

Midway City Council
3 December 2019
Regular Meeting

Ordinance 2019-14 /
Development Phasing



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: December 3, 2019

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Title 16.16.4 (A)(20)(a):
Concept Plan/Master Plan

ITEM: 6

Midway City is proposing a code text amendment of Section 16.16.4 (A)(20)(a): Concept Plan/Master Plan. The proposed code will limit the number of phases and plats allowed in a master planned development based on the number of units in the master plan.

BACKGROUND:

Midway City Planning Commission and City Council have recently reviewed two proposals that dealt with phasing in master plans. The first proposal was a code text amendment which would have allowed for multiple plats to be recorded per each phase of an approved master plan. After careful review, the proposal was denied. The second proposal was a master plan amendment that petitioned the City to increase the number of phases in an approved master plan from three to eight. This proposal was approved but the number of phases was reduced to five. After reviewing both proposals the Planning Commission and the City Council asked staff to review the code and to propose potential amendments for consideration. It became apparent through the discussions by the Planning Commission and City Council that some additional standards should be established regarding phasing and, potentially, the number of units or lots required per phase.

The process of approving and recording multiple plats requires much time and effort for the Planning Commission, City Council and for staff so the proposed amendments have been tailored to establish standards that are fair for the City and the developer. Per the current code, it is possible that a separate plat could be requested for each unit or lot in master plan. For this to happen, the developer would need to propose as many phases as units or lots in the proposal. It was concluded that this scenario is unlikely, but the City should amend that code to direct development in a manageable and orderly manner.

As mentioned previously, the City has some standards for master plans which include that a proposal must demonstrate that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed. Therefore, the Master Plan application must demonstrate that sufficient property, water rights, roads, sensitive lands protection, and open space are proposed with the first phase to allow the project to function without subsequent phases. The City will consider additional phasing requirements to this list.

Staff has developed three options for the City to consider which will be discussed below.

Option 1: Establish a minimum number of lots/units per plat.

The City may adopt code that requires a specific number of lots/units per plat. By requiring a minimum number, the City is assured that each plat has of enough units/lots to justify the time and effort spent for reviewing, processing and approving each phase. Staff has considered numbers from 5-15 as the minimum requirement. Potential code language that could be added to Section 16.16.4 (A)(20)(a) as follows:

A minimum of ten units/lots shall be included in each phase of the master plan.

Option 2: Establish a minimum number of lots/units per plat on a percentage basis.

The City may adopt code that requires a specific number of lots/units per plat based on a percentage of the overall number of units in the development. For example, the code could require that 20% of the units/lots are included in a plat. This approach would guarantee no more than five plats would be included in the master plan. A 40-lot development would require at least eight lots per plat. The disadvantage with this approach is that very large developments would have a relatively large number of units/lots in each plat while a smaller development could have a small number of units/lots per plat. Potential code language that could be added to Section 16.16.4 (A)(20)(a) could as follows:

A minimum of 20% of the units/lots of the master plan shall be included in each phase of the master plan.

Option 3: Establish the number of phases based on the number of units/lots in the development and allow the developer flexibility on the number of units/lots per plat.

The City may adopt code that establishes the number of plats based on the number of units/lots in the development but still allows flexibility regarding the number of units/lots per plat. For example, the code would allow for one plat per every 15 units/lots. A 60-lot development would allow for five plats. The developer would then be able to determine how many units are in each of the five plats. This would assure the City that there would not be an excessive number of phases, but it would also allow flexibility for the developer regarding the number of units/lots per plat. Potential code language that could be added to Section 16.16.4 (A)(20)(a) could be as follows:

The maximum number of phases/plats in a development shall be determined by the number of lots/units. One phase/plat is allowed for each 15 units/lots, or portion thereof, of the development. Once the number of phases has been determined, the developer may choose the number of units/lots included in each phase. For example, a 61-lot development would allow for five plats. The developer could have 12 lots in the first phase, four lots in the second, 14 in the third, 23 in the fourth, and eight in the last phase.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Streeter: I move that we propose a code text amendment of section 16.16.4 (A)(20)(a) of the Concept Plan/Master Plan. This proposed code will limit the number of phase/plats allowed in a Master Plan development based on the number of units in the Master Plan. We accept the findings of staff and we suggest that the language be “the maximum number of phases in a development shall be determined by the number of lots/units”. One plat is allowed for each 15 lots or portion thereof, of the development. Once the number of phases has been determined, the developer may choose the number of units/lots included in each phase, and just to be clear phase and plat are interchangeable.

Planner Henke: I considered having the example included in the ordinance

Commissioner Streeter: I will amend my motion to include at the end of the previous motion. For example: a 61-lot development would allow for five (5) plats. The developer could have 12 lots in the first phase, four (4) lots in the second, 14 in the third, 23 in the fourth, and eight (8) in the last phase.

Seconded: Commissioner Nicholas

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Nicholas, Bouwhuis, Whitney and McKeon

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The proposed amendments will establish standards for master plan phasing.
- The proposed amendments will assure that number of phases/plats in a development is manageable.
- The proposed amendments may save time for the Planning Commission, City Council, and staff.
- Option 3 allows the developer to have flexibility regarding the number of units that can be included in a phase/plat.
- The proposed amendments do not change the fact that all other master plan requirements (open space, water requirements, traffic circulation, etc.) are still required for each phase.

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial