



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 20, 2023

Re: Spring Brook, Plat No. 2 – Final Plat (Case #211-2023) – Supplemental Memo

## Executive Summary

At the November 6, 2023 Council meeting a request was made to have the performance contract associated with the final plat of Spring Brook, Plat No. 2 (B274-23) amended to contain new language that would ensure the property located at the southern boundary of the overall Spring Brook subdivision would have access to a public watermain no later than December 22, 2025.

Based on the consent of the MID-Am Development, LLC (owner) of the land that is contained within the Spring Brook subdivision and the subject of Plat 2, a revised performance contract has been prepared, fully executed, and provided to the City. No other revisions to the contents of B274-23, the final plat of Spring Brook, Plat No. 2, have been made.

## Discussion

Crockett Engineering Consultants (agent), on behalf of MID-AM Development, LLC (owner), seeks approval of a modified performance contract to accompany the pending approval of B274-23 which was introduced at the November 6, 2023 Council meeting. The subject of B274-23 is a request to approve a 2-lot final plat containing 2.76-acres of M-C (Mixed-use Corridor) zoned land that will be known as “Spring Brook, Plat No. 2”.

At the November 6, 2023 Council meeting, a representative of the adjoining undeveloped property to the south of overall Spring Brook subdivision expressed concern that a previously approved performance contract associated with State Farm Subdivision, Plat 2 (approved in 2020) would become void upon approval of B248-23 (Spring Brook, Plat No. 1) which was scheduled for 2<sup>nd</sup> reading and approval on the November 6 Council agenda. This previously approved performance contract required that a public water source be provided to the undeveloped tract to the south no later than December 22, 2025.

The principal concern expressed by the southern property owner’s representative was that the certainty of the watermain extension would be eliminated if nothing were contained in the new performance contract associated with B248-23. The representative stated that the property owner was relying on this improvement being completed by December 22, 2025 as part of its future development decisions for their tract.

Representatives for the Spring Brook subdivision acknowledged that they and the representative of the property owner to the south had been in communication regarding the watermain installation. They stated the watermain would be installed in conjunction with



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a future phase of the Spring Brook development prior to the December 22, 2025 deadline. The Spring Brook representatives stated they had no issue with adding the proposed text offer by the southern property owner's representative, but stated a preference that such text be contained within the performance contract associated with B274-23 (Spring Brook, Plat No. 2) instead of delaying approval of B248-23 (Spring Brook, Plat No. 1). Staff advised the applicant that such revision would be considered if presented; however, would result in the approval of B274-23 being removed from the Council's consent agenda at its November 20 meeting.

There was additional Council discussion relating to the comment offered after which a motion was made to approve B248-23 as presented with the understanding that the performance contract associated with B274-23 would be modified.

Pursuant to the Council action on November 6, the performance contract associated with B274-23 has been amended to include the following new paragraph #2 with all subsequent paragraphs being renumbered:

2. Subdivider shall construct, erect and install a public waterline as designed by the City to the southernmost property line of State Farm Subdivision - Block 2, Lot 1A on or before Dec. 22, 2025.

No other revisions to the contents of B274-23 have been made. The revised performance contract has been signed by the applicant and is attached.

If Council approves B274-23 as amended, the attached performance contract would be authorized to be executed by the City Manager. The performance contract would establish a binding contract between the City and the applicant or its successor's, heirs, or assigns to construction the public infrastructure necessary to support the lots within Plat No. 2. Furthermore, the performance contract would require the applicant to install a city-designed watermain to the southern boundary of the overall Spring Brook subdivision no later than December 22, 2025.

## Fiscal Impact

Short-Term Impact: N/A  
Long-Term Impact: N/A

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Reliable and Sustainable Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Infrastructure, Tertiary Impact: Economic Development



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## Legislative History

Date	Action
11/06/23	Introduced final plat of " <i>Spring Brook Plat No. 2</i> " (B274-23)
11/06/23	Approved final plat " <i>Spring Brook Plat No. 1</i> " (Ord. 025487)
10/16/23	Introduced final plat of " <i>Spring Brook Plat No. 1</i> " for approval (B248-23)
06/20/23	Approved development agreement between City and MID-AM Development, LLC (Ord. 25364, Book 5760 & Page 90)
06/20/23	Approved preliminary plat of Spring Brook (Ord. 25364)

## Suggested Council Action

Approval of the amendment sheet and passage of the ordinance as amended.