

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

**Date: December 18, 2003**

<b><u>NAME</u></b>	Phillip G. Burton
<b><u>DEVELOPMENT NAME</u></b>	McGregor Manor Subdivision, Resubdivision of Lots 1 & 2
<b><u>LOCATION</u></b>	157 North McGregor Avenue (West side of McGregor Avenue, 100'± North of Austill Lane)
<b><u>PRESENT ZONING</u></b>	R-1, Single-Family Residential
<b><u>PROPOSED ZONING</u></b>	R-3, Multi-Family Residential
<b><u>AREA OF PROPERTY</u></b>	.5± Acre
<b><u>CONTEMPLATED USE</u></b>	Two-building, four-unit, residential complex <b>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.</b>
<b><u>TIME SCHEDULE FOR DEVELOPMENT</u></b>	None given
<b><u>ENGINEERING COMMENTS</u></b>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	Must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.
<b><u>REMARKS</u></b>	The applicant is requesting rezoning from R-1, Single-Family Residential to R-3, Multi-Family Residential for four residences; Planned Unit Development approval to construct two buildings on a single building site; and subdivision approval to consolidate two lots into one.

The site appears to be illustrated as commercial 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 site adjoins an existing R-3 district to the South and single-family residences to the West and North. To the East, across McGregor Avenue is zoned and developed commercially. As the site adjoins an existing R-3 district, the rezoning of this site would be considered an expansion of the existing multi-family district.

Although a residential development, the site will consist of four dwellings on a single lot, and due to the higher density the Commission typically recommends buffering along the perimeter of such developments adjoining single-family homes. In this case an eight-foot privacy fence or wall along the West and North property lines would be appropriate; however, within 20-feet of McGregor Avenue, the height and location should be coordinated with and approved by Traffic Engineering and Urban Development. The existing R-3 development to the South is enclosed by an eight-foot masonry wall, thus an additional buffer along the South property line would not be necessary.

When a PUD is considered in conjunction with a rezoning application for multi-family residential, the Commission typically recommends that the site be developed in accordance with an approved PUD. Additionally, as the site will be zoned multi-family residential, full compliance with the landscaping and tree planting requirements of the Ordinance will be required.

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.

In terms of the PUD request, the buildings maintain a 10-foot setback from the adjacent R-1 properties to the West and North. The applicant proposes a seven-foot setback from the South property line and while the Zoning Ordinance requires a minimum setback of eight-feet in R-3 districts, PUD approval allows for modified setbacks. The applicant proposes a seven-foot setback along this property line; the adjoining development has a three-foot setback, thus providing a 10-foot separation between buildings.

In terms of the front yard setback there are some unusual issues for the Commission to consider. First, McGregor Avenue is a planned major street, and as such requires an 80-

foot wide right-of-way. As illustrated on Vicinity Map, the existing right-of-way along this portion of McGregor Avenue varies in width from 45-feet to 55-feet wide, and it is the practice of the Commission to obtain any necessary right-of-way to provide the minimum width for a standard street (50-foot wide right-of-way). In regard to the Major Street Plan requirements, when a site will be developed commercially or with high density residential, the Commission typically requires the dedication of the necessary right-of-way to comply with the right-of-way needs of the Major Street Plan.

However, in this situation, the adjoining properties along McGregor Avenue are developed, and as PUD approval is site plan specific, once the proposed buildings for this site are constructed they will be either in-line, or setback further from McGregor Avenue than the residences on the adjoining properties to the North and South. Additionally, it should be noted that a sidewalk along McGregor is not shown, but is required.

In terms of the subdivision approval, with the dedication of adequate right-of-way to provide 25-feet from the centerline of McGregor Avenue, should be shown on the final plat. Additionally, the site should be limited to one curb (as proposed), with the exact location and design to be approved by Traffic Engineering.

**RECOMMENDATION**      **Rezoning**      Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) an approved PUD; 2) full compliance with the landscaping and tree planting requirements of the Ordinance; 3) provision of an eight-foot high fence or wall along the North and West property lines (location and design within 20-feet of McGregor Avenue to be coordinated with approved by Traffic Engineering and Urban Development); 4) dedication of any necessary right-of-way to provide 25-feet from the centerline of McGregor Avenue; and 5) full compliance with all municipal codes and ordinances.

**Planned Unit Development**      Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) completion of the rezoning process; 2) full compliance with the landscaping and tree planting requirements of the Ordinance; 3) provision of an eight-foot high fence or wall along the North and West property lines (location and design within 20-feet of McGregor Avenue to be coordinated with approved by Traffic Engineering and Urban Development); 4) provision of a sidewalk along McGregor Avenue; and 5) full compliance with all municipal codes and ordinances.

**Subdivision**      With modifications, the plat will meet the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval subject to the following conditions: 1) dedication of the necessary right-of-way to provide 25-feet from the centerline of McGregor Avenue; and 2) the placement of a note on the final plat stating that the site is limited to one curb cut, with the location and design to be approved by Traffic Engineering.

## LOCATOR MAP



APPLICATION NUMBER 3, 4 & 5 DATE December 18, 2003

APPLICANT Phillip G. Burton

REQUEST Rezoning, PUD and Subdivision



NTS

**PLANNING COMMISSION  
VICINITY MAP - EXISTING ZONING**



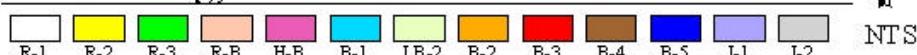
The site is located in an area of mixed land use.

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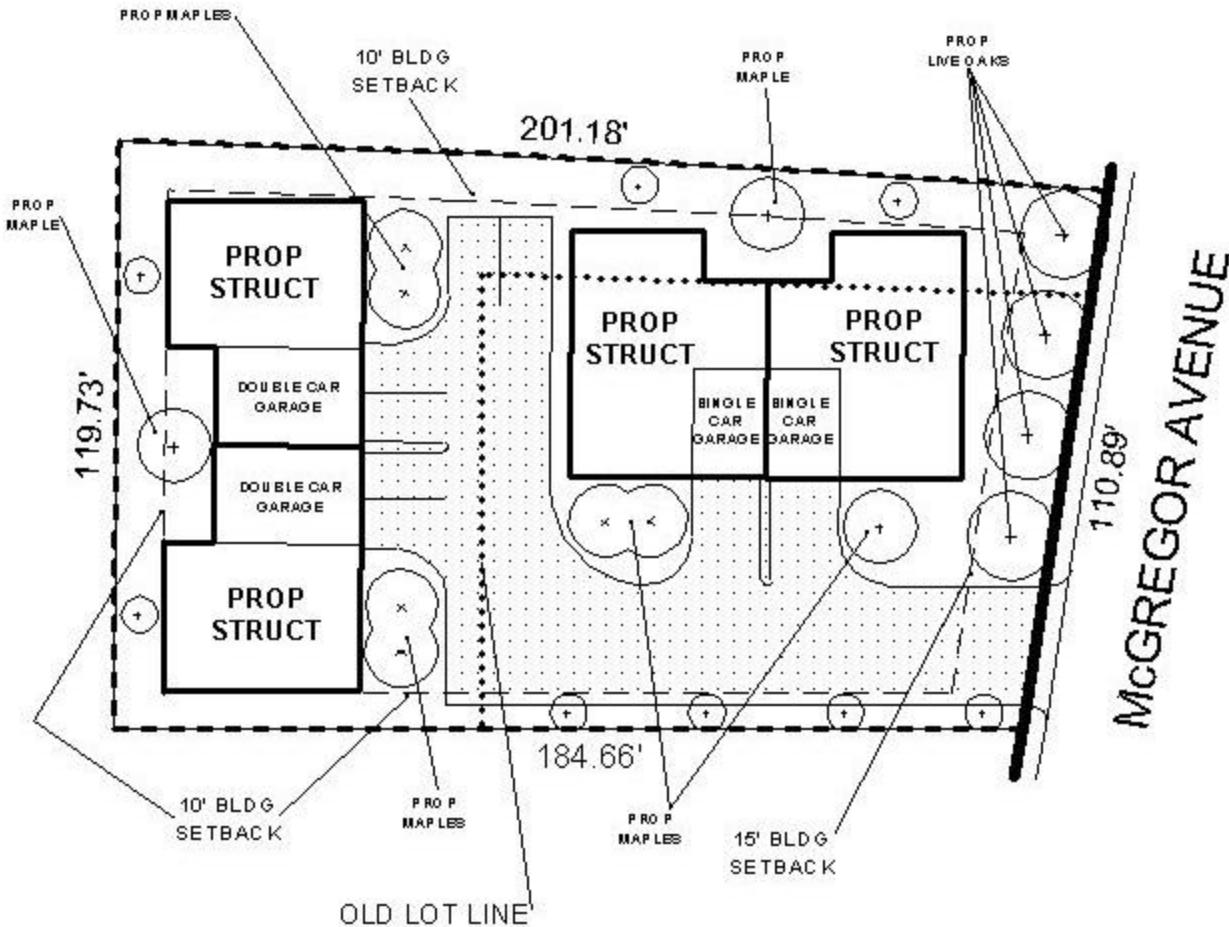
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LEGEND



## SITE PLAN



The site is located on the West side of McGregor Avenue, 100' North of Austill Lane.  
The plan illustrates the proposed structures and landscaping.

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USE/REQUEST Rezoning, Planned Unit Development and  
Subdivision

