



## CITY COUNCIL AGENDA ITEM

**To:** Mayor Graham and City Council

**From:** Ted Shekell, Planning Director  
Walter Denton, City Administrator

**Date:** August 3, 2009

**Subject:** **Request to Extend Timeframe for Turn Lane Construction for the developers of Stonebridge Villas and Stonebridge Estates (Amendment to Final Plat Ordinance)**

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**List of committees that have reviewed:** The Community Development Committee voted 4-1 in favor of granting a time extension for the validity of the Final Plat for the Stonebridge Villas and Stonebridge Estates until the end of 2010. The Committee recommended granting the developer's request for final plat extension with the conditions that the 1) the current Letter of Credit covering the turn lane's construction be renewed to coincide with the final plat extension date; and 2) the LOC's total be increased by an additional \$50,000 to cover any additional expenses arising from the additional time.

**Background:** When the Final Plat for Stonebridge Villas and Stonebridge Estates was initially approved by the City Council in September 2005, the Council stated in the ordinance that "the applicant will be required to construct a southbound left turn lane for access into the Stonebridge Villas and Estates within twelve months of Final Plat approval." Four years later, the turn lane on Hartman Lane has yet to be constructed. Its delay has been the result of three main factors: 1) completion of the final engineering plans, ROW acquisition, and permitting with St. Clair County; 2) the bankruptcy of the owners of the Stonebridge Estates, which is the single family detached portion of the Stonebridge development; and 3) the financial challenges associated with the slumping housing market. The first two problems have been resolved. The engineering plans have been finalized, and the County Highway Department, which has jurisdiction on Hartman Lane, recommends the developer proceed forward with the turn lane, although financing will be from the developer and not the County. Also, the Stonebridge Estates single family development has subsequently been purchased by a local developer from Belleville who has signed an agreement to contribute to financing the turn lane. The only remaining major issue, according to the developer, is that building the turn lane within a poor housing market would be financially challenging to do.

Staff has instructed the developer that he must either build the turn lane now or request an extension of time from the City Council. The applicant is therefore requesting additional time to construct the turn lane. He has not been specific as to the length of time being requested, except to say that he would like for the housing market to improve prior to constructing it. The Committee, however, recommended the extension be no longer than the end of December 2010.

It should be noted that the City has approximately \$300,000 in letters of credit to secure completion of the public infrastructure for both the Villas and the Estates, which includes the turn lane. The majority of these LOC's expire in January 2010. Also, the developer's engineer, TWM, determined that with only 40 Villa units having actually been built, and the church and the single-family Estates have not been built, that there was not enough traffic at this intersection to warrant the turn lane at this time. The original traffic study and the updated traffic analysis are attached for your consideration.

**Legal Considerations, if any:** None

**Budget Impact:** None to the City. The developer's current estimated cost is roughly \$300,000.

**Staff Recommendation:** Unless the Council determines that a hardship to the developer exists, both the Planning and Engineering/Public Works Departments recommend the turn lane be constructed at this time and we would not, therefore, recommend any extension in the final plat approval. Any decisions on the turn lane will need to be coordinated with the County Highway Engineer, who retains ultimate jurisdiction and permit authority on the project