

ITEM NO. 2A PRELIMINARY DEVELOPMENT PLAN FOR 6th & MONTEREY WAY PCD MORGAN ADDITION; 800 MONTEREY WAY (MKM)

PDP-15-00378: Consider a revised Preliminary Development Plan for a multi-use development consisting of multi-dwelling structures, a detached dwelling, and construction sales and services and associated variance from building setback requirement. 6th & Monterey Way PCD Morgan Addition, located on approximately 2.5 acres at 800 Monterey Way. Submitted by Allen Belot Architect, for Robert J. and Beverly G. Morgan, property owners of record.

ITEM NO. 2B FINAL PLAT FOR MORGAN ADDITION; 800 MONTEREY WAY (MKM)

PF-15-00380: Consider a Final Plat for Morgan Addition, a 2 lot subdivision on approximately 2.5 acres located at 800 Monterey Way. Submitted by Landplan Engineering, for Robert J. and Beverly G. Morgan, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented Items 2A & 2B together.

APPLICANT PRESENTATION

Mr. Allen Belot, Allen Belot Architect, agreed with the staff report. He said there was a preservation plan to save as many trees as possible. He said he did not have any problem with evergreen trees, as discussed in the communication letter that was included in the packet. He said regarding the connection there were five different property owners and his clients did not want to play referee to getting the others to agree.

PUBLIC HEARING

Mr. Don Dhans said he lived south of the proposed building and he liked the greenspace near his property. He expressed concern about keeping some of the greenspace as a buffer. He liked that the apartments would be two story instead of three story. He also said he would like a privacy fence. He also expressed concern about lighting and property values.

Mr. Chad Simpson said he liked the greenspace and wanted to maintain some of that. He expressed concern about property values going down. He said he would like a privacy fence. He stated he wanted access to Comet Lane opened up.

Ms. Judy Brynds said she liked the privacy that the greenspace provided. She expressed concern about property values.

APPLICANT CLOSING COMMENTS

Mr. Belot said the buffer zone on the south side would be preserved. He said he had no problem with evergreen trees as requested by the public. He stated the back of the building would have no different lighting than the patio lighting of the existing houses in that area. He did not see how a fence would add to the visual value of the tree line and felt it would be redundant. He said they would probably have to tear up trees to install a fence. He stated installing a fence instead of trees could potentially be an alternative.

COMMISSION DISCUSSION

Commissioner Britton asked staff if the connection to Comet Lane was something City Commission would consider.

Mr. McCullough said it was a condition of approval and ultimately the decision of City Commission. He said staff was recommending that connection be made and other things would follow that connection.

Commissioner Kelly asked Mr. Belot about why the shop was designed where it was.

Mr. Belot said it was a neat little house with a rural feeling. He said the house had a neat scale and qualities to it. He felt that putting a two car garage in front of the house would be an insult to the house. He stated as a compromise the garage was pulled back so it wasn't the dominant architectural element when you look at the front of the house from the street. He said there was a fence and mature trees in the back. He stated the impact of the 9' was more of a benefit to the streetscape since more people would see it from the front than the back. He said nobody would see the back because there were 30' mature trees behind the garage.

Commissioner von Achen asked what the nature of the shop was. She asked if the shop was commercial.

Mr. Belot said Mr. Morgan had run a concrete business out of the shop for 35 years. He said the business had been reduced and had a significantly smaller imprint than 35 years ago. He said they need a place to park a few vehicles, especially in the winter time.

Commissioner von Achen asked Mr. Belot to discuss the west side of the plan (the area in blue).

Mr. Belot said it was the turf detention area. He said the size of it had been determined but not the material.

Commissioner Kelly struggled with the idea of moving the garage back to maintain the rural feel when it was next to apartment buildings. He said he would be more comfortable with moving the garage forward and maintain the space behind. He said the entire area still had nice stands of trees. He struggled with the variance of moving the garage back.

Mr. Dhans said his comment about installing a fence was to protect his property from people who might come on to his property.

Mr. David Roubison said he did not see how the trees could be kept. He was concerned about kids cutting through his yard. He said there was tons of room to put in a fence and keep the trees.

Ms. Miller said there was a utility easement on the property.

Mr. Belot said he thought by trying to preserve the trees it would provide a thick and adequate buffer. He said if a fence was installed he would want relief from tree replacement. He said a fence would block the view of the trees which would defeat the purpose of the trees.

Commissioner Sands said there was already an apartment complex to the north. He asked the neighbors if there had been any issues with kids or residents of those apartments encroaching.

Mr. Simpson said there have been several incidents in the years he had lived there. He said kids play in the greenspace and that his gate has been opened and things thrown into his yard. He said kids run back and forth quite a bit. He felt that retaining trees would no good because the greenspace was mostly thickets. He said there would be nothing dividing his property from apartments because the thick bushes would be ripped out and replaced with grass. He stated there was plenty of room for a fence.

Ms. Miller said the plan was to save as many trees as possible on the south side but that if any were destroyed during utilities or construction they would be replaced one for one. She said until a tree inventory was done they would not know exactly know how many trees there were.

Commissioner Britton said it sounded like if the trees worked out great but if they don't work out maybe there should be a fence.

Commissioner Sands pointed out this project was infill.

Commissioner von Achen asked Mr. Belot about the space between the neighbors and the tree line.

Mr. Belot used an aerial on the overhead to point out the tree line.

Commissioner von Achen asked if all the trees were on the Morgan property.

Mr. Belot said most of them. He said he would be happy to take out all the trees and put in a bufferyard as defined by Code. He wanted to preserve as many trees as possible.

Commissioner Denney asked how far it was from the nearest duplex to the back of the proposed apartment building.

Mr. Belot said about 60'-70' away from the apartment building.

Commissioner Denney said it looked like a narrow setback.

Mr. Belot said he was basing his figure on assumptions from the Code.

Commissioner Kelly said the fact was that someone else owned the greenspace. He said Mr. Belot was trying to work with the neighbors the best he could to preserve as much as he could. He said nothing was preventing the homeowners from installing a fence on their own property line to protect whatever they want to protect. He said it was tough because it was hard to make everyone happy.

ACTION TAKEN on variance for Item 2A

Motioned by Commissioner von Achen, seconded by Commissioner Butler, to approve the variance from the side setback and the rear and peripheral setback to allow the following to be located within the required setbacks:

1. The existing residence and proposed addition located within 12 ft 4 in of the east property line.
2. The proposed shop to be located within 21 ft of the south property line, subject to the following condition:
 - a. Installation of a 6 ft privacy fence to the south of the shop and associated access drive to provide screening from the residential property to the south.

Commissioner Britton said he would support the motion because he put a lot of stock into staff's recommendation.

Commissioner Sands inquired about the setback.

Ms. Miller said it was a 20' setback.

Motion carried 8-1, with Commissioner Kelly voting in opposition.

ACTION TAKEN on 2A Preliminary Development Plan

Motioned by Commissioner von Achen, seconded by Commissioner Butler, to approve the Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. If the City Commission approves the connection of the shared access drive to Comet Lane, the sidewalk along the shared access drive will be extended to Comet Lane, the shared access drive shall be named, and the shared drive will be constructed to connect with Comet Lane.
2. Provision of a revised Preliminary Development Plan with the following changes:
 - a. Include a listing of the uses which are permitted in the PDP with the revised uses in the A-2 Phase: *Detached Dwelling* and *Construction Sales and Services*.
 - b. Show the complete PCD in the Preliminary Development Plan or provide a copy of the most recently approved PDP along with the revised PDP for this property.
 - c. If the City Commission approves the connection to Comet Lane, list the name of the shared access (private street) and show the shared access/private street and sidewalk being extended to connect to Comet Lane.
 - d. Revise the Interior Parking Lot Landscaping requirement.
 - e. Make revisions to the sanitary sewer and water lines/easements per the City Utilities Department's approval.
 - f. Note the amount of Common Open Space that is being provided and the percentage of the total site area that it includes and revise the pervious surface figure in the site summary.
 - g. If the variance from the southern setback is approved, show and label a fence to the south of the shop and associated access drive.

Commissioner Britton said the applicant was doing what was reasonable to preserve the quality of life that the foliage provided.

Commissioner Culver said there had been some accommodations of impact and scope of the project in addition to the greenspace. He said the three story apartment complex had been reduced to a two story apartment complex as a compromise to make it a smoother transition into the neighborhood.

Unanimously approved 9-0.

ACTION TAKEN on 2B PF

Motioned by Commissioner von Achen, seconded by Commissioner Denney, to approve the Final Plat for the Morgan Addition and forwarding it to the City Commission for acceptance of easements and rights-of-way, subject to the following conditions:

1. Provision of revised, executed Master Street Tree Plan with revised species and minor technical changes for recording.
2. Pinning of lots in accordance with Section 20-811(k) of the Subdivision Regulations.
3. Provision of a revised Final Plat with the following change:
 - a. Endorsements revised to reflect that the Planning Commission approved the Final Plat and the signature blank revised to 'Clay Britton, Planning Chair'.
 - b. Signature blanks for mayor and city clerk updated.
 - c. Easements revised, if necessary, to reflect those shown on the approved Preliminary Development Plan.

Unanimously approved 9-0.