



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
For the Meeting of January 10, 2024

Title/Subject

Continued from December 13, 2023

Major Variance & Subdivision, Upland Meadows Subdivision - MonteVista Homes 4N2802A Tax Lot 500 - 811 E Theater Ave

Summary and Background

The planning commission opened a hearing at the December 13 regular meeting to consider a request for two variances and a preliminary subdivision plat from Monte Vista Homes. After taking testimony and considering the evidence presented, the planning commission determined there was insufficient evidence to make a decision and continued the hearing to the January 10 meeting. The original December report is attached to this memo for reference. This memo includes clarifications and new information as requested by the planning commission.

The primary point of discussion centered around the plan for secondary access to NE 10th St. The fire code requires additional access for the development to be provided to NE 10th Street. There was debate between the city and developer as to the width and composition of the access as well as ultimate ownership of the area. Could the property be transferred to Loma Vista Elementary, transferred to the city, or maintained privately? After researching and discussing the issue all parties agreed that the city has an interest in acquiring the 60-foot access to NE 10th Street and maintaining the access.

The secondary emergency access will be developed in the following manner. A 30-foot wide right of way will be dedicated between Lots 75 and 76. The right of way between Lots 75 and 76 will be developed with a 20-foot-wide asphalt strip designed to accommodate fire engine travel and be gated to prevent other vehicle traffic. The 20-foot asphalt access will taper to 15 feet in width at the street intersection to enhance aesthetic appearance. As the access continues eastward into the 60-foot access, the paved portion will narrow to an 8-foot pedestrian path and the emergency vehicle access will become a 15-foot gravel road. All of this access, both between Lots 75 and 76, and the NE 10th St access, will be dedicated as public right of way to the city.

The entire 60-foot-wide and 670-foot-deep access flag will be dedicated to the city as right of way. Dedication of this area insures the future public access for potential development of Tax Lot 101 which abuts the entire north boundary of the access flag. Creation of a street at this location is not necessary for the functionality of the development but would be necessary for

subdivision of Tax Lot 101 in the future. This lot has the potential to accommodate up to ten lots.

A diagram provided by the developer is attached to this report as Exhibit A. Timing for construction of this access is paramount. Secondary access is required whenever more than 30 homes are constructed with a single point of access. It is not necessary to construct the asphalt portion of the access when 30 lots are completed, but gravel access shall be provided concurrent with construction of Lot 31. There are 27 lots proposed in Phase 1. Therefore, gravel emergency access shall be provided when civil improvement construction begins on the area labeled as Phase 2 on the preliminary plat.

The second point of discussion focused on the inadequacy of the findings supporting the variance requests. The planning commission did not object to the variance requests in principle but felt the supporting evidence did not adequately address the criteria. The applicant revised the burden of proof to better create findings that support the planning commission's decision. The revised findings are attached as Exhibit B to this report.

The revised findings better address the unique topographical issues on the site. It falls to the judgement of the planning commission if the findings provide adequate evidence to support approval of the variance. It is the staff opinion that the findings may provide adequate evidence to support the approval when considered in combination with the evidence provided during the December 13 hearing.

Tie-In to Council Goals

Promotion of housing remains a council goal.

Fiscal Information

There are 261 single-family lots proposed for the subdivision. Each house should sell in the \$350,000 to \$475,000 range. At full build-out the development will generate approximately \$532,000 in revenue to the city each year.

Alternatives and Recommendation

Alternatives

The planning commission may choose to:

- Approve or reject the lot width variance
- Approve or reject the block length variance
- Approve the subdivision plat and conditions
- Approve the subdivision plat and modify the conditions
- Modify the subdivision plat
- Reject the subdivision plat

Recommended Action/Motion

Staff recommends that the planning commission approve the two variance requests and preliminary plat.

Motion to adopt findings of fact.

Motion to impose conditions of approval.

Motion for decision on lot width variance.

Motion for decision on block length variance.

Motion for decision on preliminary plat.

Submitted By:

Clinton Spencer, Planning Director