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1. CALL TO ORDER.

Chairman Kern called the regular monthly meeting to order at 6:01pm.

2. ROLL CALL.

Members Present: Arenholz, Kern, Moomey, Seidl, Proper, Schramm

Members Absent: Budde, Moorman

Staff Present: Treharne, Hockett, Behrens, Billings, Barkalow

3. MINUTES.

a. Planning and Zoning – March 12, 2019

Motion to approve, Arenholz, second Moomey. All eyes motion carried.

4. CITIZEN PRESENTATIONS

None.

5. DIRECTOR'S REPORT

Treharne addressed the Commission and noted that the comprehensive plan amendment was only the Comprehensive Plan and Land Use map, not for zoning amendments. Those will be brought forward at the next Planning Commission meeting, with a similar notice being sent out at that time.

6. MARION CENTRAL CORRIDOR DISTRICTS PLAN – CITY OF MARION

a. Public hearing regarding the Marion Central Corridor Districts Plan for property between 2<sup>nd</sup> Street and 31<sup>st</sup> Street and 5<sup>th</sup> Avenue and 9<sup>th</sup> Avenue.

Treharne gave a brief history of the planning involved for the central corridor which goes back about a decade. He noted the construction that has, is and will be taking place because of those plans. He noted that the item tonight recognizes the 6<sup>th</sup> Avenue construction with an understanding of commercial and residential uses changing in the area to recognize the redevelopment potential.

He then provided a summary of the Marion Central Corridor Districts Plan with the existing zoning map, proposed zoning map, district regulations, parking requirements, and proposed land uses.

Seidl asked about clarification on the potential closure of 11<sup>th</sup> Street. Treharne noted that at one time the closure between 5<sup>th</sup> and 6<sup>th</sup> Avenues was discussed at the Council but not being proposed at this time. Seidl then asked about north of 7<sup>th</sup> Avenue. Treharne replied that there is no plan to open 11<sup>th</sup> Street north of 7<sup>th</sup> Avenue, potentially extending that pedestrian area north to be in line with the Uptown Artway.

Kern stated that 8 zoning districts are being proposed and asked how many current zoning districts exist. Treharne replied, with the help of Hockett, that there were 9 current districts today.

Kern opened the public hearing for public comment. No comments for or against.

- b. CPC Resolution No. 19-17 recommending adoption of Marion Central Corridor Districts Plan for property between 2<sup>nd</sup> Street and 31<sup>st</sup> Street and 5<sup>th</sup> Avenue and 9<sup>th</sup> Avenue. (City of Marion)

Motion by Seidl, seconded by Moomey to approve CPC Resolution No. 19-17 recommending adoption of Marion Central Corridor Districts Plan for property between 2<sup>nd</sup> Street and 31<sup>st</sup> Street and 5<sup>th</sup> Avenue and 9<sup>th</sup> Avenue.

Roll Call:

Arenholz	Aye
Schramm	Aye
Proper	Aye
Kern	Aye
Moomey	Aye
Seidl	Aye

All Ayes, Approved.

## 7. ZONING CODE AMENDMENT – CITY OF MARION

- a. Public hearing regarding amendments to Chapter 176, Zoning Regulations of the Marion Code of Ordinances and adopting the Central Corridor Zoning Districts. (City of Marion)

No staff report, Tom already covered this while discussing the Marion Central Corridor Districts Plan.

Kern opened the public hearing. No comments for or against the item.

- b. CPC Resolution No. 19-18 recommending approval of an amendment to Section 176.04, Establishment of Districts & Maps of the Marion Code of Ordinances to include Central Corridor Zoning Districts. (City of Marion)

Motion by Arenholz, seconded by Proper, to approve CPC Resolution No. 19-18 recommending approval of an amendment to Section 176.04, Establishment of Districts & Maps of the Marion Code of Ordinances to include Central Corridor Zoning Districts.

Roll Call:

Arenholz	Aye
Schramm	Aye
Proper	Aye
Kern	Aye
Moomey	Aye
Seidl	Aye

All Ayes, Approved.

- c. CPC Resolution No. 19-19 recommending the repeal of Section 176.50, Central Corridor Interim Development Overlay and re-establish as Marion Central Corridor Zoning Districts. (City of Marion)

Motion by Moomey, seconded by Schramm, to approve CPC Resolution No. 19-19 recommending the repeal of Section 176.50, Central Corridor Interim Development Overlay and re-establish as Marion Central Corridor Zoning Districts.

Roll Call:

Arenholz	Aye
Schramm	Aye
Proper	Aye
Kern	Aye
Moomey	Aye
Seidl	Aye

All Ayes, Approved.

8. FINAL PLAT – SEVENTH AVENUE COMMERCIAL 3<sup>RD</sup> ADDITION - GLD PROPERTIES, LLC
- a. CPC Resolution No. 19-20 recommending approval of Seventh Avenue Commercial 3<sup>rd</sup> Addition Final Plat for property located at 2791 7<sup>th</sup> Avenue. (GLD Properties LLC)

Hockett noted that he would be presenting items number 8 and 9 at the same time because the project is interrelated. He familiarized the Commission with the location and the details of the final plat. He then went on to describe the proposed site plan discussing landscaping,

parking, access, and drive-thru. He then displayed proposed building elevations that are in line with the requirements of the Interim Development Overlay, noting significant features of the building.

He noted that drive-thru and sign conditions noted in his staff report will be addressed before this item goes to the City Council. Moomey asked how they worked the escape lane into the plan. Dave explained, the wider drive-thru lane providing for an escape opening prior to the window.

Motion by Arenholz, seconded by Moomey, to approve CPC Resolution No. 19-20 recommending approval of Seventh Avenue Commercial 3<sup>rd</sup> Addition Final Plat for property located at 2791 7<sup>th</sup> Avenue.

All Ayes, motion passed.

9. CENTRAL CORRIDOR INTERIM DEVELOPMENT OVERLAY – GLD MULTI-TENANT COMMERCIAL DEVELOPMENT PLAN – GLD PROPERTIES, LLC

- a. CPC Resolution No. 19-21 recommending approval of the Central Corridor Interim Development Overlay review regarding the GLD Multi-Tenant Commercial Development Plan located at 2791 7<sup>th</sup> Avenue. (GLD Properties LLC)

Motion by Proper, seconded by Arenholz, to approve CPC Resolution No. 19-21 recommending approval of the Central Corridor Interim Development Overlay review regarding the GLD Multi-Tenant Commercial Development Plan located at 2791 7<sup>th</sup> Avenue.

All Ayes, motion passed.

10. COMPREHENSIVE PLAN AMENDMENT

- a. Public hearing regarding an amendment to the Marion Comprehensive Plan establishing Airport and Airport Overlay designations.

Billings gave a presentation regarding the amendment to the Comprehensive Plan related to establishing Airport and Airport Overlay designations. In 2016/2017 the City went through a planning process and looked at how the airport exists today and future development of the airport/runway. Billings stated that there is nothing in the budget today for the expansion of the east/west runway, but we are planning for the future. She mentioned that the Comprehensive Plan does not get into the details of height limitations or bulk setbacks but lays the groundwork for the airport land use. She talked about the Airport and Airport Overlay and how they are designated within the Plan. Billings went on to show the Future Land Use Map of the Comprehensive Plan and how the Airport and Airport Overlay would be designated on the map.

Schramm asked about the trail and how it fits in with the airport runway. Billings responded that conversations have not been fully had regarding the details of what will happen to the trail. Treharne stated that the Comprehensive Plan identifies land uses and the airport is being added to the Plan; as shown on the Future Land Use Map, the City has identified uses across the community. He also mentioned that this is the document that the City will look at for guidance as the City grows and the zoning is the regulatory aspect which will be looked at as rezoning requests and development comes forward.

Treharne also mentioned that staff is working with Linn County on this Plan as the Comprehensive Plan does extend beyond the municipal boundaries of the City. Kern asked for clarification of the current City boundaries. Billings showed on the map where the current boundary lines are located.

Arenholz asked about the extent of the Airport Overlay area. Billings brought up the different areas/zones within the Airport Overlay and that some areas would be more impacted than others.

Treharne mentioned that when annexations come in, we use the Comprehensive Plan as guidance for those properties. We know that the airport will impact areas outside of the City limits and that is why we are planning for beyond our boundaries. He mentioned that staff has been and will continue to work with Linn County in regard to the airport.

Kern left the meeting at 7:11pm. Moomey stepped in as the Chairperson designee as the Vice Chairperson was not present.

Moomey opened the public hearing at 7:12pm.

Frank Sherman, 4170 Canton Court, stated that it is important to plan around the airport as it is a complex issue and he is in favor of the amendment. His only recommendation is that a 3D map would be generated to help explain the various height and slope limitations.

Nick Glew, President of Marion Economic Development Corporation, is supportive of the Plan because it brings clarity to his job involved with community development. He stated MEDCO Holding Company owns property by the airport and even without formal zoning regulations, as development occurs they are cognizant of the airport.

Spencer Jordon, 1493 Martin Creek Road & 2124 Marak Lane, stated he did not get notified and asked who was notified. Billings commented that staff notified property owners based on the primary surface and RPZ, which are the more protected and restricted areas. Jordon stated that a grain leg is something that a lot of farmers use, and this Plan would limit the use of those farms within 14,000 feet of the airport. He explained that he is looking into

expanding his farm similar to Bloomsbury Farm and the Plan doesn't allow for large gatherings of people.

Proper asked how tall are grain legs. Jordon said that the can start at 150' – 250'.

Seidl asked if there are any alternatives to a permanent structure or have there been thoughts on using temporary grain legs. Jordon said that those are more augers, but the legs are permanent structures.

Arenholz asked if the FAA ever grants height allowances for permanent structures depending on their location. Billings stated that the FAA reviews the proposed project that would exceed the height requirements; from our understanding lights would need to be added on top. Treharne mentioned that items currently being asked would be laid out in the zoning regulations and how those items are addressed. He said that we have a draft of the zoning but are still working through how reviews of height restrictions would be laid out.

Moomey asked if the overlay just lays the groundwork for the property and about congregation rules. Treharne stated that within the airport guide book it mentions large gatherings, and this would be addressed within the zoning.

Bill McCartan, Bradley & Riley on behalf of Atlas Limited Partnership Company, they believe the Plan primarily benefits one land owner and that is the airport developer and associated facilities. He mentioned that the location of the expanded airport in the middle of a commercial area that is already developed is unrealistic. He touched on costs associated with buying surrounding land, grading of the varying topography, mitigating the wetlands, that the IA DOT has stated they will not fund the expansion of the Marion Airport, and this project would never receive Federal funding do to the proximity of the Cedar Rapids airport. It imposes a permeant and sweeping land use restrictions for a project that will never happen and is 20-30 years off. He does not agree with the Commission being asked to approve the Comprehensive Plan amendment without knowing the details associated with the zoning.

Seidl, asked where Atlas is located in proximity to the airport. McCartan pointed out their location on the Future Land Use Map. Seidl asked what the current usage is of the land. McCartan stated that it is being used as agriculture. Seidl made mention of the hanging bog near the trail adjacent to the airport and would like additional information regarding the wetlands. He commented that the 3D map mentioned by Frank Sherman would be intriguing to see.

McCartan mentioned that his client did voluntarily annex into the City many years ago with the promise that his client would have a flexible zoning classification that would allow a variety of uses like residential and commercial and that his client would lose most of those

uses. His client would not have annexed knowing that zoning would be limited. He mentioned that you cannot just bury a trail or run through an airport.

Moomey asked staff if there would be any immediate limitations if the land use would be approved. Treharne stated no. Moomey asked for verification that the Commission is there to vote on the overlay district for the airport plan whether they agree or not with the plan itself. Treharne responded that the item on the agenda is for land use and that all the restrictions on height, overlay, easements, litigations of property will come with the zoning. He stated that there is a separate review process with a public hearing. Moomey asked for clarification about the land purchases and stated that these decisions would be made by the Airport Commission and City. Treharne commented that land acquisitions are handled at the City Council level and they should not bear on the Commission's decision to make determinations on land use designations being proposed. Treharne mentioned that the City has mitigated wetlands throughout the Corridor. It is not out of the ordinary to buy wetland credits and to mitigate wetlands. He also commented that the Commission's role is as a recommending body to the Council.

Seidl asked if there is any urgency to move forward tonight on this item as he would like more information as he is in favor of expanding the airport but wants to feel comfortable with the recommendation made. He mentioned the hanging bog and would again like to know more information before moving forward.

Arenholz asked about the extension of the airport. Treharne noted that we are planning for the future and are providing a general guidance on how to proceed as a community. There are questions as to the property outside of our jurisdictions in regard to land use, we are just trying to provide guidance.

Mark Barnd, 1597 Secrist Road, wanted to share information about the bog Seidl had mentioned. He stated that he had gone to an airport meeting a couple years ago when they had showed a map showing the airport crossing the bog and wonders if anyone has physically looked to see what is out there because the elevation falls off drastically. He also asked the Commission to think about the questions they have and not to vote like everyone else, but to really think about it.

Laurie Copper, 2145 Marak Lane, asked the Commissioners to think about the decisions they are making and work with Linn County and the farmers. They need to find out about the impacts to the people that are in the affected area. She stated at the initial proposal meeting there was mention that the expansion was for economic development to allow cargo planes and there was currently enough area for small jets. She stated that last fall Cedar Rapids received an 8.8 million dollar grant for cargo expansion to their airport and that Cedar Rapids currently has open hangers for jets.

Closed public hearing at 7:48pm.



Arenholz asked if the length of the proposed runways would be able to handle a jet service. Treharne stated that a single engine small plane would be the largest plane that could land. The expansion is to accommodate smaller planes and not for cargo or passenger type planes; support for this is within the Airport Layout Plan. He stated that it is not the desire of the city to be in competition with a commercial airport like Cedar Rapids.

Schramm asked about getting a 3D map. Treharne stated that staff could provide that during the discussion of zoning specifics. He mentioned that none of the regulations would come from the amendment of the Comprehensive Plan but would be very specific to the zoning regulations.

Proper asked about the order of approving the overlay prior to the zoning. Treharne stated that the amendment to the Comprehensive Plan sets the stage for the zoning overlay districts. Currently we are identifying the area the airport would impact and have identified the location of the airport as stated within the Airport Layout Plan (ALP). The amendment to the Comprehensive Plan sets the stage for the rezoning, just like any rezoning request. He stated that since the City acquired the airport and has proceed to prepare the ALP, applied for and received grants from the State to update the Comprehensive Plan to identify the airport as a public asset and to protect the investment by the State and City within the airport. Proper asked about height restrictions within the zoning and if those would be dictated by the FAA. Treharne responded that we are using guidance from the State and FAA with zoning regulations. Proper asked if that would affect current farmers that have grain legs. Treharne commented that if they are exceeding the height limitations of the expansion within the overlay they would be allowed to exist as a legal non-conforming use. Survey work would need to be performed to determine penetration of the easement and the FAA would then provide guidance on how to proceed. Proper asked if that would be at the expense of the landowner. Treharne stated that it would be an expense of the City for the work required.

Moomey asked if the zoning would be brought forward at the next meeting. Treharne stated that it's the hope to bring the zoning forward at the next meeting and that currently we have a draft in place.

Seidl mentioned that he was looking at a map from a previous meeting which shows the runway stopping at Hindman Road and the 3D restrictions that would apply to different areas and how the restrictions of height are at a lower level at the end of the runway and get higher as it goes out. It provides an idea of the ascending level of restrictions in respect to the runway. He still has questions regarding the airport layout and the possibility of wetland mitigation.

Moomey mentioned tabling the item until next month. Seidl mentioned that he is comfortable with tabling the item if there could be discussion regarding questions brought up at the meeting prior to the next meeting.



Seidl made a motion to table the item contingent on having a discussion prior to the next month's meeting so they can have more information regarding property uses and the immediate impact.

Moomey asked if it is voted down what would happen next. Treharne stated that the item would move forward to the City Council with the Commission's recommendation.

Proper said she does have a concern regarding the agricultural land and owners.

- b. CPC Resolution No. 19-22 recommending approval of an amendment to the Marion Comprehensive Plan establishing Airport and Airport Overlay designations.

Seidl moved to table the CPC Resolution No. 19-22 recommending approval of an amendment to the Marion Comprehensive Plan establishing Airport and Airport Overlay designations with the expectation that there if further discussion prior to next month's meeting. Proper seconded.

Roll Call:

Arenholz	Nay
Schramm	Aye
Proper	Aye
Moomey	Aye
Seidl	Aye

4-1, Approved to Table.

## 11. ADJOURN

There being no further business the meeting was adjourned at 8:01pm.

Respectfully Submitted,

Amanda Proper, Secretary