

**MINUTES**  
**Planning and Zoning Commission**  
**April 8, 2014**

1. CALL TO ORDER

The regular monthly meeting was called to order by Chair Bell at 6:06pm.

2. ROLL CALL

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

3. MINUTES.

- a. Planning and Zoning – March 11, 2014
- b. Zoning Board of Adjustment – No Meeting
- c. City Council March 6 & 20, 2014

Motion by Mooney, seconded by Budde to approve the minutes of the March 11, 2014 Planning and Zoning Commission meeting.

All "Ayes" motion passed.

4. CITIZEN PRESENTATIONS

None

5. DIRECTORS REPORT

Treharne noted Staff has received a Site Plan for Fiberight which is a big project for the City. Also, the City is looking into a branding initiative that will be a marketing tool for the City. Agreements with property owners adjacent to Irish Drive are going before the City Council for approval so the road can be constructed. Additionally, the City will be contracting for engineering services for the design of the Central Corridor project from 13<sup>th</sup> Street to 31<sup>st</sup> Street.

Treharne noted that the Master Trial Plan is coming together and Billings would provide an update at the next month's Commission Meeting.

6. M & W VENTURES, LLC / GEMSTONE ESTATES ADDITION.

- a. Public hearing to amend the Marion Land Use Map from Single-Family Detached Residential to Single-Family Attached Residential for property located west of 35<sup>th</sup> Street and north of Tower Terrace Road extended (M & W Ventures, LLC).

Bell opened the Public Hearing at 6:12pm.

Hockett requested to present all the related submittals in one presentation. The Commission agreed.

Hockett presented the staff report and provided further detail on the comprehensive map amendment request.

Mooney asked for clarification that a Comprehensive Plan amendment is a sometimes common request for green space development to allow for a mix of uses. Hockett concurred that it was. He went on to explain that much of the outlying areas of Marion are identified as single family detached residential as a holding area so that developers have to come before the Commission and Council with concepts that would require a change to the land use.

Gadelha asked what the average demographic was for the buyers of the proposed residential units. Hockett noted that was a question best answered by the applicant.

Hockett went on to explain the rezoning request and compare the requested zoning to similar developments in Marion. Hockett went on to provide descriptions of the existing conditions of the proposed development area as well as the surrounding property uses. He then went on to explain the proposed transportation network of the preliminary plat and what the effects would be with the closure of Indian Creek Road.

Jed Schnoor, the applicant's engineer, addressed the Commission and offered to answer any questions.

Todd Wood, of M&W Ventures, LLC, addressed the Commission and provided their reasons for seeking the specific zoning designations they did. He noted that the site plan identifies the most dense development option they foresaw building, but it would most likely be less dense.

Jon Morris, of M&W Ventures, LLC, addressed the Commission and noted that their future development plans have changed over the years due to the realignment of Tower Terrace Road. He noted that the higher density units proposed next to Tower Terrace Road was done with purpose.

Kathy Davis, of 3925 Brookside Drive, asked for an explanation of the difference between the change in zoning and the change in land use map. Treharne provided the explanation for the Commission and the audience.

Ms. Davis commented that the current 4-plex units in The Villas on 35<sup>th</sup> subdivision were not a favorable design to have next to the established \$300,000-\$400,000 homes on Brookside Drive. She felt that although the higher density units were currently condos, that they would eventually be converted to rental units. Mr. Morris replied that the restrictive covenants approved when the subdivision is created will restrict any of the units becoming rental units unless it is agreed upon by the entire homeowners association.

Jerry Vuichard, of 3649 Brookside Drive, explained to the Commission that he felt this area was getting saturated with condominiums and multi-family housing. He noted that he would rather see single-family homes developed in this area. He stated that he was opposed to the Land Use Map amendment.

Rick Krusie, of 4199 Brookside Drive, noted that he was on the recommendation committee for the Neighborhood at Indian Creek Plan. He suggested that the 200-year old oak tree be kept and enhanced with additional tree plantings. He suggested that the City and developer work with the existing homeowners instead of against them to create a better flow of development next to the existing homes.

Mark Brower, of 4145 Brookside Drive, asked if he could be allowed to review the detention basin calculations for the subdivision. Andresen replied that the developer is not required to turn those in until after the preliminary plat is approved. Andresen noted that he would be happy to share those when they are submitted. He noted that he did object to lots 59 and 60 on the preliminary plat being developed as attached residential. He noted that he would rather see those developed as single-family houses.

Don Stulken, of 4018 Brookside Drive, addressed the Commission and suggested that the proposed density be lessened and that the Commission ensure that the proposed row of single family homes never be allowed to be developed more dense.

Marilyn Brower, of 4145 Brookside Drive, suggested that the developer should include some open space or park space as part of the development because of the potential for families with children to purchase the proposed units. She went on to explain that she thought a bald eagle had nested in the old oak tree and concurred with Mr. Krusie that it should be kept.

Roger Cousins, of 3650 Brookside Drive, addressed the Commission and noted that he was also on the Neighborhood at Indian Creek Steering Committee and was involved with the land use designation of single family for the area. He noted that he would like the area kept as single-family detached residential.

Jane Hawley, of 4091 Brookside Drive, informed the Commission she had moved Brookside Drive in August of 2013 and enjoyed the current view from her house as a quality of life issue. Although she did not want to see the area developed, she wouldn't mind if the area were developed with similar sized lots as her own. She noted that she did not want to see any type of multi-family units developed in this area.

Paul Vanourny, of 4065 Brookside Drive, addressed the Commission and specified that there should not be anything other than single-family homes too far away from Tower Terrace Road.

Tim McLaren, of 3060 15<sup>th</sup> Avenue, noted that he owned a vacant lot on Brookside Drive and desired single-family development and opposed multi-family units in the area.

With no additional comments, the public hearing was closed at 7:13pm.

Mooney clarified to the audience that apartments have never been proposed by the developer, further stipulated in the restrictive covenants that apartments will not be allowed in the development. He further clarified that there will be single-family residential adjacent to all of the properties that back up to Indian Creek Road. He felt that multi-family development was a good fit along Tower Terrace Road which is proposed to be a major arterial through the City. He pointed out to the audience that Hunters Ridge development included 4-unit condominiums that backed up to large single family homes.

Gadelha noted that although she thought the zoning did transition well, she would have liked to see larger lots backing up to the Brookside Drive subdivision. She also noted that she thought something different should be done with lot 59 on the preliminary plat. She stated that she lived in a neighborhood that was close to Tower Terrace Road and she understood that Marion is a growing community and things are going to be developed around her.

Bell stated she was not in favor of changing the land use plan.

Gadelha asked if the decision about what goes on lot 59 needed to be made with the land use map amendment, or the rezoning. Mooney stated that it could be done with the rezoning.

Mr. Wood clarified that the units were proposed to be duplexes on lot 59, but he was willing to downgrade the zoning to R-3. Treharne clarified that it would not change the proposed land use map amendment.

- b. CPC Resolution No. 14-05 recommending approval of the request to amend the Marion Land Use Map from Single-Family Detached Residential to Single-Family Attached Residential for property located west of 35<sup>th</sup> Street and north of Tower Terrace Road extended. Case # 14-01LU

Motion by Mooney, seconded by Gadelha, to approve CPC Resolution No. 14-05 recommending approval of the request to amend the Marion Land Use Map from Single-Family Detached Residential to Single-Family Attached Residential for property located west of 35<sup>th</sup> Street and north of Tower Terrace Road extended.

Roll Call:

Budde	Aye
Pelley	Aye
Gadelha	Aye
Mooney	Aye
Bell	Nay

Motion passed.

- c. Public hearing regarding a request to rezone property located west of 35<sup>th</sup> Street and north of Tower Terrace Road extended from A-1, Rural Restricted to R-2, Medium Density Single-Family Residential, R-3, Two-

Family Residential and R-4, Four-Family Residential (M & W Ventures, LLC).

Bell opened the Public Hearing at 7:25 pm.

Jerry Vuichard, of 3649 Brookside Drive, addressed the Commission in opposition of the request. Mr. Vuichard asked if the Commission could include specific price points for the future houses as a condition of approval. Treharne replied that the Commission could not legally put a specific price point on future development. Mr. Vuichard asked if minimum house sizes could be established. Mr. Morris noted that they will have minimum house sizes of 1,600 square feet for the main level. Mr. Vuichard requested that the property owners on Brookside Drive have the opportunity to purchase the Indian Creek Road right-of-way when the road is vacated. Mr. Vuichard also requested that setbacks be established for the new houses. Hockett replied that setbacks required in the Zoning Ordinance and an existing easement would not allow new homes to be closer than 30 feet from the back property line along the former Indian Creek Road right-of-way. Mooney further explained that the homes would most likely be built as close to the front property line as allowed in the Zoning Ordinance, allowing for an even greater separation from the homes along Brookside Drive.

Mr. Vuichard asked for an explanation on how the drainage will be handled. Andresen pointed out that the owners on Brookside Drive will experience less water drainage from this area after it is developed since the developer will grade the site with that goal in mind.

Harry Hawley, of 4091 Brookside Drive, addressed the Commission in opposition of the request and asked for clarification on how half of the road right-of-way for Indian Creek Road was allowed to be included with the proposed plat. Hockett explained that since the proposed development had never been platted, the road right-of-way had never been dedicated to the City or County. Hockett added that the City has yet to decide what to do with the portion of property that had already been dedicated to the public. If the road were vacated, the property could be sold to adjacent owners and the sheet he handed out to the property owners listed the price they would pay to purchase the vacated right-of-way. Mr. Hawley noted that he would like the opportunity to purchase the right-of-way behind his property.

Kathy Davis, of 3925 Brookside Drive, addressed the Commission and asked for further clarification on how the right-of-way adjacent to the Brookside properties was dedicated. Hockett explained the process for which right-of-way is dedicated to the public. Ms. Davis then asked the Commission if they would not allow four-plexes to be built on the R-4 zoning.

Roger Cousins of 3650 Brookside Drive, asked that the lots on the southwest side of the proposed plat only be allowed to be developed as single family.

Mr. Morris addressed the audience and explained similar subdivisions that they have developed that have been successful. He names specific

locations that the neighborhood could visit for an idea of the types of homes they were proposing to build.

Mooney asked Mr. Morris to clarify what the proposed front yard setbacks on the proposed houses would be. Mr. Morris responded that most developers build at the minimum setback of 25 feet, but depending on difficult topographical conditions, they may build as far back at 30 feet. Mooney asked if the developer would be willing to put a maximum front-yard setback of 30 feet on the proposed development. Mr. Morris agreed.

Mooney asked what the square footage would be on the two-story homes. Mr. Morris replied that similar homes built on Par Circle have minimum square footages of 1,600 square feet written into the restrictive covenants. Mooney asked for confirmation that the developers would be agreeable with single family homes be constructed on lot 59. Mr. Wood agreed.

Pelley noted that he disagreed with requiring single family homes to be built on lot 59. He noted that condominiums are an acceptable means of residence in this area and that they can intermingle with single family homes very well.

With no further comment, the public hearing was closed at 7:54pm.

- d. CPC Resolution No. 14-06 recommending approval of the request to rezone property located west of 35<sup>th</sup> Street and north of Tower Terrace Road extended from A-1, Rural Restricted to R-2, Medium Density Single-Family Residential, R-3, Two-Family Residential and R-4, Four-Family Residential. Case # 14-01R

Motion by Mooney, seconded by Gadelha, to approve CPC Resolution No. 14-06 recommending approval of the request to rezone property located west of 35<sup>th</sup> Street and north of Tower Terrace Road extended from A-1, Rural Restricted to R-2, Medium Density Single-Family Residential, R-3, Two-Family Residential and R-4, Four-Family Residential.

Roll Call:

Pelley	Aye
Budde	Aye
Gadelha	Aye
Mooney	Aye
Bell	Nay

Motion passed.

Motion by Mooney, seconded by Gadelha, to amend CPC Resolution No. 14-06 to include conditions noted in Exhibit C of the Staff Report, a limit of no more than 137 residential units be allowed in the subdivision, and that a only a single family residence be allowed on Lot 59 of the preliminary plat.

Roll Call:

Pelley	Aye
Budde	Aye

Gadelha	Aye
Mooney	Aye
Bell	Nay

Motion passed.

- e. CPC Resolution No. 14-07 recommending approval of Gemstone Estates Addition Preliminary Plat located west of 35<sup>th</sup> Street and north of Tower Terrace Road extended (M & W Ventures, LLC). Case # 14-02

Roger Cousins of 3650 Brookside Drive, addressed the Commission and noted that the Sattler development south of Tower Terrace Road was proposed as duplexes and is being built as single-family and it is a very nice looking subdivision.

Mooney asked staff if he could approve the put a condition on the preliminary plat requiring Lot 59 to be developed with a single-family home. Treharne replied that it would be best to have that done with the zoning, rather than having a use condition on a preliminary plat.

Motion by Mooney, seconded by Gadelha, to approve CPC Resolution No. 14-07 recommending approval of Gemstone Estates Addition Preliminary Plat located west of 35<sup>th</sup> Street and north of Tower Terrace Road extended (M & W Ventures, LLC).

Roll Call:

Gadelha	Aye
Budde	Aye
Pelley	Aye
Mooney	Aye
Bell	Nay

Motion passed.

## 7. ZONING CODE UPDATE.

- a. Public hearing regarding an amendment to Section 176, Zoning Regulations of the Marion Code of Ordinances, more specifically to remove Section 176.38, Major Streets from the Chapter.

Bell opened the Public Hearing at 8:09pm.

Treharne presented the staff report and identified the conflicts that arise with the Major Streets Section in the Zoning Ordinance. Instead of getting rid of the Section, it will immediately be incorporated into the Subdivision Ordinance.

With no further comment, the public hearing was closed at 8:12 pm.

- b. CPC Resolution No. 14-08 amending Section 176.38, Major Streets of Chapter 176, Zoning Regulations of the Marion Code of Ordinances by removing the section in its entirety.

Motion by Gadelha, seconded by Pelley, to approve CPC Resolution No. 14-08 amending Section 176.38, Major Streets of Chapter 176, Zoning Regulations of the Marion Code of Ordinances by removing the section in its entirety.

Roll Call:

Mooney	Aye
Budde	Aye
Gadelha	Aye
Pelley	Aye
Bell	Aye

Motion passed.

- c. Discussion regarding Chapter 151, Manufactured/Mobile Home Communities.

Treharne noted that he would put the current regulations in DropBox. He added that he felt new Manufacture/Mobile Homes should be regulated by Planned Development Ordinances with requirements incorporated into the Zoning Ordinance. He noted that staff intends to modify portions of the current section when it gets incorporated into the Zoning Ordinance.

## 8. OTHER BUSINESS.

Bell requested that all agendas and staff reports be provided to the Commission in DropBox in the future. Gadelha noted that she still wanted a paper copy of the information though. Treharne agreed that would be done.

Gadelha asked for clarification on how new subdivisions are addressed. Treharne noted that it is based on location in the City. He suggested she sit down with Hockett to go over how that is done.

## 9. ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Tim Mooney, Secretary