

Deer Meadows Subdivision

Planning Commission Hearing

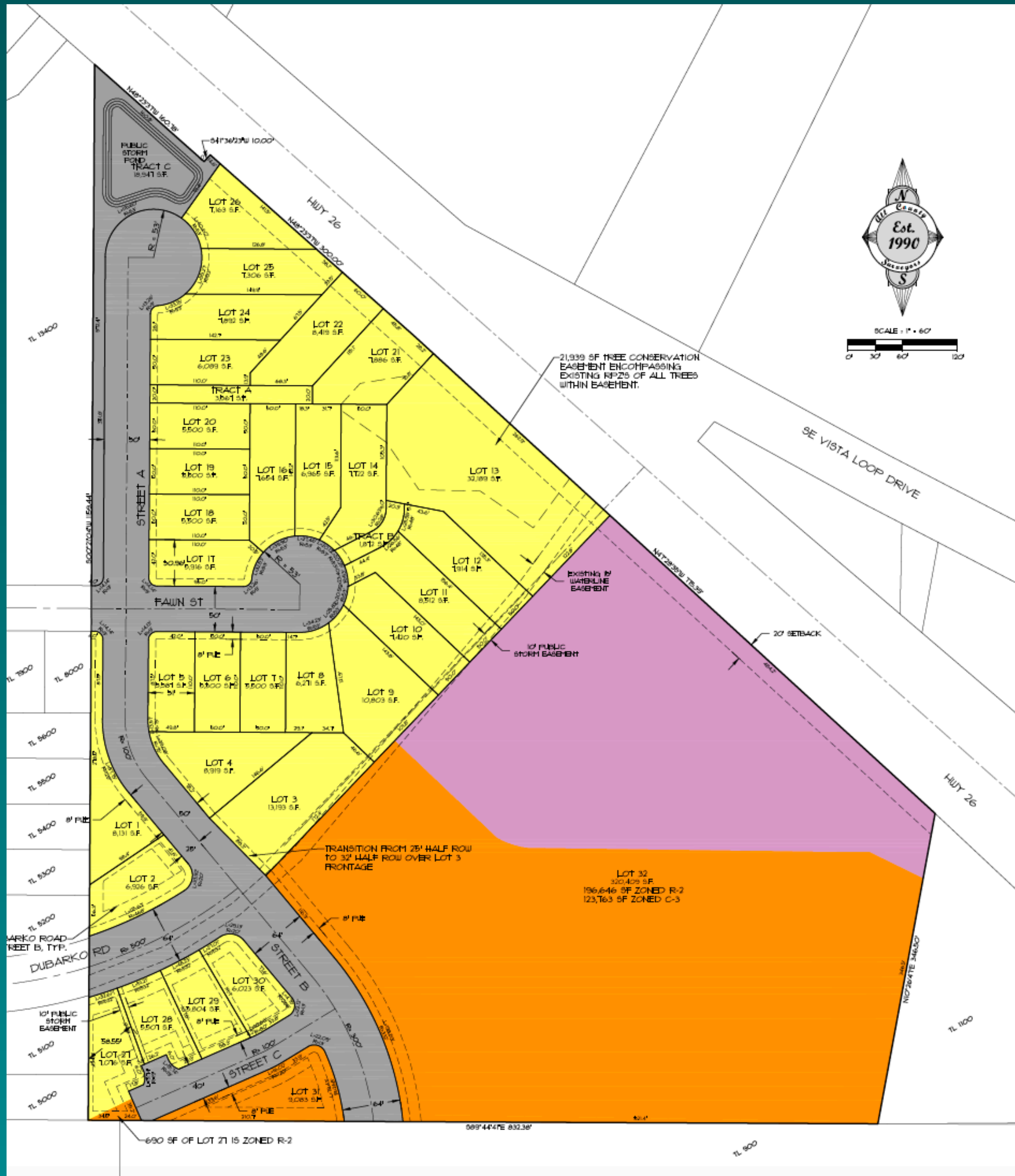
September 27, 2021

Application History

- The previous property owner submitted Vista Loop South Subdivision (81 lots, zone change). Approved October 2006.
- This approval expired in 2008 and was reinstated by the Council in 2013. Due to public improvement construction costs, the preliminary plat expired for a second time in 2015.
- The current owner purchased the property in 2018 and the Bull Run Terrace Subdivision application was submitted to the City at the end of 2019 (7 lots and zone change).
- This application was reviewed in 2020. Both staff and the Planning Commission recommended approval.
- The City Council reviewed the application and initially approved it. At the second reading the Council changed their vote and the application was denied.

Current Application

- Needed Housing application containing 32 lots in compliance with existing zoning.
- 30 lots zoned R-1 (density range 28 - 45 lots)
- 2 lots zoned R-2 (38 - 66 units).
- Lot 32 to contain both R-2 and C-3 zoning.
- The portion of Lot 32 zoned R-2 will contain multi-family dwellings as allowed.
- Uses on the C-3 zoned part of Lot 32 have not been determined. All future uses require a separate Design Review application.



Staff Recommendations (page 28)

1. **Proposal does not meet Subdivision Criteria 17.100.60 (E1 - E6)** - *As explained on pages 6 - 9 of the applicant's attorney's 9/24/21 letter, the majority of these criteria are not clear and objective and cannot be applied. To address Criteria E.4, the applicant has provided additional evidence from our traffic consultant related to ADT on local streets.*
2. **No evidence that the proposal complies with cul-de-sac (50%) requirement.** *An exhibit prepared by All County demonstrates how the proposal complies with this standard. This standard is satisfied.*
3. **Plan does not contain pedestrian connections beyond cul-de-sacs (17.84.30).** *As explained on page 10 of the attorney's letter, this section is not clear and objective and cannot be applied.*
4. **The distance between Dubarko Road and Street C is less than 150 feet (Section 17.84.50(E)(2) and 17.84.50(J)(3)).** *The requirements of these sections are not applicable to the proposed development. Street C is a public access lane, not a local street.*

Staff Recommendations continued

5. **Minimum 100' tangent Dubarko and Street B not met (17.84.50(J)5(a)).** *The requirements in this section are not clear and objective. If this standard is found to apply, the plan can be modified to comply.*
6. **Dubarko Road not extended to Highway 26 (Development Code and TSP).** *As explained in the attorney's letter, the City cannot require the extension of Dubarko Road because such a requirement has not been incorporated into the City's land use regulations.*
7. **Frontage improvements along Highway 26 not included (Development Code).** *The City cannot require these improvements.*
8. **Plan does not clearly identify if 8" waterline will be replaced and 18" line installed (Water Master Plan).** *As explained in the attorney's letter, although this requirement could be resolved with a Condition of Approval, the applicant reserves the right to challenge the constitutionality of this condition.*

Staff Recommendations continued

9. **Plans do not show 12” waterline along Highway 26 extended east (Development Code).** *The applicant is unclear what specific code section requires this improvement and whether this standard is clear and objective. If it found to be applicable, this requirement could be a condition but cannot be a basis for denying the application.*
10. **Ten foot public storm easement shown on Lots 9-13, 27, 28 should be 15 feet (17.84.90(A)(2)).** *The applicant is fine with a condition of approval to address this requirement.*
11. **Plan does not include parkland dedication (Chapter 17.86, 1997 Parks Master Plan).** *As explained in the attorney’s letter, the City cannot legally require parkland dedication.*

Conclusion

- The submitted application is a Needed Housing application.
- The proposal complies with all applicable clear and objective standards.
- As explained in the attorney's letter, City Code does not require dedication of parkland or Dubarko Road to be extended.
- A few of Staff's recommendations should have been Conditions of Approval, not grounds for denying the application.
- The Deer Meadows Subdivision application should be approved.

Questions?