



SUPPLEMENTAL

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen
Joseph Horwedel

SUBJECT: PLANNING PERMIT PD05-069
REIMBURSEMENT APPEAL

DATE: 10-29-07

Approved

Date

10/30/07

COUNCIL DISTRICT: 4

REASON FOR SUPPLEMENTAL

To provide additional information from a follow-up meeting with the Appellants.

BACKGROUND

A memorandum dated October 15, 2007 was forwarded to Council for the November 6, 2007 Council meeting. On October 18, 2007, staff held another meeting with the Appellants to confirm the Appellant's position on staff's recommended revised amount of \$263,834. At this meeting, the Appellants presented an amount (shown in the table below) that they believe represents a reasonable amount considering the public benefit that their Project brings to the surrounding neighborhood.

Appellant's Reimbursement Calculation (Counter-Offer)		
Staff's Revised Amount from 9/18/07 City Council Hearing (1 st Adjustment) (a)	Appellant's Estimated Value of Project's Land Dedication (b)	Appellant's Counter-Offer (a) - (b)
\$341,349	\$333,074	\$8,275

ANALYSIS

Staff believes that the Appellant's counter-offer of \$8,275, which is lower than their original offer of \$87,250, is not acceptable since land dedication for public street purposes is always at no cost to the City. This is a very common development practice that is supported by Title 19 of the Municipal Code and is requisite of land development.

HONORABLE MAYOR AND CITY COUNCIL

10-29-07

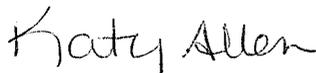
Subject: Supplemental Memo Planning Permit PD05-069 Reimbursement Appeal

Page 2

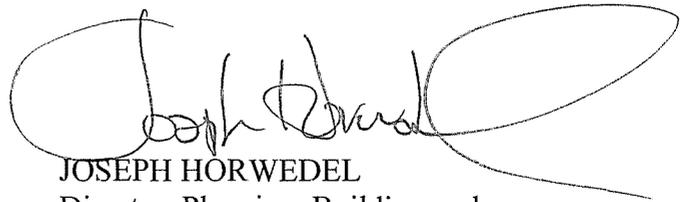
The Project was required to dedicate additional land for public street purposes along its three frontages at Hostetter Road, Sierra Creek Way, and Stone Creek Drive and this was a separate condition of approval in the Project's PD Permit. Since only the Reimbursement condition was appealed and not the street dedication condition, there is no basis for Council to amend this street dedication condition and transfer the cost of the Appellant's required dedication to the City.

If Council considers this street dedication reduction, the City does not have evidence that the Appellant's estimated land dedication value of \$333,074 represents a fair market value in the absence of a professional appraisal. Per the Hostetter Road Improvement Project property acquisition appraisal prepared by Hulberg & Associates, Inc. dated July 2001, the value for the required land dedication for Sierra Creek Way and Stone Creek Drive was estimated to be \$0.02 per square foot, or of nominal value.

Staff recommends that the Council approve of the staff recommended final adjustment of \$263,834 as stated in the October 15, 2007 memorandum based upon the Council finding that this reduction eliminates any hardship and any question that it is an unfair or inequitable obligation for the Project.



KATY ALLEN
Director, Public Works Department



JOSEPH HORWEDEL
Director, Planning, Building and
Code Enforcement

For questions please contact TIMM BORDEN, DEPUTY DIRECTOR, PUBLIC WORKS DEPARTMENT, at 408-535-8300.

PD:MBA:dcs
(SupCMPD05_06ReimAppeal)