

COUNCIL ACTION FORM

**SUBJECT: AMENDMENT TO RINGGENBERG PARK SUBDIVISION
DEVELOPMENT AGREEMENT**

BACKGROUND:

On December 20, 2005, land lying generally to the southwest of Cedar Lane and Oakwood Road was platted as Ringgenberg Park Subdivision. There was a development agreement done at that time in conjunction with the platting of the area. The development agreement contained provisions addressing a number of details of the project, including provisions restricting which street would be designated for driveway access for a number of the corner lots in the subdivision.

Earlier this year, as Lot 9 in that subdivision was being prepared for sale and construction of a single family home, the City was approached about changing the development agreement's driveway access restriction as it related to Lot 9. Lot 9 is a corner lot sitting at the northwest corner of Cedar Lane and Cottonwood Road, and currently its driveway may only have street access to Cottonwood Road. The orientation of the longest dimension of that lot would make it very difficult to build with its driveway on Cottonwood Road, so the request is to remove the restriction to allow this lot to have driveway access on Cedar Lane. City staff reviewed the situation and believe that the driveway access for this lot can be changed without any adverse effects on traffic flows or traffic safety. A curb cut application, reviewed by Public Works, will provide further assurance that the final location chosen will be safe.

The developer was asked to contact the nearest affected lot owners to advise them of what is being requested and to make sure the change would not impact the placement of their own driveways. Those owners have signed acknowledgments that they were advised of this requested change and consent to it. A supplemental development agreement has been prepared to specifically change the driveway access restriction for Lot 9 to allow it to have driveway access onto Cedar Lane.

ALTERNATIVES:

1. The City Council can approve the request to revise the Development Agreement to allow the change in driveway access for this lot.
2. The City Council can deny the request to revise the Development Agreement to allow the change in the driveway access for this lot.
3. The City Council can refer this issue back to staff for further analysis.

MANAGER'S RECOMMENDED ACTION:

The developer's request to change the driveway access from Cottonwood Road to Cedar Lane for this single lot appears to be reasonable and has minimal impact on the overall development of this subdivision. It will have no negative public impacts and the nearest owners who might be affected have been made aware of and have consented to this change.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 approving the revision to the Development Agreement to change the driveway access for this lot from Cottonwood Road to Cedar Lane.