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Response to Questions Concerning Northeast Park Stormwater (B)

Ms. Monica Cooper, member of the Northeast Park Task Force presented a memorandum to the City Commission at their May 14, 2001 meeting. She had three questions/concerns that she asked be addressed.

1. "Did the City Commission give Public Works authority to go ahead with investigating and planning a stormwater facility in Northeast Park?"
2. "Is it city policy that changes in parkland can be made without any review by citizens or the commission once the Parks Department or Public Works Department deems it to be good use of the land?"
3. "I, and many others, find it highly objectionable that the idea of a shared stormwater retention being encouraged by the city would be carried over to the use of a public park to benefit the needs of an adjacent developer."

In regards to #1, the City Commission has not taken specific action to grant Public Works authority to investigate and plan a stormwater facility in Northeast Park. The City Commission did approve the Capital Improvement Plan that contains the Northeast Park Joint Use SMU Facility with \$50,000 programmed for FY 00-01. The intent of this project was to investigate, plan and construct a stormwater facility in Northeast Park for joint use.

There is no policy that provides the Parks or Public Works Department authority to make changes to parkland without review by citizens or the Commission as asked in question #2. The Parks Department had presented the proposed skateboard facility to the City Commission and a site plan was submitted to the Development Review Board for their consideration and approval. The site plan included a proposed joint stormwater facility. The Public Works staff never intended to make changes in the use of the Northeast Park property without first obtaining approval from the City Commission and relevant Advisory Boards.

In regards to #3, the City has allowed a shared stormwater facility on public park property - the Possum Creek Park property. At the time the private property was developed at the corner of NW 43rd Street/53rd Avenue, there was a proposal to develop a shared paved access and associated stormwater facilities that benefited the park as well as the adjacent development.

With respect to the proposed Northeast Park joint stormwater facility, this proposal was being pursued because it not only benefited the proposed development but also the public. The property could not be developed effectively without assistance in dealing with an existing flooding problem that was caused by stormwater runoff from upstream properties and inadequate stormwater facilities surrounding the proposed Capstone property. Although there is historical knowledge that the property flooded, there is not a designated flood zone. From a Public Works perspective, the City feels any development of the property must ensure that future homes do not flood and the threat of flooding of existing homes does not increase. From staff's point of view, working together with the developer/property owner was preferred. The alternative to a joint use stormwater facility would be for the developer to provide his own stormwater treatment facility and raise the natural ground elevation of his property several feet to prevent flooding of the future homes. This would have caused the need to remove a majority of the trees due to the depth of fill required. In addition, the filling would have increased the threat of flooding to adjacent and nearby properties including the park property.

There are times when it is appropriate to work with proposed developments to provide joint facilities, especially when there is a clear public benefit associated with a joint venture. Opportunities of this nature when significant amounts of property are involved will always be brought before the City Commission for their consideration through a formal agreement such as a Developer's Agreement, or Planned Development provisions.

The City's recently enacted ordinance outlining public involvement criteria will address the issue of citizen involvement prior to finalizing changes in park property use.

No fiscal impacts.

Receive a report from staff.