



**Planning Commission
Staff Report
Project Plan Approval
Hearing Date: September 24, 2014**

ITEM 3 Brad Mackay representing Ivory Homes, requests an amendment to the adopted concept plan for the Broadview Shores development (formerly known as Villages at Celebration), regarding street alignments and residential use type locations, with no changes in the approved number of units, nor the general use types. Broadview Shores is a mixed use Specific Development Plan containing approximately 346.72 acres, located generally west of Geneva Road and east of Utah Lake, between 1300 North and 2000 North, in the **Lakeview North Neighborhood** 14-0007PPA

<p>Applicant: Ivory Development LLC – Brad Mackay</p> <p>Staff Coordinator: Brian Maxfield</p> <p>Property Owner: Ivory Homes, etal Parcel ID#: See Attachment “B” Current Zone: SDP-5 Acreage: 346.72 Number of Existing Properties: About 25 properties with 16 different owners (see Attachment “B”)</p> <p>Number of Proposed Dwelling Units: 1157</p> <p>Council Action Required: Yes</p>	<p><u>Current Legal Use:</u> Mixed-use development as permitted and described by the SDP-5 Zone.</p> <p><u>Relevant History:</u></p> <ul style="list-style-type: none">• Apr 22, 2009 – Planning Commission approved preliminary project plan subject to certain findings and conditions including approval of the rezoning.• Aug 12, 2009 – Unanimous recommendation in support of rezoning made to Municipal Council• Oct 6, 2009 - Rezoning approved by Municipal Council• Oct 29, 2009 – Development Agreement recorded <p><u>Neighborhood Issues:</u> The Lakeview North Neighborhood set up a subcommittee to review the revised plan. To date, no outstanding issues have been received from the subcommittee. Staff will contact the subcommittee chair prior to the Planning Commission meeting to confirm the committee’s review of the proposal.</p> <p><u>Summary of Key Issues:</u> Appropriateness of proposed revisions to the original concept plan for the site.</p> <p><u>Staff Recommendation:</u> Approve the requested amendment to the Villages at Celebration preliminary (concept) plan. <i>This action would be consistent with the recommendations of the Staff Report.</i></p>
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ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is October 22, 2014, 5:00 p.m.*
2. **Deny** the requested amendment. *The Planning Commission should state new findings.*

OVERVIEW

This request is a revision of the preliminary plan adopted for the Villages at Celebration, a mixed-use development on approximately 347 acres, located generally west of Geneva Road and east of Utah Lake, between 1300 North and 2000 North. Ivory Development, the applicant and owner of approximately 33 percent of the project area, has changed the name of the project from the “Villages at Celebration” to “Broadview Shores.” The proposed amendment relates specifically to street alignments and residential use type locations, with no changes to the approved number of units, or the general use types as provided with the original approval of the Villages at Celebration and the related Specific Development Plan zone.

Since the original approval of the project in 2009, a number of situations directly affecting the site and the adopted plan have occurred. The largest change was the City’s directed realignment of the proposed right-of-way for the west side connector road, relocating it to the west side of the project rather than having it run through the middle and directly connecting with 2000 North street. A second change was the location of a church site within the proposed phase one of the plan, causing an alteration of the layout to that area of the project. And lastly, a significant change occurred in the overall ownership and control of the site.

Paragraph 9 of the Development Agreement addresses proposed modifications to the adopted plan as follows:

No material modifications to the Plans shall be made after approval by the City without City’s written approval of such modification. Developer may request approval of material modifications to the Plans from time to time as Developer may determine necessary or appropriate. For purposes of this Agreement, a material modification shall mean any modification which (i) increases the total perimeter size (footprint) of building area to be constructed on the Property by more than ten (10) percent, (ii) substantially changes the exterior appearance of the Project, or (iii) changes the functional design of the Project in such a way that materially affects traffic, drainage, or other design characteristics. Modifications to the Plans which do not constitute material modifications may be made without the consent of City. In the event of a dispute between Developer and City as to the meaning of “material modification,” no modification shall be made without express City approval. Modifications shall be approved by City if such proposed modifications are consistent with City’s then applicable rules and regulations for

projects in the zone where the Property is located, and are otherwise consistent with the standard for approval set forth in Paragraph 6 hereof. (staff underline)

In order to maintain the unified nature of the overall development, staff has required Ivory Development's proposed revisions to address all of the properties included within the original plan, regardless of ownership. Even with the adoption of this proposed revision to the original plan, changing conditions over a long-term build-out of a project will likely require additional amendments in the future, especially if the non-Ivory properties develop independent of Ivory's ownership.

With a granting of the proposed revisions, Ivory Development will proceed with the development of Phase One of Broadview Shores. Additionally, Ivory will proceed with the development and adoption of a "plan book," which will call out the final design and material standards for the Broadview Shores development.

FINDINGS OF FACT

- A preliminary development plan was enacted with the recording on October 29, 2009 of a Development Agreement for the site.
- The Development Agreement requires written approval by the City for changes to the preliminary plan which will change the functional design in such a way that materially affects traffic, drainage, or other design characteristics.
- The proposed amendment proposes no changes in the approved number of units, nor the general use types as provided with the original approval of the Villages at Celebration and the related Specific Development Plan zone.

STAFF ANALYSIS

City staff, represented by Community Development and Public Works, has reviewed the proposed revisions over the past year. Throughout that review, staff and Ivory Development have worked together to create a site plan addressing the situational changes to the site, while still meeting the intent of the Villages at Celebration preliminary plan.

CONCLUSIONS

Situational changes to the site have necessitated revisions to the previously adopted preliminary site plan. Ivory Development is now following the necessary process for modification to the plan, as required by the Development Agreement.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward a positive recommendation / approves the proposed revisions to the preliminary plan for the Villages at Celebration / Broadview Shores development.

Attachments:

- Proposed Broadview Shores Concept Development Plan
- Villages at Celebration Development Agreement with currently adopted preliminary plan

Broadview Shores

Concept Development Plan

(formerly The Villages at Celebration)

AUGUST, 2014



Scale = 1" = 200'
 1/8" = 1" = 600'

Ivory Development Property			
Units	Area	Density	
519	127.3 acres	4.1 units/acre	
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- Single Family Detached - 10000+ SF Acreage: x
- Single Family Detached - 6000 SF Acreage: x
- Single Family Detached - 4000 SF Acreage: x
- Single Family Detached - 3000 SF Acreage: x
- Single Family Detached - 2000 SF Acreage: x
- Single Family Detached - 1500 SF Acreage: x
- Single Family Detached - 1000 SF Acreage: x
- Single Family Detached - 500 SF Acreage: x
- Single Family Detached - 200 SF Acreage: x
- Single Family Detached - 100 SF Acreage: x
- Single Family Detached - 50 SF Acreage: x
- Single Family Detached - 25 SF Acreage: x
- Single Family Detached - 10 SF Acreage: x
- Single Family Detached - 5 SF Acreage: x
- Single Family Detached - 2 SF Acreage: x
- Single Family Detached - 1 SF Acreage: x
- Single Family Detached - 0.5 SF Acreage: x
- Single Family Detached - 0.2 SF Acreage: x
- Single Family Detached - 0.1 SF Acreage: x
- Single Family Detached - 0.05 SF Acreage: x
- Single Family Detached - 0.02 SF Acreage: x
- Single Family Detached - 0.01 SF Acreage: x
- Single Family Detached - 0.005 SF Acreage: x
- Single Family Detached - 0.002 SF Acreage: x
- Single Family Detached - 0.001 SF Acreage: x
- Single Family Detached - 0.0005 SF Acreage: x
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- Single Family Detached - 0.00000000001 SF Acreage: x

- 30' Section: x
- 35' Section: x
- 40' Section: x
- 45' Section: x
- 50' Section: x
- 55' Section: x
- 60' Section: x
- 65' Section: x
- 70' Section: x
- 75' Section: x
- 80' Section: x
- 85' Section: x
- 90' Section: x
- 95' Section: x
- 100' Section: x
- 105' Section: x
- 110' Section: x
- 115' Section: x
- 120' Section: x
- 125' Section: x
- 130' Section: x
- 135' Section: x
- 140' Section: x
- 145' Section: x
- 150' Section: x
- 155' Section: x
- 160' Section: x
- 165' Section: x
- 170' Section: x
- 175' Section: x
- 180' Section: x
- 185' Section: x
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- 200' Section: x
- 205' Section: x
- 210' Section: x
- 215' Section: x
- 220' Section: x
- 225' Section: x
- 230' Section: x
- 235' Section: x
- 240' Section: x
- 245' Section: x
- 250' Section: x
- 255' Section: x
- 260' Section: x
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- 305' Section: x
- 310' Section: x
- 315' Section: x
- 320' Section: x
- 325' Section: x
- 330' Section: x
- 335' Section: x
- 340' Section: x
- 345' Section: x
- 350' Section: x
- 355' Section: x
- 360' Section: x
- 365' Section: x
- 370' Section: x
- 375' Section: x
- 380' Section: x
- 385' Section: x
- 390' Section: x
- 395' Section: x
- 400' Section: x
- 405' Section: x
- 410' Section: x
- 415' Section: x
- 420' Section: x
- 425' Section: x
- 430' Section: x
- 435' Section: x
- 440' Section: x
- 445' Section: x
- 450' Section: x
- 455' Section: x
- 460' Section: x
- 465' Section: x
- 470' Section: x
- 475' Section: x
- 480' Section: x
- 485' Section: x
- 490' Section: x
- 495' Section: x
- 500' Section: x
- 505' Section: x
- 510' Section: x
- 515' Section: x
- 520' Section: x
- 525' Section: x
- 530' Section: x
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- 545' Section: x
- 550' Section: x
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- 560' Section: x
- 565' Section: x
- 570' Section: x
- 575' Section: x
- 580' Section: x
- 585' Section: x
- 590' Section: x
- 595' Section: x
- 600' Section: x
- 605' Section: x
- 610' Section: x
- 615' Section: x
- 620' Section: x
- 625' Section: x
- 630' Section: x
- 635' Section: x
- 640' Section: x
- 645' Section: x
- 650' Section: x
- 655' Section: x
- 660' Section: x
- 665' Section: x
- 670' Section: x
- 675' Section: x
- 680' Section: x
- 685' Section: x
- 690' Section: x
- 695' Section: x
- 700' Section: x
- 705' Section: x
- 710' Section: x
- 715' Section: x
- 720' Section: x
- 725' Section: x
- 730' Section: x
- 735' Section: x
- 740' Section: x
- 745' Section: x
- 750' Section: x
- 755' Section: x
- 760' Section: x
- 765' Section: x
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- 775' Section: x
- 780' Section: x
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- 800' Section: x
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