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MEMORANDUM

January 17, 2019

To: Planning Commission

From: Community Development Department

Subject: Amending Lot 106, Pepperwood View Subdivision
2009 E. Pepperwood Dr.
[Community #28 – Pepper Dell]

SUB-12-18-5576
Zone: PUD(4)

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
SUB-12-16-5179	The Planning Commission determined that preliminary review was complete for the Pepperwood View PUD Subdivision on April 6, 2017.
ZONE-09-16-5140	The City Council voted to approve the rezone of this property from CvC (Convenience Commercial District) to PUD(4) (Planned Unit Development) on November 29, 2016. The Planning Commission forwarded a positive recommendation to the City Council.
SUB-02-16-4923 ZONE-08-15-4593	The applicant made an attempt to rezone the property to PUD(8) and subdivide it to allow 24-units. Both of these applications were ultimately denied.

DESCRIPTION OF REQUEST

The applicant, Skylar Tolbert with Ivory Development, is requesting preliminary subdivision review from the Planning Commission for an amendment to a previously approved subdivision. The amendment is necessary to correct an error on the plat dealing with improper dedication of the right of way along Pepperwood Drive. The applicant has agreed to submit this amended plat application in order to help staff correct the error.

BACKGROUND

The original subdivision plat that was recorded in April 2018 created 12 single-family pad lots in the subdivision, nearly all of which have permits for construction of houses. During the permitting and preparation for construction of a house on lot 106, it was discovered that the plat did not properly dedicate the right-of-way on the southwest corner of the property. This error made actual construction

of a home on Lot 106 difficult because the home would be too close to the public right-of-way. After discussion with the staff, the applicant agreed to help resolve the problem by submitting a request for an amended plat that corrects the dedication of the right-of-way and moves Lot 106 slightly to the north of its original location.

NOTICE

Notices were mailed to property owners within a 500 foot radius of the subject parcel to notify them of the Planning Commission meeting. Because the application is a minor amendment of an existing subdivision and not a proposal for a new subdivision, it was determined that a formal neighborhood meeting was not necessary for this application. Rather, the Homeowner's Association for the subdivision notified all property owners within the subdivision of the application.

ANALYSIS

A copy of the recorded subdivision has been provided with this report for comparison to the proposed amendment. On the previous plat, 33 feet of dedication was shown all along the south boundary for Pepperwood Drive as well as parkstrips and sidewalk on the north side of the street. Lots 102-106 were then given a 20 foot setback for the new property line after dedication. The plat failed to acknowledge the required turn radius on the westernmost portion of Pepperwood Drive where it intersects with Highland Drive. The proposed amendment to the plat revises the dedication by providing additional dedication to include the turn radius of the street and sidewalk. Lot 106 was also moved slightly to the north in order to maintain a 20 foot setback from the new edge of property after dedication.

Staff has no concerns with this application as it is helping to resolve ownership and permitting issues that came as a result of an error during the staff review of the original plat. All existing improvements that have been installed as part of the original subdivision (including fencing, sidewalk, curb and gutter, etc.) will remain as is and will not be altered as a result of this application. Other standards of the PUD zone will still be met, including the 40% open space requirement for projects in the PUD zone. The proposed amended plat shows that 44% of the project area will be reserved for open space.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission determine that preliminary review is complete for the **Pepperwood View Amended Subdivision** located at approximately 2009 E. Pepperwood Dr., subject to the following conditions:

Conditions

1. That the applicant complies with each department's comments and redlines throughout the final review process and that all issues be resolved before the subdivision can be recorded.
2. That all City provisions, codes and ordinances are adhered to during the review, construction, and operations process of this project.

Planner:



Mitch Vance
Planner

Reviewed by:



Brian McCuiston
Planning Director