

MINUTES  
MARSHALLTOWN PLAN & ZONING COMMISSION  
SEPTEMBER 7, 2017

Call to order: 5:00 PM

**Members Present:** Jon Boston-Chair, Sharon Greer-Vice-Chair, Keith Bloomquist, Aimee Deimerly-Snyder and Steve Valbracht

**Absent:** Fauna Nord & Angela Lins-Eich

1. Approval of Minutes from May 11, 2017

Approved as distributed.

2. **DISCUSSION & SET PUBLIC HEARING** for rezoning proposed parcel owned by Marshalltown Center IO LLC (Marshalltown Mall) from RC, Regional Commercial to R-4 Medium density Residential

Steve Troskey, CGA, and Ken Huge, Marshalltown Mall, presented the rezoning request before the Commission. The Mall is requesting to rezone the northeast corner of the property to R-4, Medium Density Residential for future residential development. At this time it is unknown if the mall will be the developer or if the property would be sold to another party.

The Commission expressed concern related to ensuring that there is buffering between the mall and the residential area. Spohnheimer indicated that that question would be taken to legal counsel for an opinion on what is the best way to ensure that code is satisfied. It may be in the rezoning ordinance or the subdivision plat. Boston indicated a desire to see the development come forward as a PUD rather than an R-4 zone to ensure the design features and access in and around the site.

Spohnheimer indicated the next step would be to set a public hearing which would be scheduled for October 12, 2017.

Motion by Valbracht to set the public hearing. Second by Greer. Motion Carried 5-0

3. **REVIEW & RECOMMENDATION** to the City Council on the Marshalltown Downtown SSMID (Self-Support Municipal Improvement District) petition.

Spohnheimer began the discussion with an overview of the process outlined in the State Code. The Code requires when a petition to create a SSMID has been submitted to the City for consideration and has been validated it is placed on the Council agenda. The City Council is required to refer the proposal to the Plan Zoning Commission. It is the responsibility of the Commission to evaluate the merit of the submission and make a recommendation back to the City Council. Spohnheimer described that the Commission should evaluate the proposal based on the planning aspects as it relates to our community plans and goals.

Spohnheimer indicated that representatives from the Marshalltown Central Business District were present to provide an overview of the proposal and answer questions related to the proposal. City Administrator, Jessica Kinser, was present to address questions in the validation process and

compliance with the Iowa Code under the direction of the City's legal Counsel. Members of the public were also present to make comments.

Nathan McCormick presented on behalf of the MCBF information related to the history of discussions around establishing a SSMID and potential uses of the funds which would impact the downtown. He discussed the efforts to meet with owners, secure signatures and answer questions about the process and impact. He discussed the various rates based on the zones within the SSMID.

Jessica Kinser presented information related specifically to the totaling of numbers and percentages used for the various calculations. She explained that an individual is considered to be an owner and that it is not calculated based on the parcel or building. One owner may own multiple properties and they would be considered a single owner. Additionally one property may have three individual owners listed which go into the calculation. Valuations are calculated using all properties as is the number of owners. The Iowa Code requires 25% of owners and 25% of valuation be achieved in order to present a valid petition. Kinser confirmed that the numbers were validated.

Jonathan Hull, a downtown property owner, came forward with public comments in opposition of the SSMID. He discussed the issues with having exempt property owners being able to sign a petition when they would not face the financial impact a taxed property would. Hull described that the memo presented to the Commission and Council did contain an error and that the Code indicates if an opposing petition is filed that satisfies 40% of owners or 40% of valuation are opposed the process would not continue.

Mindy Van Dyke submitted written comments read aloud by Jonathan Hull. Her comments included concerns to funding an agency through tax dollars that could be funded through fundraising efforts. She indicated the impact to small businesses is significant and in an effort to encourage downtown development a new tax would not be the best approach.

Darrel Meyer, a downtown property owner, came forward and discussed that the role of the Commission was to evaluate the merit of the proposal and to prepare a report and that he felt that Commission should take time to conduct that process.

Tim Hoffman, a downtown property owner, questions the inclusion of residential properties in the district.

Dave Thompson, a downtown property owner, presented public comments in opposition to the SSMID. He voiced concerns related to the non-profits that could support something they would not have to pay for. Thompson presented the differences in the rates that two similarly classed commercial properties would pay is not fair and equal treatment. Thompson discussed proposed items to be included such as snow removal and how that is the responsibility of the property owner and should not be covered by all through a tax. Thompson questioned the audience to see how many property owners were present that were opposed who would be taxed. 12 individuals were identified. He in return questioned how many were present in favor that would be taxed and there was 1. Thompson repeated his opinion related to equal representation.

Commissioners comments included discussion related to the various rate structures presented indicating that the Iowa Code allows for the variances but questioned if that was the most appropriate. Deimerly-Snyder discussed her understanding with the struggles of keeping the doors open while recognizing the economic impacts to the community. Greer commented on role the

State legislature has in creating the laws that govern the process and that although we may not always agree they are the Codes that we work within and that the role of the Commission is to evaluate the planning aspect and the issues of financial equity and fairness are things the Council will discuss. Boston described other planning related areas that the Commission reviews and that it is often challenging for the public to understand how the Commission has to evaluate issues that come before them.

Valbracht questioned if the commission must make a unanimous decision to send back to the Council? Spohnheimer indicated that our legal Counsel had addressed that question and that the Commission was not responsible for making unified recommendation and that the comments would be presented in the form of a report which may include a variety of things for the Council to consider.

**Based on all of the comments received and discussion which took place the Commission decided to include the following comments in their report to the Council. Motion by Greer. Second by Valbracht. Motion carried 5-0.**

*The efforts of the proposal submitted do align with the intent of the comprehensive plan and the goals of the City Council and the Plan Zoning Commission. They are consistent with the various community plans that have been accepted including the Comprehensive Plan, City Center plan and other strategic plans conducted over the years.*

*The Commission does recognize however there appears to be some financial inequities which should be reviewed by the City Council as it relates to the various rate structures and application to exempt properties that would not be contributing yet are counted in the process.*

*The Commission recognizes there are many ways to achieve the goals identified and that all owners on both sides of the petition support the Downtown and the Community.*

A report will be prepared by the Housing & Community Development Director along with the minutes of the meeting so that it can be forwarded to the City Council for consideration at the public hearing.

**With no further business the Commission adjourned.**

Respectfully submitted,

Michelle Spohnheimer, Housing & Community Development Director