

East Park Estates

PUD-Final Plan Phase 2

November 30, 2021

Application Materials:

All required application materials have been provided:

- Signed Application
- Application Fee will be paid within 5 business days
- Title Report and Operating Agreements
- Findings
- CC&R's and Homeowners Association Articles
- Conditions of Approval have been addressed in the Findings
- Final PUD Plan

Background:

On June 18, 2018, a Pre-Application Conference (PRE-AP18-72) was held with the applicant and City staff. The purpose of the pre-app was to discuss the potential development of the property.

The subject property is located within the City limits (ANXC-689) and the Urban Growth Boundary.

The applicant attended the East Lancaster Neighborhood Association meeting and the East Suburban Neighborhood Association meeting on October 4, 2018, to discuss the proposal with the Neighborhood Association and adjacent property owners.

On January 3, 2019, the required PUD Pre-Application Conference (PRE-AP18-126) was held with the applicant and City staff.

On October 16, 2019, CPC-ZC-PUD-SUB-ADJ19-08 was approved to allow the subject property to be developed with 659 single-family units and 36 multi-family units for a total of 695 units on approximately 122 acres within six (6) phases.

On August 27, 2021, CPC-ZC-PUD-SUB-ADJ19-08MOD2 was approved to allow the subject property to be modified as shown in the decision.

Proposal:

The applicant is requesting Final Plan approval for East Park PUD Phase 2, as approved under CPC-ZC-PUD-SUB-ADJ19-08MOD2.

Section 210.030 (d) Criteria-Planned Unit Development Final Plan:

(1) Substantial conformance.

(A) The PUD final plan is in substantial conformance with the PUD tentative plan. Substantial conformance for the following specific components of the PUD final plan exists when a comparison of the approved PUD tentative plan with the PUD final plan shows that:

- (i) The number of dwelling units is within ten percent of the number of dwelling units shown on the PUD tentative plan, but in no case shall the number of dwelling units exceed the limits set forth this chapter;**
- (ii) Setbacks, and distances between main buildings, are within ten percent of those shown on the PUD tentative plan, but in no case shall the setbacks and distances be reduced below the minimums set forth in this chapter;**
- (iii) Building sizes do not exceed the building sizes shown on the PUD tentative plan by more than ten percent.**
- (iv) Building locations do not depart by more than ten percent from the building locations shown on the tentative PUD plan;**
- (iv) Common open space within the PUD final plan conforms to the following:**
 - (aa) If the common open space is to be improved as a recreational amenity, the area designated as common open space has not been reduced by more than ten percent.**
 - (bb) If the common open space is to be permanently set aside for passive and/or active recreational use, the area designated as common open space has not been reduced by more than ten percent.**
 - (cc) If the common open space is to preserve significant natural feature, the area designated as common open space has not been reduced by more than five percent.**
 - (dd) If the common open space is to preserve a significant cultural feature, the area designated as common open space is identical to that shown on the PUD tentative plan; and**
- (V) If unique or innovative design concepts are employed, the final design conforms with the unique or innovative design concepts as approved in the PUD tentative plan.**

Findings 1.A(i)-(v): On August 27, 2021, CPC-ZC-PUD-SUB-ADJ19-08MOD2 was approved to allow the subject property to be developed with 659 single-family units and 36 multi-family units for a total of 649 units on approximately 122 acres within seven (7) phases.

Phase 2 was originally approved for 93 lots. There are now 79 lots and an open space area within Phase 2 as shown on the site plans submitted.

As shown on the Final Plan, the number of lots in Phase 2 has decreased, setbacks will be met at the time of building permits, common open space is the same and has not been reduced in size or shape. Therefore, the Final PUD is in substantial conformance with original PUD Plan.

(B) Nothing in subsection (d)(1)(A) of this section shall be deemed to prohibit a reduction in the number of dwelling units or an increase in the amount of common open space. If the PUD is constructed in phases, the number of dwelling units reduced in one phase shall not be used to increase the number of dwelling units in any subsequent phase; and an increase in common open space in one phase shall not be used to reduce the amount of common open space in any subsequent phase.

Findings: On August 27, 2021, CPC-ZC-PUD-SUB-ADJ19-08MOD2 was approved to allow the subject property to be developed with 659 single-family units and 36 multi-family units for a total of 649 units on approximately 122 acres within seven (7) phases. Phase 2 was approved for 93 lots and there are now 79 lots within Phase 2 as shown on the site plans submitted.

The number of lots has decreased and the common open space has not changed in Phase 2. Therefore, the Final PUD Plan for Phase 2 is in compliance with the original approval.

(C) Notwithstanding the changes allowed under subsection (d)(1)(A) of this section, a PUD final plan is not in substantial conformance with the PUD tentative plan if the cumulative effect of the changes made pursuant to subsection (d)(1)(A) of this section results in a significant modification to the approved PUD tentative plan.

Findings: There are no significant modifications being made to the original PUD plan. All modifications were approved through CPC-ZC-PUD-SUB-ADJ19-08MOD2. The modification were no significant and they were approved. Therefore, the Final PUD Plan for Phase 2 is in compliance with the Code.

(2) Except as allowed under subsection (d)(1) of this section, the conditions of approval on the PUD tentative plan have been met.

Findings: As stated below, all Conditions of Approval have been met or will be met. The Conditions outlined below are the Conditions of approval that are applicable to Phase 2.

Condition 11: Construction plans have been approved with property line sidewalks and street trees. Performance security has been provided for these improvements.

Condition 12: Access and utility easements for all private streets and public utilities located within private streets will be shown on the plat.

Condition 13: Public Utility Easements will be shown the plat.

Condition 14: City infrastructure has been designed to all undeveloped adjacent parcels per PWDS. Performance security has been provided for these improvements.

Condition 15: Water, stormwater, and sewer has been designed to serve each lot. Performance security has been provided for these improvements.

Condition 16: Stormwater facilities have been designed per PWDS. Performance security has been provided for these improvements.

Condition 17: There are no trees being removed within City owned property with Phase 2. At the time of tree removal, the applicant will obtain a Street Tree Permit.

Condition 18: All easements will be identified on the Plat.

Condition 29: Water, stormwater, and sewer has been designed to serve each lot. Performance security has been provided for these improvements.

Condition 30: This Condition has been complied with as indicated in the attached recorded Improvement Agreement (Reel 3282/Page 365).

Condition 31: Plans for the traffic signal are currently in review with Marion County and Public Works.

- Condition 32: Shown on the plans currently under review and will be dedicated by the plat. This Condition has been complied with as indicated in the attached recorded Improvement Agreement (Reel 3282/Page 365).
- Condition 33: These improvements are currently in plan review and nearly approved. This Condition has been complied with as indicated in the attached recorded Improvement Agreement (Reel 3282/Page 365).
- Condition 34: These improvements are currently in plan review and nearly approved. This Condition has been complied with as indicated in the attached recorded Improvement Agreement (Reel 3282/Page 365).
- Condition 35: These improvements are currently in plan review and nearly approved. This Condition has been complied with as indicated in the attached recorded Improvement Agreement (Reel 3282/Page 365).

(3) *The articles of the homeowners' association satisfy the standards set forth in SRC 210.055(b).*

Findings: Draft HOA documents are currently in with the City and under review.

(4) *For planned unit developments with a land division, SRC 205.035(c)(6) has been met. If the PUD does not include a land division, the Public Works Director has determined that each building or structure on the PUD final plan can be adequately served by the following city infrastructure and private improvements:*

- (A) *A domestic water supply;***
- (B) *A sanitary sewage disposal system;***
- (C) *Streets improved to the extent that adequate paved access is provided to each building or structure;***
- (D) *A stormwater discharge system; and***
- (E) *Fire hydrants installed to fire code standards.***

Findings: The PUD does include land division. Per CPC-ZC-PUD-SUB-ADJ19-08MOD2 approval all requirements within SRC 205.035(c)(6) have been met.

(5) *The owner has entered into an improvement agreement with the City providing that any improvements required to be constructed which are not complete at the time of submission of the PUD final plan will be completed within 18 months of PUD final plan approval, and the owner has furnished sufficient performance security, as provided in SRC 110.100, to ensure completion of the improvements. The time within which the improvements must be completed may be extended for one additional six-month period, subject to prior written approval from the Director.*

Findings: The owner has entered into an improvement agreement with the City. The improvement agreement is on file with the City, along with the performance security.

(6) *If applicable, the applicant has executed a fee-in-lieu agreement pursuant to SRC 200.400 through 200.420.*

Findings: There are no fee-in-lieu agreements with this project.

