

**CITY OF BAYPORT
CITY COUNCIL WORKSHOP MINUTES
COUNCIL CHAMBERS
July 31, 2013
6:00 P.M.**

CALL TO ORDER

The workshop was called to order by Mayor St. Ores.

ROLL CALL

Members Present: Mayor St. Ores, Councilmembers Carlson, Goldston, Hanson, and McGann

Staff Present: City Administrator Logan Martin, Assistant Administrator/City Planner Sara Taylor, City Attorney Andy Pratt, Planning Consultant Dan Licht

REVIEW THE STATUS OF THE PRELIMINARY PLAT APPLICATION FOR PHASE III-B OF THE INSPIRATION DEVELOPMENT

Administrator Martin stated that the purpose of the workshop was to provide some background on the development and help the City Council gain a better understanding of the conditions proposed as part of the preliminary plat application for Phase III-B. Planning Consultant Licht provided a detailed summary of the land use approvals granted for the development in 2004, as well as the details of the revised preliminary plat application that is currently under review by the city. He also explained that because the application was consistent with the city's comprehensive land use plan, zoning ordinance, and approvals granted in 2004, staff was recommending approval of the application, with 18 conditions that the developer would need to comply with in order for the application to be approved. Consultant Licht explained that in addition to staff's recommended conditions, the Planning Commission voted to include additional conditions in their recommendation to the City Council, which relate primarily to architectural standards.

Discussion followed on the ambiguity of the additional conditions imposed by the Planning Commission, and the difficulty with both implementing and enforcing such conditions. Attorney Pratt reviewed state statutes relating to approval of preliminary and final plats, and indicated that these statutes are vague on municipal approval standards and conditions for plats. Therefore, every condition placed on a plat should be clearly defined and not subject to multiple interpretations or questions moving forward. The separate conditions recommended by the Planning Commission relate to actions outside the control of DR Horton (such as the amending of the Inspiration HOA Master Declarations to provide for majority homeowner membership on the Architectural Review Committee) or to uncertain architectural guidelines to be placed on the development, which conditions must be administered and maintained by the City. Attorney Pratt observed that it will be legally difficult to hold DR Horton to a standard that is ultimately out of its control, and the administration of architectural guidelines by the city may result in increased risk of liability, especially if it is perceived the city is making binding decisions in an arbitrary or capricious manner.

Discussion concluded with the City Council noting they were appreciative of DR Horton's efforts to address the comments expressed at the public hearing and revise their plat application to accommodate requests brought forward by the neighborhood. The preliminary plat application is tentatively expected to be presented to the City Council at the September 3 meeting.

ADJOURNMENT

It was moved by Councilmember Goldston and seconded by Councilmember Carlson to adjourn the workshop at 7:44 p.m.