

**MINUTES**  
**Planning and Zoning Commission**  
**June 10, 2014**

1. CALL TO ORDER.

The regular monthly meeting was called to order by Chair Bell at 6:00pm.

2. ROLL CALL.

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

3. MINUTES.

- a. Planning and Zoning - May 13, 2014
- b. Zoning Board of Adjustment – May 20, 2014
- c. City Council – May 8 & 22, 2014

Motion by Seidl, seconded by Golden to approve the minutes of the May 13, 2014 Planning and Zoning Commission meeting.

All “Ayes”, motion passed.

4. CITIZEN PRESENTATIONS.

None.

5. DIRECTOR'S REPORT.

Treharne updated the Commission on the approval of the Conditional Use Permit for Marion Iron by the Zoning Board of Adjustment.

6. DUSTIN KERN / PRESTWICK PLACE ADDITION.

- a. Public hearing to amend the Marion Comprehensive Plan and Marion Land Use Map from Single-Family Attached Residential to Single-Family Detached Residential for property located north of 29<sup>th</sup> Avenue, west of 44<sup>th</sup> Street.

Hockett requested to present the Land Use Map amendment, rezoning request, and preliminary plat in a single presentation. The Commission agreed.

Hockett presented the staff report and familiarized the Commission and audience with the location and nature of the request.

Andresen explained how the project would most likely be phased in and what public improvements would be constructed with each phase.

The Public Hearing was opened at 6:23pm by Chair Bell.

Dustin Kern, the applicant, addressed the Commission in favor of the request and informed the Commission that he would be moving into the existing house that will be incorporated into the subdivision. He noted that it was his intent to keep as many of the existing trees as possible. He also clarified that he was not installing a box culvert to get to the north side of the property so there would not be the potential to dam up water during heavy rain events.

J. Pinckney, of 4335 Rec Drive, addressed the commission in favor of the request, but noted that he had a few concerns. Mr. Pinckney asked how the lot would be graded to ensure coordinated contours between the new subdivision and the existing subdivisions. He also asked how dirt and debris from the new construction site would be handled.

Deb Krebill, of 4393 Saratoga Drive, addressed the Commission in favor of the proposed land use map amendment.

Larry Kruger, of 4458 Derby Drive, president of the Briargate Second Home Owners Association, addressed the Commission in opposition of the request. He noted that he was unaware that Churchill Drive was a public street and that it would be extended. He stated the homeowners association was not opposed to the proposed land use, or the zoning designation. He indicated his concerns with the ability of Churchill to be able to accommodate the additional truck traffic associated with developing the subdivision. He also stated his concern for the safety of the neighborhood because of the additional traffic that would be created with the proposed subdivision. Mr. Kruger felt that the neighborhood would be best served if the cul-d-sac were extended from 29<sup>th</sup> Avenue instead of Churchill Drive.

With no further comment, the Public Hearing was closed at 6:44pm.

- b. CPC Resolution No. 14-11 recommending approval of the request to amend the Marion Land Use Map from Single-Family Detached Residential to Single-Family Attached Residential to Single-Family Detached Residential for property located north of 29<sup>th</sup> Avenue, west of 44<sup>th</sup> Street (Dustin Kern). Case # 14-02LU

Motion by Pelley, seconded by Seidl to approve CPC Resolution No. 14-11 recommending approval of the request to amend the Marion Land Use Map from Single-Family Detached Residential to Single-Family Attached Residential to Single-Family Detached Residential for property located north of 29<sup>th</sup> Avenue, west of 44<sup>th</sup> Street.

Roll call:

Budde	Yes
Golden	Yes

Pelley	Yes
Seidl	Yes
Murphy	Yes
Bell	Yes

Motion passed.

- c. Public hearing regarding a request to rezone property located north of 29<sup>th</sup> Avenue, west of 44<sup>th</sup> Street from Undesignated to R-2, Medium Density Single-Family Residential.

The Public Hearing was opened at 6:45pm by Chair Bell.

Dustin Kern, the application spoke in favor of the rezoning.

With no other public comment, the Public Hearing was closed at 6:46pm.

- d. CPC Resolution No. 14-12 recommending approval of the request to rezone property located north of 29<sup>th</sup> Avenue, west of 44<sup>th</sup> Street from Undesignated to R-2, Medium Density Single-Family Residential (Dustin Kern) Case # 14-02R

Motion by Seidl, seconded by Pelley to approve CPC Resolution No. 14-12 recommending approval of the request to rezone property located north of 29<sup>th</sup> Avenue, west of 44<sup>th</sup> Street from Undesignated to R-2, Medium Density Single-Family Residential.

Roll call:

Golden	Yes
Pelley	Yes
Budde	Yes
Murphy	Yes
Seidl	Yes
Bell	Yes

Motion passed.

- e. CPC Resolution No. 14-13 recommending approval of Prestwick Place Addition Preliminary Plat located north of 29<sup>th</sup> Avenue, west of 44<sup>th</sup> Street (Dustin Kern). Case # 14-11

Dustin Kern, the applicant, addressed the Commission in favor of the request and offered to answer any questions regarding the preliminary plat. He explained that the plat proposed to connect to Churchill Drive which was an existing public street and that alternative options, such as extending the cul-de-sac up from 29<sup>th</sup> Avenue, could require the removal of additional trees and create drainage problems.

Seidl noted his concerns for the potential parking limitations around the Churchill Drive loop. Mr. Kern replied that the pie shaped lots may require

the houses to be constructed further back than the 25-foot setback requirement, allowing for more parking in front of the houses.

Seidl asked Mr. Kern if he had prior meetings with the surrounding neighborhood. Mr. Kern replied that he did not, partly because he was proposing to lessen the density of development in the area. He went on to explain that the final grading plan will ensure proper elevations between the subdivisions and that he would have a personal stake in making sure that any construction debris be dealt with quickly.

Seidl asked if the applicant would be open to providing additional parking around the loop. Mr. Kern replied that he would be open to widening a portion of the loop to allow for parking, but it would still be subject to the City's review and approval.

Dave Statezni, of 4418 Derby Drive, addressed the Commission with concerns that at least 25 more cars could be traveling along 44<sup>th</sup> Street and Churchill Drive and create even more of a safety issue than exists today.

Larry Kruger, of 4458 Derby Drive, addressed the Commission and noted that the current resident on the property uses a driveway access off of 29<sup>th</sup> Avenue, which also has a culvert under it. He noted that they would like to see the future street configuration stay the same as the current driveway is.

Motion by Bell, seconded by Pelley to approve CPC Resolution No. 14-13 recommending approval of Prestwick Place Addition Preliminary Plat located north of 29<sup>th</sup> Avenue, west of 44<sup>th</sup> Street.

Roll call:

Golden	Yes
Seidl	Yes
Pelley	Yes
Murphy	Yes
Budde	Yes
Bell	Yes

Motion passed.

## 7. AUTHORS THIRD ADDITION FINAL SITE DEVELOPMENT PLAN.

- a. CPC Resolution No. 14-14 recommending approval of Authors Third Addition Final Site Development Plan located east of 35<sup>th</sup> Street, south of Whitman Avenue extended (Morris Wood Enterprises, LLC). Case #14-14

Billings presented the staff report and gave a brief history of the development.

Seidl identified an inconsistency in the final plat verses the final site development plan.

Jed Schnoor, of Schnoor-Bonifazi, the applicants' engineer, addressed the Commission and noted that the inconsistency was an error and would be corrected prior to City Council review.

Motion by Pelley, seconded by Golden to approve CPC Resolution No. 14-14 recommending approval of Authors Third Addition Final Site Development Plan located east of 35<sup>th</sup> Street, south of Whitman Avenue extended.

Roll call:

Murphy	Yes
Budde	Yes
Golden	Yes
Pelley	Yes
Seidl	Yes
Bell	Yes

Motion passed.

#### 8. ZONING CODE UPDATE.

Treharne noted that he had been working on a section of the proposed update specific to mobile home communities that were left out of the originally proposed draft plan. He indicated that he would put the updates in DropBox.

#### 9. OTHER BUSINESS.

Hockett recommended the Commission visit the City's new website. He stated that the new site is more user friendly and allows staff to upload more information, both long-range planning information and public notification information.

Golden asked for an update on how the Marion Iron site would be vacated and remediated. Hanna Kustes with Abode Construction updated the Commission on the groundbreaking plans for the new Marion Iron site and how the metal sales would change from one property to the other. It is their intent to apply for brownfield funding to help remediate the old Marion Iron site to allow for proper redevelopment.

#### 10. ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Tim Mooney, Secretary