



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: January 15, 2009
Subject: Resolution Authorizing the Mayor Sign an Agreement with New Life in Christ for Road Improvements to Hilltop Drive (**Resolution**)

List of committees that have reviewed: The Community Development Committee was briefed at its meeting on January 12, 2009, that the agreement was being finalized between City Attorney Dale Funk and attorney for the church, Paul Evans and may possibly be ready for consideration by the full Council at its January 20, 2009, meeting.

The attached agreement has subsequently been finalized and is recommended by both attorneys.

Background: During the Planned Use approval for the New Life in Christ's new Youth Center, the City agreed to provide funds toward the church's reconstruction obligation of Hilltop Drive. The City Council has previously approved spending an amount up to \$75,000 for Phase I and up to \$100,000 for Phase II as a reimbursement for reconstruction costs. The City Attorney was subsequently instructed to draft an agreement that would outline the responsibilities of both the Church and the City, including the church's agreement to provide right of way necessary for the project.

The attached agreement has been drafted and recommended by City Attorney Dale Funk and coordinated with the Church's attorney, Paul Evans. It includes provisions for the dedication of road right-of-way for the improvement of Hill Top Drive, and it outlines the sequence of approvals regarding the issuance of building and occupancy permits, as well as for the phased construction of Hilltop Drive.

Also attached to this memo is a list of the conditions previously approved by the City Council for the New Life in Christ Planned Use. Please note that this Agreement only pertains to the financing of the reconstruction, not on the conditions in the Planned Use.

Legal Considerations, if any: None

Budget Impact: The City will provide reimbursement to the Church on a "not-to-exceed" basis in an amount up to \$75,000 for Phase I and \$100,000 for Phase II improvements to Hilltop Drive.

Staff Recommendation: Staff and the attorneys for both parties recommend the agreement as provided.

CITY COUNCIL'S CONDITIONS OF APPROVAL OF THE PLANNED USE

1. The attached plan sheets and building elevations are adopted as an integral and continuing part of the approval of this project. Phase I and Phase II concept plans are both being approved as part of this ordinance, with the respective conditions for each.
2. A variance is granted to the City's minimum street standards to allow for a reduction in the pavement width of Hilltop Drive improvements from 30 ft to 24 ft from Scott-Troy Road west to the second entrance on Hilltop Drive. Hilltop Drive would be 20 ft from the second entrance west to the third entrance on Hilltop. The church will provide 24' of Right of Way for Hilltop Drive. The Hilltop Drive will otherwise be reconstructed to meet all other minimum city street standards as approved by the City Engineer. No parking will be permitted on Hilltop Drive. Each Phase of the church's expansion plans is contingent upon both the on-site and off-site parking, site, and roadway improvements as outlined in the project report, traffic study, and Traffic Management Plan (TMP).
3. A variance is granted to allow smaller parking stalls with dimensions of 9' x 18' in the proposed new parking area. Existing parking in Phase I will remain 10' x 19'. All parking in Phase II is proposed to be 9' x 18".
4. All water and sewer utilities will be constructed during Phase I. Stormwater and drainage facilities will be constructed as shown in Phase I and II plans. The water will be public and the sewer will be private.
5. As an express condition of the zoning approval of this project, the Traffic Management Plan and Traffic Study is adopted as the guiding document for present and future site circulation management and future roadway improvements. The church agrees to abide by the recommendations of the study and the TMP, which for effective operation will require continual and effective implementation by the church's Parking Ministry.
6. Adequate on and off-site signage will be provided by the church as approved by the City and County Highway Engineers.
7. An easement plat for the property showing all required water, sanitary sewer, and road right-of-way easements must be submitted and approved prior to permitting of any construction activities. The church will provide the maximum allowable easements and access areas for making off-site roadway improvements, including, if required, temporary passage through their site for residents of Hilltop Lane.
8. Verification of adequate sound attenuation for the community center and sanctuary expansion must be provided by the architect.
9. A photometric plan in accordance with City regulations must be submitted and approved prior to issuance of any building permits.
10. A condominium plat is authorized to assist the church in closing on their loan for the youth center. The condo plat, final configuration of the lots, easements, and common elements, and final condo documents must subsequently be reviewed and approved by the City administration and its legal counsel prior to recording of the condo plat and associated documents.
11. Where not otherwise required, a dense landscape buffer of shrubs that will grow to approximately 3' in height will be installed around the perimeter of those parking areas where needed to mitigate the headlights of cars in the parking lot from adjacent houses.
12. Prior to the issuance of any project permits, the Church and the City will enter into a written agreement whereby the Church will survey, reconstruct and improve Hilltop Lane in two phases according to the plans previously submitted to the City and in a location and manner acceptable to the City and when a phase of the improvement is completed and accepted, sell and transfer to the City the land and improvements thereon.
13. The period of validity of the Church's development plan approval herein shall be for 5 years commencing the date of passage of this ordinance, however, the Phase I development plan approval shall be subject to the timeframes as provided in the City's current Planned Use Ordinance.