



STAFF REPORT

DATE: November 14, 2022

TO: Governing Body, City Manager

FROM: Planning Commission

RE: November 10, 2022 Planning Commission Meeting

VAC-22-03: Vacating 25' front setback to 20' at 5243-5245 and 5237-5239 Toben Court

The Planning Commission reviewed the application for Vacating a front building setback in the Rock Springs 3rd Development. The request was made to allow for a 20' setback instead of the prescribed 25' setback to avoid any structure being in or too close to the utility easement in the back of the property. Both of these properties are in a cul-de-sac area of Toben Court and the hardship stated was that the 25' setback reduced the necessary depth of the duplexes.

Chairman Schmidt opened and closed the public hearing as there was no representative of the applicant or any citizen present.

After closing the hearing, the Planning Commission discussed the vacation request as presented. During consideration, the Planning Commission considered the Criteria for Review in Section 10.04 (B) of the Subdivision Regulations of the City Code. Each of the following criterium were reviewed:

- Due and Legal Notice has been given: Staff submitted an affidavit of publication on October 20, 2022 to the Ark Valley News stating an official notice of vacation hearing. Certified letters were sent to all owners of real property within 200 feet of the area proposed to be changed as stated in 10.04 (A) (2) of the subdivision code. It was stated that no protest petition was submitted in conflict with the Vacation. Staff received 5 of the 6 certified letters that were sent.
- No Private Rights will be Injured or Endangered
- The Public will Suffer no loss or inconvenience: The change in setback would not incur any loss to the public due to the location of easements and rights-of-way on the properties.

After review, the Planning Commission voted (by passing a 5-0 motion) to **recommend the request to vacate the front building setback from 25' to 20' at 5243-5245 and 5237-5239 Toben Court without changes.**

Staff Report

Planning Commission Secretary, Jay Cook, discussed the progress of the new Comprehensive Development Plan. At this time, bids have been requested from three different engineering and design firms. Staff is awaiting 2 of 3 bids to be returned.

There was also discussion on the importance of keeping statements and questions direct and concise when conducting an open hearing and when discussing applications for review regarding any case brought before the Commission.

The Planning Commission voted unanimously to approve the next meeting date of 12/08/2022 at 6:30 in the Council Chambers.