

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 4 D

Council Meeting Date: **August 27, 2019**

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO *mu*
 Jerry Cree, *jc* Director of Community Development

SUMMARY EXPLANATION:

Resolution to grant Final Subdivision Plat approval for Kabree Cove Subdivision – a five lot single family residential subdivision for property presently identified as a portion of 398 Rosalie Maria Drive (re: Tax Parcel No. 1110A-02-003.000).

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes _____ Plans/Maps Deed _____ Lease _____

Other (Specify): Final Plat, Letter from Engineering Department (Dated Aug 20, 2019), applicant's letter requesting Final Plat and a maintenance letter.

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>
	Lawrence	___	___	___	Tisdale	___	___	___
	Gines	___	___	___	Glavan	___	___	___
	Newman	___	___	___	Barrett	___	___	___
	Deming	___	___	___				

ACTION TAKEN:

RESOLUTION NO. _____

RESOLUTION TO GRANT **FINAL SUBDIVISION PLAT** APPROVAL FOR **KABREE COVE SUBDIVISION** – A FIVE LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION FOR PROPERTY PRESENTLY IDENTIFIED AS A PORTION OF 398 ROSALIE MARIA DRIVE (RE: TAX PARCEL NO. 1110A-02-003.000)

WHEREAS, on Thursday, May 2, 2019, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 19-028-PC, Kevin Shaughnessy, a request for **Preliminary Subdivision Plat** approval; and

WHEREAS, on May 2, 2019, the Biloxi Planning Commission, upon careful reflection of the particulars of this case, voted to recommend approval of this request for **Preliminary Subdivision Plat** approval to authorize the establishment of a five (5) lot single family residential subdivision, submitted under the working title: Kabree Cove Subdivision, for land comprising eighty-seven one-hundredths (.87) of an acre (more or less) in overall size, and presently identified as a portion of a parcel of land fronting upon Rosalie Maria Drive and bearing municipal address 398 Rosalie Maria Drive (re: Tax Parcel No. 1110A-02-003.000); and

WHEREAS, on May 21, 2019, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission and, in so doing, determined that approval of the **Preliminary Subdivision Plat**, via Resolution Number 303-19, as requested, is appropriate for the property identified as a portion of the parcel fronting upon Rosalie Maria Drive and bearing the address 398 Rosalie Maria Drive (re: Tax Parcel No. 1110A-02-003.000).

WHEREAS, on August 13, 2019, the owner of this subdivision, Kevin Shaughnessy, upon completing all requirements for this new residential development, filed for **Final Subdivision Plat** approval for this five (5) lot single-family residential subdivision, providing evidence to the City Engineering Department that said **Final Subdivision Plat** conforms to all platting requirements and procedures, as set forth in the City of Biloxi Land Development Ordinance, and has been recommended for recording, as determined by the City Engineering Department (See letter attached hereto as "Exhibit A" dated August 20, 2019, and also "Exhibit B" - a Maintenance Letter.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, hereby accepts the recommendation of the City Engineering Department and approves the requested **Final Subdivision Plat** for the five (5) lot single-family residential subdivision submitted as **Kabree Cove Subdivision**, for land comprising eighty-seven one-hundredths (.87) of an acre (more or less) in overall size, and presently identified as a portion of the parcel of land fronting upon Rosalie Maria Drive and bearing the municipal address 398 Rosalie Maria Drive (re: Tax Parcel No. 1110A-02-003.000), having determined that **Kabree Cove Subdivision**, as submitted, has been found to be in the best interests of the City of Biloxi, and having further determined that said Final Subdivision Plat is in compliance with all requirements of the Land Development Ordinance, subject to completion of certain outstanding improvements as determined by the City of Biloxi Engineering Department (See letter attached hereto as "Exhibit A" dated August 20, 2019, and also "Exhibit B" - a Maintenance Letter).

.....A

RESOLUTION NO. _____

RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO THE REQUEST FOR **FINAL SUBDIVISION PLAT** APPROVAL FOR **KABREE COVE SUBDIVISION** – A FIVE LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION FOR PROPERTY PRESENTLY IDENTIFIED AS A PORTION OF 398 ROSALIE MARIA DRIVE (RE: TAX PARCEL NO. 1110A-02-003.000)

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WHEREAS, on May 2, 2019, the Biloxi Planning Commission, upon careful reflection of the particulars of this case, voted to recommend approval of this request for **Preliminary Subdivision Plat** approval to authorize the establishment of a five (5) lot single family residential subdivision, submitted under the working title: Kabree Cove Subdivision, for land comprising eighty-seven one-hundredths (.87) of an acre (more or less) in overall size, and presently identified as a portion of a parcel of land fronting upon Rosalie Maria Drive and bearing municipal address 398 Rosalie Maria Drive (re: Tax Parcel No. 1110A-02-003.000); and

WHEREAS, on May 21, 2019, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission and, in so doing, determined that approval of the **Preliminary Subdivision Plat**, via Resolution Number 303-19, as requested, is appropriate for the property identified as a portion of the parcel fronting upon Rosalie Maria Drive and bearing the address 398 Rosalie Maria Drive (re: Tax Parcel No. 1110A-02-003.000).

WHEREAS, on August 13, 2019, the owner of this subdivision, Kevin

Shaughnessy, upon completing all requirements for this new residential development, filed for **Final Subdivision Plat** approval for this five (5) lot single-family residential subdivision, providing evidence to the City Engineering Department that said **Final Subdivision Plat** conforms to all platting requirements and procedures, as set forth in the City of Biloxi Land Development Ordinance, and has been recommended for recording, as determined by the City Engineering Department (See letter attached hereto as "Exhibit A" dated August 21, 2019, and also "Exhibit B" - a Warranty Letter.

WHEREAS, the City Council of the City of Biloxi, Mississippi, having given the City Engineering Department's recommendation full consideration, has determined that this is a matter of general public concern, and being so, it is in the best interest of the community to hold a public hearing on this matter before the City Council.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, will conduct a public hearing in reference to Case No. 19-028-PC, Kevin Shaughnessy (owner) of Kabree Cove Subdivision, on a date to be set and in accordance with all requirements as prescribed by the City of Biloxi's Land Development Ordinance governing the conduct of public hearings.

..... B

RESOLUTION NO. _____

RESOLUTION TO DENY **FINAL SUBDIVISION PLAT** APPROVAL FOR **KABREE COVE SUBDIVISION** – A FIVE LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION FOR PROPERTY PRESENTLY IDENTIFIED AS A PORTION OF 398 ROSALIE MARIA DRIVE (RE: TAX PARCEL NO. 1110A-02-003.000)

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WHEREAS, on May 2, 2019, the Biloxi Planning Commission, upon careful reflection of the particulars of this case, voted to recommend approval of this request for **Preliminary Subdivision Plat** approval to authorize the establishment of a five (5) lot single family residential subdivision, submitted under the working title: Kabree Cove Subdivision, for land comprising eighty-seven one-hundredths (.87) of an acre (more or less) in overall size, and presently identified as a portion of a parcel of land fronting upon Rosalie Maria Drive and bearing municipal address 398 Rosalie Maria Drive (re: Tax Parcel No. 1110A-02-003.000); and

WHEREAS, on May 21, 2019, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission and, in so doing, determined that approval of the **Preliminary Subdivision Plat**, via Resolution Number 303-19, as requested, is appropriate for the property identified as a portion of the parcel fronting upon Rosalie Maria Drive and bearing the address 398 Rosalie Maria Drive (re: Tax Parcel No. 1110A-02-003.000).

WHEREAS, on August 13, 2019, the owner of this subdivision, Kevin Shaughnessy, upon completing all requirements for this new residential development, filed for **Final Subdivision Plat** approval for this five (5) lot single-family residential subdivision, providing evidence to the City Engineering Department that said **Final Subdivision Plat** conforms to all platting requirements and procedures, as set forth in the City of Biloxi Land Development Ordinance, and has been recommended for recording, as determined by the City Engineering Department (See letter attached hereto as "Exhibit A" dated August 21, 2019, and also "Exhibit B" - a Warranty Letter.

WHEREAS, the Biloxi City Council has determined that not all requirements for Final Subdivision Plat Approval have been addressed.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, that having given this request full consideration, hereby rejects and denies the requested **Final Subdivision Plat** approval for a five (5) lot single family residential subdivision, submitted as Kabree Cove Subdivision, for land comprising eighty-seven one-hundredths (.87) of an acre (more or less) in overall size, and presently identified as a portion of the parcel of land fronting upon Rosalie Maria Drive (re: Tax Parcel No. 1110A-02-003.000), having determined that **Kabree Cove Subdivision**, Case No. 19-028-PC, Kevin Shaughnessy, is not in full compliance with all requirements of the Land Development Ordinance, as required for final acceptance and recording of said final plat.

.....C



Dennis Stieffel & Associates, P.A., Inc.
Consulting Engineers

Woolmarket Professional Plaza
13061 Shriners Blvd., Suite C
Biloxi, Mississippi 39532

Office (228) 392-1638
Fax (228) 392-1679
Cell (228) 860-8161
dennisstieffel@cableone.net

July 18, 2019

Bradley Crain, P.E.
Mississippi Office Of Pollution Control
Municipal Permit Compliance Section
515 E. Amite St.
Jackson, MS 39201

Re: Kabree Cove Subdivision (Lots 1-5)
Biloxi, Harrison County
Project No. 75302-PLA20190001

Gentlemen:

This is to certify that the above referenced project is now complete, and has been constructed in substantial accordance with the plans and specifications.

Thank you for your assistance and if you have any questions or comments or if any additional information is needed please do not hesitate to contact us.

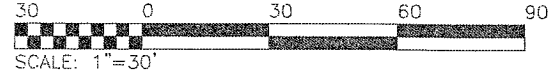
Yours very truly,

Dennis Stieffel, P.E.
President

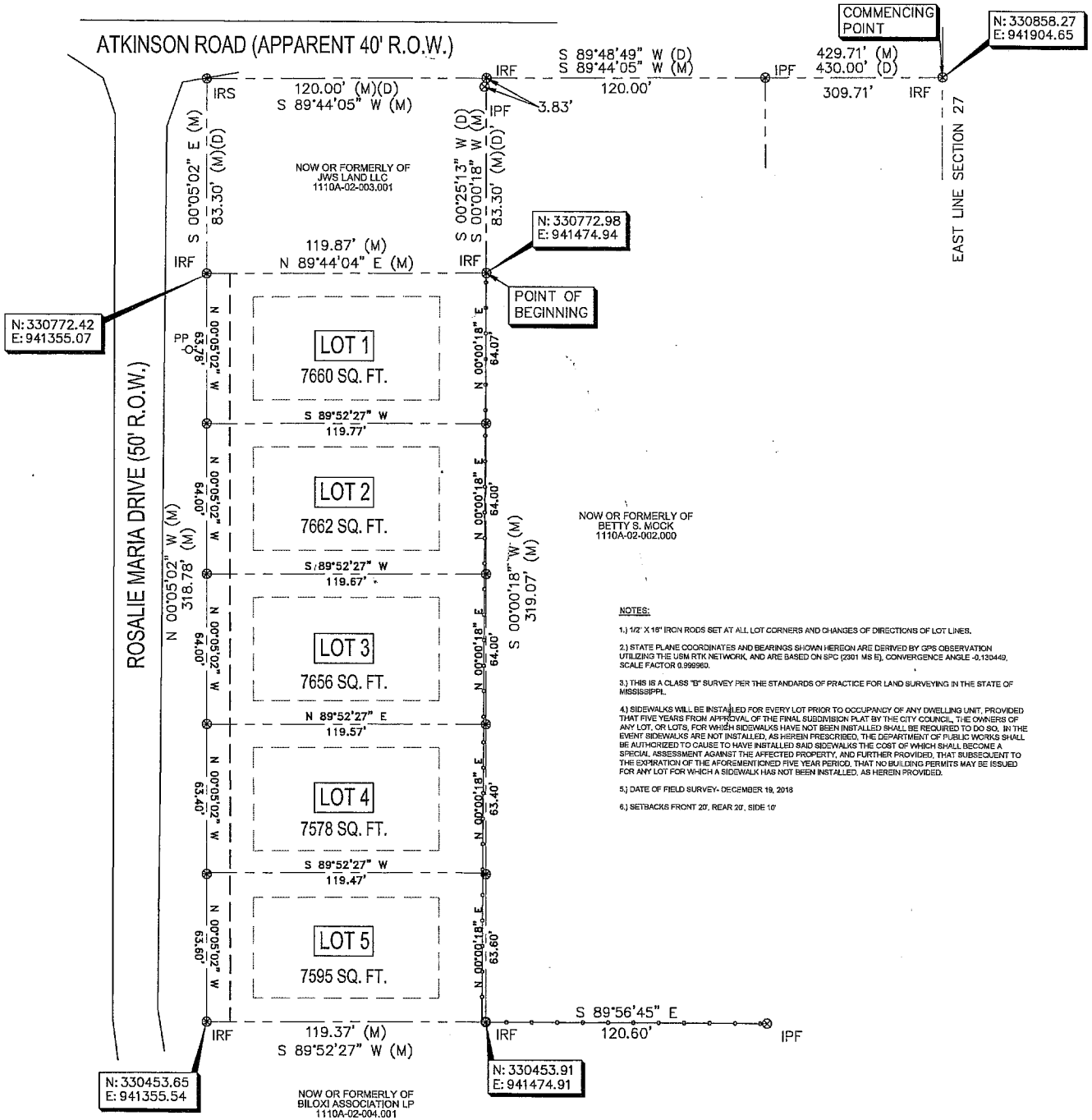
KABREE COVE SUBDIVISION FINAL PLAT

SITUATED IN THE CITY OF BILOXI,
SECOND JUDICIAL DISTRICT OF
HARRISON COUNTY, MISSISSIPPI

SCALE: 1"=30'
IRF 1/2" IRON ROD FOUND
IPF 3/4" IRON PIPE FOUND
IRS 1/2" IRON ROD SET
P=PLAT OF RECORD
M=MEASURED
D=DEED



ATKINSON ROAD (APPARENT 40' R.O.W.)



NOW OR FORMERLY OF
BETTY S. MCKEY
1110A-02-002.000

NOTES:

- 1) 1/2" X 18" IRON RODS SET AT ALL LOT CORNERS AND CHANGES OF DIRECTIONS OF LOT LINES.
- 2) STATE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED BY GPS OBSERVATION UTILIZING THE USM RTK NETWORK, AND ARE BASED ON SPC (2011 MS E), CONVERGENCE ANGLE -0.131449, SCALE FACTOR 0.999960.
- 3) THIS IS A CLASS 'B' SURVEY PER THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF MISSISSIPPI.
- 4) SIDEWALKS WILL BE INSTALLED FOR EVERY LOT PRIOR TO OCCUPANCY OF ANY DWELLING UNIT, PROVIDED THAT FIVE YEARS FROM APPROVAL OF THE FINAL SUBDIVISION PLAT BY THE CITY COUNCIL, THE OWNERS OF ANY LOT, OR LOTS, FOR WHICH SIDEWALKS HAVE NOT BEEN INSTALLED SHALL BE REQUIRED TO DO SO. IN THE EVENT SIDEWALKS ARE NOT INSTALLED, AS HEREIN PRESCRIBED, THE DEPARTMENT OF PUBLIC WORKS SHALL BE AUTHORIZED TO CAUSE TO HAVE INSTALLED SAID SIDEWALKS THE COST OF WHICH SHALL BECOME A SPECIAL ASSESSMENT AGAINST THE AFFECTED PROPERTY, AND FURTHER PROVIDED, THAT SUBSEQUENT TO THE EXPIRATION OF THE FOREMENTIONED FIVE YEAR PERIOD, THAT NO BUILDING PERMITS MAY BE ISSUED FOR ANY LOT FOR WHICH A SIDEWALK HAS NOT BEEN INSTALLED, AS HEREIN PROVIDED.
- 5) DATE OF FIELD SURVEY- DECEMBER 18, 2018
- 6) SETBACKS FRONT 20', REAR 20', SIDE 10'

FLOOD ZONE NOTE:

BY GRAPHIC PLOTTING ONLY,
THIS PROPERTY IS LOCATED IN
F.L.R.M. ZONE "X" SHOWN
HEREON ACCORDING TO MAP
NUMBER 28047C0286G, DATED
JUNE 16, 2009.

GARY A. DURBIN, P.L.S.
PROFESSIONAL LAND SURVEYOR
2081 TRAILWOOD DRIVE, BILOXI, MS. 39532
PH. (228) 365-3632

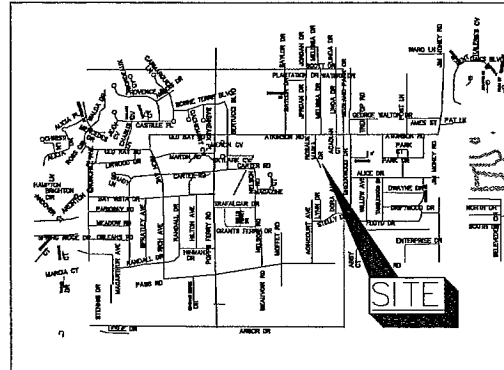
KABREE COVE SUBDIVISION FINAL PLAT

SITUATED IN THE CITY OF BILOXI,
SECOND JUDICIAL DISTRICT OF
HARRISON COUNTY, MISSISSIPPI

SURVEY DESCRIPTION

That property lying and being situated in Section 27, Township 7 South, Range 10 West, City of Biloxi, Second Judicial District of Harrison County, Mississippi, to-wit:

Commence at an iron rod found at the point of intersection of the East line of the said Section 27, Township 7 South, Range 10 West with the South margin of Atkinson Road, said point having Mississippi State Plane coordinates of N 330858.27, E 941904.65, thence run S 89°44'05" W along said South margin for a distance of 429.71 feet to an iron rod found, thence run S 00°00'18" W for a distance of 83.30 feet to an iron rod found having coordinates of N 330772.98, E 941474.94, and being the Point of Beginning of the property herein described, from the said Point of Beginning continue to run S 00°00'18" W for a distance of 319.07 feet to an iron rod found having coordinates of N 330453.91, E 941474.91, thence run S 89°52'27" W for a distance of 119.37 feet to an iron rod found on the East margin of Rosalie Maria Drive, said point having coordinates of N 330453.65, E 941355.54, thence run N 00°05'02" W along the East margin of Rosalie Maria Drive for a distance of 318.78 feet to an iron rod found said point having coordinates of N 330772.42, E 941355.07 and being S 00°05'02" E 83.30 feet from the South margin of Atkinson Road, thence run N 89°44'04" E 119.87 feet to the Point of Beginning. Said parcel contains square feet or acres. Bearings based on GPS Observation, Mississippi East Zone, convergence angle = -0.130449, scale factor 0.9999950, USM Network, per survey by Gary A. Durbin, P.L.S. dated December 19, 2018.



VICINITY MAP
NOT TO SCALE

OWNER'S CERTIFICATE AND DEDICATION

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND DECLARES THIS TO BE A CORRECT PLAT OF KABREE COVE SUBDIVISION, AND THAT SAID OWNER HEREBY DEDICATES THE RIGHTS-OF-WAY, UTILITIES AND EASEMENTS UNTO THE CITY OF BILOXI, SECOND JUDICIAL DISTRICT OF HARRISON COUNTY FOR PUBLIC USE FOREVER.

WITNESS MY SIGNATURE ON THIS _____ DAY OF _____ 2019.

BY: KEVIN SHAUNESSEY
OWNER

ACKNOWLEDGMENT

STATE OF MISSISSIPPI, COUNTY OF HARRISON

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this the _____ day of _____, 2019, within my jurisdiction, the within named KEVIN SHAUNESSEY, who acknowledged to me that he is OWNER, and that he executed and delivered the above and foregoing instrument, being duly authorized to do.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2019.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL AND ACCEPTANCE

THIS SUBDIVISION PLAT HAS BEEN SUBMITTED TO AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI BY ORDER FULLY ADOPTED ON _____, 2019, AND ENTERED IN THE OFFICIAL MINUTES OF THE CITY OF BILOXI IN MINUTE BOOK _____, ON PAGE _____.

CITY OF BILOXI

BY: _____ BY: _____ BY: _____
MAYOR PRESIDENT OF CITY COUNCIL MUNICIPAL CLERK

DATE OF EXECUTION _____ DATE OF EXECUTION _____ DATE OF EXECUTION _____

CERTIFICATE OF FINAL PLAT APPROVAL

ALL REQUIREMENTS OF THE BILOXI SUBDIVISION RULES AND REGULATIONS RELATIVE TO THE PREPARATION AND SUBMISSION OF A FINAL SUBDIVISION PLAT HAVING BEEN FULFILLED, APPROVAL OF THIS PLAT IS HEREBY GRANTED, SUBJECT TO FURTHER PROVISIONS OF THE SAID RULES AND REGULATIONS.

BILOXI PLANNING COMMISSION

BY: _____ DATE OF EXECUTION _____
EDWARD SHAMBRA, EXECUTIVE PLANNER

SURVEYOR'S CERTIFICATE

I, GARY A. DURBIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN AND FOR THE STATE OF MISSISSIPPI, DO HEREBY CERTIFY THAT THE FOREGOING PLAT AND DESCRIPTION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESS MY SIGNATURE ON THIS _____ DAY OF _____ 2019.

GARY A. DURBIN, P.L.S. NO. 2401

CERTIFICATE OF COMPARISON

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE HAVE COMPARED THIS DUPLICATE PLAT OF MALPASS LANDING SUBDIVISION, PHASE 2 WITH THE ORIGINAL PLAT HEREOF AND FIND THE SAME TO BE AN EXACT COPY THEREOF.

WITNESS OUR SIGNATURES ON THIS _____ DAY OF _____ 2019.

DEPUTY CLERK _____

GARY A. DURBIN, P.L.S. NO. 2401

RECORDING CERTIFICATE

FILED AND RECORDED IN DUPLICATE ON THIS _____ DAY OF _____ 2019, IN THE RECORD OF PLATS OF HARRISON COUNTY, MISSISSIPPI IN PLAT BOOK _____, ON PAGE _____.

JOHN MCADAMS, CHANCERY CLERK

BY: _____ D.C.

Engineering Department
Christy LeBatard, P.E.
Director of Engineering



214-A Delauney Street
P. O. Box 429
Biloxi, Mississippi 39533
Office: 228.435.6265
Fax: 228.435.6179
www.biloxi.ms.us

MEMORANDUM

TO: JERRY CREEL
COMMUNITY DEVELOPMENT DIRECTOR

FROM: CHRISTY LEBATARD, P.E. *CL*
DIRECTOR OF ENGINEERING

RE: KABREE COVE SUBDIVISION – FINAL PLAT

DATE: AUGUST 20, 2019

The attached final plat for Kabree Cove Subdivision has been reviewed. The subdivision has been constructed according to approved subdivision construction plans and meets city standards. The attached maintenance letter has been submitted. The attached plat is recommended for recording; the water and sewer taps and low pressure force main are recommended for acceptance for maintenance. The maintenance letter is to assure that any failure to public improvements for a two-year period as the result of workmanship or materials will be repaired.

Attachments

cc: Caryle Lena
Felicia Serpas
Keven Shaughnessy
Dennis Stieffel, P.E.
Jim Holt
File

"Exhibit A"

8/15/2019

To: City Of Biloxi
Robert Smith City Engineer

Fr: Kevin Shaughnessy, owner

Ref: Warranty

Robert,

This letter is to confirm my commitment to a two year warranty on the utilities that I have installed in KaBree Cove Subdivision located on Rosalie Maria Drive. This is to include material defects or defects due to workmanship in the low pressure force main or sewer and water taps installed.

Thank You



Kevin Shaughnessy
Owner

"Exhibit B"