

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
JANUARY 5, 2017

Case No. 17-27

A request by Brush and Associates (agent) on behalf of their client, Niedermeyer LC (owner) for approval of a one-lot final-minor plat to be known as "Mikel Subdivision, Plat 3". The 0.89-acre plat combines parcels addressed as 703, 707 and 709 Sexton Road, and 602 Jackson Street into a single lot for future redevelopment.

MR. STRODTMAN: May we have a staff report, please.

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the final-minor plat for "Mikel's Subdivision - Plat 3".

MR. STRODTMAN: Thank you, Mr. Palmer. Commissioners, any questions of staff?

Ms. Loe?

MS. LOE: Mr. Palmer, you have in the notes here that the R-2 portion cannot be used for accessory functions of the R-3 portion. Can you just describe what that means, what can it not be used for?

MR. PALMER: Well, since the -- since the larger portion of this lot will be zoned R-3, it was kind of assumed that the redevelopment would be a multi-family structure or some type of residential development there. But the reason for having this other access point or this other piece of the lot abutting a separate street, it was just assumed that it would be an access point. And there's a section of Code -- I forget what it is -- Section 2927A states that a more restrictive parcel cannot be used for an accessory use on a less restrictive parcel. So, in effect, you can't access an R-3 lot through an R-2 lot or you can't use the R-2 lot for parking. So if they were to do that, and there is no indication that that's their intent as of yet because we have no -- no plan for this, but if that's their intent, they would have to be -- they would have to rezone that other portion to R-3.

MS. LOE: So just to clarify, they cannot use the Jackson fronted lot for parking or access for the R-3 portion?

MR. PALMER: Correct.

MS. LOE: Thank you.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Could we go back to the aerial photograph, please, Mr. Palmer?

MR. PALMER: That one or --

MS. BURNS: Yeah. That. I'm just looking at surrounding development because I noticed in the staff report, there was no public comment or no interested parties that gave information regarding this.

MR. PALMER: I received no -- no public comment.

MS. BURNS: Thank you.

MR. STRODTMAN: Mr. Palmer, could you go back to the area that had the zoning classifications. What -- to -- to the -- I guess it would be to the north along the same side as the R-3, what -- there's -- it goes R-2, then what is all --

MR. PALMER: Yeah.

MR. STRODTMAN: Everything else is C-P?

MR. PALMER: The panhandle shaped piece here, that's C-P, and then I believe this is C-3. Yeah. So it becomes a commercial block --

MR. STRODTMAN: So we're kind of down to 606, 604, 600, 603 Mikel that are still -- and 711 West Sexton that are -- would be R-2. Right? Everything else is zoned higher density?

MR. PALMER: Yeah. R-2. Correct.

MR. STRODTMAN: Thank you. Commissioners? Ms. Rushing?

MS. RUSHING: I had a question. Once this is a single lot, how many units can be built on that parcel?

MR. ZENNER: Without running the calculation, Ms. Rushing, we wouldn't know. Maximum theoretical density on a R-3 parcel is 17.4 units per acre. It's all subject to what the bedroom mixture is based upon what your parking demand may be. And without having any formal site plan or any redevelopment proposal submitted, we have no idea what could or could not realistically be placed on the property without potentially having to use the Jackson Street lot as something that may be able to accommodate off-street parking to support the principal use on R-3.

MS. RUSHING: But they could do that if they rezoned that?

MR. ZENNER: That would require a separate -- yes. A separate action in order to consolidate or to rezone the R-2 Jackson Street frontage to R-3.

MR. STRODTMAN: Clarification for us. Commissioners, this is not a rezoning matter as much as a plat matter.

MR. ZENNER: That is correct. And as the staff report read, there is nothing within our Subdivision Regulations that prohibits the ability to create a split-zoned property. We generally dissuade folks from doing so because it does create these types of unique issues where we have potentially uses that may gravitate over a property line or accessory features that may end up on a less intense zoning parcel.

MR. STRODTMAN: Thank you. Commissioners, any additional questions? Mr. MacMann?

MR. MACMANN: Thank you very much. Mr. Palmer, this -- are there other R-3 properties nearby of the rezone? This is mostly all R-2 to the --

MR. PALMER: It's mostly R-2, yeah. I'm -- there might be some spot zoned areas that are --

MR. MACMANN: Well, it's spot zoned then. And what's the -- the R-3 section of this subdivision, what are the rough dimensions there? Those are three lots that's what, 140 by 130, something like that?

MR. PALMER: Yeah. I'd have to look a little closer. I'm not sure.

MR. MACMANN: I'm just thinking of the rough -- those tend to be nonconforming and tend to be too narrow. I'm getting to Ms. Rushing's --

MR. PALMER: I can -- I can tell you. Just a moment.

MR. MACMANN: I'm having a hard time seeing. I'm sorry. I don't --

MR. PALMER: They're 60-foot lots.

MR. MACMANN: Okay.

MR. PALMER: So it would be 180 by about 170, total.

MR. MACMANN: So around 30K, so 12, so 48 beds could go in there?

MR. ZENNER: That would be the maximum theoretical. You have to take up --

MR. MACMANN: Yeah. And I appreciate that, if someone could make that work, 2,500 per unit.

MR. ZENNER: Yeah. Twenty-five hundred square per dwelling unit, so -- and if you had all four-bedroom dwelling units, it would be -- you would have to have two and a half parking spaces per unit, if four bedrooms, plus one for every five. It would be full redevelopment. It would require storm water. No -- if it's under an acre, it would not require storm water, so it is redevelopment under an acre at that point. But you -- I mean, you still have parking. You'd still have parking that you would have to accommodate. And if that's just dealing with the R-3 parcel, if you look at -- and this was the conclusion. I would have preferred to have not used the word assume. We concluded as we evaluated the -- the plat and the situation as to the Jackson Street frontage, that is a standard conforming 60-foot-wide lot. It makes for a very nice double-loaded parking facility potentially in the future. Given its length, it could possibly accommodate a significant amount of parking in order to allow for access to be coming in, circulating around the building, and going back out. That was the conclusion. And I know Mr. Brush is here this evening, the surveyor for the property. He has been contacted. We were contacted directly by the press, as well. We do not have any information.

MR. MACMANN: On plan or anything like that.

MR. ZENNER: We have made an educated conclusion based on our professional judgment and what we have seen in the past in similar situations. We do not want to cast any dispersion upon the property owner and what they are attempting to do with it.

MR. MACMANN: I'm just trying to understand. It's a bit of an oddball --

MR. ZENNER: Yes.

MR. MACMANN: -- and, again, Mr. Palmer, Ridgeway is usually pretty good about responding to things in their neighborhood. They have no -- Ridgeway Neighborhood Association had no response to this whatsoever?

MR. PALMER: No. I received none.

MR. MACMANN: Huh. All right. That's fine. I just find that a little odd because they tend to be -- at least have some input.

MR. PALMER: Yeah. I agree. They usually do.

MR. MACMANN: All right.

MR. STRODTMAN: Commissioners, any additional questions for staff? I see none. As -- as in past practice, this is not a public hearing, but if there is someone in the audience that would like to come forward and give us information that would be relevant to this case, we would welcome that. Just ask for your name and address.

MR. BRUSH: My name is Dan Brush with offices at 506 Nichols Street. I'm the surveyor who prepared the plat, and I really have no additional information to give you, but I would be happy to answer any questions you might have.

MR. STRODTMAN: Thank you, Mr. Brush. Commissioners? Ms. Loe?

MS. LOE: Do you have any idea -- no?

MR. BRUSH: The conversations I've had with the owner is that this is more for estate purposes for future -- future plans that he probably will not see come about, but that his children might. They have no plans in the immediate future to go ahead and -- and do anything on this parcel. But as staff has said, I would imagine that something in the future. If I looked at it from a professional standpoint, you would probably see some sort of a rezoning request come back in to go ahead and -- and do something on it. This area is all in transition, as you can see from the adjoining zoning to the west or, as I would call it, the southwest. The -- I think that's Lindsey Rental across the street, and you've got commercial happening.

MR. STRODTMAN: Commissioners, any additional questions for this speaker? Mr. Brush, thank you.

MR. BRUSH: Thank you.

MR. STRODTMAN: Any additional representative like to come forward? I see none. Commissioners, additional questions, comments, discussion needed? Not all at once. New year. Ms. Loe?

MS. LOE: I -- I'm not clear as to why the request is being made because it does seem a bit incongruous to combine the R-2 and R-3. And if that proposal came for rezoning that R-2 piece came through, given that all the surrounding parcels are R-2 currently, I'm not sure I'd approve it. So I just wanted to put that out there that putting these together is not going to make me more inclined to make that Jackson parcel an R-3. But given that it appears the owner has no plans on developing it, this merely seems to be a technical exercise. I see no reason not to approve it.

MR. STRODTMAN: Would you like to make a motion to such?

MS. LOE: I'll make a motion to approve.

MR. STRODTMAN: Thank you, Ms. Loe, for volunteering.

MS. LOE: In the case of 17-27, Mikel Subdivision Plat 3 final-minor, move to approve the Mikel Subdivision Plat 3.

MR. STANTON: Second.

MR. STRODTMAN: The motion has been made by Ms. Loe and seconded by Mr. Stanton. Commissioners, any discussion needed on this motion? I see none. Ms. Burns, when you're ready for a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey. Motion carries 9-0.

MS. BURNS: Motion carries 9-0.

MR. STRODTMAN: Thank you, Ms. Burns. That recommendation will be forwarded to City Council for their review. Moving on. At this time, I would ask any Commissioners who have had any ex parte communications prior to this meeting related to Case 17-31, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. I see none.