



## MAYOR AND COUNCIL COMMUNICATION

DATE: 1/15/13

**REGULAR**

ITEM #: 20

**MOTION**

**AGENDA ITEM:** Request from Rockpoint Church to Extend Final Plat Submission  
Deadline for Hidden Meadows 2<sup>nd</sup> Addition

**SUBMITTED BY:** Kyle Klatt, Planning Director

**THROUGH:** Dean A. Zuleger, City Administrator

**REVIEWED BY:** Nick M. Johnson, City Planner

### **SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to consider a request to extend the final plat deadline for Hidden Meadows 2<sup>nd</sup> Addition which will ultimately establish the residential portion of the OP development south of Rockpoint Church. The preliminary plat for Hidden Meadows 2<sup>nd</sup> Addition was approved by the City in 2006 and the City Code requires that a final plat be submitted within 180 days of the preliminary plat approval. In this case, the Council did approve two separate extensions to this deadline of one year and five years respectfully, and the current deadline expired on January 2, 2013. Because the Council's first official meeting of the year was set for January 15<sup>th</sup>, any additional extensions may still be approved retroactive to the January 2, 2013 date.

The Church is requesting another five year extension due primarily due to the weak housing market over the last five years. In general Staff supports the extension, but would like to see the official dedication of easements that will be necessary to complete a planned water main extension across the Church property (which is a part of the Hidden Meadows 2<sup>nd</sup> Addition plans; therefore these easements have not yet been dedicated to the City). As a compromise, Staff is recommending that the City Council grant an extension of six months in order to give the Church time to dedicate easements related to this water main. At the end of the six months, the City would then be in a position to grant further extensions consistent with the Church's desire to have five more years. This would also give the City time to review options regarding the actual installation (and timing) of this line with the Church as well.

The recommended motion to act on this request is as follows:

***“Move to approve the request from Rockpoint Church to extend the deadline to submit a final plat related to Hidden Meadows 2<sup>nd</sup> Addition for a period of six months until August 2, 2013, with any further extensions to be considered only after the dedication of a utility easement across the Church's property consistent with the location of a planned 16” water line.”***

## **BACKGROUND INFORMATION:**

The Staff report from the previous extension request included the following information, which is still valid at this point in time:

- The City Attorney and the developer's attorney created a temporary easement agreement that provides the City with the desired protection of the open space areas until such time that a final plat is approved.
- The City Attorney confirmed that there is no cap on the length of time for a final plat extension. Council has the ability to extend a final plat for as many years as deemed necessary.
- Extension of the final plat is in the City's best interest as easements are in place to protect the future dedicated open space areas until the final plat is approved. Additionally, granting the requested extension provides a financial incentive to the developer to follow through with the residential development in the future once market conditions are right.
- Outlots A & B, which make up the land to be developed into the OP subdivision, are not tax exempt.
- By city code, outlots are not useable as building sites. Therefore, utilization of either outlot A or B for any purpose other than open space could not occur without City approval.
- Not granting an extension will result in the developer losing preliminary plat approval, which in turn makes pursuing other development opportunities an option .

If the requested extension is not approved the developer will need to submit a new preliminary plat in order to pursue any development on the effected property. Note that the City will still have easements over the open space areas if this occurs in the interim period, but the incentive to follow through with the desired residential development will have diminished.

## **PLANNING COMMISSION RECOMMENDATION:**

Based upon the above background information and Staff report, it is recommended that the City Council approve the request from Rockpoint Church to extend the final plat deadline for Hidden Meadows 2nd Addition, but that this extension be limited to six months in order to give the Church additional time to provide a utility easement over their property in the planned location of a 16" water line. With the proper easement in place, the City could then consider an additional extension request for a longer period of time.

The recommended motion for this action is as follows:

***“Move to approve the request from Rockpoint Church to extend the deadline to submit a final plat related to Hidden Meadows 2<sup>nd</sup> Addition for a period of six months until August 2, 2013, with any further extensions to be considered only after the dedication of a utility easement across the Church's property consistent with the location of a planned 16" water line.”***

## **ATTACHMENTS:**

1. Request for Plat Extension

2. Hidden Meadows 2<sup>nd</sup> Addition Preliminary Plat
3. Resolution 2007-97 Granting Second Extension

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... City Administrator
- Report/Presentation.....Planning Director
- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates