



**Planning Commission Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, February 6, 2019 – 6:30 p.m.**

1. Call to Order

Chair Murphy called to order the regular meeting of the Planning Commission meeting at approximately 6:30 p.m. and reviewed the role and purpose of the Planning Commission.

2. Roll Call

At the request of Chair Murphy, City Planner Thomas Paschke called the Roll.

Members Present: Chair Robert Murphy; Vice Chair James Bull; and Commissioners, James Daire, Chuck Gitzen, Julie Kimble, and Peter Sparby

Members Absent: None

Staff Present: City Planner Thomas Paschke

3. Approve Agenda

MOTION

Member Daire moved, seconded by Member Bull, to approve the agenda as presented.

Ayes: 6

Nays: 0

Motion carried.

4. Review of Minutes

a. January 9, 2019 Planning Commission Regular Meeting

Member Daire stated on line 416 the word “property” should be “proper”.

Member Sparby stated he would like to have the sentence changed on line 148 to read as follows: “Member Sparby ~~stated~~ asked based on the aerial photograph, ~~does~~ whether the first seventy feet of the lot run from Fairview to the structure.”

Member Sparby stated on lines 253 and 254, strike the words “~~were maybe~~” and insert “may have been”. Strike “~~with a question~~” and insert “but there was still no answer” to have the sentence read as follows: “He stated the aerial photo displayed the Fire Code concerns ~~were maybe~~ may have been complied with at one time or another ~~with a question~~ but there was still no answer regarding the hazardous or flammable materials being stored in the trailers.”

MOTION

Member Bull moved, seconded by Member Gitzen, to approve the January 9, 2019 meeting minutes.

Ayes: 6

Nays: 0

Motion carried.

5. Communications and Recognitions:

- a. From the Public:** *Public comment pertaining to general land use issues not on this agenda, including the 2040 Comprehensive Plan Update.*

None.

- b. From the Commission or Staff:** *Information about assorted business not already on this agenda, including a brief update on the 2040 Comprehensive Plan Update process.*

Member Bull stated in April will be the annual ethics training session. He stated the Ethics Commission will be meeting shortly to discuss the content of trading.

Chair Murphy asked what the Council direction to staff was in regard to the churches sheltering the homeless.

City Planner Paschke stated the Council has asked staff to get together and look at all of the different aspects of areas that could potentially impact such a use and to compile something to bring forward with potential recommendations for the Council to direct staff to move forward on. Potential changes, anything from keeping the process the City has currently or decided as an Interim Use, having it be Conditional Use or a Permitted Use. Each one of those items have varying impacts for the churches. He stated staff will be meeting soon and believed it will be before the City Council on February 25th.

6. Public Hearing

- a. Request By Hand In Hand Christian Montessori For Approval Of A Preliminary Plat To Subdivide The Southwest Portion of 211 North McCarrons Boulevard (Armory Site) Into Four Lots For Development Of Single-Family Homes (PF18-016)**

Chair Murphy opened the public hearing for PF18-016 at approximately ? p.m. and reported on the purpose and process of a public hearing. He indicated this item would go before the City Council on February 25, 2019.

City Planner Paschke summarized the request as detailed in the staff report dated February 6, 2019.

Member Daire stated he noticed there is a crosshatched existing building that overlaps lots 3 and 4. He wondered if that will be demolished.

Mr. Paschke indicated it would be demolished and is an existing conditions sheet as well. He noted the retaining wall along lot 3 will be removed as well as a part of the redevelopment project.

Member Kimble asked who would own the private road outlot, long term because she assumed the proposed pads are developed and sold to future home owners.

Mr. Paschke stated that was a good question and one of the reasons why staff prefers Outlots is that Outlots are easier to incorporate into homeowner association documents. There will be an association related to the maintenance of this as well as the stormwater pond, which will be in an easement.

Member Kimble asked if the homeowners association will own the outlot.

Mr. Paschke believed the association will own and be required to maintain the outlot to the best of his knowledge.

Member Kimble noted she watched the City Council meeting and this parcel was one that did come before the Planning Commission for rezoning in 2018. She stated if this particular Preliminary Plat and the plat for development complies with LDR-1 standards, she asked for a recap on the discussion regarding the rezoning to LDR-2.

Mr. Paschke reviewed with the Planning Commission the history of this plat and the rezoning.

Member Kimble asked if the Commission were to approve the Preliminary Plat could there be any deviation from this four-lot development.

Mr. Paschke stated if the Commission is recommending approval of a four-lot subdivision, if at some point it changes, it would have to go back before public hearing, to the Planning Commission and City Council to change.

Member Daire asked who the developer is on this project.

Mr. Paschke indicated Brent Thompson will be the developer affiliated with Hand in Hand Montessori.

Member Daire asked for the record if the street that is shown as outlot A, which is a street, have curb and gutter.

Mr. Paschke indicated it would and the City will require curb and gutter around all of it. There might be the potential that some does not and may be able to sheet flow but from his discussions from the Engineering Department the applicant will more than

likely have curb and gutter on both sides and ends and probably change to two catch basins being piped to the pond as a part of the design.

Member Daire asked if the street will be built to City standards.

Mr. Paschke stated it would.

Member Daire asked if there was a possibility that outlot A could be deeded or given to the City.

Mr. Paschke did not think it would be because the City would not accept it without having property right-of-way around it and will more than likely always remain as a private street, though it will be designed according to City standards with curb, gutter, width because there is not ample room to put in a proper right-of-way and proper setbacks which is why it will be a private versus a public roadway.

Member Sparby stated this plan meets requirements with LDR-1 so he wondered if it also meets the standards of LDR-2.

Mr. Paschke indicated it did because LDR-2 is a lower standard.

Member Sparby thought the current zoning process from LDR-2 to LDR-1 is running parallel to this and might not affect the actual standards the applicant has to achieve.

Mr. Paschke stated that was correct. He indicated in the end the City might try to bundle a final plat with the final rezoning of the property if it matches and the Council may want to go that route as well. For now, the lots meet the minimum standard of an LDR-1 as well as the low standard of an LDR-2 which will allow this to move forward without having a rezoning in place.

Member Sparby asked with LDR-2, could the development have more units.

Mr. Paschke stated theoretically there could be more home lots, but this has always been proposed with four lots. He noted this will need to remain four lots or else the entire process will need to start over.

Member Gitzen asked what this property was zoned before the process started.

Mr. Paschke stated the entire property was Institutional. He reviewed the history of the property zoning.

Chair Murphy asked if there was wording in the recommended action that the Commission can make the removal of the building on the property a condition.

Mr. Paschke stated a condition could be made if the Commission feels it is appropriate.

Chair Murphy stated a turnaround is not needed on the private road because it is less than 500 feet in length.

Mr. Paschke stated that was correct.

Chair Murphy stated the existing piece of land today is one lot so if this passes the Commission would be recommending five lots.

Mr. Paschke indicated that was correct.

Chair Murphy stated on the lot information there are five properties and outlot A and he wondered if there was restatement for William Street right-of-way. He thought that already exists and not anything the Commission needed to act on.

Mr. Paschke stated it does exist, but he thought there was an additional right-of-way the City is requesting.

After review, it was noted the additional right-of-way on William Street was being restated and nothing new was requested.

Member Kimble stated in regard to the zoning, Mr. Paschke stated if there were more than four lots the developer would have to go back through the process but the reality is, this is LDR-2 so if there were a way to put more units on it is zoned for it so the applicant would not have to come back because it would be compliant with the zoning if there were a way to achieve all of the setbacks.

Mr. Paschke stated that was correct because the current zoning would allow more however that is not what the City is looking at and not what has been discussed with the City or the community as a part of the open house process. More lots could be put on the development, but the City would not approve them, and it could not come to the City that way without going before the neighborhood under an open house and making its way through the process.

Member Kimble stated she was not talking about adding more lots, she was talking about adding more units on each lot.

Mr. Paschke stated the commitment was for four single family residential homes and more units cannot be put on the lots without changing what the overall dynamic of the project is.

Member Kimble stated she her concern was if this project did not work out and it came back with something that was allowed under the zoning and was compliant, she did not understand why it would need to come back for approval.

Mr. Paschke stated it would need to come back for approval because it would not be what is being proposed, four single family residential units.

Mr. Paschke reviewed the utility easements on the plat with the Commission.

Member Sparby stated in the report stemming from Council discussion it states the Planning Division will be in the coming weeks rezoning back to LDR-1. He asked for information on the process and timeline associated with the rezoning process.

Mr. Paschke stated the process begins with conducting an open house and then the next step is to take that information and set a public hearing for the zoning change which then would be placed on the Planning Commission docket for consideration and from there it is forwarded to the City Council. Staff's goal right now is to try to get the open house scheduled within the next two weeks and then forward to the Planning Commission as soon as possible.

Public Comment

Chair Murphy closed the public hearing at 7:15 p.m.; none spoke for or against.

Commission Deliberation

Member Kimble commented she was trying to understand what could happen under the LDR-2. She was also trying to understand how the request by the City Council to rezone to LDR-1 impact the preliminary plat process.

Chair Murphy stated currently this plat zoning is LDR-2 with a platting action for preliminary platting action and the Commission's job is to determine if it meets those requirements. The Commission knows based on Council action that there is a desire to end up at LDR-1 for this and maybe something gets approved that meets LDR-2 standards as a plat but not LDR-1 and then the City Council has an issue to decide what to do but by careful construction it appears the action before the Commission, in addition to it meeting LDR-2, meets LDR-1. He thought the Commission's job was to render a recommendation on what is asked of them according to the current zoning and with an eye to the future, that it might meet future zoning as well.

Mr. Paschke stated that was correct.

Member Bull stated the interesting part of this to him is that the applicant requested the rezoning from the LDR-1 to Institutional and LDR-2 and the applicant is now coming in with a preliminary plat that is compatible with LDR-1. He was trying to understand why the applicant requested LDR-2 to begin with instead of LDR-1. From his understanding of watching the City Council meeting video, there is some timing consideration for the City to move on the LDR-1 zoning. He stated according to the City Attorney, any rezoning now to impact this project would have to be done prior to the final plat being approved. He thought there was some timeline but was not sure what it was. He thought this was all pretty confusing.

Mr. Paschke clarified the difference between LDR-1 and LDR-2 for the Commission.

Member Bull stated the applicant is bringing forward a Preliminary Plat for four lots that meets LDR-1 or LDR-2 standards. He stated he was ok to move this forward.

Member Kimble stated according to Mr. Paschke under the current LDR-2, there would not be a possibility with this request for an opportunity to have more than the four lots of single-family homes.

Mr. Paschke stated based on what has been provided by the applicant, provided to the staff and neighborhood, it could not be switched without having to start the process all over again. In his mind, there is no way to change the number of units because it has always been four single family lots.

Member Sparby asked when the Preliminary Plat came in to staff.

Mr. Paschke noted the Preliminary Plat came in on Tuesday after the last City Council meeting.

Member Sparby indicated he could see some questions from the City Council meeting in terms of potentially having a Preliminary Plat and Final Plat filed together. He agreed with Commissioner Bull that this seems to be consistent with both LDR-1 and LDR-2 and moving forward with that, because it is compliant with LDR-1, which is the direction the Council is moving in, he thought it made sense to support this.

Member Daire wondered if a motion would be in order to change the zoning from LDR-2 to LDR-1 in order.

Chair Murphy did not think the City could do that without proper notice to the public and a public hearing.

Mr. Paschke stated the Commission could recommend it, but staff has already been directed by the City Council to do so and is really unnecessary for the Commission to do that in the motion.

Member Kimble asked if there was any reason to table this item until the rezoning follows its course.

Mr. Paschke did not believe it was necessary.

Member Bull stated there was a reference to a meeting of the Park and Recreation Board last night regarding park dedication. He asked if Mr. Paschke had a report on that.

Mr. Paschke stated the Park and Recreation Board did recommend at the end of lengthy discussion to require the four lots a park dedication fee in lieu of land dedication.

Member Gitzen stated he felt comfortable moving this forward. He believed the applicant would be more than happy to have LDR-1 and did not see a hang up going forward with that.

MOTION

Member Murphy moved, seconded by Member Gitzen, to recommend to the City Council approval of the proposed preliminary McCarrons Hill plat of the residential property at 211 North McCarrons Boulevard, including removal of existing building on proposed lots 1, 3 and 4, based on the content of this RPCA, public input, and Planning Commission deliberation. (PF18-016).

Ayes: 5

Nays: 1 (Kimble)

Motion carried.

Member Bull asked for clarification from Member Kimble on her nay vote. He asked if this was a timing or platting issue.

Member Kimble stated she was uncomfortable with the thought that this plat would have to go back through the process. The Commission is approving a preliminary plat with lots and boundaries and she was not entirely sure the applicant could not come back in on any one of the four lots and have a rental property that was on the same lot with two units versus one unit. She was not totally comfortable that it could not happen. She agreed it would create a tremendous uproar in the community because that is not what has been shown but she did not think that by approving this plat that the Commission is approving that there will only be four units, four lots are being approved.

Member Bull thought it was in the mind of the City Council that rezoning is completed before the Final Plat to ensure that one of those lots does not contain multi-family.

Chair Murphy thought the actions of the City have all been with input from the community. He saw everyone working for the same goal.

7. Adjourn

MOTION

Member Bull, seconded by Member Sparby, to adjourn the meeting at 7:30 p.m.

Ayes: 6

Nays: 0

Motion carried.