



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: June 5, 2006
Subject: An Ordinance Authorizing a Variance to Section 6.4 of the City's Land Development and Subdivision Code to Allow a Model Home Prior to Installation of Infrastructure

List of committees that have reviewed: The CD Committee reviewed the proposed variance at its May 22, 2006, meeting, and unanimously recommended approving the variance.

Background:

The developer of Parcs at Arbor Green (formerly known as Executive Homes Subdivision), Denny Blumberg, is requesting a variance to Section 6.4 of the Subdivision and Development Control Ordinance which states *"No building permit shall be issued by any governing official, city or county, for the construction of any building, structure or improvement to the land or any lot within the subdivision as defined herein, until all requirements herein have been fully complied with and all required improvements have either been guaranteed or completed as provided herein, but provided that no such permits shall be issued prior to final completion and approval of all streets, all water, sewer and stormwater infrastructure, and general site grading."*

The final plat for the 16 lot development known as Parcs at Arbor Green, located west of Simmons Road, has been previously approved by the City Council. Currently, infrastructure is being installed yet is several weeks away from completion. Mr. Blumberg is requesting one building permit to begin construction of a model home and sales unit for the subdivision. Per our new regulations, we do not allow the issuance of permits for homes without having the infrastructure installed, as well as inspected and accepted by the City. The City will not be able to have the watermain extension down Simmons toward the new park until this fall, so if a variance is granted by the City Council we would not recommend occupancy of it until the water main is installed to serve the model unit. The City has granted one of these variances before for the model units at Stonebridge Villas, contingent upon no occupancy being granted until the streets and utilities were in place and inspected by the City. Variances to the subdivision code may only be approved by ordinance of the City Council.

Legal Considerations, if any: None.

Budget Impact: None

Staff Recommendation: Staff has no opposition to the granting of a variance for a model unit permit at this development, contingent upon no occupancy being granted until all utilities and streets are in and inspection by the City.