

Minimum Lot Size Deviation: R1A minimum lot size requirement is 10,000 sq. ft. Two of the 61 lots will be 9,500 sq. ft. and 9,529 sq. ft. respectively.

1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district;

The proposed deviation is extremely minimal; two of the proposed 61 lots are less than the R1A minimum lot size of 10,000 sq. ft.; 9,500 sq. ft. and 9,529 sq. ft. To put this in perspective, the contiguous lots to the west and south of the proposed development, located in a R1A PUD zoning district, are an average of 9,200 sq. ft. and 8,750 sq. ft., respectively, significantly smaller than the proposed deviation. Additionally, the contiguous development average lot size is approximately 10,067 sq. ft., while the average lot size of the proposed development is 12,505 sq. ft., over 25% larger in size. Therefore, the proposed deviation does not undermine the intent and purpose of the underlying zoning district.

2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure;

The proposed deviation has no impact on the provision of municipal services and infrastructure, and thus, would not be a detriment.

3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing;

The deviation has minimal impact on the proposed development, and the proposed development enhances community vitality and amenity enhancement, and would thus contribute to the community.

EXHIBIT 6

Clow Creek Farm Addition

Standards for Approving a PUD Deviation Section 6-4-3:12.1

Reduced Sideyard Setback Deviation: From 20 ft. total, minimum of 8 ft., to 16 ft. total, minimum of 8 ft.

1. Whether the requested deviation would undermine the intent and purpose of the underlying zoning district;

The existing contiguous developments to the west and south of the subject property have the requested deviation. The deviation in the existing developments did not undermine the intent and purpose of the underlying zoning district. Also, the proposed development has lots that average approximately 25% larger than the existing neighboring developments, which results in an overall decrease in density further minimizing any impact of the proposed deviation.

Reason for applying deviation throughout entire subdivision (as opposed to only on smaller lots): The unique land configuration and existing street connections, provides for more lots, the larger lots, on the concave portion of road curves which by geometry creates narrower frontage at the building set back line. In other words, the larger lots have similar width, at the building setback line, as the smaller lots, thus necessitating the deviation on the larger lots. Furthermore, the deviation will allow more flexibility and options in the design to the single-family homes to be built.

For the above-stated reasons, the proposed deviation does not undermine the intent and purpose of the underlying zoning district.

2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure;

The granting of the requested deviation would not impact, nor reduce, the required Public Utility and Drainage Easement required by the City; and thus, would not be a detriment to the provision of municipal services and infrastructure.

3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing;

The Subject Property has a unique land configuration, enhanced, and complicated by, the existing creek which bisects the Subject Property. The proposed deviation facilitates location of the proposed lots and homes so as to preserve the extensive open space while protecting the creek amenity, and thus, enhancing community vitality.