



CITY OF VENICE
DEVELOPMENT SERVICES DEPARTMENT

MEMORANDUM

TO: Mayor / City Council

FROM: Jeff Shrum, Development Services Director

SUBJECT: Murphy Oaks Mediation – Addendum Staff Memo Regarding Summary of Application Changes

DATE: July 2, 2019

During the mediation process, changes in the application materials were submitted to the Technical Review Committee (TRC) for review and comment and after revisions, all TRC comments have been addressed. Included within this memo is the entire verbatim “Summary of Changes Pursuant to the Mediation” submitted by the applicant on July 1, 2019. Staff has added *comments* as deemed appropriate to this listing of changes to provide an updated staff report for the project. It is important to note that the prior staff report, in addition to this addendum staff memo should be considered in their entirety as the “staff report” for the proposed Murphy Oaks project. Further, this information and all subsequent application files serve to provide the substantial and competent evidence for consideration. The applicants listing of summary changes is as follows with staff comment provided in *bold/italic print*:

Murphy Oaks – Summary of Changes Pursuant to Mediation

1. To address concerns about the traffic impacts of the Project, Murphy Oaks will build additional turn lane improvements, including:

- a. Right hand from Edmonton to N. Auburn;
- b. Left and right hand turns from N. Auburn to Edmonton.

Along with the left-hand turn into the project and the bicycle/sidewalk improvements previously in the plan.

Staff Comment: The City would not be able to require a developer to address needed improvements such as these as the mobility fee process provides for payment of the mobility fee as mitigation for the impact of the development.

2. To address Council concerns regarding enforcement of certain stipulations have been address by subjecting them to private enforcement rather than by the City, including:

- a. Prohibition on open fires (regulation by County);
- b. Prohibition on fireworks (criminal regulation by Police Dep't/ Sheriff);
- c. Prohibition on drones (preempted by State).

A limit on wired, permanently mounted outdoor speakers on certain lots remains, because this can be enforced during building permit review. All four restrictions will be part of the restrictive covenants for Murphy Oaks. The City will review the declaration to be sure the private requirements are in place, but would review that as part of the plat review process in any case.

3. The Project will provide additional / improved buffering, including.

- a. A decorative fence along N. Auburn Road.
- b. Along Fox Lea Drive:
 - i. A 5' berm with an 8' concrete wall in the 40' buffer;
 - ii. A Wax Myrtle hedge along the wall that will be allowed to grow to full height;
 - iii. 164 canopy trees to be replanted in the berm area as part of the mitigation; and
 - iv. Any vegetation in the Fox Lea Drive right-of-way damaged by construction will be

replaced, either in the right-of-way or on the berm.

The buffering plan retains the 129' wide pond /banks along the south part of the property from the prior plan, providing approximately 180' between the Fox Lea Drive property line and the rear of any lot.

Staff Comment: All of these improvements are types of mitigation techniques to address potential incompatibility issues. All of these improvements exceed current Code requirements.

4. To address concerns about the impact of the Project on Fox Lea Farms, the Project will be subject to these additional changes/stipulations).

a. Declaration of restrictions for Murphy Oaks will include a notice of proximity for I-75 and Fox Lea Farms, the latter drafted by Fox Lea Farms. The notice will be signed by every purchaser, and copies provided to the City and Fox Lea Farm on request.

b. Depth of the south pond lessened to prevent adverse impacts on groundwater levels at Fox Lea Farms during construction; this pond will be dug first.

c. All land clearing debris will be "chipped;" staging plan will have chipper located in north half of property, with temporary 5' berm on the south side to limit noise during construction..

d. The provisions of the Developer's Agreement related to the private stipulations are incorporated into the ordinance and are enforceable

A groundwater study was performed to ensure the pond levels for the south pond were set to minimize adverse impacts to groundwater levels at Fox Lea Farm. In addition, preliminary stormwater modeling for the entire project was undertaken to establish there would be no adverse off-site impacts from the stormwater system.

Other stipulations previously proffered to address Fox Lea Farm concerns are retained, including limitations on height of houses, no access to Fox Lea Drive, no stormwater to Fox Lea Drive ditches (other than berm run-off), and timing of construction activities.

Staff Comment: Incorporating provisions of the Developers Agreement into the Ordinance should resolve the expiration issue related to the Developers Agreement. In other words, these requirements shall apply through the duration of the Ordinance (not expire) which was a concern with the Developers Agreement.

5. To address City and County staff concerns, the following additional stipulations have been included:

- a. The potable water well site required by the Annexation Agreement will be included on the preliminary plat.
- b. Internal road limited to 25 MPH to address 50' ROW width.
- c. Utilities will not be located under street tree planting areas.
- d. Turning templates will be provided at the time of the preliminary plat to confirm that the cul-de-sac configuration is adequate to support waste management vehicles.
- e. Acknowledged that, unless the City takes over tree permitting prior to approval of the preliminary plat, the project is subject to the County's tree-permitting process.

Acknowledged that all work in County ROW will be subject to County permitting.

Staff Comment: These items address the remaining TRC comments provided during the mediation process and identify specific steps in the development process where they will be addressed.