



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 6, 2023

Re: Lots 14B & 14C – Woodrail Terrace – PD Plan (Case # 222-2023) – Supplemental Memo

## Executive Summary

The above referenced matter was tabled at the October 2, 2023 Council Meeting to allow the applicant time meet with the neighborhood association and address private restrictive covenant matters. Since tabling the following written comments have been submitted regarding the proposed PD (Planned Development) Plan amendment. The recommendation provided in the Council report remains unchanged.

## Discussion

A Civil Group (agent), on behalf of Southside Development, LLC (owners), is seeking approval of a major revision to the existing PD (Planned Development) plan and Statement of Intent (SOI) for the 0.55-acre subject site located near the south end of Woodrail Terrace. The proposed PD plan is to be known as the, "Lots 14B & 14C Woodrail Terrace, Plat 1 PD Plan." The PD plan also serves as a revised preliminary plat for the site and illustrates the division of the existing two lots into 4 (Lots 101 through 104) to facilitate construction of two pairs of attached single-family dwellings. **This matter was tabled at the October 2, 2023 Council meeting.**

Since tabling, staff has received the attached correspondence relating to the proposed PD Plan revision. The tabling of this matter was to allow the applicant to address private restrictive covenant matters with the neighborhood association. Section 29-1.7 of the UDC contains the following three provisions regarding "third-party" private agreements:

(a) This chapter is not intended to interfere with, abrogate, or annul any easements, covenants or other private agreements between parties. However, where this chapter or the decisions of the commission or council under this chapter impose greater restrictions or higher standards or requirements upon the use of land, buildings or premises than those imposed or required by other easements, covenants or agreements, the provisions of this chapter and related decisions shall govern. Nothing in this chapter shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this chapter.

(b) Any restrictions on any of the land contained in a proposed subdivision greater than those required by this chapter or other city ordinances, which in the opinion of the director may affect the division and use of the land, shall be indicated on the subdivision plat by a statement of those restrictions or by reference to the recording of such restrictions in the office of the county



recorder of deeds. Any recorded restriction may be removed only by ordinance or resubdivision, and only after the council has determined that removal of the restrictions will not be detrimental to any land in the subdivision or to any neighboring property.

(c) The city shall not be obligated to enforce the provisions of any easement, covenant or agreement between private parties.

The attached correspondence is provided for Council's consideration as related to future action on the proposed PD Plan revision. The recommendation presented within the Council report remains unchanged.

Submitted correspondence relating to this matter is attached for review.

### Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A

### Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

### Legislative History

Date	Action
10/2/23	Tabled: PD Plan revision Woodrail Lots 14B & 14C (B222-23)
09/06/01	Approved: Woodrail Plat 3, replat of Lot 14. (Ord. 017003)
12/11/80	Approved: Woodrail PUD Plan, Plat 3, Revised
01/09/75	Approved: Final PUD Plan & Preliminary Plat of Woodrail Plat #3
06/04/73	Approved: Woodrail Subdivision Plat 2. (Ord. 006045)

### Suggested Council Action

Supplemental correspondence provided for information purposes only.