

ITEM #: 24
DATE: 11-28-23
DEPT: P&H

COUNCIL ACTION FORM

SUBJECT: HEARING AMENDING THE CONTRACT REZONING AGREEMENT AT 4605 HYDE AVENUE (AUBURN TRAIL) RESULTING IN TIME EXTENSION FOR SHARED USE PATH CONSTRUCTION

BACKGROUND:

Justin Dodge, representing Hunziker Development, requested in a letter dated July 13th that City Council allow for an extension of a shared use path construction requirement along Hyde Avenue in relation to their planned Auburn Trail Subdivision. At the City Council meeting of September 12, 2023, based upon a staff report, City Council moved to grant the developer's request to amend the agreement allowing construction of the Shared Use Path to be delayed and return with an amended agreement.

Hunziker states in their letter of July 13, that they agreed to the provision in the Contract Rezoning Agreement "under the belief that completion of the trail would coincide with the grading of the west side of Hyde Avenue" when they "would have lots prepared and available for sale" (see Letter, included as Attachment A). The original term of the agreement triggers the shared use path construction within two years of the first final plat.

Under the current terms of the agreement, the minor subdivision plat that was created on February 22, 2022, has triggered the construction of the shared use path, even though the subdivision was for the purpose of splitting off an existing house from the remainder of the subdivision area and no developable lots have been created (see Location Map, included as Attachment B).

Staff has drafted an amendment to the Contract Rezoning Agreement delaying the deadline of construction to "within two years of the date that the first final plat on the West side of Hyde Avenue is approved by the City Council" (see Amended Contract Rezoning Agreement, included as Attachment C). Hunziker indicates that it would be able to "grade for this path" at that time.

Although the agreement is part of the original contracting rezoning agreement for the development, the amendment process does not require review by the Planning and Zoning Commission as the Master Plan and related improvements are not changing. However, changing the agreement still requires a public hearing. Noticing letters of the public hearing were sent to property owners located within 200 feet of the subdivision.

ALTERNATIVES:

1. Approve the attached amendment to the Contract Rezoning Agreement for Auburn Trail Subdivision to extend the timeline for constructing the Hyde shared use path.
2. Decline to approve the proposed amendment.
3. Refer this item back to city staff and/or the applicant for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

City Council has indicated support of the amendment to the Auburn Trail Contract Rezoning Agreement delaying the date of construction of the shared use path to coincide with development on the west side of Hyde. The request is to delay the deadline for construction to “within two years of the date that the first final plat on the West side of Hyde Avenue is approved by the City Council.” No other terms of the agreement will be amended. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.

ATTACHMENT(S):

[Attachment A, Letter from Justin Dodge](#)

[Attachment B, Location Map](#)

[Attachment C, Contract Rezone Amendment \(Auburn Trail\) signed](#)