

January 10, 2012

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Aqua Vista Square Townhouse PUD - Consideration of Final Approval

The applicant/developer of the Aqua Vista Square Townhouse Planned Unit Development (PUD) is requesting Final Approval from the Planning Commission.

The conditions of approval of the preliminary plan approval are provided below in *italics* along with an applicant response on the status of each condition.

1. Preliminary Plan Approval

Preliminary plan approval is granted for the Aqua vista Square Townhouse PUD. The preliminary plan approval is based on the submitted plan and conditions of approval. Key components of the preliminary plan approval include 7 dwelling units consisting of 5 townhouse buildings and 2 stacked residential flats located within a 6th townhouse building. The proposed townhouse development results in 7 tax lots with one dwelling on Lots 1-5, two dwellings on Lot 6, and Lot 7 consisting of common open space (driveway, parking, walkways, garden, grill patio, and fountain). Access to the development is proposed off Aqua Vista Loop. No access is proposed off Hwy 101.

Applicant Response: The Final Plan includes 7 dwelling units consisting of 5 townhouse buildings and 2 stacked residential flats located within a sixth townhouse building. The Final Plan shows 6 lots, designated “Lots 1-6” and three common area tracts described as “Tracts A, B and C.” One dwelling will be located on each of Lots 1-5, and the 2 stacked flats will be located on Lot 6. Tracts A, B and C include the common open space (driveway, parking, walkways, garden, landscaping, and grill patio). Access to the development is off Aqua vista Loop; no access is off hwy 101.

2. Standards and Modifications to Regulations

2a. Lot Area, Width and Depth

Approximate lot areas proposed for the Aqua Vista Square development are as follows:

<i>Lot 1:</i>	<i>856 sq. ft.</i>	<i>Lot 5:</i>	<i>972 sq. ft.</i>
<i>Lot 2:</i>	<i>752 sq. ft.</i>	<i>Lot 6:</i>	<i>1,724 sq. ft.</i>
<i>Lot 3:</i>	<i>1,540 sq. ft.</i>	<i>Lot 7 (Common space):</i>	<i>6,672 sq. ft.</i>
<i>Lot 4:</i>	<i>972 sq. ft.</i>	<i>Total Area:</i>	<i>13,488 sq. ft.</i>

Lot widths and depths are modified as shown on the approved site plan dated 9-13-11.

Applicant Response: Lot Area, Width and Depth. Lot areas shown on the Final Plan (as confirmed on the Plat attached as Exhibit 3) are as follows:

Lot 1:	1,183 sq. ft.	Lot 6:	2,155 sq. ft.
Lot 2:	1,086 sq. ft.	Tract A:	4,954 sq. ft.
Lot 3:	1,662 sq. ft.	Tract B:	60 sq. ft.
Lot 4:	1,054 sq. ft.	Tract C:	297 sq. ft.
Lot 5:	1,054 sq. ft.		

2b. Lot Coverage

Lot coverage of the parent lot shall be approximately 33% and include building footprints, porches and decks.

Applicant Response: On the Final Plan, lot coverage of the parent lots is approximately 33%.

2c. Setbacks/Required Yards

Setbacks/yards for the parent lot shall be as follows:

<i>Front Yard (Aqua Vista Loop frontage):</i>	<i>Minimum 10 feet for buildings Minimum 2 feet for porches</i>
<i>Rear Yard (south):</i>	<i>Minimum 10 feet</i>
<i>Interior Side Yard (west):</i>	<i>1 foot for every 3 feet of adjacent building height</i>
<i>Street Side Yard (Hwy 101):</i>	<i>Minimum 20 feet</i>

Applicant Response: On the Final Plan, setbacks/yards for the parent lots shown on the Final Plan are:

Front Yard (Aqua Vista Loop frontage):	10 feet for buildings. 2 feet for porches.
Rear Yard (south):	10 feet.
Interior Side Yard (west):	9 feet.
Street Side Yard (Hwy 101):	20 feet.

2d. Building Height

Building heights shall be as follows:

<i>Units 1 and 2:</i>	<i>Maximum 25 foot height</i>
<i>Unit 3:</i>	<i>Maximum 30 foot height</i>
<i>Units 4 and 5:</i>	<i>Maximum 35 foot height</i>
<i>Unit 6/Unit 7 Above Unit 6:</i>	<i>Maximum 30 foot height</i>

Applicant Response: On the Final Plan, and on the Building A and Building B Elevations attached as Exhibit 4 (because the reduced versions are difficult to read, we are concurrently providing a packet of three full size sheets from Jon Holbrook Drafting and Design, the last four pages of which are the building elevations), building heights are shown as follows:

Units 1 and 2:	25 feet.
Unit 3:	30 feet.
Units 4 and 5:	35 feet.
Unit 6/Unit 7 Above Unit 6:	30 feet.

3. Parking

A minimum of 11 on-site parking spaces with dimensions of 9x20' shall be provided as shown on the approved preliminary plan.

Applicant Response: The Final Plan shows 5 garage parking spaces (single garage for Unit 3; tandem garages for each of Units 4 and 5). The Final Plan shows 6 surface parking spaces. Total parking is 11 spaces which satisfies the applicable regulation.

4. Fences and Walls

A maximum 6' high screen wall/fence is permitted on the east, south, and west sides except that any portion of said wall within the northernmost 15' of the property line shall not exceed 3 feet in height. Street trees and shrubs shall be planted in front of the wall within the Hwy 101 right-of-way.

Any portion of the buffer wall on the western property line that is within 15' of the north property line will also be a maximum 3 feet tall. Street trees and shrubs are proposed to be planted on the outside of the fence within the Hwy 101 right-of-way.

Applicant Response: The Final Plan shows a 5' high screen wall/fence on the east property line (measured from the east side of the wall) and a 6' screen wall on the south and west property lines. The 6' walls at the northwest and northeast corners of the Property are set back 15 feet from the north property line. Walls along the property lines within 15' of the northwest and northeast corners of the Property are limited to 3 feet in height.

5. Underground Utilities

All electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground

Applicant Response: The Final Plan provides that all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities will be underground.

6. Common Areas and Pedestrian Ways

Aqua Vista Square shall have approximately 15% of the total area (approx. 2,025 square feet) of common area consisting of a barbecue grill and adjacent seating area, a fountain, and a common lawn/garden area. Common areas shall be subject to an association of owners or tenants created for the purpose of maintaining those common areas.

Applicant Response: The Final Plan shows common area consisting of a grill patio and a common lawn/garden area. In combination, the common area consists of about 2,025 square feet or about 15% of the total area of the parent lots.

7. Public Right-of-Way Improvements

7a. Aqua Vista Loop Right-of-Way. *Improvements shall be made within the Aqua Vista Loop right-of-way as shown on the approved site plan dated 9-13-11 including a minimum 5 foot sidewalk with minimum 5 foot landscape strip on the north and south sides of the sidewalk. Street trees shall be planted in the landscape strip between the sidewalk and the Aqua Vista Loop travel way.*

Applicant Response: The Final Plan shows in the Aqua Vista Loop right of way 5 foot sidewalk with a 5 foot landscape strip on the north and south sides of the sidewalk. Although not shown on the Final Plan, Applicants will plant trees in the landscape strip between the sidewalk and Aqua Vista Loop travel way as shown on the Preliminary Plan.

7b. Highway 101 Right-of-Way. *An 8 foot wide sidewalk with a 5 foot wide landscape strip between the sidewalk and a curb shall be constructed along the Hwy 101 frontage. An ODOT miscellaneous permit is required to work in the Hwy 101 right-of-way.*

Applicant Response: The Final Plan shows in the Hwy 101 right of way an 8 foot sidewalk with a 5 foot landscape strip between the sidewalk and the curb. Applicants are working with ODOT on the miscellaneous permit and will not begin construction in the ODOT right of way until that permit is issued. Although not shown on the Final Plan, Applicants will plant trees in the landscape strip between the sidewalk and the Hwy 101 travel way as shown on the Preliminary Plan.

City Staff Response: The City has been working with ODOT to develop a detailed plan for the Hwy 101 right-of-way. The above stated condition of approval was based on a draft plan developed by the City. Since that time, the City and ODOT conducted a meeting and have had subsequent conversations regarding the Hwy 101 plan. ODOT has requested that the detailed Hwy 101 plan include the possibility of a future center turn lane. That alters the detailed plan for Hwy 101.

For the AVS Townhouse PUD project, the City and ODOT have agreed that improvements to the Hwy 101 frontage should include a 6' wide sidewalk that is located 3' from the property line (edge of right-of-way) and no curb or landscape strip should be included east of the sidewalk at this time. This plan will ensure that a center turn lane could be constructed in the future without having to relocate the sidewalk. The 3' strip between the property line and sidewalk can be landscaped. The 3' strip also allows for the placement of water meters and avoids having to place water meters under the sidewalk. Therefore, the City and ODOT are requesting the AVS Townhouse condition of approval be modified to read: *A 6 foot wide sidewalk with a 3 foot wide landscape strip between the sidewalk and property line shall be constructed along the Hwy 101 frontage. An ODOT miscellaneous permit is required to work in the Hwy 101 right-of-way.* City staff recommends this be considered a minor change requested by ODOT and this change does not substantially alter the Preliminary Plan approval.

8. Water, Sewer, Stormwater, and Other Utilities

Prior to construction, final engineering design for water, sewer, stormwater, and other utilities shall be reviewed and approved by the City of Yachats, ODOT, and other applicable agencies. At minimum, this review and approval includes the following:

<u>Street/Utility</u>	<u>Agency Review/Approval</u>
Streets/Right-of-Way	City of Yachats, Yachats Rural Fire Protection District (YRFPD), ODOT
Water	City of Yachats, YRFPD
Sewer	City of Yachats
Stormwater/Erosion Control	City of Yachats, ODOT (if stormwater facilities/improvements are in the Hwy. 101 right-of-way)
Power	Central Lincoln PUD
Other Utilities	Applicable utility companies

Note: There may be other agencies requiring review and approval of utilities.

The applicant/developer shall be responsible for any costs the City incurs to have an engineer, acting on behalf of the City, review and approve final engineering plans.

Applicant Response: Prior to construction, final engineering design for water, sewer, stormwater, and other utilities will be provided to the City for review and approval by the City of Yachats, ODOT, and other applicable agencies, as stated in the Final Order. The Applicants

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shall be responsible for any costs the City incurs to have an engineer, acting on behalf of the City, review and approve final engineering plans.

9. Phasing, Timing of Development, and Final Approval

Aqua Vista Square is proposed to be developed in three phases with Units 1-2 constructed in Phase I, Units 3-5 constructed in Phase II, and Units 6-7 constructed in Phase III. Within one year after the approval of the preliminary plan, a map of the Townhouse PUD may be submitted to the Planning Commission for approval. The map shall be a survey of the Townhouse PUD or a photographic copy thereof. Maps shall be in substantial conformity to the approved preliminary plan and conditions of approval. The applicant may file for final approval by the Planning Commission of a single phase or multiple phases no later than the following schedule:

<u>Phase</u>	<u>Application for Final Plat</u> <u>(by Dec. 31 of)</u>
<i>I</i>	<i>2012</i>
<i>II</i>	<i>2013</i>
<i>III</i>	<i>2014</i>

Applicant Response: Although the Final Order allowed final plan approval in three phases described as Phases I-III, the Final Plan includes all three phases.

In addition to the information as required on the preliminary plan the following information shall be provided:

- a. Accurate legal description of all parcels and roads;*
- b. The deed dedicating to the public all common improvements, including but not limited to streets and roads, the donation of which was made a condition of approval of the preliminary plan for the P.U.D.;*
- c. A copy of all protective deed restrictions;*
- d. Street and drainage construction plans;*
- e. The certification, performance agreement or statement regarding the availability of water and sewerage services as provided in YMC Section 9.60.040.*

Applicant Response: The following additional information is provided herewith as required by the Final Order:

- a. Legal Description.** The Plat for AVS Townhouse PUD attached hereto as Exhibit 3 describes each of the 6 Lots and the Common Area, as a Lot or Tract A, B, or C, of AVS Townhouse PUD, Yachats, Oregon. The Legal descriptions found at Exhibit 5 describe Lots 1-6 and Tracts A-C by metes and bounds descriptions.
- b. Dedication Deed.** Exhibit 6 hereto is a copy of the deed that will be recorded conveying Tract A to AVS Townhouse Association, Inc. There are no streets or roads in the AVS Townhouse PUD.
- c. Deed Restrictions.** The AVS Townhouse PUD will be subject to Covenants, Conditions, and Restrictions substantially in the form of Exhibit 7 hereto. Article 2 of the Covenants, Conditions and Restrictions includes the affordability covenants limiting rental and ownership of the Units to households earning between 50% and 100% of the area median income for Lincoln County. AVS Townhouse Association, Inc. will have articles of incorporation substantially in the form of Exhibit 8 hereto and Bylaws substantially in the form of Exhibit 9 hereto.

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- d. Street and Drainage Plans.** The AVS Townhouse PUD contains no streets. Attached hereto is a copy of the Drainage Plan (Exhibit 10) and the Paving and Walkway Plan showing the improvements located in the public rights of way (Exhibit 11).
- e. Section 9.62.050 Certification.** The public works director has confirmed to Applicants that City of Yachats water will be available from the point of supply nearest AVS Townhouse PUD; and that City of Yachats sewer service is available from the point of collection nearest AVS Townhouse PUD.

Conclusions:

The Planning Commission determines if the AVS Townhouse PUD complies with the conditions of approval. If the Planning Commission determines additional information or revisions are needed, those additions or revisions should be specifically identified. If it is determined that Final Plans comply with the conditions of approval, the Planning Commission may grant final approval for AVS Townhouse PUD.

Applicant Response: The Final Plan submitted herewith is in substantial compliance with the preliminary plan approved by the Planning Commission in the Order. The Conditions of Approval set forth in the Order are met by the Final Plan, as shown above. The Planning Commission should approve the Final Plan at its meeting on January 17, 2012.

Final Plan Approval. If the Planning Commission grants Final Approval it is recommended that Condition of Approval 7b be modified to read *“A 6 foot wide sidewalk with a 3 foot wide landscape strip between the sidewalk and property line shall be constructed along the Hwy 101 frontage. An ODOT miscellaneous permit is required to work in the Hwy 101 right-of-way.”*

Enclosure: Applicant Submittal: AVS Townhouse PUD Request for Final Plan Approval