

MINUTES
Planning and Zoning Commission
June 11, 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, Pelley, Golden, AbouAssaly, Neighbor
Members Absent: Preussner, Besler, Mooney, Seidl
Staff Present: Treharne, Hockett, Billings, Andresen

3. MINUTES

- a. Planning and Zoning - May 14, 2013
- b. Zoning Board of Adjustment – No Meeting
- c. City Council May 9, 2013 and May 23, 2013

Motion by Pelley, seconded by Neighbor, to approve minutes of the May 14, 2013 Planning and Zoning Commission meeting.

All 'Ayes', motion passed.

Seidl joined the meeting at 6:03p.m.

4. CITIZEN PRESENTATIONS. – None.

5. REZONING REQUESTS.

- a. Public Hearing regarding a request to rezone property and a preliminary site development plan located east of 35th Street and north of 35th Avenue and south of Tower Terrace Road Extended from Undesignated Zoning to C-3, General Commercial and C-1, Neighborhood Commercial (Morris Wood LLC).
- b. CPC Resolution No. 13-12 recommending approval of request to rezone property and a preliminary site development plan located east of 35th Street and north of 35th Avenue and south of Tower Terrace Road Extended from Undesignated to C-3, General Commercial and C-1, Neighborhood Commercial.

The Public Hearing was opened at 6:04p.m.

Hockett presented the Staff Report and explained reasoning behind Staff's recommendation for C-1, Neighborhood Commercial Zoning for the entire application area.

Pelley asked for clarification on the specific reasons Staff was opposed to the C-3, General Commercial zoning for a portion of the property. Hockett explained that the C-3 was meant for higher intensity uses that should be closer to the future Tower Terrace Road and that the proposed development along 35th Avenue was too far removed from Tower Terrace Road.

Bell asked for clarification on whether gas stations were a permitted use. Hockett explained that under the proposed zoning, gas stations would be allowed as a Conditional Use.

Donald Klein of 3492 Laurel Lane addressed the Commission with his concerns for the possibility of a convenience store on the corner of 35th Avenue and 35th Street. Golden explained that there are landscaping and lighting standards in the City of Marion that aim to reduce the negative effects of commercial development on adjacent properties. Hockett also explained that if the C-1 zoning were approved, gas stations would be allowed as a Conditional Use which would require notification of adjacent property owners and additional review by the Planning and Zoning Commission prior to approval.

Jon Tracey of 350 Irish Drive addressed the Commission and expressed his safety concerns for allowing any type of commercial development adjacent to residential.

Todd Wood, the applicant, addressed the Commission and asked if the additional development standards such as lighting or landscaping would be different in the C-1 than the C-3. Hockett replied that they would not.

With no other public comments, the Public Hearing was closed at 6:34pm.

Motion by Seidl, seconded by Pelley to approve CPC Resolution No. 13-12 recommending approval of request to rezone property and a preliminary site development plan located east of 35th Street and north of 35th Avenue and south of Tower Terrace Road Extended from Undesignated to C-3, General Commercial and C-1, Neighborhood Commercial.

Roll Call:

Pelley: Nay

Seidl: Nay

Golden: Nay

Neighbor: Nay

Bell: Nay

AbouAssaly: Abstain

Motion failed.

Hockett explained that typically the rezoning is recommended for approval before the preliminary plat is approved, but since the Commission is a

recommending body, they could approve the preliminary plat with no recommendation on zoning and let the Council make the decision on the zoning prior to approving the preliminary plat.

Motion by Seidl, seconded by Pelley, to approved CPC Resolution No. 13-12 recommending approval of request to rezone property and a preliminary site development plan located east of 35th Street and north of 35th Avenue and south of Tower Terrace Road Extended from Undesignated to C-1, Neighborhood Commercial for the entire property listed in the rezoning request, subject to Staff's recommended conditions.

Roll Call:

Pelley: Aye

Seidl: Aye

Golden: Aye

Neighbor: Aye

Bell: Aye

AbouAssaly: Abstain

Motion passed.

- c. Public Hearing regarding a request for reconsideration to rezone property located along Tower Terrace Road, between North 10th Street and Alburnett Road from PD-C, Planned Development Commercial to C-3, General Commercial with conditions (Mooney Engle Land Co. LLC).
- d. CPC Resolution No.13-13 recommending approval of request to rezone property along Tower Terrace Road, between North 10th Street and Alburnett Road from PD-C, Planned Development Commercial to C-3, General Commercial with conditions.

Golden opened the Public Hearing at 6:47pm.

Hockett presented the staff report and explained the reason that the rezoning was referred back to the Planning and Zoning Commission.

Tom Mark, of 3909 Shady Oak Drive, addressed the Commission with his concerns that the proposed zoning allows more uses and less development requirements than the current zoning.

Steve Quella, of 3900 Shady Oak Drive, addressed the Commission in opposition of removing the restrictions on the hours of operation for businesses and his opposition to the lessening the setback restrictions.

Linda Southerland, of 899 Eastview Avenue, addressed the Commission regarding her understanding that when Tower Terrace Road was originally presented, it was not supposed to mimic Collins Road or Blairs Ferry Road, but rather that it would fit in with the residential neighborhood. She went on to express that she did not feel that the rezoning of the property would achieve the residential feeling it was supposed to have.

Jon Tracey, of 350 Irish Drive, addressed the Commission to note that he thought the development around Tower Terrace Road would negatively affect the value of the homes surrounding it and also asked the Commission to consider why C-1 zoning was appropriate for other areas of town, but not the Stonefield property. He went on to explain that he did not understand the rush for development around Tower Terrace Road if it was not going to be completed for a number of years. He also included that he thought the crime rate would go up in this area due to the additional commercial development and thought that the proposed businesses were not a good fit so close to the Linn-Mar schools.

Rodger Hatcher, of 998 Eastview Avenue, addressed the Commission with his concerns about the proposed uses being proposed so close to the schools.

Kevin Kamp, of 4041 Shady Oak Drive, addressed the Commission in opposition of rezoning the property to straight zoning because it does not require the additional review of the site development plans by the Commission or Council.

Neil Murrin, of 482 Barrington Parkway, addressed the Commission with his concerns that the PD-C zoning was intended to fit with the character of the surrounding neighborhood when developed and he felt that the proposed C-3 zoning did not suggest those same intentions.

Linda Miller, of 4001 North 10th Street, addressed the Commission and stated that she felt that changing the review process for development in this area would be a disservice for the residents in the area.

Gary Young, of 4047 Bruce Road, addressed the Commission and noted that he understood the applicant's interest in speeding up the development process to make for a more competitive commercial area, and then went on to explain that he did have concerns regarding the additional uses that were being proposed with the C-3 zoning.

Tim Mooney, the applicant, addressed the Commission in favor of the request and noted that he did not have a problem with changing the setbacks so they match those allowed in the current PD-C. He also went on to explain that he was in agreement that the allowed uses should remain the same as those uses currently allowed in the PD-C. Mooney identified comments that had been said previously in the meeting that he felt were incorrect and addressed them. He went on to remind the Commission of the regional significance and size of Tower Terrace Road and that he felt this type of commercial was ideal development along a major arterial in Marion that has been in the plans since the 70's.

Mooney added that they were supportive of convenience stores being allowed as a Conditional Use, and also supportive of requiring a colored rendering as part of a building permit for any property in the rezoning area.

Seidl commented that he felt that the conditions agreed upon by Mr. Mooney were a benefit to him by being able to cater to a prospective

developer's timeline, but also a win for the neighborhood because of the additional standards required of new developments.

AbouAssaly asked if Mr. Mooney would consider limiting hours of operation of future businesses. Mr. Mooney replied that the only use that he anticipated needing 24-hour operation would be a convenience store, and that he already agreed to allow them as a Conditional Use which required review by the Planning and Zoning Commission and the Zoning Board of Adjustment.

AbouAssaly noted that it was not a question to him that this property should be zoned commercial, but his concern was with how intense of commercial was a good fit for the neighborhood.

Bell asked why the C-3, with conditions was being proposed instead of C-1 which is noted as Neighborhood Commercial. Mr. Mooney replied that restaurants serving alcohol were the main difference between the proposed zoning and C-1.

Tom Mark addressed the Commission again and noted that the C-2 District allowed restaurants serving alcohol, but prohibited drive in and drive thru services, which he noted was currently allowed under the PD-C zoning.

Patricia Tracey, of 350 Irish Drive, addressed the Commission and stated she would like to see C-1, Neighborhood Commercial approved for this property, and also wanted to see a buffer yard that was larger than 15 feet for the future lots.

With no further comments, the Public Hearing was closed at 8:20pm.

AbouAssaly asked if this would be setting a precedent to get rid of PD-C zoning. Pelley commented that the City of Cedar Rapids was looking into getting rid of the typical Planned Development review, and creating something that could be reviewed and approved on a staff level.

Bell commented that in fairness to the surrounding neighborhood, she would like to see this property rezoned to C-1, Neighborhood Commercial.

Golden thanked the people that spoke and thanked the developer for their concessions on the additional conditions. She added that the Commission not only had to look out for the surrounding residents, but also for Marion as a whole, and to make sure that we had a competitive edge on development.

Seidl described potential conditions of approval and asked the Commission and applicant if this was their understanding as well. Mooney replied that he did not want drive-thru services to be a Conditional Use because they are currently not required to be a Conditional Use under the PD-C zoning.

Treharne suggested that Staff redraft a new Ordinance, taking into consideration the items discussed that night, and reconvening in two weeks.

Bell replied that she would rather vote on the item because she felt that the Commission was close to reaching an agreement on the conditions they would like to recommend.

Golden recommended that Staff redraft the Ordinance and have the Commission meet at a special, mid month, meeting.

Mr. Mooney responded that he would like a decision from the Commission that night due to tightening timelines on prospective developments.

Motion by Seidl, seconded by Pelley, to approve CPC Resolution No.13-13 recommending approval of request to rezone property along Tower Terrace Road, between North 10th Street and Alburnett Road from PD-C, Planned Development Commercial to C-3,General Commercial , subject to:

- 1) Striking land uses that were not previously allowed in the PD-C Ordinance.
- 2) Convenience stores and gas stations requiring a Conditional Use Permit.
- 3) Renderings of building design and materials will be required as part of the building permit.
- 4) Setback standards shall be the same as allowed in the PD-C Ordinance.
- 5) Hours of operation between 11pm and 6 am shall be subject to a Conditional Use Permit.
- 6) Height restriction of 3 stories or 45 feet
- 7) Other restrictions previously required in the PD-C Ordinance.

Roll Call

AbouAssaly:	Aye
Bell:	Nay
Neighbor:	Aye
Seidl:	Aye
Pelley:	Aye
Golden:	Aye

Motion passed.

6. PRELIMINARY PLAT.

- a. CPC Resolution No. 13-14 recommending approval of Morris Wood Corner's Plaza Preliminary Plat located east of 35th Street and north of 35th Avenue and south of Tower Terrace Road Extended (Morris Wood LLC).

Motion by Seidl, seconded by Bell, to approve CPC Resolution No. 13-14 recommending approval of Morris Wood Corner's Plaza Preliminary Plat located east of 35th Street and north of 35th Avenue and south of Tower Terrace Road, subject to Staff's recommendation on removal of the driveway access onto 35th Street.

All "Ayes", AbouAssaly abstaining, motion passed.

- b. CPC Resolution No. 13-15 recommending approval of the REVISED Bridge Creek Preliminary Plat located west of Winslow Road north of Tower Terrace Road Extended (Mooney Engle LLC)

Billings presented the staff report and explained the proposed changes to the preliminary plat since it was previously approved.

Mr. Mooney, the applicant addressed the Commission and explained his reasoning for the requested changes to the preliminary plat.

Neighbor noted that he received a call from a woman that had concerns with the project regarding the closure of the current Winslow Road Bridge. Mooney explained the closure of the Winslow Road Bridge would only happen once the new section of Winslow Road would connect to Tower Terrace Road.

Motion by Neighbor, seconded by Bell to approve CPC Resolution No. 13-15 recommending approval of the REVISED Bridge Creek Preliminary Plat located west of Winslow Road north of Tower Terrace Road Extended.

All "Ayes", Pelley abstaining, motion passed.

Mooney joined the meeting at 9:12pm.

7. FINAL PLATS.

- a. CPC Resolution No. 13-16 recommending approval of Country Club Estates 8th Addition Final Plat (not consistent with approved preliminary plat) for property located east of Alburnett Road and on either side of West Williams Drive Extended and Bent Creek Drive Extended (CCE LLC)

Hockett presented the staff report and familiarized the Commission with the request.

Mooney noted that the developers in this area should work together to create a larger and better planned detention system.

Kevin Kamp of 4041 Shady Oak Drive addressed the Commission and noted that as the planning for this area continues, he would like the developer to consider not allowing Williams Drive to be connected directly with West Williams Drive.

Motion by Mooney, seconded by Neighbor to approve CPC Resolution No. 13-16 recommending approval of Country Club Estates 8th Addition Final Plat (not consistent with approved preliminary plat) for property located east of Alburnett Road and on either side of West Williams Drive Extended and Bent Creek Drive Extended.

All "Ayes", motion passed.

- b. CPC Resolution No. 13-17 recommending approval of Obando's First Addition Final Plat (Linn County) located west of Highway 13 and north of 35th Avenue (Drango Family Farms LLC)

Hockett presented the staff report and explained how Obando's and Vance's Final Plats were related, but required to be separate final plats per Linn County subdivision requirements.

Motion by Bell, seconded by Mooney to approve CPC Resolution No. 13-17 recommending approval of Obando's First Addition Final Plat (Linn County) located west of Highway 13 and north of 35th Avenue.

All "Ayes", motion passed.

- c. CPC Resolution No. 13-18 recommending approval of Vance's First Addition Final Plat (Linn County), located west of Highway 13 and north of 35th Avenue (Drango Family Farms LLC)

Motion by Bell, seconded by Neighbor to approve CPC Resolution No. 13-18 recommending approval of Vance's First Addition Final Plat (Linn County), located west of Highway 13 and north of 35th Avenue.

All "Ayes", motion passed.

8. ZONING CODE AMENDMENT.

- a. Public hearing regarding amending Section 176.31.7 Signs Specifically Prohibited In All Districts, of the Marion Code of Ordinances changing the amount of time allowed for abandoned signs to remain in existence from 6 months to 30 days.
- b. CPC Resolution No13-19 amending Section 176.31.7 Signs Specifically Prohibited In All Districts, of the Marion Code of Ordinances changing the amount of time allowed for abandoned signs to remain in existence from 6 months to 30 days.

Golden opened the public hearing at 8:41pm.

Hockett explained Staff's current abilities to have unused signs removed from vacant businesses and noted that the amendment shortens the time from which a business is vacated to when Staff can enforce the removal of the unused sign.

With no public comment, the public hearing was closed at 8:45pm.

Motion by AbouAssaly, seconded by Mooney to approve CPC Resolution No13-19 amending Section 176.31.7 Signs Specifically Prohibited In All Districts, of the Marion Code of Ordinances changing the amount of time allowed for abandoned signs to remain in existence from 6 months to 30 days.

All "Ayes", motion passed.

9. ZONING CODE UPDATE.

- a. Discussion regarding zoning districts A-1, Rural Restricted through I-2, General Industrial.

No discussion was had.

10. OTHER BUSINESS

None.

11. ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Nick AbouAssaly, Secretary