

**MINUTES**  
**Planning and Zoning Commission**  
**August 13, 2013**

1. CALL TO ORDER.

The regular monthly meeting of the Marion Planning and Zoning Commission was called to order at 6:04 p.m. by Chair Golden.

2. ROLL CALL.

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

3. MINUTES

- a. Planning and Zoning - July 9, 2013
- b. Zoning Board of Adjustment – No Meeting
- c. City Council July 11, 2013 and July 25, 2013

Motion by Mooney, seconded by Seidl, to approve minutes of the July 9, 2013 Planning and Zoning Commission meeting.

All 'Ayes', motion passed.

4. CITIZEN PRESENTATIONS – No presentations.

5. DIRECTOR'S REPORT.

Treharne gave a report on which Planning items had been approved by the City Council in July and also noted that the number of approved final platted lots in 2013 has already surpassed the number of final platted lots in all of 2012.

6. LAND USE MAP AMENDMENT.

- a. Public Hearing to amend the Marion Land Use Map from Single-Family Attached Residential to Single-Family Detached Residential for property located south of Grand Avenue and east of South 26<sup>th</sup> Street (Platinum Development, LLC).
- b. CPC Resolution No. 13-23 recommending approval of request to amend the Marion Land Use Map from Single-Family Attached Residential to Single-Family Detached Residential for property located south of Grand Avenue and east of South 26<sup>th</sup> Street.

Hockett presented the staff report and familiarized the Commission with the location and intent of the request.

Golden opened the Public Hearing at 7:23pm.

There was no comment.

Mooney explained to the Commission and the applicant that he felt the property to the east should be rezoned to Neighborhood Commercial at the same time as the residential so that as the residential lots are platted, the new owners are aware that the adjacent property is zoned for commercial.

Mark Mowrer, the applicant's representative, responded to Mooney by explaining that they want the adjacent property to be developed as commercial, but without a specific project/buyer, they did not want to request to rezone the property yet.

Bell agreed with Mooney, that rezoning the property to commercial now, could save the developer and the City controversy by having the zoning in place when people move into the neighborhood instead of it coming as a surprise to the homeowners years down the road.

Seidl asked if the Commission could require the developer to post signage to indicate property is intended for commercial use.

Mr. Mowrer indicated that the developer will remain the owner of the residential lots and will be able to tell the future owners of the proposed adjacent land use. He went on to explain that he did not feel it should be the responsibility of the developer to be the sole source of information, but that people should be responsible for doing their own research when they purchase a property.

Bell confirmed that it is the developer's intent to rezone this property to commercial in the future. Mr. Mowrer agreed. Bell then asked why he wouldn't just rezone the property to commercial now.

Hockett explained that the Comprehensive Plan and Land Use Map already show the adjacent property as best suited for neighborhood commercial development. He admitted that most people don't know what the Future Land Use Map is or what it means, but it is the City's best indication of how properties should develop. If the developer were to request to rezone the property, it would be Staff's position to require a full site plan review of the proposed zoning.

Seidl asked if the City could initiate the rezoning. Hockett replied that the City could, but it is typically the developer that rezones the property and verifies the proposed use and site plan.

Treharne explained that if the area being discussed were one property, then Staff would require that the rezoning of the residential and commercial be zoned at the same time, but since they are two separate parcels, the developer has the ability to only zone one property at a time.

Treharne then went on to explain the purpose and scope of a Comprehensive Plan.

Dwight Senne, of 1080 South 26<sup>th</sup> Street, addressed the Commission and explained that he was indifferent on the rezoning. He asked the difference between R-1 and R-2 zoning. Mooney explained that the setback requirements are greater in the R-1 with the minimum lot size being greater as well.

Kathy Pogue, of 1115 South 26<sup>th</sup> Street, addressed the Commission in favor of the request because she would prefer her back yard be adjacent to a single family lot rather than a multi-family lot.

Ed Fiala, of 1185 South 26<sup>th</sup> Street, addressed the Commission in favor of the request as it was currently being proposed. He noted that he would also prefer his house back up to single family homes rather than multi-family.

With no further comment, the public hearing was closed at 7:00pm.

Motion by Seidl, seconded by Pelley, to approve CPC Resolution No. 13-23 recommending approval of request to amend the Marion Land Use Map from Single-Family Attached Residential to Single-Family Detached Residential for property located south of Grand Avenue and east of South 26<sup>th</sup> Street.

Roll Call:

Mooney:	Aye
Neighbor:	Aye
Bell:	Aye
Gadelha:	Aye
Pelley:	Aye
Seidl:	Aye
Golden:	Aye

Motion passed.

## 7. REZONING REQUESTS.

- a. Public Hearing regarding a request to rezone property located south of Grand Avenue and east of South 26<sup>th</sup> Street from PD-R, Planned Development Residential to R-1, Low Density Single-Family Residential for property (Platinum Development, LLC).
- b. CPC Resolution No. 13-24 recommending approval of request to rezone property located south of Grand Avenue and east of South 26<sup>th</sup> Street from PD-R, Planned Development Residential to R-1, Low Density Single-Family Residential for property (Platinum Development, LLC ). Case # 13-04R.

Hockett clarified that the developer had originally submitted the request for R-1 zoning, but later requested the zoning be R-2. Hockett noted that the

Commission could vote to amend the request and approved the amended request if they choose.

Golden opened the public hearing at 7:03pm.

Dan Schmidt, the applicant's engineer, addressed the Commission to formally request the rezoning be amended to R-2, Medium Density Single-Family. He noted that the R-2 zoning would allow them more flexibility in lot layout and he also thought it was a better transition to the future commercial zoning along 31<sup>st</sup> Street.

Pelley asked about the placement of the sanitary sewer line based on the rendering provided. Mr. Schmidt replied that the line may be moved to accommodate future use of the property. He noted that the proposed layout accommodates approximately one-third of the units that was previously approved.

With no further comments, the public hearing was closed at 7:05pm.

Motion by Mooney, seconded by Pelley, to amend the request to rezone the property located south of Grand Avenue and east of South 26<sup>th</sup> Street from PD-R, Planned Development Residential to R-2, Medium Density Single-Family Residential and also relaying the Commission's concern with the lack of requirement for the developer to notify adjacent property owners with the commercial intent of the property located at 31<sup>st</sup> Street and Highway 100.

All "Ayes", motion carried.

Motion by Bell, seconded by Seidl, to approve CPC Resolution No. 13-24 recommending approval of request to rezone property located south of Grand Avenue and east of South 26<sup>th</sup> Street from PD-R, Planned Development Residential to R-2, Medium Density Single-Family Residential for property.

Roll Call:

Pelley:	Aye
Seidl:	Aye
Mooney:	Aye
Neighbor:	Aye
Gadelha:	Aye
Bell:	Aye
Golden:	Aye

Motion passed.

8. PRELIMINARY PLAT.

None.

9. FINAL PLATS.

None.

10. SITE DEVELOPMENT PLAN.

- a. CPC Resolution No. 13-25 recommending approval of Authors Second Addition, Final Site Development Plan located east of 35<sup>th</sup> Street and north of Quail Trail Drive (Morris Wood Enterprises, LLC) Case # 13-21

Billings presented the staff report and explained why the site development plan was being brought before the Commission.

There were no public comments.

Motion by Pelley, seconded by Mooney, to approve CPC Resolution No. 13-25 recommending approval of Authors Second Addition, Final Site Development Plan located east of 35<sup>th</sup> Street and north of Quail Trail Drive.

All "Ayes". Motion passed.

11. ZONING CODE UPDATE.

Hockett informed the Commission that in September Staff will be bringing forward a Zoning Code amendment regarding cash advance businesses. Staff will also be discussing various amendments to the Sign Code and at the City Attorney's request, the discussion of public opinion signs.

12. OTHER BUSINESS.

Treharne introduced Rene Gadelha as the newest member of the Planning and Zoning Commission.

Motion by Seidl, seconded by Bell, to recommend that the City of Marion require prominent posting of future land use designations on undeveloped properties in excess of 3 acres in size.

Pelley replied that the motion from Seidl would affect a large amount of land.

Seidl noted that his intent was to increase the public notification on future land uses. Pelley replied that he felt that burden should be placed on the developer or realtor to inform the new property owners.

“Ayes”:  
Seidl, Golden, Neighbor, Bell

“Nays”:  
Pelley

“Abstain”  
Mooney, Gadelha

Motion failed.

13. ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:33 p.m.

Respectfully submitted,

Laura Geary Bell, Secretary