



Memorandum

To: Town Council
From: Niall Connolly, Principal Planner
Date: October 6th, 2023
Re: Kinesava Subdivision Zone Change - Fee Waiver Request

Background

Paul Zimmerman, President of the Kinesava Homeowners' Association (HOA), has made an application for a subdivision plat amendment on behalf of the HOA. This subdivision plat amendment includes modifying the lot lines between parcel S-161-B-2 (Kinesava Pasture) and lots S-KIN-A-1 and S-KIN-A-12 (Lots 1 and 12).

Philip Bimstein, owner of Lots 1 and 12, has worked in partnership with the HOA on the requested plat amendment. The purpose of the plat amendment is to ensure the accesses to Lots 1 and 12 are contained within the lots themselves, and not on subdivision common area.

Kinesava Pasture is zoned Valley Residential, while Kinesava lots 1 and 12 are both Foothill Residential. The proposed adjustment to the property lines is relatively minor. However, transferring land between these parcels will result in new split zone lots (i.e. the new lots will have a mixture of valley residential and foothill residential land).

Earlier this year, the Town passed an ordinance prohibiting the creation of new split zoned lots and parcels (Section 10-20-15). This reads, as follows:

Each lot or parcel of land shall contain a maximum of one zone. Lots and parcels containing multiple zoning designations are prohibited.

- A. The Town shall not approve any application for the subdivision or lot line adjustment which would create a lot or parcel which contains more than one designation.*

Due to this requirement the HOA and Mr. Bimstein will need to make a zone change application, concurrent with the subdivision plat amendment application. The zone change application will seek to ensure that the revised lots are single zone lots.

Fee Waiver Request

Mr. Zimmerman, on behalf of the HOA, paid the fee for the subdivision plat amendment at the time of making that application. The fee was \$450. The zone change application fee (\$2,000) will be payable at the time of his making that application.

Mr. Zimmerman, on behalf of the HOA and Mr. Bimstein, has made a request that the Town waive the zone change fee. This is due to the substantial size of the fee, the minor nature of the proposal, and the fact that it would not have been necessary to apply for a zone change before the recent ordinance change.

The requesters maintain this zone change, while a legislative action, is primarily administrative in nature. Its sole purpose is to ensure the lots, as adjusted to entirely contain their accesses, are located within a single zone (the Foothill Residential zone) as required by the recently adopted ordinance. This is in contrast to a more typical zone change which seeks to change (usually increase) the development potential of a property.

For all these reasons the requesters have asked for a fee waiver.

Town Council Action

The Town Council should review this request and determine whether or not the zone change application fee of \$2,000 should be waived in this instance.