

**MINUTES**  
**Planning and Zoning Commission**  
**April 9, 2013**

1. CALL TO ORDER.

The regular monthly meeting of the Marion Planning and Zoning Commission was called to order at 6:00 p.m. by Chair Golden.

2. ROLL CALL.

Members Present: Bell, AbouAssaly, Neighbor, Golden, Pelley, Besler,  
Members Absent: Preussner, Mooney, Seidl  
Staff Present: Treharne, Hockett, Billings, Andresen

3. MINUTES

- a. Planning and Zoning - March 12, 2013
- b. Zoning Board of Adjustment – No meeting
- c. Council – March 7 and 21, 2013

Motion by Neighbor, seconded by AbouAssaly, to approve minutes of the March 12, 2013 Planning and Zoning Commission meeting.

All 'Ayes', motion passed.

Seidl joined the meeting at 6:02pm.

4. REZONING –

- a. Public hearing regarding a request to rezone property located along Tower Terrace Road, between North 10<sup>th</sup> Street and Alburnett Road from PD-C, Planned Development Commercial to C-3, General Commercial.
- b. CPC Resolution No. 13-10 recommending approval of a request to rezone property located along Tower Terrace Road, between North 10<sup>th</sup> Street and Alburnett Road from PD-C, Planned Development Commercial to C-3, General Commercial (Mooney-Engle Land Co. LLC) Case # 13-01

Hockett asked to present the rezoning request and preliminary plat at the same time as they were related. The Commission agreed.

Hockett familiarized the Commission with the location of the request and presented the staff report. He noted that there was a mistake in the legal description that the developer was not aware of. Hockett explained that staff had consulted the City's legal counsel and that additional properties can be included in the request so long as they are motioned to be included by the Commission.

The Public Hearing was opened at 6:35pm.

Tim Mooney, the applicant, addressed the Commission and gave the background of how his property came to be rezoned to PD-C, and why he felt that rezoning the property to C-3, with conditions, would result in the same type of development, with less time delays for the developer. Mr. Mooney then asked the Commission to include the additional properties in the request.

Colleen Sova of 3904 Shady Oak Drive addressed the Commission opposed to the rezoning because she feared that the public comment and input period would be eliminated if the applicant were granted straight zoning. She also had concerns regarding the proposed rezoning to C-3, General Commercial and asked why it was not C-1, Neighborhood Commercial.

Besler left the meeting at 6:35

Julie Pitts of 457 Barrington Parkway addressed the Commission opposed to the request because of the potential for additional lighting, detention ponds, and commercial development that could negatively affect the small children in the neighborhood. She asked how landscaping or fencing would be established to create a barrier to the homes on the south side of the proposed development. Treharne and Hockett replied with what the current City standards are for screening detention ponds and landscape buffering requirements.

Tom Mark of 3909 Shady Oak Drive addressed the Commission in opposition to the request because of the concern for the future lack of review and comment from the adjacent property owners. He noted that he understood that the commercial zoning has been in place for this property for a number of years, but felt the surrounding residents should have a chance to comment on the new developments.

Bill Wright of 883 Eastview Avenue addressed the Commission in opposition of the request. He commented that the lights from the proposed businesses would be highly noticeable from his property. He added that he preferred that the parking lots for the businesses be located in front of the buildings so that the parking lot lights would not shine on his property.

Erin Murrin of 482 Barrington Parkway addressed the Commission and asked if the proposed C-3 zoning designation had specific hours of operation. Hockett replied that there are no listed hours of operation in C-3. Mrs. Murrin noted that an allowed 24-hour operation business adjacent to residential properties could devalue the homes. She went on to comment that since Tower Terrace Road is not fully constructed, that she felt the process for development was being fast-tracked.

Mr. Mooney addressed the Commission noting that it was not his intention to change any of the development standards for this area, but rather make a better process for economic purposes.

Mrs. Sova asked the Commission to consider a C-1 designation that would allow a quicker process for development, but would be more restrictive than the C-3.

Kevin Kamp of 4041 Shady Oak Drive addressed the Commission and commended Mr. Mooney for doing a good job on the existing buildings, but noted that he would still like the opportunity to review and comment on future developments. He added that he did not think that C-3 is the best fit for the area considering the surrounding residential neighborhoods.

Treharne explained that the city has the ability to have a higher zoning designation and restrict uses in that district (such as C-3 with restrictions), but the City would not be able to zone a less intense designation and allow more intense uses to take place in that district (such as C-1, with additional uses allowed). Mooney added that it is not his intent to allow any additional uses to what was previously allowed in the PD-C.

Golden closed the Public Hearing at 7:33pm.

Pelley commented that many of the concerns about the commercial development adjacent to the residential would still be valid if the zoning were left as PD-C.

Seidl added that some of the commercial limitations on lighting or landscaping are only allowed to be enforced to the standard in the current City Code, regardless of the zoning designation. He asked Mr. Mooney if it was still his intent to allow a 24-hour business? Mr. Mooney replied that is what is currently allowed in the PD-C and he would expect the same to be allowed with the future zoning.

AbouAssaly noted that gas stations are not proposed to be allowed in the proposed rezoning. Mr. Mooney clarified that they are currently allowed in the PD-C. Hockett noted that is a staff error and he asked that the Commission strike that as a prohibited use.

AbouAssaly noted his concern for the perceived lighting problem in the area. Hockett replied that the Commission can make additional lighting standards a condition. Hockett added that although there are landscaping standards in place for commercial developments, staff is not opposed to homeowners adding in additional landscaping on their property to create a thicker buffer yard.

Motioned by Bell, seconded by Seidl, to include Lot 1, Stonefield 7<sup>th</sup> Addition and Lot 2, Stonefield 2<sup>nd</sup> Addition to the rezoning request.

All "Ayes", motion passed.

Motioned by Bell, seconded by Neighbor to approve CPC Resolution No. 13-10 recommending approval of a request to rezone property located along Tower Terrace Road, between North 10<sup>th</sup> Street and Alburnett Road from PD-C, Planned Development Commercial to C-3, General Commercial with conditions as recommended by Staff and additional lighting standards.

Pelley asked to amend the conditions to include a building height no greater than allowed in the C-2 zoning district.

All "Ayes", amendment made.

Roll Call:

Bell - "Aye"  
AbouAssaly - "No"  
Golden - "Aye"  
Neighbor - "Aye"  
Seidl - "No"  
Pelley - "Aye"

Motion passed.

5. PRELIMINARY PLAT –

- a. CPC Resolution No. 13-11 recommending approval of Stonefield Addition Revised Preliminary Plat located along Tower Terrace Road, between North 10<sup>th</sup> Street and Alburnett Road (Mooney-Engle Land Co. LLC). Case # 13-04

Motion by Pelley, seconded by Neighbor to approve CPC Resolution No. 13-11 recommending approval of Stonefield Addition Revised Preliminary Plat located along Tower Terrace Road, between North 10<sup>th</sup> Street and Alburnett Road.

Roll Call:  
Bell - "Aye"  
AbouAssaly - "Aye"  
Golden - "Aye"  
Neighbor - "Aye"  
Seidl - "No"  
Pelley - "Aye"

Motion passed.

6. OTHER BUSINESS –

7. ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Nick AbouAssaly, Secretary