

Petitioner is requesting a variance from several requested items set forth in the Staff Report of 1-25-01. Petitioner is subdividing approx. 26 acres on Cambell Street so as to increase the marketability of the property. There are no plans for any improvements on any of the proposed lots at this time. We are simply looking to split the property into smaller sizes to make the property more marketable. They are as follows:

1. In paragraph 6, staff desires petitioner to obtain a 45' right of way to access lot 3. This will simply not happen unless the city takes the adjoining property through eminent domain. The adjoining landowners have no obligation to "give" this additional property to anyone. The city actually owns the existing 30' wide tract and should request the additional property if it so desires.

2. In paragraph 7, staff wants the access mentioned in paragraph 6 improved and paved. Petitioner does not feel it should have to improve this city owned property for access to proposed lot 3. The only reason lot 3 is even proposed is because it lies on the other side of the creek and is already separate from the main parcel. Lot 3 is not very usable. Most of it is in the floodway. Petitioner is asking that if improvements to the existing 30' foot access are required (which should not be done as the piece is not 45' wide as discussed above), then petitioner is requesting that it be made a requirement at such time when the proposed lot 3 is sold and improvements to lot 3 are begun.

3. In paragraph 8 of the staff report, staff wants the piece along creek drive improved to aerial street standards. Petitioner objects to this. For one, the property adjoining Creek Drive is an 80' strip of land which was deeded to the city sometime ago for future drainage. The city, as adjoining landowner would have to be the one to improve said piece. Further, none of Creek Drive is improved to arterial street standards with curb, gutter and sidewalk. It would not be fair to have to improve this piece all by itself.