

**ZONING AMENDMENT
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT**

Date: August 7, 2003

<u>NAME</u>	Jane Conkin
<u>DEVELOPMENT NAME</u>	The Townhomes of Batre Lane Subdivision
<u>LOCATION</u>	West side of Batre Lane, extending from the North side of Old Shell Road to the South side of Gaillard Street
<u>PRESENT ZONING</u>	R-1, Single-Family Residential
<u>PROPOSED ZONING</u>	R-2, Two-Family Residential
<u>AREA OF PROPERTY</u>	3 Lots / .9+ Acres
<u>CONTEMPLATED USE</u>	Three, two-unit townhomes on three lots, with shared parking and access 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 FOR DEVELOPMENT</u>	Immediately
<u>ENGINEERING COMMENTS</u>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<u>TRAFFIC ENGINEERING COMMENTS</u>	All driveway widths and locations to be approved by Traffic Engineering; and design to meet AASHTO Standards
<u>URBAN FORESTRY COMMENTS</u>	Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (City Code Chapters 57 and 64 and State Act 61-929).

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential to R-2, Two-Family Residential to construct three, two-unit townhomes; Planned Unit Development approval to allow reduced building setbacks and shared parking and access; and Subdivision approval to create three lots.

In June 2003, the applicant requested rezoning from R-1, Single-Family Residential to R-3, Multi-Family Residential to allow three, two-unit townhomes on one lot with shared parking and access. The Planning Commission recommended denial of the rezoning, denied the PUD request, and approved the one-lot subdivision. The current applications are essentially the same in terms of the site development—three buildings with two townhomes per building; with each building located on a separate lot.

The site is illustrated as residential 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 requested, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

The applicant has submitted documentation regarding the development of the area. This information references 12 high-density developments in the overall community such as Georgetown Condominiums at the Southeast corner of Old Shell Road and Nack Lane, Eaton Square, Spanish Villa apartments, Place Levert, and the Gates on Bit and Spur Road.

However, as illustrated on Vicinity Map there is no R-2 zoning in the immediate area, and at less than one acre, the site falls well below the minimum recommended guideline of four acres for the creation of a free-standing R2 district. Additionally, the rezoning of this site could be considered spot zoning.

Planned Unit Development review 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.

As illustrated on the site plan, the six units and guest parking would access Gaillard Street. Gaillard Street is a minor residential street with substandard improvements—the pavement is only 16-foot wide, less than the standard driveway width for two-way traffic in a parking lot. Gaillard Street also serves as the only access for six existing homes to the West, and the approval of six dwelling units on this site would essentially double traffic on the substandard street. As outlined above, PUD approval requires that adequate

access be provided without generating excess traffic along minor residential streets; Gaillard is a minor street.

The applicant is also requesting a reduced front setback of 15-feet. Although reduced front setback requests are frequently granted, the reduced setback is typically within a homogenous development, not on a single block frontage within an existing neighborhood. The PUD Section of the Zoning Ordinance permits “flexibility in the location and arrangement of buildings” and encourages innovative and diversified building design. However, the PUD Section stipulates, “the tract of land to be occupied by the PUD shall be of sufficient size to accommodate the proposed uses and buildings in a homogeneous and harmonious entity (as distinguished from typical lot-by-lot development).”

In terms of the PUD request, the applicant contends there is a market need in this area for small, townhome lots and that the proposed development will help meet this need. The applicant goes on to state that the Spring Hill community is changing as larger lots are subdivided into smaller lots. Additionally, the applicant states that the floor plans and lot sizes target buyers seeking to downsize, but acknowledges that federal Fair Housing standards prohibit restricting the site to older residents. Furthermore, the applicant proposes that as a condition of rezoning, the site be limited to the PUD to assure the surrounding neighbors that the site will be developed per the proposed plan.

Regarding the Subdivision request, the existing four-lot subdivision restricts curb cuts; approval for the three-lot subdivision request should reflect the existing conditions: Lot 1 is limited to one curb cut to Gaillard Street, Lot 2 is limited to one curb cut to Batre Lane, and Lot 3 is limited to one curb cut to Hamilton Lane (Old Shell Road). It should be noted that if the rezoning and PUD request are denied, approval of the three-lot subdivision request would only allow one, single-family residence, per lot.

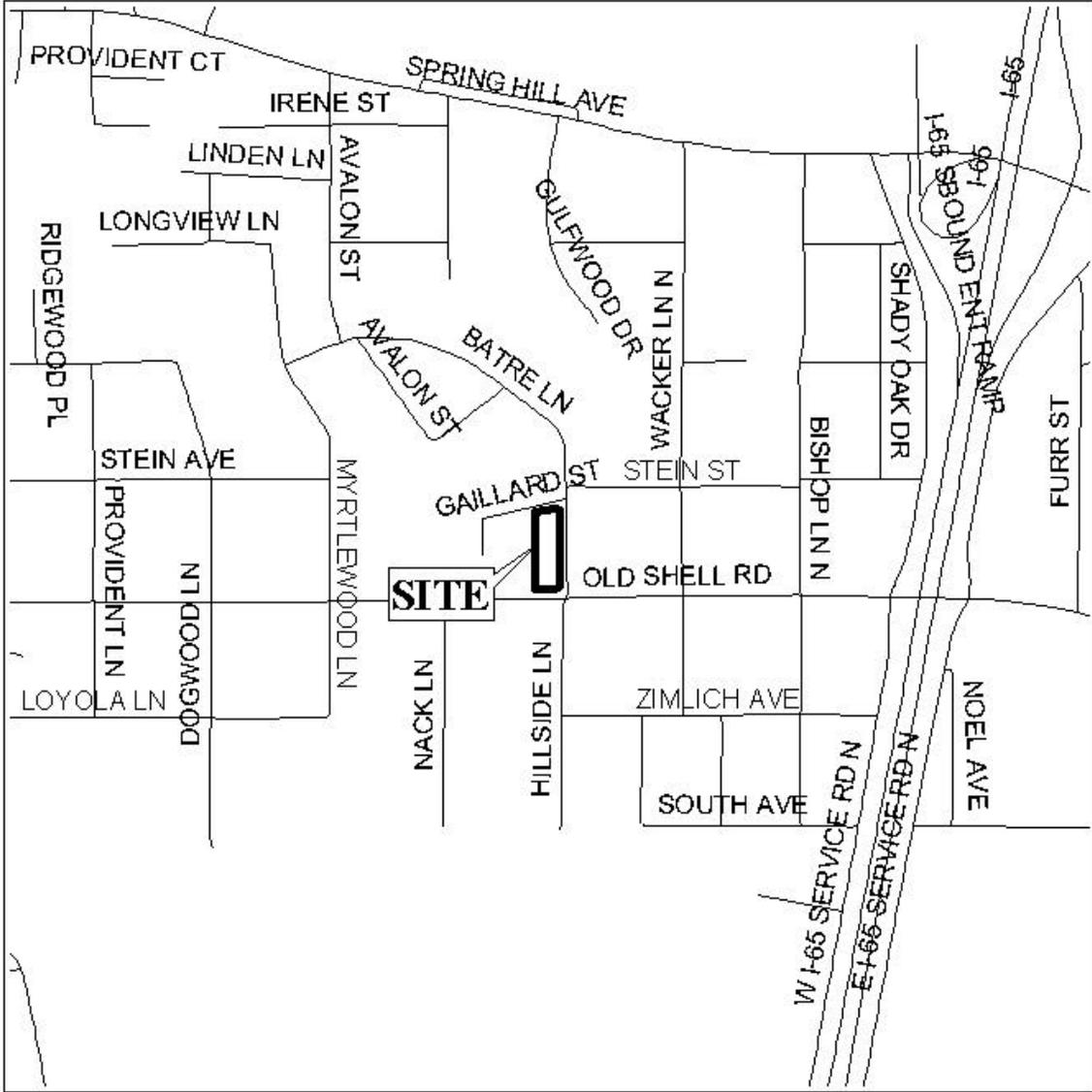
RECOMMENDATION

Rezoning: Based upon the preceding, this application is recommended for denial.

Planned Unit Development: Based upon the preceding, this application is recommended for denial.

Subdivision: Based upon the preceding, this application is recommended for approval subject to the following condition: 1) placement of note on the final plat stating that Lot 1 is limited to one curb cut to Gaillard Street, Lot 2 is limited to one curb cut to Batre Lane, and Lot 3 is limited to one curb cut to Hamilton Lane (Old Shell Road).

LOCATOR MAP



APPLICATION NUMBER 3,4 & 5 DATE August 7, 2003
APPLICANT Jane Conkin
REQUEST Rezoning, PUD and Subdivision



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential dwellings.

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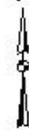
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LEGEND

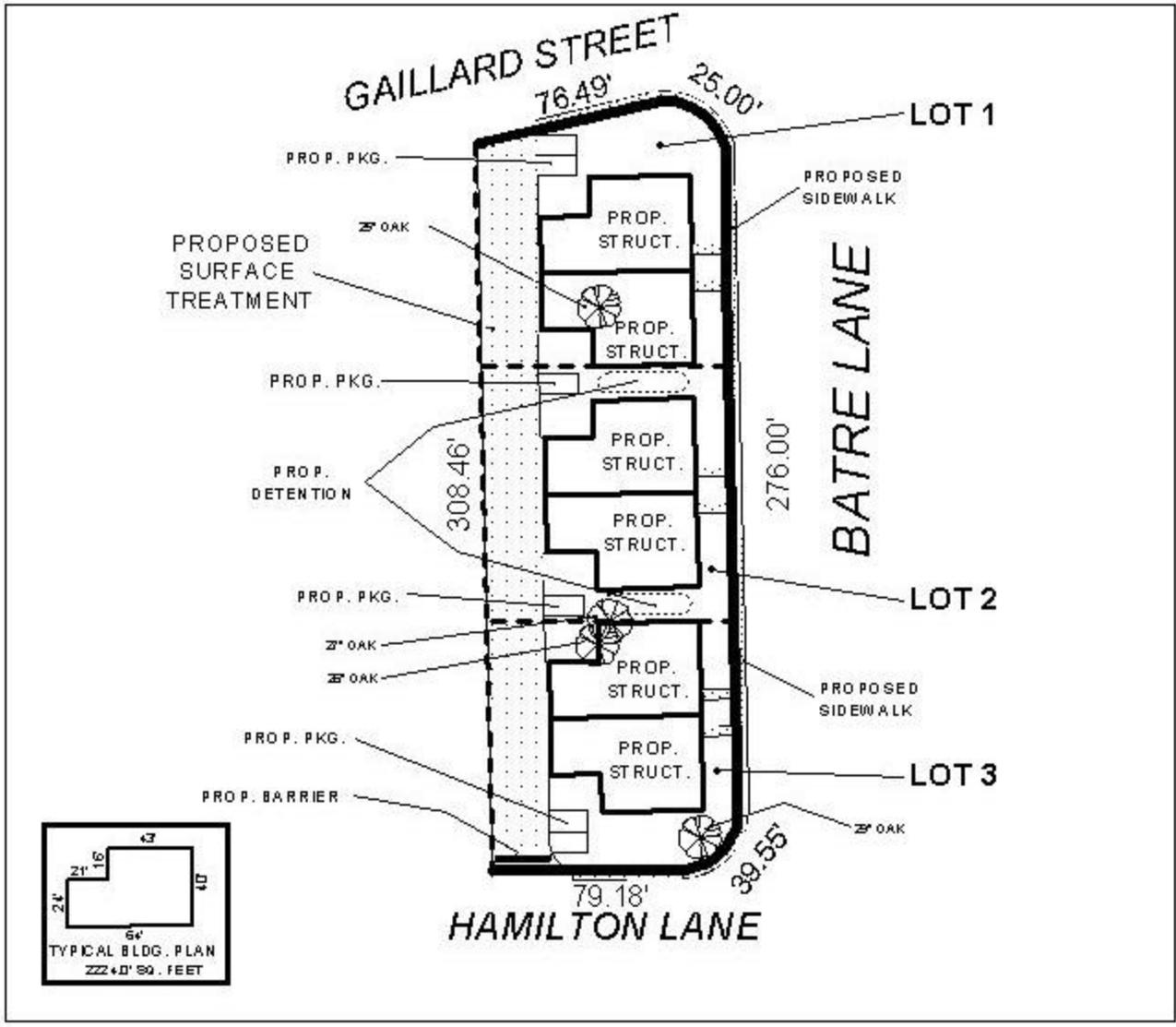


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SITE PLAN



The site is located on the West side of Batre Lane, extending from the North side of Hamilton Lane to the South side of Gaillard Street. The plan illustrates the proposed structures and paving. Existing trees larger than 24" diameter are also shown.

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