



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: July 19, 2017

NAME OF PROJECT: Creek Place Subdivision

NAME OF APPLICANT: Tracy Cowley

AGENDA ITEM: Plat Amendment of Lots 4 & 5

LOCATION: 250 North Creek Place

ZONING DESIGNATION: R-1-15 zone

ITEM: 3

Tracy Cowley is requesting a plat amendment of the Creek Place Subdivision. The proposal will convert the common area to private property. The property is located at 250 North Creek Place and is in the R-1-15 zone.

BACKGROUND:

Tracy Cowley is requesting a plat amendment of lots 4 and 5 of the Creek Place Subdivision. The Creek Place Subdivision Plat consists of six lots and a common area parcel. The common area parcel is 17,939 square feet in size and is owned in common by the six lot owners. The owners of lots 4 and 5 are requesting the plat amendment so the common area can be divided between lots 4 and 5. Basically, the flag pole area of the common area would become part of lot 4 and the main area of the common space would become part lot 5. Since the parcel is owned by the six plot owners, all six lot owners will need to agree and sign the amended plat if the plat amendment is approved.

Kyle Probst was the developer of the Creek Place Subdivision and he currently lives to the east of the common space parcel. He created the common space area in an attempt to keep the area near him open. There are CC&Rs that dictate the what is allowed in the common area. Mr. Probst will receive a notice about the public hearing that will be held before the City Council and will be able to voice any concerns, if any, that he has.

A plat amendment is a legislative item and City Council is not obligated to allow any changes even if they feel that the applicant met the requirements of the Code. This decision is entirely at the discretion of the City Council.

ANALYSIS:

To the understanding of staff, the common area was not a requirement of the code when Creek Place was approved. It was voluntarily included by the applicant. Our current land use code does not require open space for subdivision less than six acres so the proposed change would not make the subdivision nonconforming. Common space and open space are two terms that are important to understand also. The City requires open space in some circumstances but it does not require common area. Open space usually becomes common area by default but in this case the common area is not required open space. In other words, no ordinance would be violated by approving the plat amendment.

PROPOSED FINDINGS:

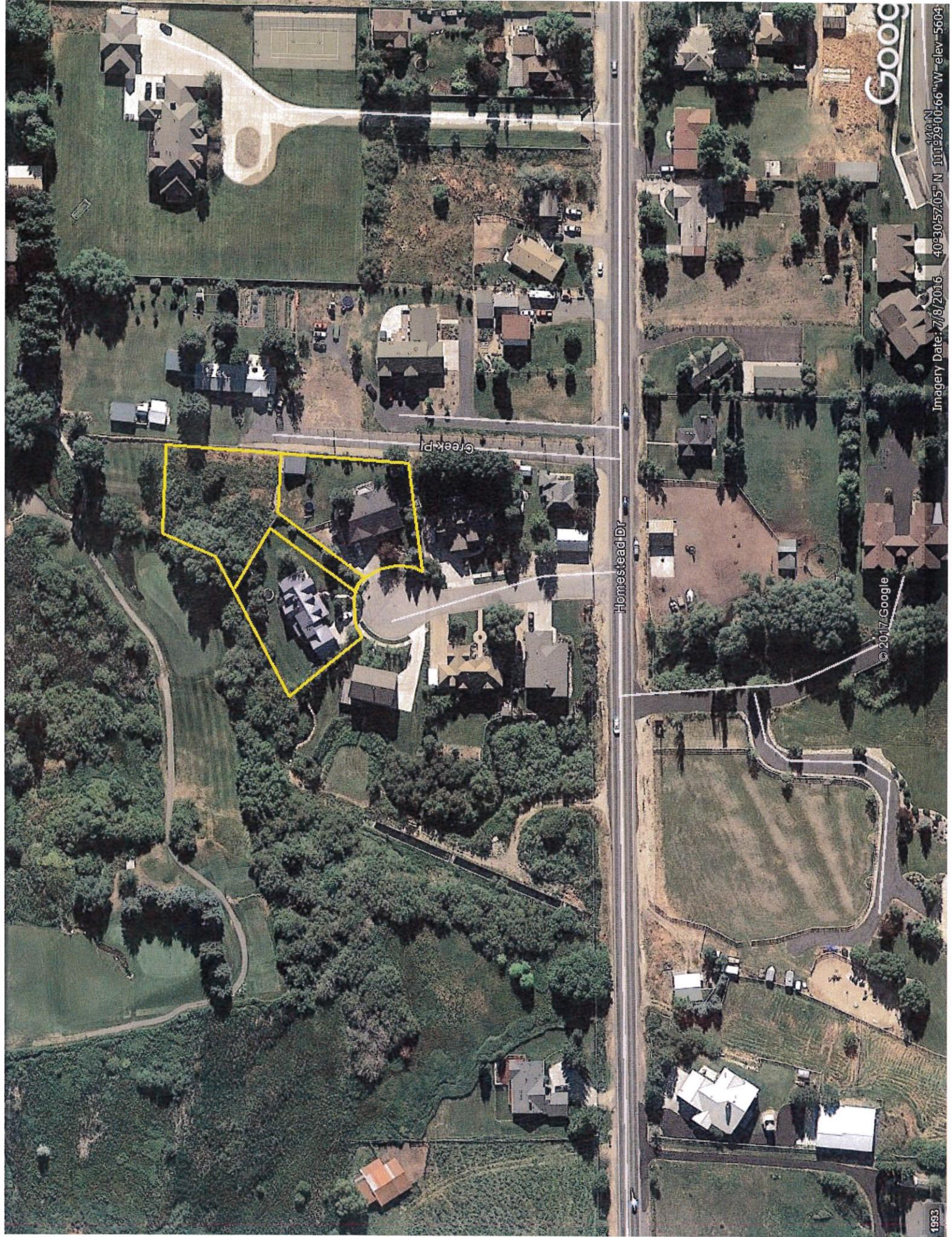
- No public street, right-of-way, or easement will be vacated or altered
- Both lots will continue to conform to the R-1-15 zone requirements
- The common area was not a requirement of approval
- Open space is not a requirement for a subdivision of this size

ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
 - a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed

2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

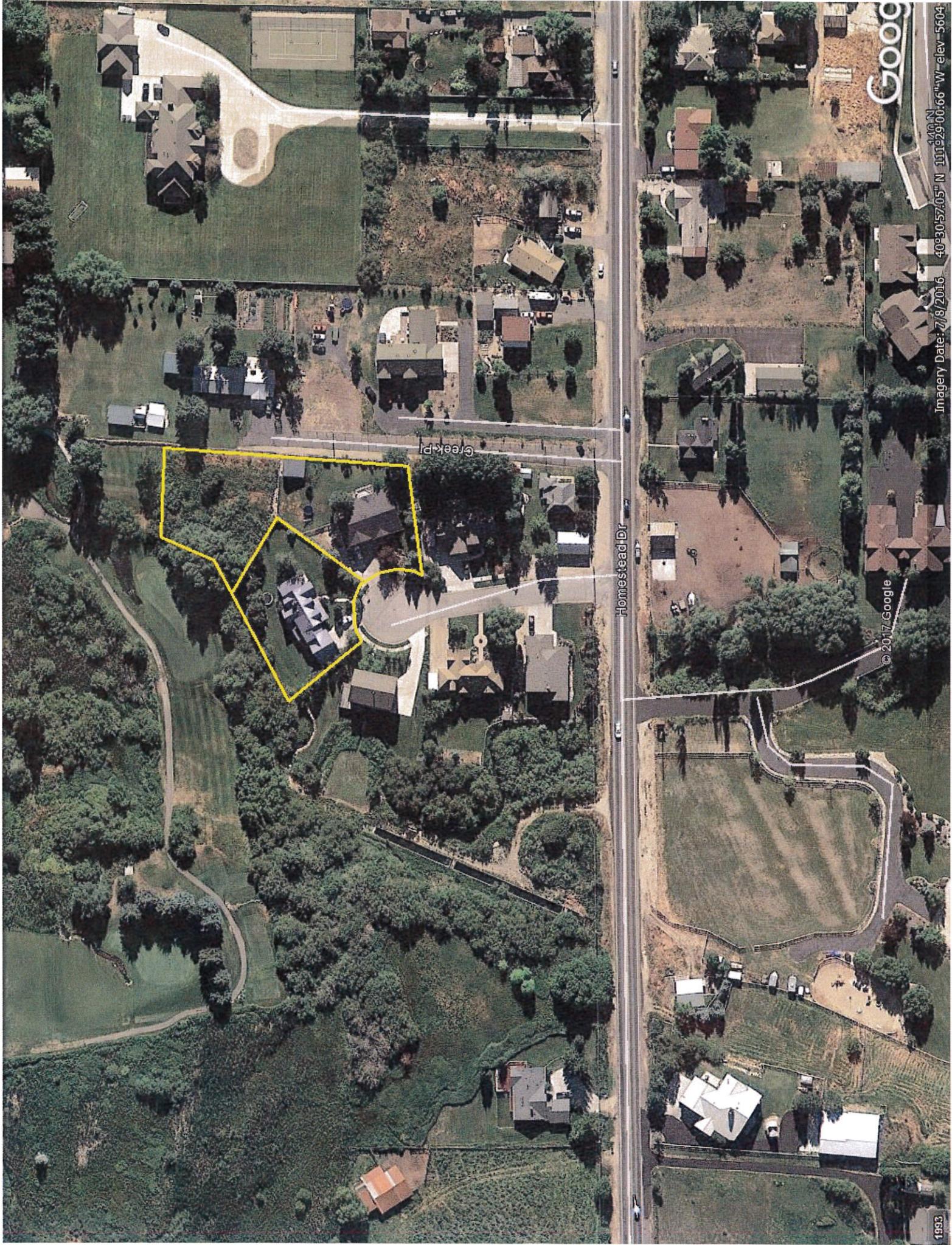


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