



TITLE: Consider/Discuss/Act on the First Amended Facilities Agreement for the Timber Creek Addition, to Defer Parkland Dedication and Certain Hike and Bike Trail Improvements, Provide for the Phasing of Roadway and Utility Improvements, and Provide for the City Reimbursement of Oversize Utility Lines, Being Fewer than 212 Acres, Located on the East and West Sides of Hardin Boulevard and on the South Side of Bloomdale Road

MEETING DATE: May 7, 2013

DEPARTMENT: Development Services

CONTACT: Barry Shelton, AICP, Executive Director of Development Services
Michael Quint, Director of Planning
Michael Hebert, PE, Assistant Director of Engineering
Jenny Baker, Senior Parks Planner
Brandon Opiela, Planning Manager

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends approval of the facilities agreement.

ITEM SUMMARY:

- The applicant has requested that the previous facilities agreement for the Timber Creek Addition be replaced by this amendment which addresses the deferral of parkland dedication and certain Hike and Bike Trail improvements, the future use of specific park site areas, the phasing of certain roadway and utility improvements, the reimbursement of oversized water lines, and the payment of fees in lieu of upgrading the downstream Natural Resources Conservation Services (NRCS) lake.
- Parkland dedication will be satisfied with the dedication of two separate tracts totaling approximately 16 acres.
- One of these tracts is 11 acres in size and is adjacent to a future MISD elementary school site. Approximately 8 of the 11 acres have been designated as a wetland mitigation area required by the U.S. Army Corps of Engineers.
- This designation limits how the park can ultimately be developed and the Developer is currently working on an amendment with the Corps to allow the park to be used as an outdoor learning center, which is shown in the attached

Agreement. Components of the learning center include decomposed granite trails, gathering areas and a mitigation pond.

- The Agreement includes a provision that if the Developer does not receive approval of an amendment from the Corps to use the parkland as an outdoor learning center, the City has the right to refuse the parkland dedication and instead accept cash in lieu of parkland.
- The Agreement calls for approximately 5,180 linear feet of developer constructed hike and bike trails throughout Timber Creek.
- The trail connection to the north will eventually tie into Erwin Park. Part of this connection includes the Developer constructing a 10' wide grade separated crossing under Bloomdale Road. The Developer is only responsible for the cost of the standard 8' wide box culvert. If during construction, the City directs the Developer to construct the larger and more open arched 10' crossing, an agreement will be entered into in which the City will reimburse the Developer for the additional cost.
- There is also a pedestrian bridge connection to the east of which the Developer is responsible for ½ of the cost. The funds will be applied towards the completion of the bridge at such time that the eastern property developers.

BACKGROUND INFORMATION:

- A facilities agreement for the Timber Creek Addition was previously approved in October of 2002 (see attached), generally establishing the timing of public improvements, providing for City reimbursements for capital improvements and oversize utility lines, granting a variance to median spacing, and deferring parkland dedication.

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A