

**PLANNED UNIT DEVELOPMENT
& SUBDIVISION STAFF REPORT**

Date: April 6, 2006

SUBDIVISION NAME Fielding Place Subdivision, Lot 5, Revised

LOCATION East terminus of Fielding Place (private street)

CITY COUNCIL DISTRICT District 5

CURRENT ZONING R-2, Two-Family Residential

AREA OF PROPERTY 0.1± acre

CONTEMPLATED USE Single-family home with reduced front, left side, and rear setbacks, and 56% maximum site coverage in a residential private street

TIME SCHEDULE FOR DEVELOPMENT Immediate

ENGINEERING COMMENTS The developer should provide a PLS certified survey of the existing detention pond and a PE certified evaluation of the existing detention pond to confirm the capacity and functionality of the existing system to accommodate the increased coverage. Development must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.

TRAFFIC ENGINEERING COMMENTS Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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).

REMARKS The applicant is requesting Subdivision and Planned Unit Development approval, to amend previous approvals to allow reduced setbacks on all sides and increased site coverage on an existing lot of record.

The plat illustrates the proposed 0.1± acre, one-lot subdivision located at the East terminus of Fielding Place, a private street with a varying right-of-way.

The lot originally received PUD and Subdivision approval as part of Fielding Place in 1984, was recorded, and then apparently re-recorded in 1993; the recorded plat and site plan depicted a polygon labeled “building limits”, which illustrated both the setbacks and the maximum site coverage for each lot. For the subject property, the building limits described a left side setback of nine feet at the closest point; 14 feet at the closest point on the front; ten feet at the closest point on the rear; and a zero-lot line yard on the right side. The maximum site coverage allowed by the record plat is approximately 46%. The applicant is requesting a left side yard setback of 5.5 feet at the closest point; a rear yard setback of five feet at the closest point; and increased site coverage of 56%. The right side yard would remain zero-lot-line. Also, while the applicant is requesting a front setback of 11.5 feet, the site plan shows a wall that would be four feet from the property line, and gates that would open into the street.

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.

The applicant’s engineer states that the proposed increase is not a variation from, but adherence to, the predominant building pattern of the neighborhood. While exact setbacks and site coverage of neighboring buildings is not available, aerial photos show buildings that appear to cover almost their entire sites. This may be due to a 1985 Planning Commission decision allowing administrative approval of building outside the “building limits”. However, while this decision stated that the setbacks could vary from the plat, it also stated that overall site coverage could not increase and that encroachments would only be allowed for single-story garages or carports, with no habitable space above. While this decision did not sanction increased site coverage in the neighborhood, it may nevertheless explain it.

The site received PUD approval in 1996 to allow a 9 foot setback from the rear (East) and an 8 foot setback from the left (North). The North property line adjoins a separate townhouse development (Place LeVert); it has commonly been the practice of the Planning Commission to maintain minimum setbacks adjacent to properties not part of the same PUD. The Fielding Place record plat shows minimum 10-foot setbacks along property lines where the site adjoins property outside the PUD, with two exceptions: a lot with the standard 8-foot setback; and the subject site, with a smaller 7-foot setback. Reducing this further should not be allowed.

Regarding the front setback, there are several examples of 10-foot front setbacks along Fielding Place, but none that are smaller. While the house is consistent with this standard, the brick wall would extend to within four feet of the property line, which would not be acceptable. Of additional concern are the two gates that would swing open into Fielding

Place. As PUD review considers circulation, the turnaround of the street should not be obstructed.

Regarding the rear (East) yard, this adjoins a detention facility, so reduced setbacks would not be as obvious, due to the undeveloped area adjoining the property. The principal concern here is whether existing detention facilities could accommodate the increased coverage, as noted by City Engineering.

Increasing the site coverage would not necessarily be problematic, should detention be shown to be adequate, since other sites in the neighborhood have been allowed similar increases. However, it would not be consistent or appropriate to reduce the left/North setback below the existing seven feet; and the front setback should not be reduced below ten feet, and this figure should include any walls and gates above three feet high.

RECOMMENDATION Based on the preceding, both applications are recommended for denial for the following reasons: 1) the North/left setback should not be reduced below the seven feet currently allowed, due to adjoining property that is outside the PUD; 2) the West/front setback would actually be four feet as proposed, which would not be adequate; 3) it has not been established that there is adequate detention for the increased site coverage; and 4) the gates should not be allowed to open into the street.

Revised for the April 20th meeting:

This application was held over from the April 6th meeting at the applicant's request. The applicant's engineer has submitted revised drawings showing the house shifted Eastward; and removing the gates that formerly opened into the right-of-way. The applicant has also submitted a petition from the neighbors in support of the development proposal.

The plat and site plan now illustrate the following setbacks (original "building limits" in parentheses): 7 feet at the front/West side (14 feet for this lot; 10-foot typical for neighborhood); 6.25 feet at the closest point on the left/North side (7 feet at closest point); 3 feet at the rear/East side (14 feet). The right/South line is zero-lot line as before.

While the drawing represents encroachments on three sides, it should be noted that the original plat did not represent straight-line setbacks, but "building limits", which were not a consistent distance from the property line. Therefore, encroachment on the building limits does not always indicate that the structure is closer than the "minimum" shown elsewhere. In addition, the lot gets wider to the Northwest, so that a majority of the property does have more than 7 feet between the building and the North property line.

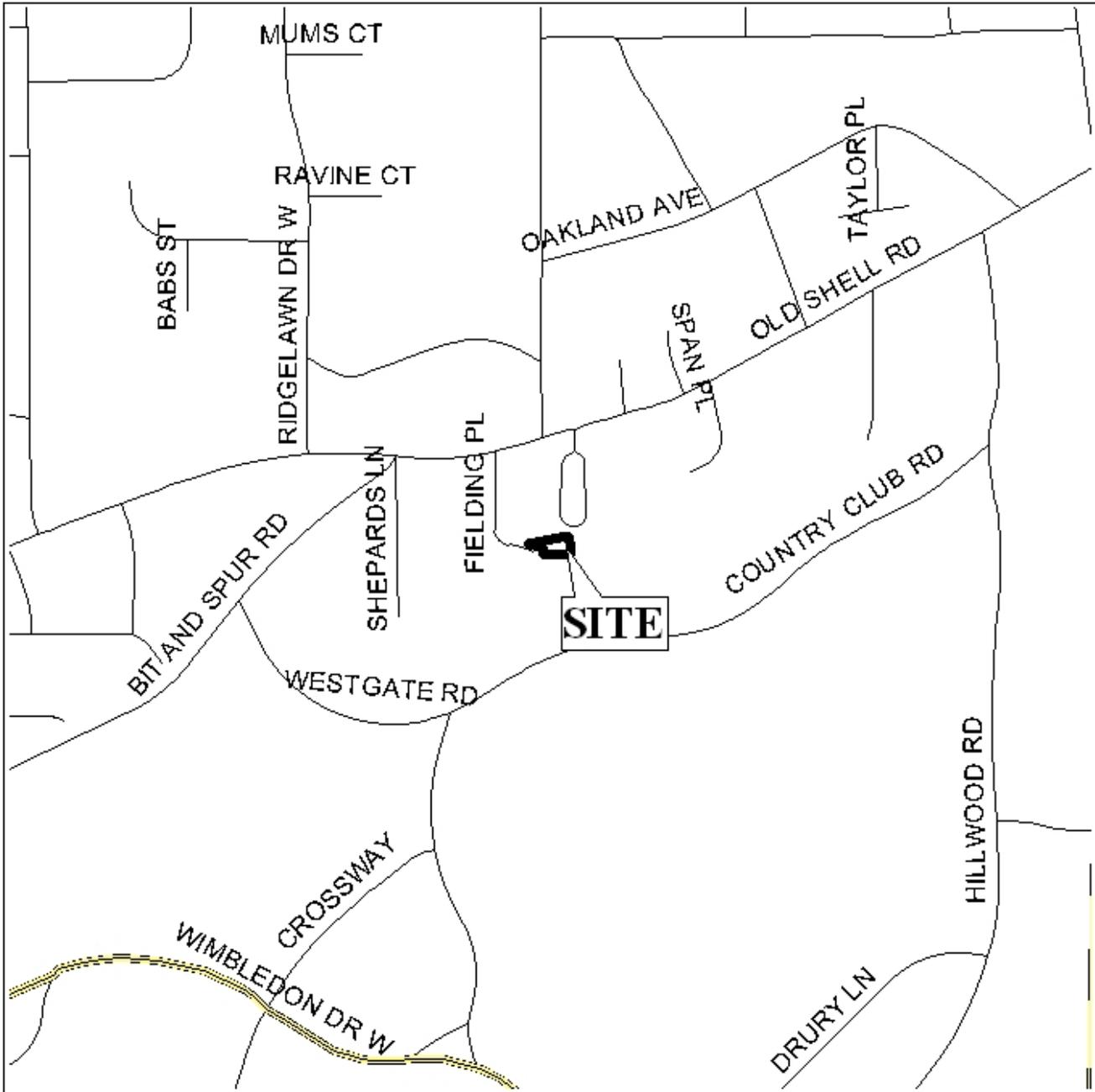
The principal change is in the increased site coverage, most of which occurs at the rear of the property. The rear adjoins the detention basin for the development, so encroachment over building limits would not impact another building site. The most significant concern would therefore appear to be whether the existing detention can accommodate the proposed site coverage.

In terms of compatibility with the surrounding area, the development proposal appears appropriate, provided that detention is adequate.

RECOMMENDATION **Subdivision** *Based on the preceding, this application is recommended for Tentative Approval, subject to the following condition: 1) compliance with Engineering comments (The developer should provide a PLS certified survey of the existing detention pond and a PE certified evaluation of the existing detention pond to confirm the capacity and functionality of the existing system to accommodate the increased coverage. Development must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.).*

Planned Unit Development *Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) compliance with Engineering comments (The developer should provide a PLS certified survey of the existing detention pond and a PE certified evaluation of the existing detention pond to confirm the capacity and functionality of the existing system to accommodate the increased coverage. Development must comply with all stormwater and flood control ordinances. Any work performed in the right of way will require a right of way permit.); and 2) full compliance with all municipal codes and ordinances.*

LOCATOR MAP



APPLICATION NUMBER Holdover DATE April 20, 2006

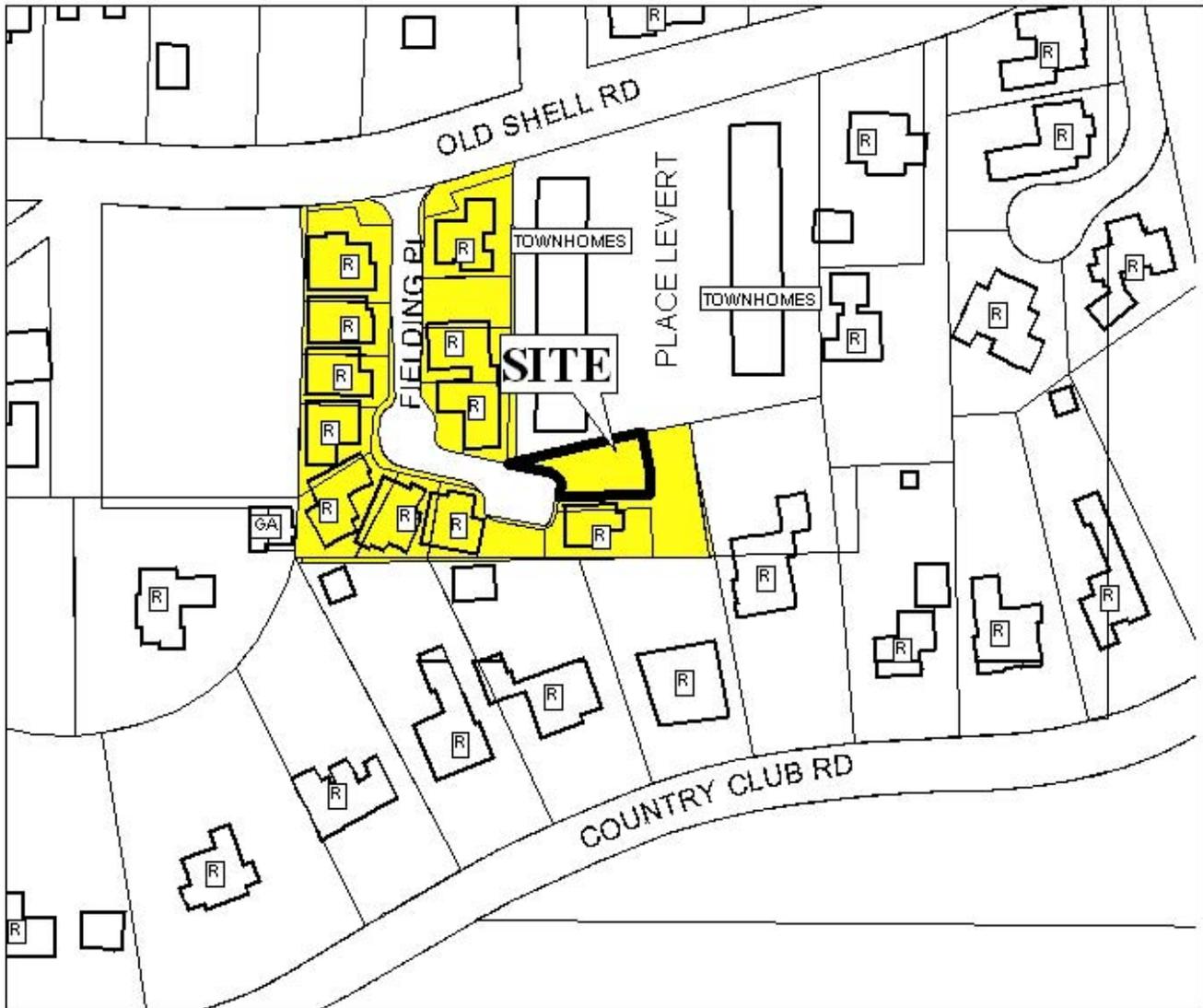
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REQUEST Planned Unit Development and Subdivision



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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

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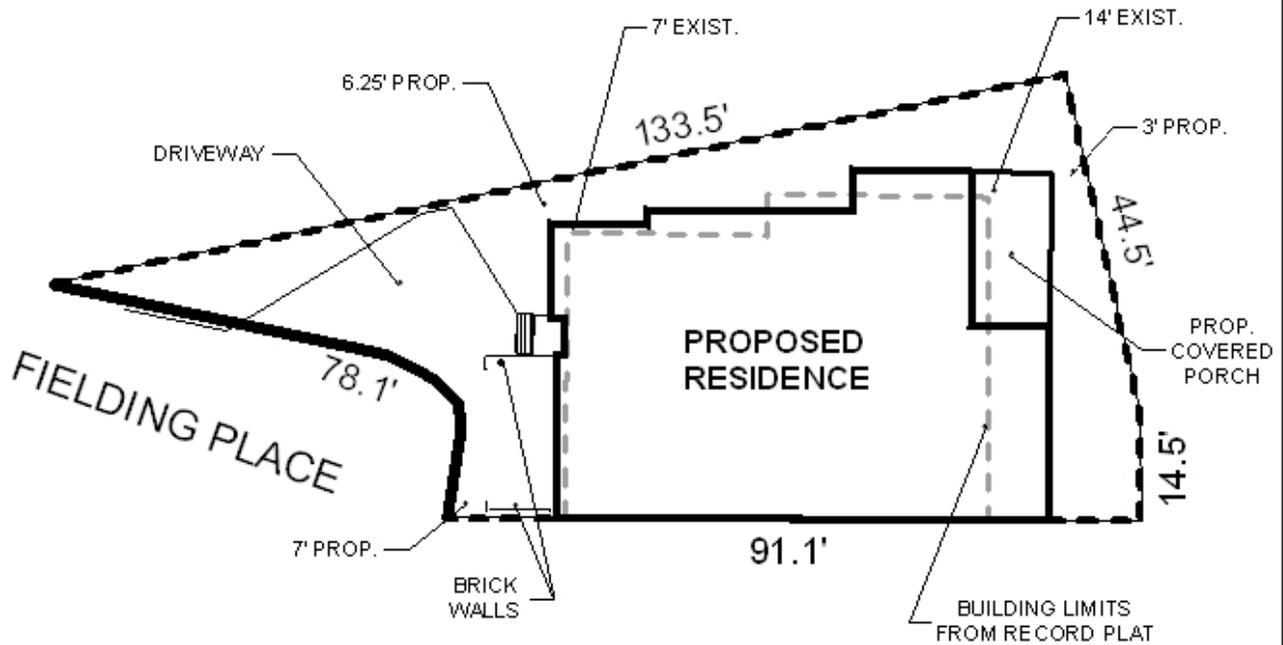
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LEGEND NTS



SITE PLAN



The site is located at the East terminus of Fielding Place (private street).
The plan illustrates the proposed development.

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