

MINUTES
Planning and Zoning Commission
January 8, 2013

Hockett explained that in the absence of a Chair and Vice-Chair, the Commission would need to first vote on an Acting Chair to run the meeting until the election of officers took place.

Motion by Neighbor, seconded by Preussner to appoint Seidl as an Acting-Chair.

All "Ayes", motion passed.

1. CALL TO ORDER.

The regular monthly meeting of the Marion Planning and Zoning Commission was called to order at 6:06 p.m. by Acting-Chair Seidl.

2. ROLL CALL.

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

3. ELECTION OF OFFICERS.

Motion by AbouAssaly, seconded by Neighbor to re-appoint Golden as the Planning and Zoning Commission Chair for calendar year 2013.

All "Ayes", motion passed.

Motion by Seidl, seconded by AbouAssaly to appoint Neighbor as the Vice-Chair of the Planning and Zoning Commission for calendar year 2013

All "Ayes", motion passed.

Motion by Preussner, seconded by Neighbor to appoint AbouAssaly as the Secretary of the Planning and Zoning Commission for calendar year 2013.

All "Ayes", motion passed.

4. MINUTES

- a. Planning and Zoning - December 11, 2012
- b. Zoning Board of Adjustment – No December meeting
- c. Council – December 6 and 20, 2012

Motion by Seidl, seconded by Preussner, to approve minutes of the December 11, 2012 Planning and Zoning Commission meeting.

All 'Ayes', motion passed.

5. COMPREHENSIVE PLAN AMENDMENT –

- a. Public hearing regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan for a portion of property located west of Winslow Road, south of Connection Avenue from Single-Family Detached Residential and Parks and Open Space to Neighborhood Commercial.
- b. CPC Resolution No. 13-01 recommending approval of a request to amend the Future Land Use Map of the Marion Comprehensive Plan for a portion of the property located west of Winslow Road, south of Connection Avenue from Single-Family Detached Residential and Parks and Open Space to Neighborhood Commercial (Kenneth Novotny Estate)

Neighbor opened the Public Hearing at 6:11pm.

Hockett noted that he would be discussing all requests related to the Novotny property, however, each agenda item would require individual approvals of the Commission. He then went on to present the staff report and familiarize the Commission with the location of the requests. He noted that staff supported the Land-Use Map amendment and the preliminary plat, however, recommended Planned Development Commercial Zoning instead of the O-1, Office Transitional zoning the applicant was seeking.

AbouAssaly noted that he was uncomfortable allowing a developer to be able to build into the floodplain. Andresen replied that although it is more expensive to build in the floodplain, the City has not challenged development of private land in the floodplain, development in the floodway is not allowed at all. Andresen then displayed an aerial of the property with the floodway and floodplain shown. Hockett added that the Parks and Open Space land use designation was based on the current path of Indian Creek and was meant to encourage protection of sensitive areas (wetlands, floodplain, steep slopes, etc.) but does not require it.

Neighbor asked how often the water has covered the floodplain area shown on the aerial. Andresen replied that the area covered in a flood is not the same exact area as shown on the aerial, but during significant rain events such as 2008 and 2010 the area does flood and the current Winslow Road Bridge does get covered with water.

Tim Mooney, of Mooney-Engle Land Co, addressed the Commission to discuss the Land Use Map amendment. Mr. Mooney noted that he had potential buyers interested in a portion of the proposed office development. Those users would require the recreation areas that were shown in the conceptual plans for the area. Mr. Mooney stated that it was not his intention to develop in the floodplain, and to make that area a benefit to the City of Marion, rather than a detriment.

Merv Dosh, of 1022 Rolling Glen Drive, addressed the Commission with his concerns with the preliminary plat. He noted that residents along Rolling Glen Drive were not happy about the extension of Rolling Glen Drive to the east. Mr. Dosh added that he would like to see additional traffic calming amenities added to the road alignment. He also noted his concerns of the

connection of Rolling Glen Drive prior to the full reconstruction of Winslow Road to Tower Terrace Road.

Gary Young, of 4047 Bruce Road, addressed the Commission with his concerns for the timing of the residential construction and its impacts to the traffic volumes on the existing portion of Rolling Glen Drive. He also noted his concerns for the traffic speeds on Rolling Glen Drive once the full connection is made between Winslow Road and North 10th Street.

John Mark, of 3909 Shady Oak Drive, addressed the Commission and asked if the stub road (Larkspur Drive) aligns with the existing portion of Welcome Lane. Mr. Mooney replied that it does not. Hockett added that the City encourages developers to provide a connection for adjacent property owners to tie onto. Mr. Mark then asked if the stormwater flow has been analyzed for the proposed office/commercial area. Andresen replied that the two detention basins shown on the preliminary plat will be sufficient to serve the proposed residential development. The developer will be required to provide additional areas and stormwater calculations for the office/commercial area when those impervious areas have been determined. Mr. Mark asked if there would be public comment at the time the additional detention areas are being discussed. Hockett replied that there would be additional public comment when the preliminary plats are brought forward for the office/commercial area.

Linda Miller, or 4001 North 10th Street, addressed the Commission to recommend that Rolling Glen Drive not be fully connected until Tower Terrace Road and Winslow Road are constructed.

Mr. Mooney addressed the Commission to point out that the new portion of Rolling Glen Drive was purposefully being designed with slight curves to slow the traffic down. He explained that it is not his intention to build the cul-de-sac or street stub south of Rolling Glen Drive until Winslow Road would connect to Tower Terrace Road. He added that the City will be designing the portion of Tower Terrace Road from North 10th Street to the Winslow Road connection this spring and he felt that he would not have all the residential lots sold before Tower Terrace was constructed.

With no other comments, the public hearing was closed at 7:29pm.

Seidl asked for confirmation that the current Winslow Road would stay open to traffic until the new Winslow Road and Tower Terrace Road were constructed. Andresen replied that it would stay open, and that there was a note on the preliminary plat to that effect.

Seidl then asked if the detention basins are being designed in a manner to not increase the downstream flow. Andresen replied that it is a City requirement that the developer detain the difference between the 5-year storm and the 100-year storm on the property (in detention basins) for a period of 24-hours; currently there is no detention.

Motion by Seidl, seconded by Preussner, to approve CPC Resolution No. 13-01 recommending approval of a request to amend the Future Land Use Map of the Marion Comprehensive Plan for a portion of the property

located west of Winslow Road, south of Connection Avenue from Single-Family Detached Residential and Parks and Open Space to Neighborhood Commercial.

Roll Call:

Besler: Aye

Preussner: Aye

Neighbor: Aye

Seidl: Aye

AbouAssaly: Aye

Motion passed.

- c. Public hearing regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan for property located at 2710 N. 10th Street from Single-Family Attached Residential to Multi-Family Residential.
- d. CPC Resolution No. 13-02 recommending approval of a request to amend the Future Land Use Map of the Marion Comprehensive Plan for the property located at 2710 N. 10th Street from Single-Family Attached Residential to Multi-Family Residential. (Platinum Development L.L.C)

Pelley and Mooney joined the meeting at 8:13pm.

Neighbor opened the public hearing at 8:14pm.

Billings noted she would like to present all items regarding the Platinum property at one time; however, they would need separate resolutions of approval. The Commission agreed.

Billings presented the staff report and gave a brief summary of the property's zoning history. She noted that staff recommends approval of the Future Land-Use Map amendment and the Site Development Plans as submitted.

Billings added that Theresa Leskovec, owner of the Busy Bee Daycare, did talk with staff as she was unable to attend that night's meeting. She would like to ensure the proposed building meets all of the setback standards and would appreciate the building being placed as far north on the property as possible.

Maria Murphy, of 2570 Pheasant Ridge Court, addressed the Commission and gave reasons why she was both for and against the proposed development.

With no additional public comments, the public hearing was closed at 8:35pm.

Motion by Mooney, seconded by Pelley, to approve CPC Resolution No. 13-02 recommending approval of a request to amend the Future Land Use Map of the Marion Comprehensive Plan for the property located at 2710 N. 10th Street from Single-Family Attached Residential to Multi-Family Residential.

Roll Call:
Besler: Aye
Preussner: Aye
Neighbor: Aye
Seidl: Aye
AbouAssaly: Aye
Mooney: Aye
Pelley: Aye

Motion passed.

6. REZONING –

- a. Public hearing regarding a request to rezone property located west of Winslow Road, south of Connection Avenue from A-1, Rural Restricted and Linn County- AG, Agricultural to R-2, Single Family Residential and O-1 Office Transitional.
- b. CPC Resolution No. 13-03 recommending approval of a request to rezone property located west of Winslow Road, south of Connection Avenue from A-1, Rural Restricted and Linn County- AG, Agricultural to R-2, Single Family Residential and O-1 Office Transitional (Kenneth Novotny Estate) Case # 12-08

Neighbor opened the public hearing at 7:41pm.

Tim Mooney, or Mooney-Engle Land Co, addressed the Commission in favor of the request. Mr. Mooney explained his understanding of Planned Development zoning and its benefits to the City, but he also explained how approving O-1 zoning with conditions could achieve the same results in a shorter timeframe.

Treharne noted that his concern was with not knowing the user that would be going onto the property. Mr. Mooney replied that when he would have to come back to the Commission with a preliminary plat to subdivide the O-1 property, the public would get a chance to review the project then and ensure it was meeting all of the recommended conditions.

AbouAssaly asked for clarification that with the O-1 zoning, the Commission would only see the preliminary plat and with the PD-C, the Commission would see the preliminary plat and every site plat for every building that Mr. Mooney would build. Staff concurred.

With no additional public comment, the public hearing was closed at 8:09pm.

Motion by Preussner, seconded by AbouAssaly, to approve CPC Resolution No. 13-03 recommending approval of a request to rezone property located west of Winslow Road, south of Connection Avenue from A-1, Rural Restricted and Linn County- AG, Agricultural to R-2, Single Family Residential and O-1 Office Transitional subject to staff's

recommended conditions set forth in 'Exhibit E – Planned Development Commercial Ordinance'.

Roll Call:

Besler: Aye

Preussner: Aye

Neighbor: Aye

Seidl: Aye

AbouAssaly: Aye

Motion passed.

7. PRELIMINARY PLAT –

- a. CPC Resolution No. 13-04 recommending approval of Bridge Creek Addition Preliminary Plat located west of Winslow Road, south of Connection Avenue (Kenneth Novotny Estate). Case # 12-71

Motion by Preussner, seconded by Besler, to approve CPC Resolution No. 13-04 recommending approval of Bridge Creek Addition Preliminary Plat located west of Winslow Road, south of Connection Avenue

Roll Call:

Besler: Aye

Preussner: Aye

Neighbor: Aye

Seidl: Aye

AbouAssaly: Aye

Motion passed.

8. SITE DEVELOPMENT PLAN –

- a. CPC Resolution No. 13-05 recommending approval of Hennessey 1st Addition, Lot 2 Preliminary Site Development Plan located at 2710 North 10th Street (Platinum Development L.L.C.) Case #12-72

Mooney asked if the red shown on the building renderings would be red brick. Mr. Mowrer, the applicant, confirmed that they were planning to brick those portions of the proposed building.

Mooney then asked if the railing on the decks would be metal. Mr. Mowrer clarified that they would be metal spindles. Mooney asked if they would be white, Mowrer noted that they would be black. Mooney then asked what the top of the railing would be made out of. Mowrer replied that it would be a treated wood, along with the deck material.

Mooney asked if Mr. Mowrer would be open to using a different material for the rim board, perhaps AZEK. Mr. Mowrer agreed that he would.

Motion by Mooney, seconded by Neighbor, to approve CPC Resolution No. 13-05 recommending approval of Hennessey 1st Addition, Lot 2 Preliminary Site Development Plan located at 2710 North 10th Street, subject to the

deck railings being black metal and the face of the rim board being an AZEK material.

Roll Call:

Besler: Aye

Preussner: Aye

Neighbor: Aye

Seidl: Aye

AbouAssaly: Aye

Mooney: Aye

Pelley: Aye

Motion passed.

- b. CPC Resolution No. 13-06 recommending approval of Hennessey 1st Addition, Lot 2 Final Site Development Plan located at 2710 North 10th Street (Platinum Development L.L.C.) Case #12-73

Motion by Mooney, seconded by Neighbor, to approve CPC Resolution No. 13-06 recommending approval of Hennessey 1st Addition, Lot 2 Final Site Development Plan located at 2710 North 10th Street, subject to the deck railings being black metal and the face of the rim board being an AZEK material.

Roll Call:

Besler: Aye

Preussner: Aye

Neighbor: Aye

Seidl: Aye

AbouAssaly: Aye

Mooney: Aye

Pelley: Aye

Motion passed.

9. OTHER BUSINESS –

10. ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:44p.m.

Respectfully submitted,

Nick AbouAssaly, Secretary