



MEMO



10/27/14

Hi all!

Just a reminder- I won't be at the meeting on Wednesday. I had thought perhaps David would be able to come in my place, but he has family commitments. I'm going to do my best to adequately prepare you for the meeting and I'll have my phone with me in case something comes up and you need to get hold of me during the meeting. Justin Maughan will be there and should be able to answer questions related to the subdivision plat approval for River Meadows.

These are the items we have for this week's agenda:

Accessory Building Permit

Discussion and consideration of a request for a 24'x24' accessory building located at 605 W. 3300 S. (Applicant: Jim Renshaw)

- I recommend approving this building permit request. He is within the height and size limits for his property. I double checked the plat to make sure the setbacks were proper- on the West side of the building where he is showing a 5' setback for the building, there is no platted utility easement, so he is fine to build the shop that close to his property line.

Public Hearing

A public hearing to receive comment concerning a request to amend the final plat for Phase 2 of the Stonebridge Cluster subdivision.

Discussion and consideration of a request to amend the final plat for Phase 2 of the Stonebridge Cluster subdivision.

- You will note looking at the two plats, that the developer is bring in a request for an amended plat which would remove the open space between Lots 50/51 and Lots 108/109. The open space would be absorbed into adjoining lots. He originally requested additional building lots but I told him that wasn't an option.
- When Phase 2 was first recorded, which was just a year ago, the development agreement (I'll upload a copy for you to review) which was signed at the time included a letter signed by the developer stating that the open space would be maintained by the developer for one year after acceptance by the City and then after that time, would be maintained by the Stonebridge HOA.

- The developer has stated that he does not plan on having an HOA so would like to eliminate those open spaces mentioned above.
- A review of the history of this subdivision shows that HOAs and the ownership/maintenance of the open space have always been a point of discussion.
 - The minutes from when the concept plan for the subdivision was presented and discussed state:
 - *"...Mr. Scott said the Home Owner's Association will have to work with the City to determine who should use and maintain the open space...Mr. Wells said his is concerned about the City having to maintain this..."*
 - The minutes from final approval of Phase 1 state:
 - *"The council was told the Home Owners Association will construct and maintain the park and green space areas...The park will be private since the HOA will own and care for the area...Councilman Larsen asked when the developer will turn over the HOA to owners. Mr. Anderson said that they plan to turn control over to the HOA when ninety percent of the homes are sold."*
 - When Phase 2 came in for final plat approval, the Council minutes state:
 - *"Councilmember Jacobsen asked about green space development. He asked if they had an agreement from the developer on the development of the green space in writing. The City Planner said there was recorded minutes that said the home owners association was responsible for developing and maintaining the space and that the park would be private."*
- Clearly, from the minutes quoted above and from the original development agreement for Phase 2, it has always been the developer's stated intent that there would be an HOA and that HOA would be responsible for maintaining the open space, once it has been built by the developer.
- There is a larger discussion that will need to be had at some point regarding the overall notion of HOAs and the advisability of getting involved with them and to what extent, etc. but for now, we just have to look at this issue.
- Regarding open space in cluster subdivisions, our ordinance states:
 - **10-15-4 Open Space**
 - A. Required: There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located.
 - B. Preservation And Maintenance: Recreation and/or open space areas to be permanently reserved shall be improved, landscaped and maintained in accordance

with a plan approved by the planning commission. The developer shall specify how and by whom the reserved open space land will be maintained.

- Based on the preliminary plat, the average lot size in Stonebridge is 12,362 sq ft, which is a 12% reduction below the 14,000 sq ft average typically required in an R-2a subdivision.
- The total acreage of the Stonebridge subdivision is 51.19 acres, which would require 6.14 acres of open space, in order to be compliant with the ordinance.
- Between the open spaces and 30' landscaped buffer along 1200 West, the total provided open space (including the portion presently being proposed for elimination) they are right at 6.03 acres (based on my calculations)
 - 184,876- Open Space 1
 - 27,671- Open Space 2
 - 50,250- 30' landscaped buffer along 1200 West
 - 262,797 (6.03 acres)
- My numbers admittedly may be off a bit on the 1200 West landscaped buffer (I had to use my best guess) but either way, there is not room for eliminating the open space between the lots and staying within the required 12% open space, even if it is only just under 18,000 sq ft between the two small open space areas.
- Additionally, the north of the two open space areas (the one between Lots 50-51) is intended to serve as an open access so that residents can easily get to the large park that is planned for Phase 3.
- Hopefully I'm not too far scattered and you can understand where I'm going with this. Staff does **not** support recommending the requested amendment to the City Council, for the following reasons:
 - Allowing a reduction in the amount of open space will drop it below the required percentage dictated by our ordinance and it will be non-compliant. We cannot approve subdivision amendments that we know are in violation of the ordinance.
 - It has long been the stated desire, both of the original developer, this developer and the City, to have those open spaces constructed by the developer and maintained by an HOA. I believe it is in the best interest of the City to stick with that, as was agreed in his original development agreement for Phase 2
- If the developer happens to bring up amending the development agreement, it is true that we are. However, that amendment is **only** related to improvements to 1200 West

that he and Kim Datwyler/NNHC have agreed to share. It has not ever been my intent to remove the previously agreed upon responsibilities related to the development of open space.

Final Plat

Discussion and consideration of a final plat for Phase 1 of River Meadows Subdivision, located at approximately 3700 South 250 East (Applicant: Tyler Obray)

- I am waiting to hear back from the engineer on his review of the plat. I do know that there are a few issues with the construction drawings (mostly as it relates to water lines needed to obtain adequate fire flow) but those are worked out between the engineers- our engineer doesn't sign a mylar until the construction drawings are approved.
- My only concern with the plat itself, other than a few minor spelling and pin set corrections, is the fact that there is no delineation of the FEMA floodplain. Previously, the developer stated that they had filed the paperwork to remove Lots 1-4 from the floodplain. I have requested the engineer send me information showing that removal has been granted. If I haven't received it by Wednesday, then I recommend continuing this plat approval until the documentation has been provided. If I'm able to get it from them before that time, then I recommend forwarding this on to City Council for their approval.
- One thing to make sure the developer understands:
 - He is responsible for costs associated with connecting/completing the current 250 East to his development. 250 East currently ends with a temporary turnaround short of the property line. Because the completion/extension of the road is coming for no other reason than this development, then it is his responsibility for making those improvements. I have already checked with our attorney and he assured me that this exaction is appropriate, even though it is outside of the developer's land.
 - I have told him this but I want to make sure that it comes from you as well, just to reinforce the obligation.