



# Approved

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, November 2, 2022  
City Council Chambers, Historic Federal Building

**Commissioners Present:** Chairperson Matt Mulligan; Commission Members Martha Christ, Becky Kemp, Pat Norton, Rich Russell, Ryan Sempf and Teri Zuccaro

**Commissioners Excused:** None

**Commissioners Unexcused:** None.

**Staff Members Present:** Shena Moon, Travis Schrobilgen and Matt O'Brien

**CALL TO ORDER:** The meeting was called to order by Chairperson Mulligan at 6:00 p.m.

**MINUTES:** Motion by Zuccaro, seconded by Christ, to approve the minutes of the October 5, 2022 meeting. Motion carried by the following vote: Aye – Christ, Kemp, Norton, Russell, Sempf, and Zuccaro; Nay – none; Abstain – Mulligan.

Chairperson Mulligan recused himself for the review of the Preliminary Plat of Mozena Farms.

**ACTION ITEM/PRELIMINARY PLAT:** Application of Axiom Consultants, LLC to approve the Preliminary Plat of Mozena Farms.

Vice Chair Russell stated there will be a 15-minute public comment period to allow for questions and answers of the applicant, staff and the Commission with an additional 5-minute period for any follow-up questions.

Matt Mulligan, 1167 Hunters Ridge, spoke on behalf of Switch Homes. He provided summary of the plat layout and the recent history of the property having undergone a rezoning review. He stated that the City Council conditionally approved the rezoning by requiring a traffic study be completed. He stated the traffic study is completed and approved by City Engineering. He read into the record a paragraph from the executive summary which specifically pertained to the capacity of Tiffany Court to accommodate the increased number of vehicle trips. He stated the project originally included 105 homes and after they shifted the entry point to the west, four lots were lost to the development of acceleration and deceleration lanes on NW Arterial.

Commissioner Norton asked which phase the right-in/right-out on the Northwest Arterial would be constructed. Mr. Mulligan stated it will be included in phase one which will include the lots along the north side of the development. He stated that everything to the south of the retention ponds will be phase 2.

Staff Member Moon detailed the staff report, noting the submitted Plat of Survey of Mozena Farms. Moon provided history of project outlining the rezoning approval which included a condition requiring a traffic study be completed. She stated that a traffic study was completed and has been reviewed and accepted by the City's Engineering Department. She noted that the task before the Commission was to verify that the Preliminary Plat meets City Code and the goals of the Comprehensive Plan. She detailed that staff had received letters requesting to speak on the item and she also read a letter from Eric Lucy, 2736 Tiffany Court into the record per his request, which outlined his concern that potential future adjacent development was not considered in the Traffic Impact Study.

Vice Chair Russell opened public input.

Chad Cox, 2724 Tiffany Court, spoke in opposition highlighting his concerns regarding the traffic impact the proposed preliminary plat and development would have on Tiffany Court. He noted the traffic study shows that three quarters of traffic from the Mozena Farms development will funnel onto Tiffany Court thereby resulting in an additional 800 vehicle trips on the street daily. He requested the plat not to be approved unless better access is provided along the NW Arterial and 32<sup>nd</sup> Street.

Jim Gantz, 12241 Forest Meadow Drive, spoke in opposition. Mr. Gantz stated that he owns 43-acres directly north of development across the NW Arterial. He desires to develop this land for multi-family housing between 100 – 300 housing units. He said he has an IDOT access patent stating he has the rights to full access on the NW Arterial and is concerned that Switch Homes may adversely affect his property's future housing development and access to NW Arterial.

Vice Chair Russell responded to Mr. Cox's and Gantz's comments on access. He noted that the W. 32<sup>nd</sup> option was pursued by the developer but was not approved by the Engineering Department due to safety concerns. He also noted that a fully lighted intersection was also not approved by Engineering and that the traffic study did address development of JFK and the Arterial but not because of this application. He said the City requires a lighted intersection at the West 32<sup>nd</sup> and JFK intersection despite not being a recommendation in the traffic study.

In an effort to address some of the comments made by the public, Staff Member Moon affirmed that Tiffany Court is currently a quiet place and respects property owners wanting to maintain their neighborhood, however, the Traffic Impact Study does indicate that Tiffany Court is designed to and can accommodate the increased trips as a result of the proposed development. She also stated as a point of clarification, that Traffic Impact Studies do not generally take into consideration adjacent future development and cannot

consider development for which there is not a submitted plan for. Rather the Traffic Impact Study is intended to consider the impacts of the proposed development specifically.

Commissioner Sempf asked for clarification from Staff on why there is no planned signalized intersection on NW Arterial. Staff member Moon stated that the decision is made in the Engineering Department, but she believes the primary factor is to maintain the arterial as an arterial with increased speed and capacity. Sempf also asked staff to confirm that no access would be allowed onto W 32nd St. and Moon stated that the Engineering Department determined that access would not meet Statewide Urban Design and Specifications requirements.

Commissioner Norton stated that the developer conducts a traffic study for their development, and adjacent future development would add on to the then existing study. He stated that projecting future development could negatively affect the validity of this traffic study. He stated he believes that the traffic study reviewed and approved by the City is extremely valuable. He confirmed, as one of the engineers that designed Tiffany Court, that it was originally designed to be extended to the east.

Motion by Sempf, seconded by Kemp, to approve the Preliminary Plat of Mozena Farms as submitted. Motion carried by the following vote: Aye – Christ, Kemp, Norton, Russell, Sempf, and Zuccaro; Nay – none.

Chairperson Mulligan rejoined the Commission.

**PUBLIC HEARING/REZONING:** Application of Bob Felderman to rezone property located at 1660/1670 Asbury Road.

Bob Felderman spoke on behalf of property owner Dusty Roger's Realty, LLC. He stated the request is to rezone to Office Commercial to permit residential on the first floor and that he had tenants waiting to fill them. He believes the surrounding neighborhood is mixed use.

Staff Member Schrobilgen detailed the staff report. He stated that both properties were originally developed as residential dwellings but were zoned business/commercial as early as 1934. Both properties were rezoned to Office Residential over time and were finally zoned C-2 in 1990 and 1998. He noted that the neighborhood is currently and historically mixed-use and that there is a platted alley with trees and a 15' grade change that separate the residential uses to the east from the commercial corridor. He also stated that the OC and C-2 zoning districts have similar uses and intensity and the impacts of the rezoning of the property should be negligible. He noted that no public input was received.

Commissioners did not have questions or comments.

There was no input from the public.

Motion by Russell, seconded by Kemp, to approve rezoning of 1660/1670 Asbury Road as submitted. Motion carried by the following vote: Aye – Christ, Kemp, Norton, Russell, Sempf, Zuccaro, and Mulligan; Nay – none.

**ITEMS FROM PUBLIC:** None

**ITEMS FROM COMMISSION:** None

**ITEMS FROM STAFF:** Staff Member Moon introduced new Planning Technician, Matt O'Brien to the Commission.

**ADJOURNMENT:** Motion by Russell, seconded by Zuccaro to adjourn the November 2, 2022 Commission meeting. Motion carried by the following vote: Aye – Christ, Kemp, Norton, Russell, Sempf, Zuccaro, and Mulligan; Nay – none.

The meeting adjourned at 6:52 p.m.

Respectfully submitted,

  
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Shena Moon, Associate Planner

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December 7, 2022  
Adopted