

ITEM NO. 5 RS7 TO RM12D; 2.83 ACRES; SE CORNER OF E 19TH ST & LEARNARD AVE (SLD)

Z-2-3-09: Consider a request to rezone approximately 2.83 acres located at the southeast corner of E 19th Street & Learnard Avenue from RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential). The property is identified as 423, 431 & 533 E 19th Street; 1926, 1930-32, 1934-36 & 1938-40 Learnard Avenue; and the parcel east of 1934-40 Learnard Avenue. Submitted by Jill Gretchen Windholz for Jill G. & Timothy L. Windholz; Carolyn L. & James R. Hemphill Trustees; Clara & Philip Hemphill; Wendy A. Stauffer, Jennifer Hemphill, Jill G. Windholz & Carolyn Hemphill, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Harris asked how the duplexes get in an area that was not zoned for it.

Ms. Day said that the duplexes predated the zoning code.

Commissioner Harris inquired about the two other parcels possibly being rezoned.

Ms. Day said it is possible for the future. The applicant attempted to contact the property owners for those two parcels to be included in this request. There was no response.

APPLICANT PRESENTATION

Mr. Tim Windholz, was present for questioning.

PUBLIC HEARING

Ms. Denise Stone, 1937 Learnard, was opposed to the rezoning due to increased traffic. She said that the access road on Learnard would affect her quality of life because it would be in front of her property. She said that if she did support this she would be in favor of single family. She was also concerned about noise.

Commissioner Dominguez asked Ms. Stone how many more cars she thought it would generate.

Ms. Stone said she was not a traffic engineer, but she would be right across the street from it.

Commissioner Dominguez asked if any of the other neighbors would be directly impacted.

Ms. Stone said her house is positioned directly in the impact path.

Mr. Steve Costello, 2006 Learnard, asked if the property was within the historic environs of the Zinn-Burroughs House.

Ms. Day said it was reviewed by the Historic Review Commission and received a favorable recommendation.

Mr. Costello said the current duplexes are well kept but he expressed concern about increased traffic if more were built. He said he has three little children and there are no sidewalks along Learnard. He was confused about how many vacant properties there are.

Ms. Day said there is one other property that is landlocked and there is a storage structure on it.

Mr. Costello said he would like to know what the duplexes would look like.

Ms. Day said the structures would be subject to Historic review and that Historic Resources Commission is a monthly public meeting.

Mr. James Carpenter, was concerned about flooding. He was also concerned about having more duplexes instead of single family. He said his neighborhood association was pretty dormant.

APPLICANT CLOSING COMMENTS

Mr. Windholz said he was willing to work with the city to figure out what would be best for the neighborhood.

COMMISSION DISCUSSION

Commissioner Harris felt that the area should stay single family because the area is already mixed with rentals and duplexes. She thought it would change the character of the neighborhood.

Commissioner Rasmussen inquired about the number of lots included.

Ms. Day said there were two platted lots but a total of seven parcels in the request. She said some of the properties were built on partial lots.

Commissioner Dominguez inquired about a traffic study.

Ms. Day said a traffic study is not required for rezoning but that if a residential subdivision was proposed then yes a traffic study would be required.

Commissioner Blaser asked if the rezoning was approved could single family still be built on the two lots.

Ms. Day replied yes.

Commissioner Dominguez inquired about the duplexes that currently exist within the single family area.

Ms. Day said the duplex structures were built prior to the zoning code.

Ms. Stogsdill said the duplexes were built in the 1950's.

Commissioner Finkeldei said that it made sense to change since there were two pieces of property surrounded by duplexes.

Commissioner Singleton was concerned for the neighborhood that it is in. She said that rental properties are usually not maintained well.

Commissioner Harris was concerned about the character of the area and said that at that in a previous time someone decided that the area was appropriate for single family not duplex.

Commissioner Moore inquired about why it was replatted as single family.

Mr. Windholz said the property had been in the family for 60 years and was split up to be donated to family members as a memorial.

Commissioner Rasmussen asked if the landlocked lot could be merged with one of the other vacant lots.

Ms. Day said that each parcel would need to have access to a public street. It could be merged with one of the lots to make a larger lot but it would still be limited to development based on the zoning.

Commissioner Rasmussen asked if it could be a private street.

Ms. Day said that would require a planned unit development and she did not think there would be enough property to meet the minimum area requirement.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to recommend denial of the rezoning based on the character of the neighborhood and the vision of the area to be single family.

Commissioner Moore said he would vote against the motion based on the staff report findings.

Commissioner Blaser said he would also vote against the motion.

Motion failed 2-6 with Commissioners Harris and Singleton voting in favor and Commissioners Blaser, Chaney, Dominguez, Finkeldei, Moore, and Rasmussen voting in opposition.

Motioned by Moore, seconded by Commissioner Blaser, to approve the request to rezone approximately 2.83 acres, from RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential) based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Rasmussen asked if something larger than a duplex could be built with the RM12D zoning.

Mr. McCullough said no.

Motion carried 6-2 with Commissioners Harris and Singleton voting in opposition.