



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: February 6, 2023

Re: Hidden Haven Preliminary Plat (Case #216-2022)

## Executive Summary

This request would approve a 2-lot preliminary plat on 10.53-acres of previously unplatted land located northwest of the current terminus of Westwinds Drive. The request has been modified from an earlier version discussed during the September 19, 2022 Council meeting in which a request to vacate a portion of Westwinds Drive was presented to Council. The requested vacation has been withdrawn and the proposed lots will now have frontage on existing Westwinds Drive right of way.

## Discussion

A Civil Group (agent), on behalf of Sonya Andreassen-Henderson (owner), is seeking approval of a two-lot preliminary plat of R-1 (One-family Dwelling) zoned land that includes an extension of City sewer, to be known as *Hidden Haven Plat 1*. The 10.53-acre tract of land is located at the western terminus of Westwinds Drive and is addressed 1607 Westwinds Drive.

Approval of the preliminary plat would allow the division of the property into two lots and authorize the applicant to prepare a final plat for future Council consideration. The applicant's stated intent for the subdivided property is to demolish the existing structure on proposed Lot 1 and construct a new home for the present owners. The existing residential structure on Lot 2 will be retained. Given the property's R-1 zoning and prohibition against multiple primary dwellings occupying a single lot the requested preliminary plat was required.

The two lots will be accessed from the Westwinds Drive and each lot will have direct access to the existing right-of-way. The preliminary plat also reflects the construction of a new code-compliant turnaround near the end of Westwinds Drive. The turnaround will be installed in the previously platted, but unimproved right of way for St. Michael Drive and allow larger vehicles, such as emergency vehicles, to turn around.

It should be noted that preliminary plat sought to be approved has been amended since it was considered by the Planning and Zoning Commission on August 4, 2022. The plat presented to the Commission included a request to vacate approximately 250-feet of the Westwinds Drive right-of-way abutting the south side of the property. This request was considered by the Commission, but not voted upon given such requests are the purview of the Council. The request was necessary to ensure that the length of Westwinds Drive, a terminal street, did not exceed the maximum length permitted without a code compliant turnaround.



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Since the Commission's August 4 meeting, the Council was presented a report seeking authorization to allow staff to prepare a vacation ordinance for the 250-feet of Westwinds Drive. The Council, at its September 19, 2022 meeting declined to support such a request. Given this action, the preliminary plat was never forwarded to the Council for consideration.

On October 17, 2022, the question regarding the vacation of Westwinds Drive was reconsidered by Council. During this meeting, Council directed staff to bring the vacation ordinance forward at a future meeting and also requested that the associated preliminary plat be revised to include several additional notes to ensure that right-of-way could be acquired to facilitate further subdivision of the tract, if that was so desired in the future.

Since the October 17, 2022 Council meeting, the applicant and staff have further reviewed the Unified Development Code requirements and concluded that the necessity of installing a code-compliant turnaround at the terminal end of Westwinds Drive was unnecessary given no new right of way was being dedicated and no new pavement would be added. Given this conclusion, the requested vacation of Westwinds Drive has been withdrawn.

However, as previously stated, the applicant will install a code compliant turnaround in the unimproved St. Michael Drive right of way as shown on the attached plat. This turnaround is identical to that shown on the plat considered by the Commission at its August 4 meeting. The only change between the Commission reviewed plat and the revised plat is the elimination of an access easement intended to guarantee access to both lots and notes regarding the future vacation of the Westwinds Drive right of way.

Given the lack of Commission review on the revised plat, Council may choose to remand it to the Commission for further consideration. However, the lot arrangement is substantially the same as what was reviewed by the Commission and the changes to the plat were essentially made in response to Council's direction with respect to the right of way vacation which is no longer necessary. Additional review by the Commission likely will yield no additional findings as the revised preliminary plat is fully code compliant.

The Planning and Zoning Commission considered the originally prepared 2-lot preliminary plat at their August 4, 2022 meeting. Staff presented its report and the applicant's representatives gave an overview of the request. Several members of the public spoke during the public hearing, with general support for the request, with specific interest in preserving the existing trees on the site.

Commissioner's inquired whether further subdivision would be allowed and whether the trees on the property would be preserved. Staff stated there was a note that prohibits further subdivision unless new right-of-way is dedicated. The applicant stated that they intend to preserve as many trees as possible. Staff further noted that tree preservation standards would apply given the individual parcel acreages were each over 1-acre in size.



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Following limited additional discussion, a motion to approve the 2-lot preliminary plat (with the proposed vacation of Westwinds Drive) passed (7-0) subject to technical correction. The technical corrections to the plat have been made.

The Planning Commission staff report, locator maps, preliminary plat (revised 12/3/2023), original plat (dated 7/29/2022) and meeting minute excerpts are attached.

## Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Public infrastructure maintenance such as sewers and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Reliable Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Infrastructure, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
10/18/22	Council requests Westwinds right-of-way vacation be introduced, but with conditions
09/19/22	Council declines to proceed with Westwinds right-of-way vacation (REP75-22)

## Suggested Council Action

Approve the requested preliminary plat for *Hidden Haven*.