U.S. and BMI has a solid foundation in working with our community. This project is estimated to take approximately 12 months to complete.

Roles

The following groups will be participating in this process.

- Staff Advisory Team (SAT): This team includes City staff from the Housing & Community Development Department, Engineering Department and Fire Department. The SAT will do the bulk of the detailed review and drafting along with KKC & BMI.
- Ordinance Advisory Committee (OAC): The OAC is made up of representatives from the Plan Zoning Commission, Board of Adjustment, Council, Community Organizations and Community Members. The OAC will participate in broader discussion related to the proposed changes and think about how the code impacts the future of community development and remains consistent with our community goals and other planning efforts.
- Focus Groups (FG): As part of this process we will have four FG meetings with targeted individuals. It is our intention to have the following areas included;
 - Business Community,
 - Development Community,
 - Latinx Community,
 - General Community.
- Local Government: The City Council, Plan Zoning Commission and Board of Adjustment will be invited to attend joint sessions for periodic project updates.
- General Public: At times there will be opportunities for the general public to provide input into the process. These opportunities may take the form of public hearings, online surveys, virtual meetings or open house presentations.

Meeting schedules/format

As previously mentioned this process will take approximately 12 months to complete. It is anticipated that the meetings will primarily be virtual meetings at this time due to continued COVID precautions. Meeting dates/times will be set up using a doodle poll to determine the times when most members are available. Joint local government meetings will be public meetings and will be posted as Plan Zoning Commission meetings on Thursdays at 5:00 PM.

We understand that you may not be able to attend each meeting so if you are unavailable please submit comments to us in advance if possible so they can be included in our discussions. We will share meeting highlights with the groups following each meeting as well.

General Schedule

- Project kick off and initial meetings – January 2021
- Draft of Module 1 delivered – April 2021
- Draft of Module 2 delivered – July 2021
- Presentation of Final Draft - November 2021
- Adoption Process Begins - December 2021

Contacts

If at any time you want to discuss detailed information related to the process or proposed changes please contact the City Planning staff and we will work through the information with KKC & BMI

Michelle Spohnheimer - mspohnheimer@marshalltown-ia.gov - 641-754-5756

Caleb Knutson - cknutson@marshalltown-ia.gov – 641-754-5756

Project webpage

We have a project webpage set up to provide information about the process.

www.marshalltown-ia.gov/zoning