

**City Council Minutes Excerpt
October 24, 2017**

**7.09: Preliminary Approvals Related to Proposed North Fork Meadows Subdivision;
Case of Paxmar, LLC (Project No. 17-126)**

- 1. Introduce Ordinance #17-16 Approving a Conditional Zoning Amendment to Planned Unit Development**
- 2. Adopt Resolution #17-10-276 Authorizing Conditional Rezoning Agreement**

Community Development Director Gladhill reviewed the staff report. He noted that Planning Commissioner Surma actually voted in support of the action and wanted to clarify that as the record did not reflect that action. He noted that when considering a recommendation, staff reviewed the concept again and the points raised during the first stages of review: consistency with the Comprehensive Plan; the need for a more compelling reason to amend the Comprehensive Plan, or leave as Low Density Residential (LDR); and the desire to create a more meaningful Density Transitioning Plan (DTP), with wider lots and deeper lots. He stated that considering those factors, staff feels that this is a reasonable compromise and would support the Planning Commission and City Council in approving this project. He noted that as a reminder, the City is not obligated to approve the project and this is a policy level decision that requires direction from the City Council.

Councilmember Kuzma asked the potential consequences could result from this action.

Community Development Director Gladhill stated that this request would fall under the conditional rezoning request, which is acceptable to the City. He noted that the City Attorney provided input and did not feel that this would be contract rezoning. He stated that the applicant can also provide input on why they would want the conditional rezoning before spending the large amount that will be required to move through the process for this proposed development.

Alan Roessler, Paxmar, stated that they have spoken with the Council, Planning Commission, and the neighborhood in previous meetings. He stated that they have significantly changed their proposal throughout this process in attempt to appease all parties. He noted that the current proposal would include 97 units, would not require a Comprehensive Plan amendment, would fit within the R-1 zoning standards and density, would provide a buffer zone and the required buffer zone plantings, and would provide the trail easement for the greenway corridor. He reviewed the concerns that they heard from adjacent residents about the original development proposal and reviewed the related elements that were made to the plan to address those concerns. He stated that there were some comments expressed by residents at the meeting of the Planning Commission expressed that they would like the property to simply develop under R-1. He noted that the properties along the eastern border match the R-1 lot width and therefore the views of those neighbors will be the same regardless.

Councilmember Kuzma asked why the zoning amendment is requested prior to the Preliminary Plat.

Mr. Roessler replied that the Preliminary Plat is the most expensive part of the preparation process. He stated that they would not want to spend that \$200,000 without some assurance that the requested density for the project would be allowed, as that item would be the deciding factor in whether the project would be financially viable.

Councilmember Riley stated that staff identified some risks to rezoning prior to the project and asked if there are also tools in place that would appease those concerns.

Community Development Director Gladhill confirmed that there are tools in place that require the necessary protection. He noted there will also be an additional agreement recorded through this process to ensure that what is agreed upon is provided.

Councilmember Johns asked if the buffer would become City property. She referenced the greenway corridor and noted that it was mentioned that is off this plat and asked for additional details.

Community Development Director Gladhill confirmed that the greenway corridor is off this plat but will become a part of the plat during this process. He stated that the City will not own the buffer area. He stated that the depth for R-1 is not met by the eastern boundary lots and wanted to ensure that it is clear that is part of the PUD. He stated that a separate easement would be placed over the buffer, similar to what occurred with the Woodlands development.

Councilmember Shryock asked for information on the lot depth and buffer that would exist between the existing homes and the proposed development.

Mayor Strommen stated that she does not feel that she has enough information on whether the public benefit being received is commensurate for the additional lots. She appreciated the compromises that have occurred thus far but noted that she is not using that original request as the starting point but instead is using the existing City standards as the starting point with this proposal as the comparison. She stated that typically the open space being provided for a PUD is within the same plat. She noted that a lot of the open space is wetland and the trail corridor and therefore she is not sure if that is of equal benefit or whether that would be gained through park dedication under normal development of this property. She stated that she is on board with the process of a greenway corridor but she was unsure if that is something that would only be provided in this proposal or whether that would come in through the development of this area. She stated that the language states that the permittee controls the greenway land but the owner actually controls the land. She did not feel that she had enough information to make a decision on this. She stated that the eastern boundary should meet the design standards of the R-1 zoning district and was still unsure that the public benefit is equal to the additional density and flexibility being provided. She noted that the decision needs to be made as to whether the deviation from the Comprehensive Plan and zoning standards is equal to the public benefit that would be provided.

Community Development Director Gladhill noted that the item was reviewed by the Park Commission and noted that minutes from that meeting can come back to the Council when this is discussed again. He asked if there is conceptual consensus with this proposal.

Mayor Strommen stated that she does not have enough data to move forward in a concept. She stated that she does not see the comparable data and is not comfortable moving forward without that input from the Park Commission and Environmental Policy Board (EPB).

City Planner Anderson stated that the EPB reviewed this information at their October meeting and generally supported the proposal. He noted that the group focused on density transitioning and did support the public benefit of securing the land for the greenway corridor. He noted that the group did not discuss the upland/wetland ratio.

Councilmember Shryock stated that she also shared the concern of Mayor Strommen and agreed that the Park Commission would discuss whether to accept land or funds for park dedication and therefore she wondered whether this would be provided under normal development.

Councilmember Riley stated that he was unsure if the greenway would become part of the plat.

Community Development Director Gladhill stated that the greenway could be included as an outlot as part of the plat itself.

Councilmember Riley stated that these are two very different issues of park dedication and the public areas that would be gained.

Community Development Director Gladhill agreed that if this is accepted as the public benefit, he would feel that the next iteration would need to show the park dedication in addition to this public benefit.

Mr. Roessler stated that they would not be contributing park land and would pay park dedication in addition to the greenway and trail contribution. He explained that the density was determined by reviewing the property values of the existing homes in the area and the values proposed by Capstone. He explained that they would need to match the values of the surrounding area and would not want to be a "unicorn" in terms of pricing in that area. He stated that if you were to develop the property at the R-1 standards throughout the development, the prices would far exceed the

values of the neighboring developments and therefore they attempted to provide a range of units that would fall around that range.

Councilmember Johns stated that if this is going to move on as a PUD she would like to see additional public benefit provided above the greenway. She agreed that there are additional details that need to be provided before this moves forward.

Mr. Roessler replied that the 45-foot buffer is without the berm and therefore the density transitioning berm can be created and the difference in the lot depth would only fall five feet short of the R-1 requirement.

Mayor Strommen stated that while that would help to know that, she still does not feel that there is sufficient information to make this decision.

Councilmember LeTourneau stated that there seems to be too much moving around in this discussion. He stated that the attempt is to try to develop land in the community that will increase the population and could result in additional benefits to the City, such as bringing in additional service businesses. He stated that the input of the neighboring residents has been provided and considered throughout this process. He stated that the addition of the greenway was a little late in the game and is somewhat separate from the reason of this request. He stated that he is willing to take a bit of a risk to conceptually approve the PUD today so that the Council can learn more about it tomorrow. He stated that while he does not want to dismiss the concerns brought forth tonight, he also wanted to remind the Council of their purpose tonight. He stated that he would like the Council to accept that there is still a lot of work to do and this would be taking a step, in good faith, to continue to work on this development.

Mayor Strommen stated that she did not feel that she would not be able to support this request but stated that she did not have enough information. She stated that in order to approve a PUD there has to be a public benefit provided and therefore she is attempting to determine if this public benefit is commensurate for the flexibility requested. She stated that her starting place for review is what is allowed today and then weighing that against what is being asked for and what is being received in terms of public benefit in return. She stated that this site will develop eventually. She appreciated that she and Councilmember LeTourneau are coming from different points of view.

Councilmember LeTourneau stated that he also appreciates the different points of view and noted that he also agrees that there would be additional information required but felt that this would be the first step.

Community Development Director Gladhill asked for the input the Council would like to receive before this comes back.

Councilmember Shryock stated that she would like to see a comparison of what would be provided through normal development of this property and then a comparison of what would be provided through this proposal.

Councilmember Kuzma asked for input on the timeline of the developer.

Mr. Roessler provided input on the timeline for the potential project. He noted that there is flexibility but advised that delaying action for one month could delay the construction from April to May.

Motion by Councilmember Kuzma, seconded by Councilmember Johns, to direct this case to go back before the appropriate Commissions/Boards for additional input for the Council to review.

Further discussion: Councilmember LeTourneau asked what would result from the Commissions/Boards reviewing this request again. Community Development Director Gladhill summarized the discussion points that were made tonight, noting that staff would attempt to develop a proforma that the Commissions/Boards could review to determine what would be provided under normal development compared to this proposal. Mr. Roessler stated that he would have concern spending funds on a survey if this is not going to move forward. Mayor Strommen noted that this would not have be a formal survey and provided additional details noting that the City's corridor map could be used.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Kuzma, Johns, LeTourneau, and Shryock. Voting No: Councilmember Riley.

DRAFT