

BOARD OF ALDERMEN

ITEM NO.: D(4)

AGENDA ITEM ABSTRACT

MEETING DATE: MARCH 15, 2005

TITLE: MINOR MODIFICATION TO WEXFORD AND TRAMORE WEST SUBDIVISIONS

<b>DEPARTMENT:</b> PLANNING DEPARTMENT	<b>PUBLIC HEARING:</b> YES <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>ATTACHMENTS:</b> A. RESOLUTION B. LETTERS FROM APPLICANTS C. VICINITY MAP D. WEXFORD CONDITIONAL USE PERMIT E. TRAMORE WEST SPECIAL USE PERMIT. F. EVIDENCE OF WEXFORD HOA CONSENSUS. G. RECREATION POINTS SUMMARY H. EMAIL FROM RECREATION AND PARKS DIRECTOR I. SIDEWALK EXTENSION MOCKUP	<b>FOR INFORMATION CONTACT:</b> JEFF KLEAVELAND, 918-7332

**PURPOSE STATEMENT**

The Wexford Homeowner’s Association and the developers of Tramore West are requesting permit modifications so as to incorporate the Tramore West subdivision into Wexford and thereby assume responsibility for the Tramore West permit conditions. The staff requests that the Board of Aldermen review, deliberate and make a decision on the proposed minor modification application.

**INFORMATION**

The Wexford Homeowners Association (HOA), in conjunction with Pika Developers Inc., is requesting a Minor Modification to the Wexford and Tramore West Conditional and Special Use Permits to allow the inclusion of the six-lot Tramore West subdivision into the Wexford subdivision (Attachment B). Pika Developers, Inc. is also seeking, at the request of neighbor, Ms. Mary Swanson of 200 Stratford Drive (Wexford), to remove the requirement of an off-site sidewalk extension (that has not yet been constructed) from the Tramore West Special Use Permit (Attachment C).

To date, Wexford has been built-out and is almost entirely occupied while Tramore West has constructed a majority of its infrastructure but has no completed homes or residents (Attachment C). The Wexford CUP was issued on July 16, 1991 permitting the 95 lot subdivision located between Autumn Drive and Homestead Road (Attachment D). The Tramore West SUP was issued on November 20, 2002 permitting the six (6) lot subdivision located adjacent to Wexford at the Western terminus of Tramore Drive (Attachment E).

Note that Pika Developers, Inc. bonded for final plat release and has since sold the six lots to Dale Giera of Rexco, LLC. Pika is still responsible for improvements bonded-for and Rexco has given written consent that the modifications proceed according to Pika’s request.

The Wexford HOA is qualified to request modifications to the Wexford CUP if they can demonstrate member consensus. Vicky Mendes, acting president of the Wexford HOA, has demonstrated this

consensus with the attached evidence that includes signatures of over 75% of the association's membership approving of the incorporation of Tramore West (Attachment F).

#### Transfer of Permit Conditions

The first step of this permit modification is to transfer all relevant conditions of the Tramore Special Use Permit onto the Wexford Conditional Use Permit thereby dissolving the Tramore West subdivision and incorporating its lots, common facilities and obligations onto the Wexford subdivision. Since each subdivision have valid permits, this transfer is administrative and does not exempt any party of existing or future obligations to the Town. Because of this staff recommends the following condition:

- That The Wexford Homeowner's association, with the consent of Pika Developers, Inc. and Rexco, LLC, hereby incorporate the lots, common facilities, duties and responsibilities of the six-lot Tramore West subdivision into the Wexford subdivision thereby conferring onto these lots and common facilities all rights, privileges and responsibilities of membership in the Wexford Homeowner's Association and subdivision.

Because of the above proposed condition, the two existing Tramore West SUP conditions below will be transferred to the Wexford CUP (Attachment E). For this reason, Pika Developers, Inc. is seeking to modify the following conditions prior to their transfer:

- ✓ That the developer (of Tramore West) pays to the Town the required \$9847.23 fee-in-lieu of recreation points prior to final plat approval.
- ✓ That the sidewalk along the southern side of the new roadway be extended to Stratford Drive and that the extension is shown on the construction plans.

#### Recreation Points

Because of Wexford's surplus recreation points and Tramore's close proximity to Wexford, the union of the two developments is practical (Attachment C). Pika Developers, Inc. believe that the \$9847.23 *fee-in-lieu of recreation points* is no longer justified since the six Tramore West lots will be entitled to make full use of Wexford's facilities which include tennis courts, a swimming pool, and a club house as well as other passive recreational amenities.

The number of existing recreation points provided by Wexford, as shown on the approved CUP plans, is 1383 points; the total number of points required in these plans is 987, creating a surplus of 396 points (Attachment G). (As a side note, staff has recalculated Wexford's total and found that the original total is likely too low; the recalculated figure is 3419.4 points total (Attachment G)). The number of points required by the six lots of the Tramore West project is 62.34.

Since the *fee-in-lieu of recreation points* collected by the Town are intended to directly serve the development from which they are collected it is reasonable to conclude that no existing public facility can serve the recreational needs of Tramore West as well as Wexford's existing facilities based on proximity. Town recreation staff concurs with this assessment (Attachment H). Because of this, the staff recommends the following condition:

- That Tramore West's recreation points requirement of 62.34 points (6 of which are to be for children under the age of 12) be provided for, and deducted from, Wexford's recreation points

surplus thereby eliminating the \$9847.23 fee-in-lieu of recreation points requirement of Condition five (5) of the Tramore West SUP.

#### Tramore West Sidewalk extension

Though the applicant has demonstrated the willingness to build the Tramore West sidewalk extension, Pika Developers are applying to have this condition removed in a neighborly effort to accommodate a request made by Ms. Mary Swanson of 200 Stratford Drive who is opposed to the sidewalk crossing her property frontage. Ms. Swanson does not feel the sidewalk is necessary as there is an existing sidewalk across the street. This proposed sidewalk extension is within the public R/W (Attachment I).

Staff does not support this action as the sidewalk Condition, agreed to by Pika Developers, and supported by the Board of Adjustment, provides an opportunity to bring into LUO compliance a segment of Tramore Drive. Although most of the Tramore Drive subcollector has sidewalks only on the northern side of the street the current version of the ordinance requires subcollectors to have sidewalks on both sides of the street (Section 15-216).

The Tramore Drive sidewalk extension will complement the proposed R/W improvements of Tramore West and bring this segment of the R/W into compliance with the current ordinance. Because of this, the staff recommends the following condition be added to the face of the Wexford CUP.

- That the sidewalk along the southern side of the new roadway of the Tramore West subdivision extend off the Tramore West project site, west, so as to terminate at Stratford Drive. This sidewalk extension to be built by the developers of the Tramore West subdivision.

Should the Board choose to eliminate this condition based on Ms. Swanson's request; the Board can adopt the following recommendation:

- That the off-premises sidewalk extension made a condition of the Tramore Special Use Permit no longer be required.

#### Public Hearing

It is within the purview of the Board of Aldermen to call a public hearing before rendering a decision on the requested changes. Specifically, with regard to Minor Modification requests, Section 15-64(b) of the LUO states the following: "Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification."

#### **STAFF'S RECOMMENDATION**

The Staff recommends that the Board of Aldermen adopt the attached resolution approving the request made by the Wexford HOA and the developers of the Tramore West subdivision thereby entering upon the face of the Wexford Conditional Use Permit the following conditions (Attachment A):

- 1) That The Wexford Homeowner's association, with the consent of Pika Developers, Inc. and Rexco, LLC, hereby incorporate the lots, common facilities, duties and responsibilities of the six-lot Tramore West subdivision into the Wexford subdivision thereby conferring onto these lots and

common facilities all rights, privileges and responsibilities of membership in the Wexford Homeowner's Association and subdivision.

- 2) That Tramore West's recreation points requirement of 62.34 points (6 of which are to be for children under the age of 12) be provided for, and deducted from, Wexford's recreation points surplus thereby eliminating the \$9847.23 fee-in-lieu of recreation points requirement of Condition # 5 of the Tramore West SUP.
- 3) That the sidewalk along the southern side of the new roadway of the Tramore West subdivision extend off the Tramore West project site, west, so as to terminate at Stratford Drive. This sidewalk extension to be built by the developers of the Tramore West subdivision.