

	<div style="text-align: center;">AGENDA ITEM SUMMARY</div> <div style="border: 1px dashed purple; padding: 5px; float: right; margin-top: 10px;"> District Impacted <input type="checkbox"/> 1 = Wolosin <input type="checkbox"/> 2 = Woolard <input type="checkbox"/> 3 = Scott <input type="checkbox"/> 4 = Boddie <input type="checkbox"/> 5 = Macaluso <input type="checkbox"/> All </div>
Agenda Date	May 3, 2021
Requested Action	<p>CONSIDER THE PRELIMINARY PLAT FOR BIRCH AT SPENCER RANCH PHASE 2, 19.41 ACRES, 72 RESIDENTIAL LOTS, 3 OPEN SPACE LOT, AND 3.57 ACRES OF PRIVATE RIGHT-OF-WAY (KAD NO. 307605). TAKE NECESSARY ACTION.</p>
Contact Person	Rebecca Pacini, AICP, Planner III, Planning and Community Development Department
Background Information	<p>This is the preliminary plat Birch at Spencer Ranch Phase 2. The Preliminary Plat consists of 72 residential lots, 3 open space lot, and 3.57 acres of private right-of-way, on 19.41 acres.</p> <p>The Master Plan designates the Future Land Use for this property as Neighborhood Residential. The Master Planned Community Plan was approved in 2018. The preliminary plat is in conformance with both the Master Plan and the Master Development Plan.</p> <p>The plat does not meet all the requirements of the subdivision ordinance. It is not in compliance with Article 5, Section 11, of the Subdivision Ordinance. Specifically, Section 5.11.014 B. states the following:</p> <p>5.11.014 <u>Property Owner's or Homeowners' Associations (the "Association").</u></p> <p><i>B. An Association agreement consistent with State and other appropriate laws must be submitted to and approved by the City Manager and made a part of the final plat documents. The restrictive covenants -- Covenants, Conditions and Restrictions ("CCRs") -- and the Association documents including articles of incorporation and by-laws shall be submitted to the City for review and approval along with the preliminary plat application, and shall be filed at Kendall County prior to final plat acceptance in order to ensure that there is an entity in place for long-term maintenance of these Common Areas. The Association's CCRs shall provide for continuous maintenance and control of the Common Areas by</i></p>

	<p><i>a responsible body, in perpetuity, for the benefit of the homeowners. Such maintenance and control shall be performed without using public funds. In the approval of the above documents, the City shall determine that the proper legal position is ensured and that the proposed Association will function properly both during and after the time in which the developer is active in the subdivision.</i></p> <p>While the CCRs are a requirement of the preliminary plat submittal, Council is considering a Development Agreement with the owners of properties in this area to include this development. The DA proposes a path to annexation thereby changing the CCRs funding requirements. The developer has actually provided CCRs, but they are not in compliance with the requirements of the ordinance (e.g. 20 years of funds for maintenance of private streets). They are more reflective of what the CCRs would be after an approved DA. Therefore staff cannot approve the CCRs until a DA is entered into. The DA is on the May 11th Council meeting. CCRs will still be required but can be submitted and recorded after consideration of the DA and prior to approval of a final plat.</p> <p>The Commission may make a recommendation of approval of the preliminary plat with the condition that the Covenants, Conditions, and Restrictions (CCR) be approved by the City Manager and filed with the Kendall County Clerk prior to the final plat approval in accordance with Subdivision Ordinance, Article 5, Section 11. Approving the preliminary plat with this condition will allow them to move forward with submittal of infrastructure documents and then eventually onto final plat submittal.</p>
Item Justification	<div> <div> <input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Drive Down Risk <input type="checkbox"/> Master Plan Recommendation </div> <div> <input type="checkbox"/> Infrastructure Investment <input checked="" type="checkbox"/> Customer Demand <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Other: _____ </div> </div>
Financial Considerations	
Citizen Input/Board Review	Approved Master Development Plan
Legal Review	

Alternative Options	
Supporting Documents	Attached maps and plat.