ZONING AMENDMENT, PLANNED UNIT DEVELOPMENT & SUBDIVISION STAFF REPORT

Date: December 4, 2008

NAME The Madison, LLC

SUBDIVISION NAME The Madison Subdivision

LOCATION Southeast corner of Old Shell Road and Shepards Lane

CITY COUNCIL DISTRICT District 5

PRESENT ZONING R-1, Single-Family Residential

PROPOSED ZONING R-3, Multi-Family Residential

AREA OF PROPERTY 1 Lot / 1.2± Acres

CONTEMPLATED USE Rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow a two-building, 8-unit single-family residential townhome complex, Planned Unit Development Approval to allow two buildings on a single building site, and Subdivision of a metes and bounds parcel into one lot.

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

TIME SCHEDULE Within six months

ENGINEERING COMMENTS Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet.

TRAFFIC ENGINEERING COMMENTS Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Sign and mark one-way driveways.

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URBAN FORESTRY COMMENTS Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

FIRE DEPARTMENT COMMENTS Shall comply with 2003 IFC – 508.5.1.

REMARKS The site was the subject of previously approved subdivision, rezoning, and Planned Unit Development applications in 2007, but the applicant did not complete the subdivision and rezoning processes and they expired, and the property has since been sold to the current applicant/owner. Since those approvals, the Subdivision Regulations and Zoning Ordinance have been amended to allow Traditional Center Districts (TCD) which enable and encourage traditional, walkable village and neighborhood centers, and bring a balance between vehicular and pedestrian-oriented design. Modified building setbacks, site coverage, yard widths, and other site specific aspects are incorporated into the district regulations to afford such designs. One of the three sub-districts of a TCD is the Neighborhood General Sub-district (NG) which consists of a mixture of uses but primarily residential urban fabric. Implementation of the TCD regulations is voluntary. The subject site lies within a Neighborhood General Sub-district, and the applicant wishes to pursue development under this district's innovative allowances.

The applicant is requesting rezoning from R-1, Single-Family Residential, to R-3, Multi-Family Residential, to allow an 8-unit single-family residential townhome complex, Planned Unit Development Approval to allow two buildings on a single building site, and Subdivision to create a legal lot of record from a metes and bounds parcel.

The site, which is undeveloped, is bounded to the South by single-family homes in an existing R-1, Single-Family Residential District, to the West by nonconforming commercial uses in an R-1 district, to the North by R-1, and to the East by R-2, Two-Family Residential district (Fielding Place).

The site fronts onto Old Shell Road, a minor street with adequate right-of-way. The Western boundary of the site fronts Shepards Lane, a minor street with adequate right-of-way.

As stated in Section 64-9. of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

Planned Unit Development review, stated in Section 64-5. of the Zoning Ordinance, examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus any changes to the site plan must be approved by the Planning Commission.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The site is depicted as residential use on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

The applicant's accompanying Subdivision and PUD applications necessitate the rezoning in order to allow the density of the development (8 units).

The applicant is proposing an 8-unit single-family residential towhhome complex with two two-story buildings, one containing five units along Old Shell Road, and one containing three units along Shepards Lane. Each unit as proposed includes an enclosed ground-level two-car garage, and an additional four open-air parking spaces are proposed. A small 420 square-foot fitness center building is proposed within the swimming pool compound. As allowed under the NG regulations, the proposed building street frontage setbacks are between 6' and 18' from the street frontage property lines.

Access to the proposed development will be via a one-way driveway from Shepards Lane and exiting via another one-way driveway onto Shepards Lane. Access management is a concern due to the location of the proposed site in close proximity to an unusual intersection (Old Shell Road/Bit & Spur Road/Shepards Lane), and the traffic volume along Old Shell Road during peak hours. The location of the proposed development and the proposed locations of both the entrance and exit along Shepards Lane are mindful of the traffic situation along this corridor. As per the Traffic Engineering comments, the driveways should be signed and marked as one-way.

The applicant is proposing a "single-family" PUD residential development. The TCD landscaping requirements do not apply to the NG Sub-districts; therefore, the standard PUD landscape area requirements apply. Section 64-5.C.2. of the Zoning Ordinance requires 700 square feet of open space per dwelling unit, which cannot include streets, drainage ways, parking

areas, service areas and land covered by buildings. Furthermore, compliance with the landscaping requirements of the Zoning Ordinance will be required due to the proposed R-3 zoning of the site. Information on the site plan indicates that adequate area will be available for compliance with the landscaping requirements of the Zoning Ordinance. Tree planting requirements are addressed in the TCD amendments in both the Zoning Ordinance and Subdivision Regulations. The Ordinance requires street tree plantings adjacent to the lot frontage along all streets to be spaced approximately 30' on center instead of on-site at the ratio of one tree for every 30' of street frontage as in districts outside a TCD. This requirement is indicated as being met on the site plan. The TCD amendment in Section VIII.G.4.a to the Subdivision Regulations specifically states that trees shall be located a minimum of 15' from the radius of a curb at street intersections. The site plan, however, indicates two proposed trees within the street corner curb radius, and the site plan should be revised to remove those trees.

The site plan indicates a proposed open metal fence along the Old Shell Road and Shepards Lane property lines set between 6' high masonry pilasters. This would need Traffic Engineering approval if the fence is over 3' high. Section 64-H.4.a.(6) (b) of the TCD amendment to the Zoning Ordinance requires a garden wall, fence, or hedge, no lower than 3' and no higher than 6', along side and rear yards which are adjacent to residentially zoned properties, as is the case in this instance. The site plan indicates a brick wall associated with the Fielding Place Subdivision just off the East property line; therefore, requirement of a wall, fence, or hedge to be placed along this property line would be mute point. However, no such wall fence, or hedge is shown as proposed along the South property line; therefore, the site plan should be revised to indicate a wall or privacy fence along this line to be 3' high within the 18' maximum building setback line, and 6' high from there to the East property line.

RECOMMENDATION **Rezoning**: The rezoning request is recommended for Approval, subject to the following conditions:

1) completion of the Subdivision process;
2) revision of the site plan to eliminate the two trees in the street corner curb radius;
3) revision of the site plan to indicate a 3' high wall or privacy fence within the 18' maximum building setback line along the South property line elevated to 6' high from there to the East property line;
4) driveways to be signed and marked as one-way;
5) submission of three (3) copies of a revised PUD site plan; and
6) full compliance with all other municipal codes and ordinances.

Planned Unit Development: The PUD request is recommended for Approval, subject to the following conditions:

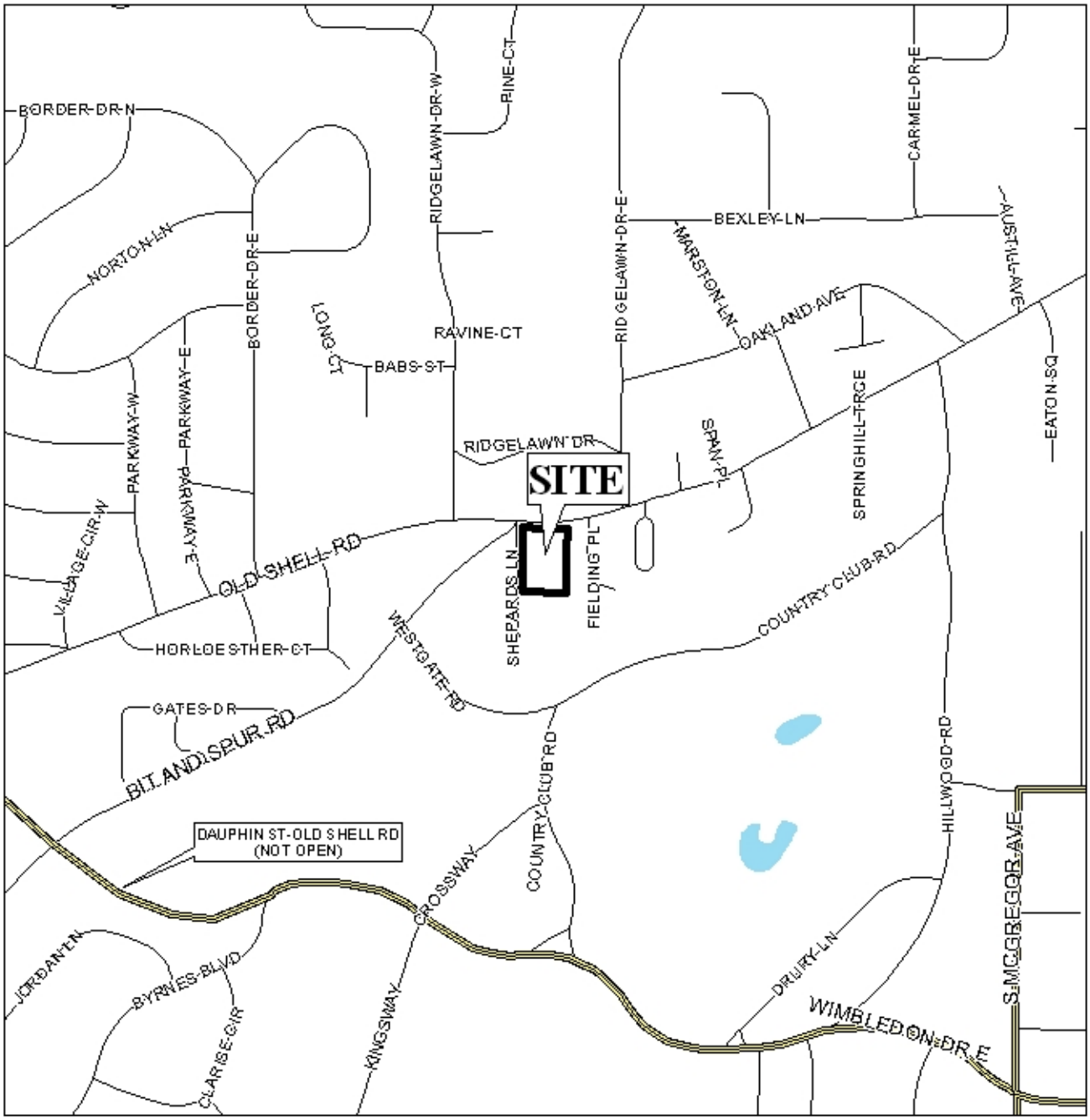
1) placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan will require a new application to the Planning Commission;
2) completion of the Subdivision process;
3) revision of the site plan to eliminate the two trees in the street corner curb radius;

4) revision of the site plan to indicate a 3' high wall or privacy fence within the 18' maximum building setback line along the South property line elevated to 6' high from there to the East property line;
5) driveways to be signed and marked as one-way;
6) submission of three (3) copies of a revised PUD site plan; and
7) full compliance with all other municipal codes and ordinances.

Subdivision: The Subdivision request is recommended for Tentative Approval, subject to the following conditions:

1) placement of a note on the final plat stating that driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards;
2) placement of a note on the final plat stating that driveways to be signed and marked as one-way;
3) submission and approval of three(3) copies of a revised PUD site plan prior to the signing of the final plat;
4) revision of the plat to label the lot with its size in square feet; and
5) subject to the Engineering Comments: *(Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet).*

LOCATOR MAP



APPLICATION NUMBER 26, 27, 28 DATE December 4, 2008

APPLICANT The Madison Subdivision, LLC

REQUEST Subdivision, Planned Unit Development, Rezoning from R-1 to R-3

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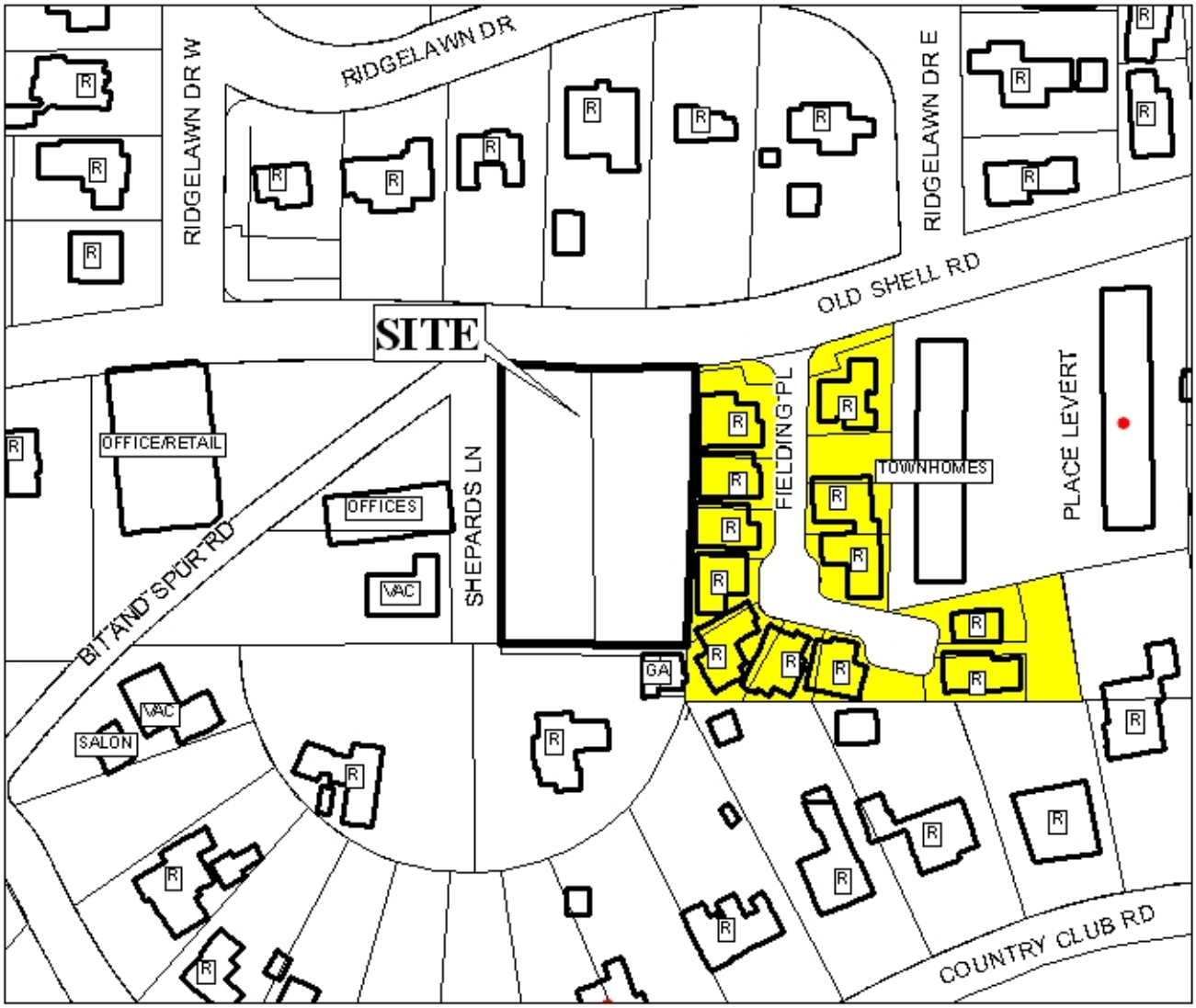
NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use.

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LEGEND R-1 R-2 R-3 R-A R-B H-B T-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2

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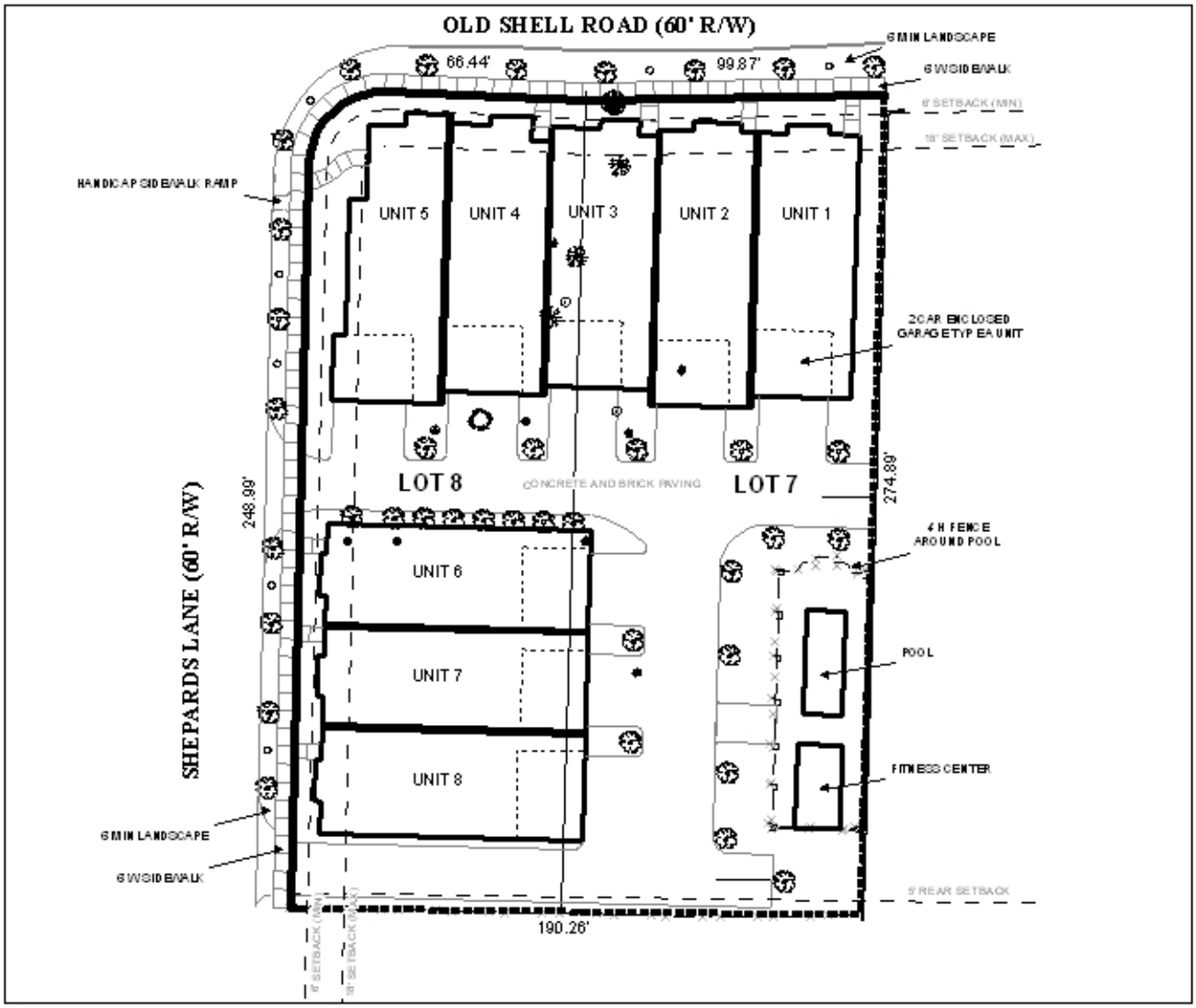
NTS

SITE PLAN



This site plan illustrates proposed lot configuration and buildings.

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