

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – MCFARLAND SUBDIVISION 2021 REPLAT

KPB File No.	2021-130
Plat Committee Meeting:	September 27, 2021

STAFF REPORT - ADDENDUM

After the staff report was prepared, a request for AN exception from code was received from the surveyor.

EXCEPTIONS REQUESTED:

KPB 20.30.120 – Street Width

Surveyor's Discussion:

Staff Discussion: Midway Drive was dedicated by McFarland Subdivision Amended, K-797 as a 40 foot wide right of way. Through subsequent platting actions additional 10 foot dedications have been granted along both sides of Midway Drive. This has resulted in varying widths for Midway Drive of 40, 50, and 60 feet.

If the exception is denied, a 10 foot dedication will be required for Midway Drive. The owner's will need to work with the Roads Department to determine if a prior existing encroachment will require an encroachment permit. Additional plat notes pertaining to the well may be required on the face of the plat.

Surveyor's Findings:

1. There is an active water well 2' from edge of ROW along Midway Drive.
2. Midway Drive is constructed and used with adequate ditching and useable space.
3. Utility infrastructure with electric meter panel within 10' dedication requested.

Staff's Findings:

4. The right of way was dedicated in 1961 by plat McFarland Subdivision Amended.
5. Several other right of ways were dedicated with 40 foot widths in the area.
6. The ability to get a full 60 foot width the entire length of Midway Drive will be difficult due to current lot configurations and improvements.
7. Utility infrastructure is permitted within dedicated right of ways.
8. Well casings are allowable within building setbacks.
9. The roads department did not comment on the preliminary design as submitted without additional dedication.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-3, 7, 9 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-3, 7, 9 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-3, 7, 9 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

END OF STAFF REPORT ADDENDUM
