



MAYOR & COUNCIL COMMUNICATION

DATE: September 2, 2014
REGULAR
ITEM # 9

AGENDA ITEM: Savona Subdivision Conditional Use Permit

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: The Planning Commission and staff are recommending that the City Council approve a request by Lennar Corporation for a conditional use permit to allow single family attached (townhome) units within the Savona Subdivision that do not have frontage on a public street.

FISCAL IMPACT: None – City costs related to the review of the conditional use permit are reimbursed by application fees. The future home owners association will be responsible for maintaining the private streets within the townhome portion of the subdivision.

SUMMARY AND ACTION REQUESTED: Lennar Corporation has submitted an application for a conditional use permit to allow for the construction of single family attached (townhome) residential units that do not have frontage on a public street. If approved, the conditional use permit would apply to the entirety of the planned medium density townhome portion included in the Savona Preliminary Plat.

The Planning Commission and Staff are recommending that the City Council approve the Conditional Use Permit request through the following motion:

“Move to adopt Resolution No. 2014-66, approving a Conditional Use Permit to allow for the construction of single family attached dwellings within the Savona Subdivision that do not have frontage on a public street.”

BACKGROUND INFORMATION:

Attached is the original detailed Staff Report that was provided to the Planning Commission on 8/25/14 regarding the applicant’s request for Final Plat approval of Savona 2nd Addition and a Conditional Use Permit to allow single family attached dwellings in the Savona Subdivision without frontage on a public street. The Staff Report includes general information about the application and a summary of the relevant planning and zoning issues. While the Planning Commission postponed consideration of the Final Plat application for Savona 2nd Addition, they did unanimously recommend approval of the conditional use permit.

Per Article 10 – Urban Residential Districts of the City’s Zoning Code, single family attached dwellings (townhomes) that are proposed on private streets are considered a conditional use. Although it is quite common to provide access to townhome units via private driveways/streets, it is important to have some additional mechanism for review to ensure safe and efficient ingress/egress to these sites. More specifically, private streets must be designed in a way that allows for effective access for emergency vehicles. For these reasons, townhomes on private streets are considered a conditional use according to the Zoning Code.

It should be noted that the approved Savona Preliminary Plat includes 122 single family attached (townhome) units, all of which are served by private streets that access one larger public street (5th St. Lane N.). In reviewing the proposed townhome section, the Fire Chief did note concern over the design of the private streets to ensure adequate emergency access. In light of this concern, the City Engineer reviewed the proposed private streets and found the design to be adequate if one side of the street is signed for no parking. The private streets are designed to a width of 24 feet. With parking permitted on only one side, 24 feet provides sufficient emergency vehicle access. The Site Plan for the townhome area is provided (Attachment #4) to illustrate the layout and design of the private streets. It should also be noted that the Conditional Use Permit would apply to the entirety of the townhome area that was approved in the Savona Preliminary Plat. The Savona 2nd Addition included 22 townhome units, while the overall Preliminary Plat includes 122 townhome units. The proposed CUP would apply to the entirety of the single family attached area.

PLANNING COMMISSION REPORT:

The Planning Commission reviewed the Savona 2nd Addition Final Plat and Conditional Use Permit request at its August 25th, 2014 meeting and conducted a public hearing at this time. During the public hearing, no one from the public spoke. In addition, staff received no written testimony. The Planning Commission then closed the public hearing.

The Planning Commission unanimously recommended approval of the Conditional Use Permit as submitted (Vote: 6-0).

STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:

Strengths: Approval of the Conditional Use Permit will allow for the single family attached portion of the Savona Subdivision to proceed as approved in the Savona Preliminary Plat. Private streets that serve the townhome units will be maintained by the Home Owners Association for the townhome area, relieving the City of additional street maintenance and future replacement. As designed, the private street will provide adequate circulation and emergency access, as long as there is no parking on one side as recommended by the City Engineer.

Weaknesses: None

Opportunities: Approval of the Conditional Use Permit allows the Savona development to proceed, allowing for future cash flow of City investments in sanitary sewer and water infrastructure.

Threats: None

RECOMMENDATION:

Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council approve the Conditional Use Permit request through the following motion:

“Move to adopt Resolution No. 2014-66, approving a Conditional Use Permit to allow for the construction of single family attached dwellings within the Savona Subdivision that do not have frontage on a public street.”

ATTACHMENTS:

1. Resolution 2014-66
2. Staff Report to the Planning Commission, 8/25/14
3. Application Form
4. Savona Townhome Area Site Plan
5. City Engineer Review Memorandum
6. Fire Chief Review Letter