



Planning and Economic Development  
Ed Anzek, AICP, Director

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From: Ed Anzek, Director  
To: Planning Commission  
Date: August 15, 2014  
Re: Revised Planned Unit Development (PUD) Agreement – City File No. 13-009  
Villas at Shadow Pines PUD

The Planning Commission recommended approval of a PUD Agreement for Villas at Shadow Pines, proposed for the north side of South Boulevard, between Adams and Crooks, on June 17, 2014. One condition of approval was to amend paragraph 6(h) to the Agreement, incorporating the discussion at the meeting regarding mitigating errant golf shots by the extensive plantings of large trees (6 inch caliper or larger). Paragraph 6(h) also called for placing \$40,000 into an escrow account that would be used for re-shaping hole #11 to further guide the golfer to hit more westward away from the developer's land.

A few days after the Planning Commission meeting Mr. Bylen came to city hall inquiring if he needed to obtain a permit to construct a high net wall along hole #7. I directed Mr. Bylen to the Building Department. The next day I received a call from Ralph Nunez telling me that their Engineer had heard that Mr. Bylen was proceeding with installing a high net fence. I confirmed that Mr. Bylen had informed me that he was going ahead with the net and that if it was Mr. Polyzois understanding that the financial contribution and tree relocating was offered "in lieu" of a net he needed to meet with Mike Bylen and seek clarification.

As you can see from the accompanying letter from Mr. Polyzois it was his understanding that the pledge of monies and trees was intended to be in lieu of the net. Since Mr. Bylen and Mr. Polyzois could not agree the paragraph for off-site improvements to mitigate a net becomes moot. Mr. Polyzois has amended the PUD Agreement accordingly.

Mr. Staran and I met and discussed this matter and both concluded that this change was significant enough to bring the Agreement back before the Planning Commission for a re-recommendation. Given that the majority of time at the approval meeting of June 17, 2014 was spent on this "cooperative understanding" between Messrs. Polyzois and Bylen it was not in fact, understood.

Following is a letter from Mr. Polyzois and a revised PUD Agreement that has been reviewed by Mr. Staran. The only change is the removal of Paragraph 6(h).

If the Planning Commission agrees, below is a motion for consideration regarding the attached Revised PUD Agreement, which, if approved, will move to City Council for action.

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 13-009 (Villas at Shadow Pines PUD), the Planning Commission **recommends** that City Council **approves** the Revised PUD Agreement dated received by the Planning and Economic Development Department on July 22, 2014 with the following findings and subject to the following conditions.

Findings:

1. The proposed Revised Final PUD is consistent with the proposed intent and criteria of the PUD option.
2. The proposed Revised Final PUD is consistent with the approved PUD concept plan.
3. The Revised PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.
4. The proposed Revised PUD promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.
5. The proposed PUD Plan provides appropriate transition between the existing land uses surrounding the property.

Conditions:

1. The appropriate sheets from the approved final plan set shall be attached to the PUD agreement as exhibits, including the building elevations.
2. All other conditions specifically listed in the Agreement shall be met prior to final approval by Staff.
3. That the PUD Agreement with attachments be recorded at the County Clerks' office once approved by the City Council.