



## Legislation Details (With Text)

**File #:** 20-1508B      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/7/2021      **In control:** City Council  
**On agenda:** 9/21/2021      **Final action:** 9/21/2021  
**Title:** Pass the ordinance approving the final plat of subdivision for the 4th Avenue Townhomes, located at the southwest corner of 4th Avenue and Loomis Street - PZC 21-1-076

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 4th Avenue Townhomes Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Final Plat of Subdivision, 4. Exhibit C - OAA

Date	Ver.	Action By	Action	Result
9/21/2021	1	City Council	passed	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Pass the ordinance approving the final plat of subdivision for the 4th Avenue Townhomes, located at the southwest corner of 4th Avenue and Loomis Street - PZC 21-1-076

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Kathleen Russell, AICP

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

The subject property consists of four properties located at the southwest corner of 4th Avenue and North Loomis Street for a combined total of approximately 29,892 square feet. The properties are zoned R2 (Single-family and Low Density Multiple-Family Residence District) and are currently improved with four single-family residences.

On January 5, 2021, the City Council approved a request by the Petitioner for: a Preliminary Plat of Subdivision; a conditional use to allow for townhomes within the R2 zoning district; and variances allowing the development to exceed the maximum permitted height and stories, decrease the required area for single-family attached dwellings in the R2 district, and reduce the required front yard setback along 4<sup>th</sup> Avenue and rear yard setback along the south property line.

#### **DISCUSSION:**

##### ***Final Subdivision Plat***

The Petitioner, BSP Station LLC, is seeking approval of a Final Plat of Subdivision for 4<sup>th</sup> Avenue Townhomes (FKA 4<sup>th</sup> Avenue & Loomis Street). The Final Plat of Subdivision substantially conforms

to the Preliminary Plat of Subdivision approved by Ordinance 21-004. Upon approval of the final plat, the development will include one lot which is planned for the development of nine townhomes and four duplex units.

### ***Owner's Acknowledgement and Acceptance Agreement***

An Owner's Acknowledgement and Acceptance (OAA) agreement is included as a part of the Ordinance Approving the Final Plat of Subdivision for the 4<sup>th</sup> Avenue Townhomes. The OAA includes provisions stating the following:

- A school donation fee of \$10,376.58 and a park donation fee of \$44,883.32 is required be paid prior the recordation of the Final Subdivision Plat. The Petitioner has elected to pay the required school and park donations via a lump sum payment per Section 7-3-5:5.2.1 (Dedications of Park Lands and School Sites or for Payments or Fees in Lieu of: Cash In Lieu Of Land Contributions) and is therefore eligible to receive credit for the existing single-family residences (3 three-bedroom homes and 1 five-bedroom home) on the subject property.
- The Petitioner is responsible for installing an oversized 12" watermain along the 4<sup>th</sup> Avenue frontage of the subject property. The City will reimburse the Petitioner for the difference between the cost to construct an 8" watermain and a 12" watermain. The oversized watermain has been requested by the City to ensure sufficient capacity for this development and any future connections in the area.
- At the City's request, the Petitioner is also responsible for installing an oversized 12" watermain that will extend from the west property line of the subject property to the northeast corner of the Ellsworth Station Apartments. The City will reimburse the Petitioner for the cost of the off-site water main improvements because, once inspected and accepted, the watermain will become a City asset.
- Code required parking for both residents and guests is provided on-site. To ensure all guest parking spaces are maintained for guest usage only, a provision has been added to the OAA stipulating that the townhome garages cannot be used for storage in a manner that prohibits vehicles from being parked in them. This provision is also required to be incorporated into the Homeowner's Association covenants.
- The existing structures on the property (including the 4 single-family residences, associated detached garages and driveways, and associated accessory structures) must be demolished prior to recordation of the Final Plat of Subdivision.

### ***Key Takeaways***

- The Petitioner requests approval of a Final Plat of Subdivision for 4<sup>th</sup> Avenue Townhomes for the development of nine townhomes and four duplex units on one lot.
- The City Council has previously approved a request by the Petitioner for: A Preliminary Plat of Subdivision; a conditional use to allow for townhomes within the R2 zoning district; and, variances allowing the development to exceed the maximum permitted height and stories, a decrease the required area for single-family attached dwellings in the R2 district, and a reduction in the required front yard setback along 4<sup>th</sup> Avenue and rear yard setback along the south property line.

### **FISCAL IMPACT:**

N/A