



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: March 6, 2006
Subject: 1) Ordinance No. _____: An Ordinance Amending Final Plat Ordinance 3108, and Rezoning the Planned Unit Development known as Windstone Subdivision – **First Reading**

List of committees that have reviewed: At its February 27, 2006 meeting, the Community Development Committee reviewed the revised plat for the Windstone Subdivision. The applicant distributed a draft of a Shared Maintenance Agreement for each property in the subdivision per the Planning Commission condition for approval from the Public Hearing. Staff will review this document prior to 2nd Reading of the ordinance for its adequacy and report back to the Community Development Committee. Due to the lack of a quorum, no recommendation was formed by the committee. All council members present however were in favor of the application.

Planning Commission Update: The Planning Commission reviewed this project at their February 14, 2006 meeting and voted 6-aye and 0-nay to recommend approval of the Amendment to the original Planned Unit Development for Windstone Subdivision with the condition stated below. A copy of the Planning Commission project report is attached. The remaining issue follows:

1. Condominium Covenants – The applicant, Salvatore Macaluso, and his attorney, Rand Juliano, met with City staff following the Planning Commission concerning the condition of creating a set of Condominium Covenants for the subdivision. Covenants should be put in place to cover the common maintenance of the exterior elements of each duplexes. These elements include the roof, exterior brick and siding, and driveways. Also, each duplex shares a common sanitary sewer lateral - as conversion to two separate sewers for each duplex proves expensive, the shared common maintenance of the sanitary sewer lateral will also be an element covered in the covenants.

The Commission voted unanimously to accept the project report and recommended approval with the following condition:

- Condominium covenants shall be in place.

Legal Considerations, if any: None

Budget Impact: None

Staff Recommendation: Approval of the Planned Unit Development Zoning request and amended Final Plat, conditioned on compliance with the terms of the Settlement Agreement approved by Council in 2002, and upon the recording of a Shared Maintenance Agreement meeting the approval of the City and all property owners that will bind all properties within the Windstone Development.