



Village Planning Committee Meeting Summary

Z-114-50-3 (PHO-1-19)

Date of VPC Meeting	May 15, 2019
Request	Modification of Stipulation No. 2f regarding a maximum one-story and 15-foot height limitation within 75 feet of the south property line Technical correction to Stipulation No. 2g
Location	Approximately 195 feet south of the southeast corner of Central Avenue and Beryl Avenue
VPC Recommendation	Approve as requested
VPC Vote	10-0-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

4 speaker cards were submitted in favor of the request, 2 desired to speak

Mr. Klimek provided an overview of the case including a brief history of the neighborhood, its zoning classification as a Planned Area District, the stipulation in question, and the proposed modification. The current and proposed stipulation language is identical to Z-224-80-4 (PHO-1-19) but comes from a hillside density waiver case rather than a traditional zoning case. He stated the facts of the case are the same as the rezone case.

The neighborhood is governed by a set of stipulations that apply to all parcels including a blanket height-setback stipulation designed to mitigate impacts on the properties south of the neighborhood. There are two related and virtually identical cases on this agenda: Z-224-80-4 (PHO-1-19) is the original rezoning case which established the PAD and the second case, Z-114-50-3 (PHO-1-19) is the hillside density waiver case that enabled the development of the neighborhood on the hillside.

The stipulation limits the height of all structure along the south property line of the neighborhood to 15 feet, within the first 75 feet' from the south property line, and allowing a maximum height of 30 feet for the remainder of the lot. The proposed modification of this stipulation provides an exception for Lot 79, the subject site, to allow: a maximum height of 15 feet within 50 feet of the south property line, instead of

75 feet and a maximum height of 23 feet for the remainder of the property. Klimek shared that he has received one letter of comment from a neighbor that has been distributed to all members of the committee.

Mr. Orion Pientak, applicant, addressed the committee and explained his desire to build a new home in the North Mountain Village, the constraints of the lot, and his desire to adhere to the spirit of the original stipulation. The lot is currently vacant includes a sheer wall into the hillside, a significant retaining wall along its southern border, and a utility line along that same border. His desire is to build a modern home that maximizes the views from the property while not negatively impacting the views of others.

Discussion from the committee regarding site constraints including the retaining wall on the south edge and its impacts on views both to and from the site, concerns with drainage from the hillside and across the property, and the stability of the hillside and any engineering studies or improvements planned to remedy and issue.

Mr. Pientak responded with detail about site constraints and shared an architectural drawing of the view from the neighboring property and the minimal impact from the proposed home construction. Regarding drainage, he stated that the undeveloped state of the site has caused ponding and that the construction of the home on this site and the construction of the home on the property to the north will improve drainage across the property as a whole. Regarding engineering, he stated that no engineering studies have been completed to date but that will be the next step.

Mr. Dane Als, resident and owner of the property to the west of the subject site, introduced himself, stated the applicant has been good to work with, that he has no concerns with the request, and asked about who will be responsible for making any roadway improvements necessary.

Mr. Pientak responded that the homeowners association is responsible for the private roads in the neighborhood.

Mr. Sommacampagna asked if the request has been brought to the homeowners association and if the association has taken a position on this request.

Mr. Pientak responded the association is aware of the request and have been party to productive conversations however they have been unable to take a position due to the stipulation that would not allow the development to occur under their current regulations.

Mr. Mark Tate, architect representing the owners of the parcel to the north of the subject property, stated that they have been in contact with Mr. Pientak and have been working collaboratively to make the best of both projects. They are supportive of the project and he stated that both his clients and Mr. Pientak have agreed to plant several significant trees along their shared property line for mutual benefit.

Mr. Tyler Carrell stated that while he does not like to see general stipulations applied to a broader area for a single property within, it appears the neighborhood and adjacent owners are well-informed and supportive of the case and he is therefore supportive of the request. Regarding the proposed stipulation language in the letter received from Mr. Tate, he believes the current stipulation language accomplishes the same outcome.

Mr. Mike Krentz echoed Mr. Carrell's comments regarding the stipulations and his support for the request. He further noted his appreciation for the quality architectural design on this project and the thoughtful approach to mitigate potential impacts on neighbors. He asked staff whether the homeowners association could provide less strict regulations than the city's stipulation.

Mr. Klimek stated that a homeowners association can meet or beat the city's regulation but the stipulation and associated regulations would be considered the minimum standard for development.

Mr. Warren Whitney stated that the public notification process has produced effective dialogue and collaboration on this case.

Mr. Church asked if the applicant or members of the community had additional comments, concerns or contributions. All declined.

MOTION:

Mr. Warren Whitney made a MOTION to approve Z-114-50-3 (PHO-1-19) as requested.

Mr. Tyler Carrell seconded the motion.

VOTE:

The motion was approved, Vote: 10-0-0

Yes (10):	Church, Carrell, Krentz, Larson, McBride, Nelson, O'Hara, Sommacampgna, Whitney, and Ford
-----------	---

No (0):	None
---------	------

Abstained (0):	None
----------------	------

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

More discussion in Z-224-80-4 (PHO-1-19) which was presented and discussed before this item