



Harrisburg Planning Commission Minutes of April 17, 2018

The Harrisburg Planning Commission met on this date at the Harrisburg Senior Center, located at 354 Smith St. Presiding was Vice-Chair Charlotte Thomas. Also present were as follows:

- Roger Bristol
- Rhonda Giles
- Kurt Kayner
- David Smid (Arrived @ 7:03pm)
- Kent Wullenwaber
- City Recorder/Asst. City Administrator Michele Eldridge

Absent this evening were Chairperson Todd Culver, Youth Advisor Rocio Ruiz-Lopez, and City Administrator/Planner Brian Latta.

Concerned Citizens in the Audience: Only the applicant was present

Public Hearing: **Minor Partition and Variance (LU 387 and LU 388) for Harvey L. Heckart.**

Vice-Chair Thomas read aloud the script as required by land use laws, along with the process of requesting a continuance, and the process to request the record remain open.

The Public Hearing was opened at the hour of 7:01pm.

Vice-Chair Thomas asked if there were any conflicts of interest, or ex parte contact to declare. There were no conflicts of interest, or potential conflicts declared, and no rebuttals of such. There were also no ex parte contacts declared, or any rebuttals of such.

Applicants Presentation: Lynn Heckart said that he had brought this to the Planning Commission a few years ago, but he didn't get the plat from the surveyor to be recorded. He finally got it in December, and had hoped to record it in March. Since his land use approval had expired, he needed to get approval for it again. He hadn't changed anything from the original partition. He wasn't planning on doing anything with the property at this point in time; he was

just taking care of things that will make it easier for his family in the future. All they will have to do then is to hook up to water and sewer.

Bristol asked about the easement he said that he had, for 30' down below lot 3. Heckart said that there was also a 7' easement on the east property line. Either way he can get services in. The 7' is on the plat that he signed, and thought it was done. Bristol asked him if he was applying for a variance too. Heckart said he was, due to the location of the driveway on the east side of the property, the house is facing that, rather than Sommerville Loop. The true backyard is 60' or close to that. Bristol asked if there was nothing physically then, that is changing. Heckart told him no.

Staff Report: Eldridge noted that the City would have liked to have given Heckart the partition plat without this step, but the City is legally bound to follow our subdivision ordinance standards. If we weren't having him repeat this step, then he runs the danger of having someone challenge the land use in the future, and winning, because we didn't follow our own laws. That also protects the City. We did cut down on the fee. Brian had to make sure that nothing had changed in the code, and we had to send out public notices as well. She summarized the criteria in the staff report, and the findings for each criterion. When she came to criteria c, she told the Planning Commission that they had in front of them a revised set of Conditions of Approval, and recommended motions. In 2016, the Planner had originally specified that the water and sewer lines had to be extended to each of the properties prior to recording the final plat. If the Planning Commission remembers, we amended those, to allow the Heckart's to not be required to connect to water and sewer lines until parcels 2 and 3 are developed. The revisions you have are the same conditions that were approved back in 2016. Those were already provided to the Heckart's. The variance is for the road frontage, and the rear-yard setback, as Heckart has already stated. There is an easement south of parcel 3 already present, that is 30' wide, and as noted, there are development related concerns for having the driveway for parcels 2 and 3 being able to support emergency vehicles. Staff does feel the requirements for the variance have been met. It's consistent with all development standards, and the City has allowed flag lots, as it's a way to accomplish infill development in an already built environment. The zoning density is up to 6 units per acre, and the comprehensive plan does state that the City should consider alternative residential design that allows for greater housing choice and efficient use of land. This criterion is met. Staff is recommending that the partition and variance be approved, based upon the revised conditions of approval. The Planning Commission will find two recommended motions.

Heckart noted that he had forgotten about a change he wanted to make on the southeast corner of the property, from that corner on parcel 1. He showed the Planning Commission what he was talking about. Bristol asked him to clarify how much was being changed. Heckart said to accommodate that corner there, he came back 20' each way on the corner, and that will be on the plat. Eldridge reiterated that he would be compensating for the rounded corner on lot 1 then. Heckart agreed, and said that from pin to pin, it would be 20'. Bristol asked him if there would be a problem with that building being located in the easement for lot 3? Heckart told him it will probably get torn down if that gets developed. It's a shop building. Bristol asked if that

came up with the surveyor? Heckart told him no, he did it. It makes more sense to have that corner there; that's for fire access too. Bristol said then the 17,730 sq. ft. would change. Heckart agreed and said it changes the square footage. Lot 3 will eventually be accessed by roads, and utilities, etc., from the easement located to the south for Heckart lane. This easement on lot 2 will be gone. Lot 3 will use the other access, and this easement will be removed. Bristol said that the minimum side yard is 10', so that will be reduced. Isn't that side yard allowed to be 5', unless it's abutting a street? Eldridge confirmed that, but said that this is the working front yard. Bristol asked if they were compensating for the curved driveway on the other side. Eldridge confirmed with Heckart that this change only applied to the southeast corner, not both corners. Both parcel 1 and 2 will be altered in their square footage. The Planning Commission could grant the variance to include that corner, which affects the front and side yards, especially based upon the reasoning behind getting fire access. Bristol asked how that would affect the variance. Thomas felt it would just be part of the variance that we are approving. Wullenwaber felt that was warranted for the firetrucks to access that. Bristol wasn't sure about the size of the change. Heckart said that it would probably be about 200 sq. ft. If you worked out a 20' by 20' square, at 400 sq. ft., and then cut it in half, it would come to the 200 sq. ft.

There was nobody present to provide testimony, whether in favor, in opposition, or neutral to the land use request being considered.

The public hearing was closed at 7:25pm.

- Eldridge said that there will be an amendment based upon the changes to the plat as modified by the applicant. The amendment applies to both of the motions, for both the variance & partition.
- Thomas asked if they needed to modify that.
- Eldridge told her they should be modified, because the plat you are approving is slightly different from what was presented.
- Kayner then **motioned to approve the Minor Partition, case number 387, subject to the conditions of approval as handed to the Planning Commission at the meeting on the 17th of April. This motion is based on findings presented in the April 10, 2018 staff report to the Planning Commission, and on findings made by the Commission during deliberations on the request. He was seconded by Smid. The Planning Commission then voted unanimously to approve the Minor Partition.**
- Kayner then **motioned to accept the changes to the plat as suggested by the applicant. He was seconded by Smid, and the Planning Commission voted unanimously to approve the amended plat as suggested by the applicant.**
- Bristol then **motioned to approve the Variance, case number 388, subject to the conditions of approval as handed to the Planning Commission at the meeting on the 17th of April, and as modified by the applicant. This motion is based on findings presented in the April 10, 2018 staff report to the Planning Commission, and findings made by the Commission during deliberations on the request. He**

was seconded by Giles. The Planning Commission then voted unanimously to approve the variance, with the plat amended as presented to the Planning Commission.

- Eldridge pointed out for the record that the plat was being amended by a curve being added to the southwestern corner of proposed plat no. 1, at approximately 200 sq. ft. The square footage of parcel 1, and parcel 2, would be adjusted by the surveyor, in the final plat.

There was no further discussion, and the meeting was adjourned at the hour of 7:35pm.

Planning Commission Chairperson

City Recorder