



Date: March 4, 2024
To: City Council
From: Ellen Hardgrove, City Planning Consultant
Allen Lane, City Engineer
XC: Sandy Riffle, City Clerk
Brett Sollazzo, Administrative & Permitting Manager
Drew Smith, City Attorney
Re: Request to Approve Residence Certificates of Occupancy prior to Subdivision Certificate of Completion

The standard practice for the City is approval of a subdivision's infrastructure (Certificate of Completion approval) prior to allowing occupancy of the homes (Certificate of Occupancy approval). As was discussed at the last City Council meeting, the Haven Oaks subdivision currently has numerous infrastructure noncompliance items that will delay the issuance of the Certificate of Completion.

Toll Brothers is requesting that Council waive the requirement of Certificate of Completion in order to approve Certificates of Occupancy for four homes, specifically the homes on Lots 5, 41, 42, and 43; Lot 43 is scheduled for closing March 22, and lots 5, 41, and 42 are scheduled for April closings. Toll Brothers has proposed the issuance of an itemized performance bond (see attached table) to provide a guarantee that the infrastructure required by the approved PD Land Use Plan and/or Development and/or Development Agreement will be complete.

If Council supports this proposal, staff would recommend denial of the Certificates of Occupancy for the requested four lots until the following conditions are met.

Lot 5 – Resolution of lack of **upgraded garage door**. Resolution of insufficient side yard width to allow maneuverability of maintenance equipment from front yard to rear yard due to **a/c placement**.

Lot 41- Resolution of the noncompliance with Exhibit C – **Side Treatment** (no mix of materials and no window treatments on side facing the side street). Resolution of lack of **upgraded garage door**. Resolution of insufficient side yard width to allow maneuverability of maintenance equipment from front yard to rear yard due to **a/c placement**.

Lots 42 – Resolution of the lack of Exhibit C required **Architectural Trim on Windows**. Compliance with the **minimum driveway width**. Resolution of lack of **upgraded garage door**. Resolution of insufficient side yard width to allow maneuverability of maintenance equipment from front yard to rear yard due to **a/c placement**.

Lot 43 – Compliance with the minimum **driveway width**. Resolution of lack of **upgraded garage door**. Resolution of insufficient side yard width to allow maneuverability of maintenance equipment from front yard to rear yard due to **a/c placement**.

Haven Oaks Performance Bond Itemized Changes for Compliance
with Approved Land Use Plan/Development Plan and Development Agreement

Non-compliance Item	Performance Bond Line Item*
Overhead utilities	Cost to bury the four utility poles constructed on the site.
Sidewalk width	Cost to provide 7 feet wide sidewalks along the entire Holden Avenue frontage [In addition to the sidewalk east of the entrance road, it was discovered that the sidewalk west of the entrance road also does not meet the approved plans and agreement.]
Raised diverter Island in gate area	Cost to install the island, which includes mountable curb and brick pavers, per the approved Development Plan/conditions of approval.
Photometric plan	Cost to provide the required plan necessary to verify there will be sufficient lighting for the development.
Light poles	Cost to provide additional light poles to ensure sufficient lighting for the development as shown on the City accepted photometric plan (assume same separation as currently existing for the both sides of road).
Light poles	Cost to relocate installed light poles that conflict with trees.
Drainage culvert concrete flume	Cost to regrade/resod the area south of the concrete flume that provides Holden Avenue drainage to the onsite swale area.
Call box/entrance island width	Cost to modify the median to the design on the approved Development Plan.
Call box/entrance island landscaping	Cost to provide the plants in conformance with the approved landscape plan.
Oak trees at entrance	Cost to replace the planted palms with the oaks as shown on the approved landscape plan.
Striping of exit lanes	Cost to provide a 6-inch wide, 60-foot long white center line lane stripe as needed on the exit side of the entrance road drive aisle. In addition, cost to remove/replace the damaged thermoplastic striping along the exit side of the entrance drive.
Striping of entrance lanes	Cost to install a lane line extending from the cross walk along Holden Avenue to the south end of the center landscape island.
Crosswalks internal to subdivision	Cost to install the brick paver cross walks just south of the security gates, at Lots 5 and 6, at the south parking lot, and the lift station driveway as shown on the approved Development Plan.
ADA truncated domes	Cost to install the truncated domes at all crosswalks and ramp locations.
Playground size	Cost to expand the playground to match the approved Development Plan.
Playground equipment	Cost to add additional playground equipment and a bench.
Playground ADA mulch	Cost to remove existing mulch and add ADA mulch.
ADA compliance playground/guest parking spaces	Cost to sawcut, remove and reconstruct portions of the sidewalk to provide the required ADA compliant ramps adjacent to the ADA parking access aisle.
No Parking signs	Cost to install the required no parking signs per approved Development Plan
Subdivision wall	Cost to provide the required 3 color paint pattern that will replicate the look of masonry, natural rock, stone or brick.
Subdivision sign	Cost to provide the sign per the approved Comprehensive Sign Plan.
Wall landscaping	Cost to add the landscaping along the easternmost two panels of the Holden Avenue wall as shown on the approved Development Plan
Other landscaping	Cost to add/replace landscaping per City Landscape Architect review.

*Listed items waived or modified by City Council at a future Council meeting can be eliminated from the performance bond at that time.