

City Council Agenda Request From Planning Commission

Date of Planning Commission Meeting: February 4, 2010

Item to be presented to the Council (Ordinance):

Final subdivision approval and acceptance of dedication of public utilities and servitudes for Phase I, Lots 1-58 Holly Gardens (formerly Covington Gardens) in accordance with Final Plat revised on 2/19/10 and Servitude Survey dated 2/22/10 both by Dennis L. Gowin; a single family subdivision at 1501 S. Holly St. requested by Maurin I, LLC (Darryl Smith) ; Zoned R5. (P&Z Case#SDF2010-1-2)

Brief Description of the Property:

The roads & utilities for this 50' lot single-family subdivision have been constructed and approved by City sewer, water and streets directors, and certification letter from the Design Engineer has been received. The roads are proposed to remain privately owned and maintained by the Holly Gardens Homeowners Association, Inc. (Awaiting notification of approval of Homeowners Association document by City Attorney). All 58 lots are currently vacant. The ditch along Holly Street is proposed to be made sub-surface under this year's City capital improvements program. It is unclear if this subdivision will be owner-occupied housing or rentals.

Existing Zoning: R5

Planning Commission Public Hearing:

Speaking in Favor: Mary Kinchen (project manager for Darryl Smith)

Speaking Against: NONE

Planning Commission Vote Results: 4-0 to recommend approval with conditions

Specific Action taken by the Commission:

Recommend approval with the following conditions being received before forwarding to council:

1. Owner' signature on the dedication statement on the final plat,
2. Submission of Design Engineers Certification for this case,
3. Submission of a one year Maintenance Bond meeting code and approved by City Attorney,
4. Submission of as-builts for the off-site sewer line running from the subdivision site to its connection with the City sewer line south of the subdivision,
5. Submission of a separate signed and notarized Act of Dedication with survey and legal description for the dedication of the following utilities located outside the described boundaries of this subdivision as follows:
 - a. The off-site sewer line and a servitude for the maintenance of the off-site sewer line; and
 - b. The off-site drainage structures and servitudes for the maintenance of the off-site drainage structures

Stipulations or Special Conditions of Council Approval:

All requested conditions of Planning Commission approval have been satisfied except awaiting One-Year Maintenance bond with March 16, 2010 start date and approval of Homeowners Association by City Attorney. Ordinance should include language in 1st paragraph above and should state that "Final Plat dated revised 2/19/2010 by Dennis L. Gowin and Servitude survey dated 2/22/10 by Dennis L. Gowin are attached to and made a part hereof".

Date presented to the City Council Clerk: March 2, 2010

Date to be on the Council Agenda:

Introduction-03/02/2010 and **Final** 3/16/2010

From: Ginger Fortson, City Planner _____