



## Legislation Details (With Text)

<b>File #:</b>	PC 17-148	<b>Version:</b>	1	<b>Name:</b>	1st Reading Wheeler Appeal
<b>Type:</b>	Planning Item	<b>Status:</b>		<b>Status:</b>	Passed
<b>File created:</b>	11/27/2017	<b>In control:</b>		<b>In control:</b>	City Commission
<b>On agenda:</b>	12/6/2017	<b>Final action:</b>		<b>Final action:</b>	12/6/2017
<b>Title:</b>	First Reading of Ordinance No. 17-1011 and AP 17-05: Appeal of the Planning Commission's Denial of TP 17-03 and ZC 17-02; Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District and a Subdivision of 77 lots (Wheeler Farm) Located near White Lane and Orchard Grove Drive				
<b>Sponsors:</b>	Laura Terway				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Staff Report, 2. Ordinance No. 17-1011, 3. Draft Findings of Fact and Conclusions of Law, 4. Exhibit 1: AP 17-05 Appellants Submittal, 5. Exhibit 2: October 20, 2017 Memo From Wendy Marshall, 6. Exhibit 3: October 20, 2017 Memo From John Replinger of Replinger and Associates, 7. Exhibit 4: ZC 17-02, TP 17-03 Planning Commission Findings and Notice of Decision, 8. Exhibit 5a: Vicinity Map, 9. Exhibit 5b & 5c: Applicant's Narrative and Plans- Subdivision, 10. Exhibit 5b & 5d: Applicant's Narrative and Plans- Zone Change, 11. Exhibit 5f: Public Comments-West Susan Rictor, 12. Exhibit 5e: Comments from John Replinger of Replinger and Associates, 13. Exhibit 5g: NR 17-03 Exemption, 14. Exhibit 6: September 25, 2017 Planning Commission Meeting-exhibits and public comments entered into the record, 15. Exhibit 7: October 9, 2017 Planning Commission Meeting-exhibits and public comments entered into the record, 16. Public Comments City Commission 11-01-2017				

Date	Ver.	Action By	Action	Result
12/6/2017	1	City Commission	approve	Pass
12/6/2017	1	City Commission	approve on first reading	Pass

First Reading of Ordinance No. 17-1011 and AP 17-05: Appeal of the Planning Commission's Denial of TP 17-03 and ZC 17-02; Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District and a Subdivision of 77 lots (Wheeler Farm) Located near White Lane and Orchard Grove Drive

### RECOMMENDED ACTION (Motion):

Staff recommends that City Commission either deny Planning File AP 17-05 or approve Planning File AP 17-05 and approve both the zoning map amendment Ordinance and subdivision application with the conditions.

### BACKGROUND:

The City received an application for Planning files TP 17-03 and ZC 17-02 for a Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District and a subdivision of 77 lots. Key components of this proposal included:

1) 77 lots of various sizes that meet the dimensional and density standards of the R-8 zone. The proposed subdivision includes lots of various sizes as allowed by OCMC 16.12.050. The largest lot is 26,814 sf and the smallest are 6,407 sf. The proposed lot pattern is shown the subdivision layout in

the exhibits.

- 2) A 1.35-acre, voluntarily provided, open space;
- 3) An integrated on-site stormwater management system including street side vegetated filtration swales and flow control; and
- 4) Transportation connections between Orchard Grove Drive, Larence Lane, Skellenger Way, and Tolstrup Drive through the project site.

On October 9, 2017 the Planning Commission voted 4-2 to deny the applications. The Planning Commission cited concerns about neighborhood compatibility and utility (transportation) adequacy. Understanding that the zone change would add four additional lots beyond what could be developed under the existing R-10 zone, the Planning Commission found:

- The proposed zone change could result in a lot layout that was not cohesive and compatible with the existing surrounding developments, particularly the Hazel Creek Farms development to the west;
- The existing level of traffic congestion within the City, most notably the intersection of Warner-Milne Rd, Warner-Parrot Ave and Leland Road/Linn Ave, was unacceptable and additional density, no matter how modest, would contribute to this concern;
- A lack of capacity within the school system; and
- Concern regarding a sewer pump station to accommodate the additional development.

An appeal of the decision was subsequently submitted by the applicant. The City Commission's review of the Planning Commission decision is limited to the issues raised in the notice of appeal based on evidence that is already in the record. The City Commission heard the Appeal at the November 1, 2017 City Commission meeting and voted to tentatively approve the appeal and reverse the Planning Commission's denial of TP 17-03 and ZC 17-02 with a request that staff provides updated findings for approval at the December 6, 2017 City Commission meeting. The record is closed and public testimony is not accepted unless reopened.