



## Legislation Text

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**File #:** 18-253, **Version:** 1

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**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Dawn-Marie Buckland, Deputy Town Manager  
Paul Michaud, Interim Community Development Director  
George Burton, Planner

**DATE:** June 14, 2018

**DEPARTMENT:** Community Development

**AGENDA TITLE:**

Approval of Modified Finisterre Subdivision Wall

**Town Value(s):**

- ☒ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

The modified wall height is compliant with Sections LU 2.1.3.7 and CC&H 3.1.1.2 of the General Plan which encourages the effective upkeep of attractive wall and fence materials and finishes.

**RECOMMENDATION**

Approve the modified Finisterre subdivision wall heights, subject to the stipulations in the action report.

**STIPULATIONS**

1. The wall improvements shall be in substantial compliance with the following:
  - a. The narrative, prepared by the Finisterre Home Owner's Association (HOA);
  - b. The site plans, prepared by the Finisterre HOA; and
  - c. The exterior wall elevations/details, prepared by the Finisterre HOA.
2. The exterior of the wall must be finished and painted to match the existing wall.
3. Any exterior landscaping destroyed or removed during the construction of the wall improvement must be replaced with a similar plant or similar vegetation.

## **BACKGROUND:**

### **Request:**

The applicant, Finisterre Home Owner's Association (HOA), is requesting to raise the height of the existing subdivision wall on nine properties.

### **History/Background:**

The Finisterre subdivision and subdivision wall were approved in 1977. The subdivision wall is located at the property line of the perimeter lots and was originally approved with varying wall heights of 4'6" tall to 6' tall.

In conjunction with the Lincoln Drive Sidewalk Project in 2005, the Town allowed Finisterre to raise the height of the subdivision wall adjoining Lincoln Drive (from 6' tall to 8' tall with a 2' berm on the bottom of the fence). However, only three of the western properties adjoining Lincoln Drive decided to raise the height of their portion of the subdivision wall. The applicant is now proposing to raise the subdivision wall height to a maximum of 6' tall for nine properties.

### **General Plan:**

The modified wall height is compliant with Sections LU 2.1.3.7 and CC&H 3.1.1.2 of the General Plan. Section LU 2.1.3.7 states that "Where walls and fences are used/necessary, the Town shall require use and effective upkeep of attractive wall and fence materials and finishes (e.g., stone, masonry, wrought iron, vegetation) and wall designs (meandering, see-through)." The modified wall will have a stucco and paint finish and the existing landscaping will be maintained.

Also, Section CC&H 3.1.1.2 states that established neighborhoods shall be protected and that "The Town shall encourage new development and redevelopment, both private and public, to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood." The increase wall height provides additional privacy and security while maintaining the aesthetics of the existing subdivision wall.

## **FACTS/DISCUSSION**

The rear yard wall height on Lots 86 - 93 will be raised from 4'6" tall to 6' tall (eight properties adjoining Lincoln Drive). Also, the rear yard wall height on Lot 83 will be raised from 4'8" tall to a height of 5'7" tall (adjoining Invergordon Road). The increased wall height will provide additional security and privacy for the affected lots and will be consistent with the height of the subdivision wall located west of the Lincoln Drive entrance.

The affected fence walls are located at the property line and the additional block used to raise the height will have a stucco and paint finish to match the existing wall. No new landscaping or landscape lighting is associated with this improvement; however, any landscaping or landscape lighting damaged during construction will be replaced.

## **ENFORCEMENT:**

There are no current zoning violations associated with the subject property.

## **PUBLIC COMMENT:**

Neighbors located within a 1,500' radius of the subject properties were notified of the May 1, 2018

Planning Commission public meeting and the June 14, 2018 Town Council public meeting. Staff received no comments regarding the proposed wall modification.

### **PLANNING COMMISSION DISCUSSION**

The Planning Commission reviewed the modified subdivision wall request at the April 17, 2018 work session and May 1, 2018 public meeting. By a vote of 7 to 0, the Planning Commission forwarded the application to the Town Council with a recommendation of approval, subject to the following stipulations:

1. The wall improvements shall be in substantial compliance with the following:
  - a. The narrative, prepared by the Finisterre Home Owner's Association (HOA);
  - b. The site plans, prepared by the Finisterre HOA; and
  - c. The exterior wall elevations/details, prepared by the Finisterre HOA.
2. The exterior of the wall must be finished and painted to match the existing wall.
3. Any exterior landscaping destroyed or removed during the construction of the wall improvement must be replaced with a similar plant or similar vegetation.

### **TOWN COUNCIL DISCUSSION**

The Town Council reviewed the modified subdivision wall request at the May 24, 2018 work session. No changes or modifications were requested.

### **ATTACHMENTS:**

Application

Vicinity & Aerial

Narrative

Plans

May 1, 2018 Planning Commission Meeting Minutes

C:     - Applicant: David Pulatie  
       - Case File: MI-18-02