

MINUTES
Planning and Zoning Commission
July 9, 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: Seidl, Mooney, Golden, Neighbor, Bell
Members Absent: Pelley, Besler
Staff Present: Treharne, Hockett, Billings, Whitlow, Andresen

3. ELECTION OF OFFICER.

a. Secretary.

Motion by Mooney, seconded by Seidl to elect Bell as Secretary for the remainder of the 2013 calendar year.

All "Ayes", motion passed.

4. MINUTES

- a. Planning and Zoning - June 11, 2013
- b. Zoning Board of Adjustment – June 18, 2013
- c. City Council June 6, 2013 and June 20, 2013

Motion by Mooney, seconded by Seidl, to approve minutes of the June 11, 2013 Planning and Zoning Commission meeting.

All 'Ayes', motion passed.

5. DIRECTOR'S REPORT.

Treharne gave a report on which Planning items had been approved by the City Council in June and also gave an update on new commercial developments that would be starting soon.

6. RECEIVE AND FILE

- a. Receive and file correspondence regarding the resignation of Nick AbouAssaly as a member of the Commission.
- b. Receive and file correspondence regarding the resignation of Cindy Preussner as a member of the Commission.

Motion by Seidl, seconded by Neighbor to receive and file letters of resignation from Nicolas AbouAssaly and Cindy Preussner as members of the Planning and Zoning Commission.

All "Ayes", motion passed.

7. REZONING REQUESTS.

- a. Public Hearing regarding a request to rezone property and a revised preliminary plat located south of Lowe Park, east of Alburnett Road, west of Shady Oaks Drive from A-1, Rural Restricted to R-2, Medium Density Single-Family Residential (CCE, LLC).
- b. CPC Resolution No. 13-20 recommending approval of request to rezone property and a preliminary site development plan located south of Lowe Park, east of Alburnett Road, west of Shady Oaks Drive from A-1, Rural Restricted to R-2, Medium Density Single-Family Residential.

Hockett presented the staff report and familiarized the Commission with the proposed rezoning. Hockett noted that staff was supportive of the rezoning and generally supportive of the preliminary plat, but recommended tabling the preliminary plat to allow additional time to work out some minor changes to the preliminary plat.

Neighbor asked staff to clarify how the storm water will be reoriented to have less water flowing to the east. The applicants engineer and Andresen identified how that would be done.

Mooney expressed his support for approving the preliminary plat that night because the minor changes that staff brought up could be addressed prior to or at the Council meeting. He went on to explain that he did not feel it was fair to hold up a preliminary plat that was designed appropriately and only needed minor changes.

Golden opened the Public Hearing at 6:38pm

Todd Frazier, the applicant, addressed the Commission in favor of the request and offered to answer any questions from the Commission.

Golden closed the Public Hearing at 6:40pm.

Seidl asked if notifications had been sent out to adjacent property owners. Hockett replied that signs were posted, notice was published in the paper, and a postcard mailing was sent to property owners within 300 feet of the proposed request.

Seidl asked if there were any other meetings or conversations with the neighborhood regarding the plat. Mr. Frazier noted that he met with approximately 30 property owners in the weeks prior to discuss the preliminary plat.

Bell asked if all the storm water concerns of the neighborhood have been addressed. Andresen replied that he could not answer that question for them, but he went on to explain the developer has gone beyond the City's

requirements because of their efforts to divert future storm water to the northwest instead of into the neighborhood.

Mr. Frazier added that the only other concern of the neighborhood when he met with them was the desire for a traffic circle or traffic calming device. Whitlow replied that although it is not the City's policy to control traffic speeds with stops signs, he felt that stop signs at Shady Oak Drive and Irish Drive would strongly be considered.

Bell asked staff to explain their desire to have the item tabled. Hockett replied he thought there would be more neighborhood opposition at the meeting and he also noted that some sort of agreement for a purchase/donation of the entrance to Lowe Park needed to be discussed with the City Manager, who is currently on vacation. Hockett went on to explain that he wanted to have all the details worked out before it went to the City Council to make sure it was not held up when it got to them.

Mooney noted that regardless if the two lots identified in the exhibit were purchased or donated it would not change the layout of the plat, and he did not understand why the developer's request was being held up.

Motion by Mooney, seconded by Seidl to approve CPC Resolution No. 13-20 recommending approval of request to rezone property and a preliminary site development plan located south of Lowe Park, east of Alburnett Road, west of Shady Oaks Drive from A-1, Rural Restricted to R-2, Medium Density Single-Family Residential.

Roll Call:

Seidl: Aye

Mooney: Aye

Golden: Aye

Neighbor: Aye

Bell: Aye

Motion passed.

8. PRELIMINARY PLAT.

- a. CPC Resolution No. 13-21 recommending approval of the REVISED Country Club Estates Preliminary Plat located south of Lowe Park, east of Alburnett Road, west of Shady Oaks Drive (CCE, LLC).

Golden opened public comment for the preliminary plat. No comments.

Treharne noted that he had spoken with Gary Young, who is considered a spokesperson for the neighborhood, and indicated to him that staff's recommendation would be to table the preliminary plat.

Neighbor asked if a realignment of Williams Drive had been brought forward by the developer, or if it was a neighborhood or staff suggestion. Hockett replied that the realignment was included in an initial concept from Jerry's Homes when the property was originally preliminary platted.

Mooney asked the developer how a complete shift in the alignment of Williams drive would affect the plat. Jed Schnoor, the applicants engineer noted that the plat would be very difficult to make work because the developer would be losing approximately 10 sellable lots.

Seidl asked staff how Mr. Young represented the neighborhood. Treharne replied that Mr. Young has become a contact person for staff and that he seems to talk with the neighborhood a great deal, but he was unsure of his official representation of the neighborhood.

Motion by Seidl, seconded by Bell to TABLE CPC Resolution No. 13-21 recommending approval of the REVISED Country Club Estates Preliminary Plat located south of Lowe Park, east of Alburnett Road, west of Shady Oaks Drive.

Roll Call:

Seidl: Aye
Mooney: Nay
Golden: Nay
Neighbor: Nay
Bell: Aye

Motion failed.

Motion by Mooney, seconded by Neighbor to approve CPC Resolution No. 13-21 recommending approval of the REVISED Country Club Estates Preliminary Plat located south of Lowe Park, east of Alburnett Road, west of Shady Oaks Drive.

Roll Call:

Seidl: Nay
Mooney: Aye
Golden: Aye
Neighbor: Aye
Bell: Nay

Motion passed.

9. FINAL PLATS.

- a. CPC Resolution No. 13-22 recommending approval of the Oakwood Estates Second Addition Final Plat to Linn County located at 5400 Cimarron Court (Terry Eilbert, Trustee).

Hockett presented the staff report and explained why the request was before the Commission.

There was no public comment.

Motion by Mooney, seconded by Bell to approve CPC Resolution No. 13-22 recommending approval of the Oakwood Estates Second Addition Final Plat

to Linn County located at 5400 Cimarron Court subject to staffs recommendations.

Roll Call:

Seidl: Aye

Mooney: Aye

Golden: Aye

Neighbor: Aye

Bell: Aye

Motion passed.

10. ZONING CODE UPDATE.

- a. Discussion regarding updated zoning classifications for C-1, Neighborhood Commercial; C-2, Central Business District Commercial; C-3 General Commercial.

Treharne gave a presentation regarding the current uses allowed the in the current Commercial districts and the need to change those with the Code update.

11. OTHER BUSINESS

None.

12. ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:28 p.m.

Respectfully submitted,

Laura Geary Bell, Secretary