



**MINUTES OF THE PLANNING COMMISSION MEETING
PLANNING COMMISSION / BOARD OF ZONING APPEALS
AUGUST 18, 2020**

Commissioners Present: Cowman, Hardwick, McLean, Pritchard

Commissioners Absent: Scott, Pfefferkorn

Others Present: Assistant City Manager Randi Shannon, Dawn Atwell

Email Comments Sent: Clint and Jessica 29342 Rockwood Ave
Kenny Olson 29331 Rockwood Ave

Item 1: Pledge of Allegiance

Item 2: Consideration of minutes from the May 19, 2020 meeting

Commissioner Cowman called the meeting to order. The first order of business was the consideration and approval of the minutes from the May 19, 2020 meeting.

Commissioners McLean and Pritchard made a motion to approve the minutes from the May 19, 2020 meeting with all Commissioners voting in favor.

Item 3: Public Hearing: Consideration and vote on a Variance to the minimum setback requirement at 29330 Rockwood Ave, Elite Home Builders, Applicant.

Commissioners Pritchard and McLean made a motion to open a Public Hearing with all Commissioners voting in favor.

Assistant City Manager Randi Shannon, presented that the Applicant is requesting for the 20 ft. build line along 293rd St. to be reduced to 15 ft. as well as the rear 25 ft. setback reduced to 10 ft. to allow for a 1600 square foot home with a three-car garage to be built.

Rockwood Estates II was platted in 2003. Lot 13 (29330 Rockwood Ave) is one of the smaller corner lots in the development. Due to it being a corner lot there is a 20 ft. building line on the north part of the lot, long 293rd St. and a 25 ft. build line on the east side of the lot along Rockwood Ave. The lot also has a 25 ft. rear setback (west side of the property) and abuts designated green space for the development.

Applicant Dawn Atwell with Elite Home Builders explained that the Rockwood HOA and covenants require a minimum of 1600 square feet for a ranch style house in this phase of the development, which due to the three-car garage will not fit on this lot. This type of conventional single-family home is what currently surrounds this lot. Therefore, applicant believes that a

smaller village house would be out of place and take away the character of the neighborhood. The proposed house will be constructed within the property lines of the lot, but would be encroaching onto the build lines.

Emailed comments from the public were read. Both emails stated that they were told informed that this lot would always be green space which made them choose their current homes next to this lot. They also expressed their concerns with a house being built on this lot that would not be uniform or cohesive with the surrounding neighborhoods.

Commissioners McLean and Pritchard made a motion to close the Public Hearing with all Commissioners voting in favor.

Commissioners reviewed Article 21, Section 21.251 STANDARDS FOR VARIANCES to evaluate the variance request.

Commissioner Hardwick felt like the applicant's issue was a HOA issue, and asked if the applicant has approached them for a solution.

Applicant stated that the HOA was going to gift the green space located along the rear property line to them to allow for more lot footage. After legal review the HOA found out that it would not be legal to gift the land to them. They would make a contract with the property owner that they would be allowed to use the greenspace for non-permanent activities.

Commissioners agreed that the special circumstances and condition imposed on this building have not resulted from any act of the applicant, and that it was necessary to grant the variance to relieve the hardship of the strict setback regulations of this property. It was in agreement that application met all of the standards laid out in Section 21.251.

There was no further discussion among the Commissioners.

Commissioners Cowman and Pritchard made a motion to approve the variance to grant the 20 ft. build line along 293rd St. to be reduced to 15 ft. as well as the rear 25 ft. setback reduced to 10 ft. with Commissioner McLean in favor and Commissioner Hardwick opposed with the vote 3 in favor and 1 against.

Item 4: Consideration and vote on a recommendation to replat Lots 16-21 of Cherokee Ridge, Loren Snyder, applicant.

Assistant City Manager, Randi Shannon, Cherokee Ridge was originally platted in 2004 with lots 16-21 as they are currently presented as well as a 30 ft. right-of-way along the west side of the lots for the extension of Poplar Ridge. If lots 16-21 were to be developed, Poplar Ridge would need to be developed and constructed to city standards to accommodate these lots. The developer would also need to acquire an additional 30 ft. of right-of-way to the west of the proposed Poplar Ridge extension to be able to meet the city street standards.

As shown on the Cherokee Ridge Replat done by Allenbrand-Drews and Associates, the City will vacate the 30 ft. right-of-way for Poplar Ridge, but keeping utility easements. The build lines on the lot will be adjusted so that there is a 25 ft. building line along Cherokee Lane, where the applicant will take access to the lot from.

Commissioners Cowman and McLean expressed that they believe that this replat would be the best development option for these lots due to the geographical limitations. Also, because these lots have been vacant for 16 years. Commissioners Pritchard and Hardwick believed that it was too large of a lot for one single-family home to be built on.

There was no further discussion among the Commissioners.

Commissioners Mclean and Cowman made a motion to recommend approval of the replat of lots 16-21 of Cherokee Ridge with Commissioners Pritchard and Hardwick opposing. The vote was two in favor and two against which by the LDO constitutes as a denial of recommendation.

Item 5: Community/Economic Development Director Report

Building permits for the year 343.

Item 6: Adjournment

Commissioners Cowman and Hardwick made a motion to adjourn with all Commissioners voting in favor.