



## PUBLIC HEARING AGENDA ITEM

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| <b>DATE OF PUBLIC HEARING:</b> September 26, 2017  |
| <b>SUBJECT:</b> Amendment to Pomponio Terrace Filing 1 Subdivision Improvements Agreement  |
| <b>FROM:</b> Kristin Sullivan, Director, Community and Economic Development Department   |
| <b>AGENCY/DEPARTMENT:</b> Community and Economic Development   |
| <b>HEARD AT STUDY SESSION ON:</b> N/A  |
| <b>AUTHORIZATION TO MOVE FORWARD:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO   |
| <b>RECOMMENDED ACTION:</b> That the Board of County Commissioners Approves an amendment to the Subdivision Improvement Agreement with Pomponio Terrace Holdings, LLC for the development of the Pomponio Terrace Filing 1. |

### **BACKGROUND:**

The applicant, Pomponio Terrace Holdings, LLC, is requesting an amendment to the Subdivision Improvement Agreement for Filing 1 of the Pomponio Terrace Subdivision. The Board of County Commissioners (BoCC) approved a final plat and subdivision improvements agreement for Filing 1 of the Subdivision on December 13, 2016. Exhibit B of the Subdivision Improvements Agreement describes required improvements for development of the subdivision.

The purpose of this SIA amendment is to modify the construction phasing from the previously approved SIA. The previous SIA was approved to allow two phases. The agreement for the first phase allowed issuance of building permits after construction of all public improvements, except construction of the final layer of asphalt on all roads within the filing. However, the agreement prohibited issuance of certificates of occupancy for any buildings within the filing (Filing1), until completion of the final layer of asphalt on all internal roads within the development, which was scheduled to be completed in the phase II of the SIA.

The developer is requesting to amend the phases of the SIA to allow for construction of the development to proceed in three (3) phases, instead of the two phases previously approved. The purpose for this modification is to allow construction of four (4) model homes in the first phase prior to completing public improvements in the entire filing. This is to allow the developer to showcase the development and begin selling lots while the subdivision is still under construction.

Construction of public improvements in the Subdivision is proposed as follows:

- **Phase 1:** Building permits may be issued for four model home lots after completion and preliminary acceptance of all public improvements, except for the final top lift of asphalt for all internal road serving Lots 4 and 5, Block 2, and Lots 1 and 2, Block 5. No certificates of occupancy will be issued on the model home lots until the County grants preliminary acceptance for the final top layer of asphalt for all the streets that provide access to the model home lots.
- **Phase 2:** Consists of constructing all public improvements, except for the final top layer of asphalt, for the remainder of lots in Filing 1. Building permits may be issued upon preliminary acceptance of Phase 2 improvements.
- **Phase 3:** Consists of constructing the final top layer of asphalt on all public roads within Filing 1. Certificates of Occupancy shall not be issued until preliminary acceptance of all public improvements is granted.

The subject request is consistent with the requirement for approval for SIAs. In addition, staff reviewed the collateral, associated Subdivision Improvements Agreement for the request, and determined the documents conform to the requirement outlined in Section 5-02-05 of the County's Development Standard and Regulations. The Department of Community and Economic Development has also reviewed and approved all construction documents associated with the subdivision.

As a requirement of the Subdivision Improvements Agreement, the Developer has furnished to the County a performance bond, releasable only by the County, to guarantee compliance with this Agreement. Said collateral is in the amount of one million, three hundred and five thousand, and six hundred and fifty-eight dollars (\$1,305,658.00)

**AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

Community and Economic Development and Public Works Departments

**ATTACHED DOCUMENTS:**

Resolution approving the First Amended and Restated Subdivision Improvements Agreement for Pomponio Terrace Filing 1.

First Amended and Restated Subdivision Improvements Agreement

**FISCAL IMPACT:**

Please check if there is no fiscal impact ☒. If there is fiscal impact, please fully complete the section below.

**Fund:****Cost Center:**

|  | <b>Object<br/>Account</b> | <b>Subledger</b> | <b>Amount</b> |
|--|---------------------------|------------------|---------------|
| Current Budgeted Revenue:                          |                           |                  |               |
| Additional Revenue not included in Current Budget: |                           |                  |               |
| <b>Total Revenues:</b>                             |                           |                  |               |

|   | <b>Object<br/>Account</b> | <b>Subledger</b> | <b>Amount</b> |
|---|---------------------------|------------------|---------------|
| Current Budgeted Operating Expenditure:                     |                           |                  |               |
| Add'l Operating Expenditure not included in Current Budget: |                           |                  |               |
| Current Budgeted Capital Expenditure:                       |                           |                  |               |
| Add'l Capital Expenditure not included in Current Budget:   |                           |                  |               |
| <b>Total Expenditures:</b>                                  |                           |                  |               |

**New FTEs requested:** ☐ YES ☒ NO

**Future Amendment Needed:** ☐ YES ☒ NO

**Additional Note:**