

ZONING AMENDMENT,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT

Date: July 10, 2008

<u>NAME</u>	International Service Group, Inc.
<u>SUBDIVISION NAME</u>	Overlook Apartments Subdivision
<u>LOCATION</u>	1408 Cody Road North (Southeast corner of Cody Road North and Overlook Road, extending to the North side of Victor Road, 630'± East of Cody Road North).
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>PRESENT ZONING</u>	R-1, Single-Family Residential, and B-2, Neighborhood Business
<u>PROPOSED ZONING</u>	R-3, Multi-Family Residential
<u>AREA OF PROPERTY</u>	1 Lot/ 17.1± Acres
<u>CONTEMPLATED USE</u>	Rezoning from R-1, Single-Family Residential, and B-2, Neighborhood Business District, to R-3, Multiple-Family Residential District, to allow a residential apartment complex, Planned Unit Development Approval to allow eleven buildings, with a total of 240 apartments, and a clubhouse building on a single building site, and Subdivision to create a legal lot of record from two metes and bounds parcels. 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.
<u>TIME SCHEDULE</u>	Within one year
<u>ENGINEERING COMMENTS</u>	Must comply with all storm water and flood control ordinances. Must provide detention for any impervious area added since 1984 in excess of 4,000 square feet. Any work performed in the right of way will require a right of way permit. Storm water discharge to Cody Road will not be permitted. Need to connect discharge from detention

pond subsurface to inlet at the north side of Victor Road via a private drainage easement across City owned property. Analysis of the downstream ditch (south side of Victor Road) is required and the applicant is required to upgrade the ditch as necessary to accommodate storm drainage in the ditch.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans. A traffic impact study is required for this development.

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

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, with local amendments, and the 2003 International Existing Building Code.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential and B-2, Neighborhood Business, to R-3, Multi-Family Residential to allow a 240-unit apartment complex, Planned Unit Development Approval to allow eleven buildings, clubhouse and pool on a single building site, and Subdivision to create a legal lot of record from two metes and bounds parcels.

The site, which is undeveloped, is bounded to the South by single-family dwellings in an existing R-1, Single-Family Residential District, to the West by commercial and residential uses in the planning jurisdiction, to the North by a B-1, zoning district, and to the East by R-1, Single-Family Residential district.

The proposed 17.1± acre, 1-lot subdivision fronts Cody Road North, a major street, which has right-of-way illustrated as 80-feet, and Howells Ferry Road, a minor street, which provides 60-feet of right-of-way and is in compliance with the minor street standards. Cody Road North, a major street requires 100-feet of right-of-way by the Major Street Component of the Comprehensive Plan. Dedication to provide 50-feet of right-of-way from the centerline of Cody Road North is required. The standards of the Major Street Component must be reflected on the Final Plat and site plan.

Due to the location and size of the development, access management is a concern. Therefore, the proposed development is required to submit a Traffic Impact Study to allow Traffic Engineering to assess the traffic volume and patterns, existing and proposed.

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 uses 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 necessitates the rezoning in order to allow the density of the development (240-units).

The applicant is proposing a 240-unit apartment complex with eleven three-story buildings, clubhouse, pool and 502 parking spaces. Access to the proposed apartment development will be via a two-way driveway from Cody Road North.

Access management is a concern due to the location of the proposed site in close proximity to an unusual intersection (Cody Road North and Howells Ferry Road). The location of the proposed development and the proposed location of the entrance/exit into the proposed apartment complex raise concerns of conflicts relating to turning movements. Additionally, the volume of traffic generated by the apartment complex, and the nature of intersection at this location may be of concern. As previously mentioned a Traffic Impact Study (TIS) would be required to allow the design of the entrance for the proposed apartment complex is mindful of the traffic situation along this corridor.

The applicant is proposing a “multi-family” PUD residential development, and consequently, 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 tree and 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. Additional information regarding compliance with the tree requirements must be submitted with the request for permits to develop the site.

The site abuts R-1, Single-Family Residential to the South and East; therefore, the site should be required to provide a minimum 6-foot high wooden fence.

RECOMMENDATION

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

- 1) the provision of an 6-foot high wooden privacy fence, where the site abuts R-1, Single-Family Residential; and
- 2) full compliance with all municipal codes and ordinances.

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

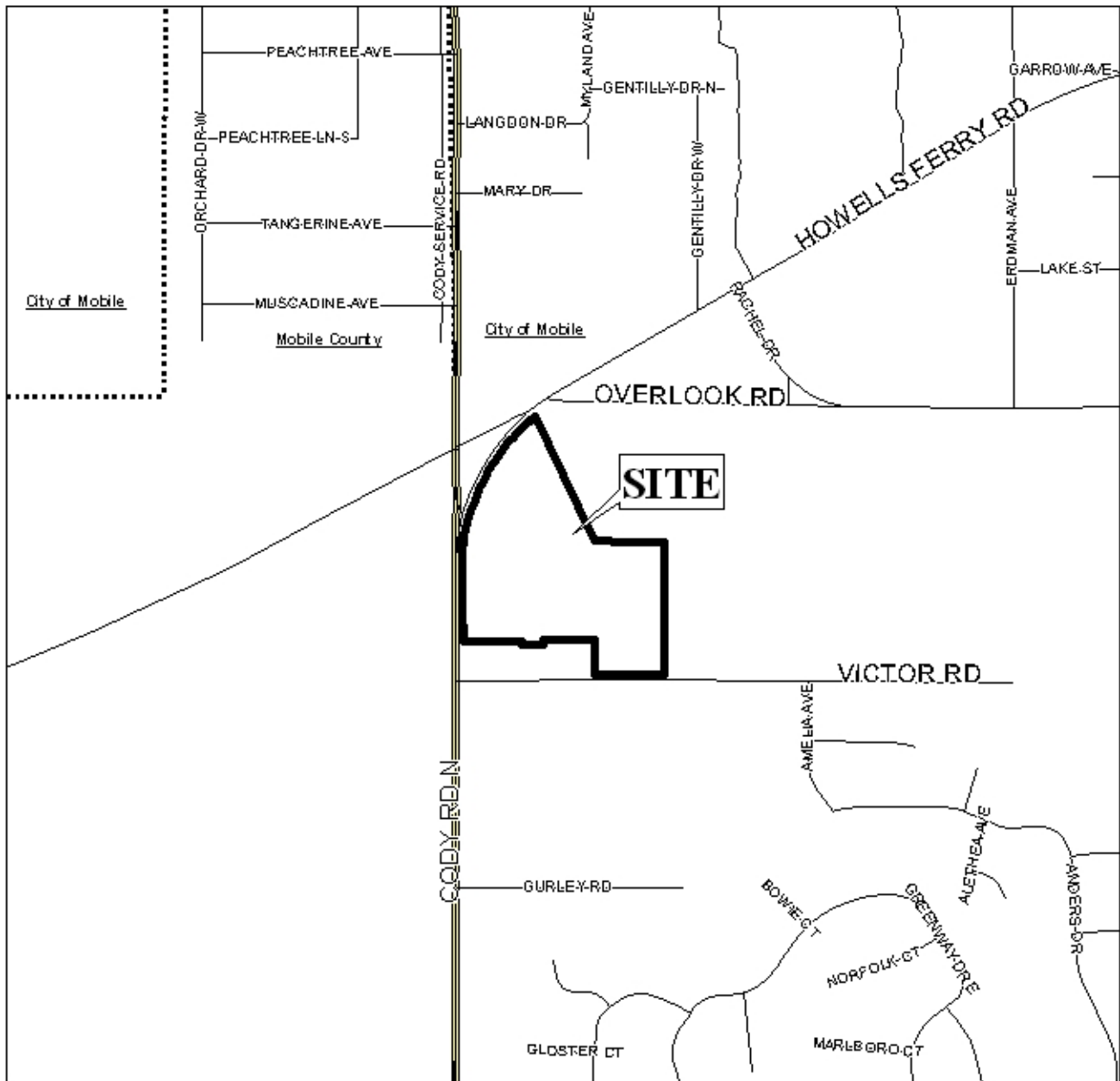
- 1) placement of a note on the site plan stating that PUD approval is site plan specific, and that any changes to the site plan, will require a new application to the Planning Commission;
- 2) revision of the site plan to depict parking area buffering in compliance with Section 64-4.A.3.i. of the Zoning Ordinance, where the proposed parking lot abuts or is across the street from residential zoning districts;
- 3) revision of the site plan to place the requirements of Section 64-6.A.3.c., *Lighting*, as a note on the site plan: *“If parking areas contain ten (10) or more cars, lighting shall be provided and maintained during their operation, and shall be so arranged that the source of light does not shine directly into adjacent residential properties or into traffic.”*
- 4) revision of the site plan to depict compliance with the tree and landscaping requirements of the Zoning Ordinance;
- 5) revision of the site plan to depict a storm water detention area for the proposed parking area, if required; and
- 6) full compliance with all other municipal codes and ordinances.

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

- 1) the submission and approval of a Traffic Impact Study (TIS) by Urban Development and Traffic Engineering prior to the sign of the Final Plat;

- 2) placement of a note on the final plat stating that the lot is limited to one, curb-cut onto Cody Road North, with the size, design and location to be approved by Traffic Engineering, and in conformance with AASHTO standards; and
- 3) revision of the Final Plat to label the lot with its size in square feet.

LOCATOR MAP



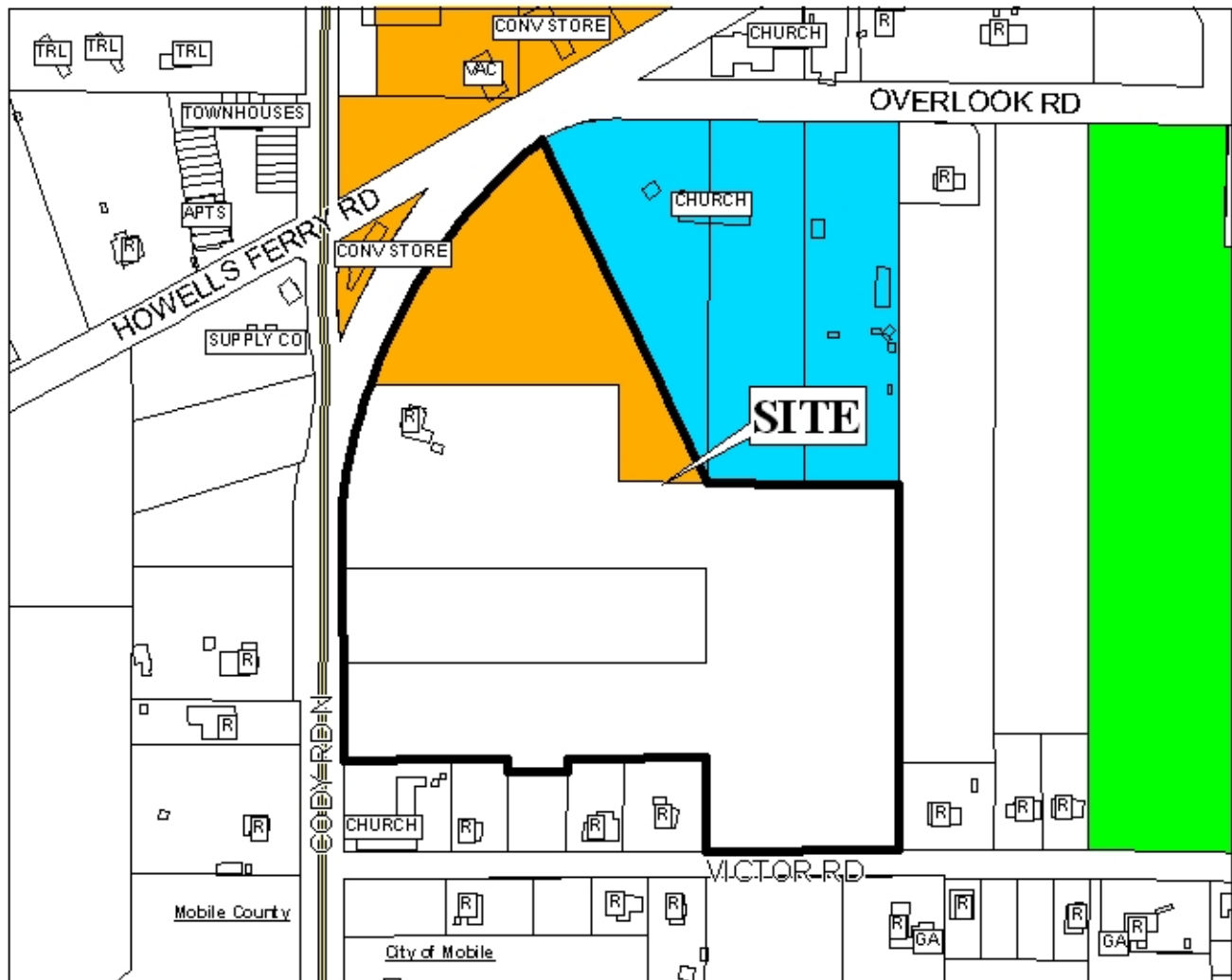
APPLICATION NUMBER 30 & 31 & 32 DATE July 10, 2008

APPLICANT International Service Group, Inc.

REQUEST Subdivision, PUD, Rezoning from R-1 and B-2 to R-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous 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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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use

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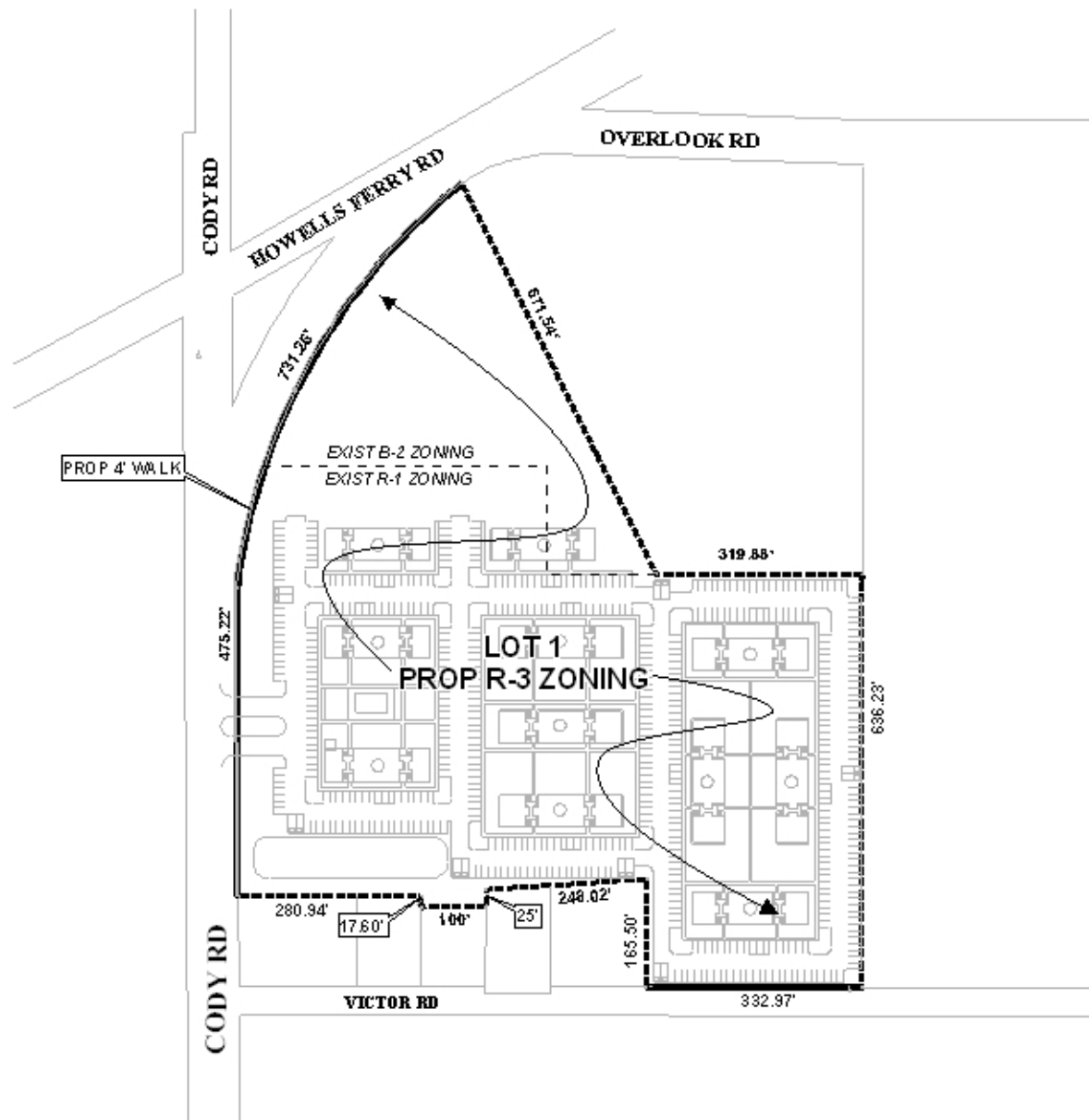
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SUBDIVISION AND ZONING DETAIL



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