

**REZONING
& SUBDIVISION STAFF REPORT****Date: November 2, 2006**

DEVELOPMENT NAME Rochester Place Subdivision, Resubdivision of Lots 1, 2, 12, and 13

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LOCATION Northeast and Northwest corners of Rochester Place and Airport Boulevard Service Road

**CITY COUNCIL
DISTRICT** District 5

PRESENT ZONING R-1, Single-Family Residential

PROPOSED REZONING R-3, Multi-Family Residential

AREA OF PROPERTY 2 Lots/ 0.7± Acre

CONTEMPLATED USE Multi-Family Residential townhouse development

**TIME SCHEDULE
FOR DEVELOPMENT** Completion within one year

**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.

**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 Rezoning approval to allow two five-unit multi-family town homes.

The purpose of the application is to create two lots of record from four existing lots of record, and rezone them from R-1, Single-Family Residential, to R-3, Multi-Family

Residential. The site fronts Rochester Place and Airport Boulevard Service Road, each of which has a 50-foot right-of-way.

Regarding the proposed subdivision application, the site would meet the minimum standards of the Subdivision Regulations. The 25-foot and 20-foot (corner lot) setbacks are shown on the plat.

The site plan does not request reduced setbacks or increased site coverage, so standard setbacks and site coverage as required by Chapter 64.3.C.1 of the City Code (R-1 requirements) would be applicable.

Regarding the proposed rezoning, the applicant has not submitted a justification for rezoning. The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

In addition the site is less than one acre in size, and entirely surrounded by R-1 zoning. Whereas Section IX.A.2.a of the Zoning Ordinance states that a proposed new R-3 district should contain at least four acres, the applicant needs to provide justification not only for the rezoning, but for the waiver of the substandard size of the proposed new district. Based on the preceding, the applicant has not demonstrated that the rezoning is necessary or appropriate.

RECOMMENDATION

Subdivision: Based on the preceding, this application is recommended for Tentative Approval.

Rezoning: Based on the preceding, this application is recommended for Denial, for the following reasons: 1) the new district would not meet the size guidelines of Section IX.A.2.a of the Zoning Ordinance; and 2) the applicant failed to demonstrate that any of the following conditions justified rezoning: a manifest error in the ordinance; changes in conditions in a particular area; an increased need for business or industrial sites; the subdivision of land into urban building sites making reclassification necessary and desirable.

Revised for the December 7th meeting:

The applications were heldover by the Planning Commission at the applicant's request.

No additional information was submitted for the meeting.

RECOMMENDATION

Subdivision: Based on the preceding, this application is recommended for Tentative Approval.

Rezoning: Based on the preceding, this application is recommended for Denial, for the following reasons: 1) the new district would not meet the size guidelines of Section IX.A.2.a of the Zoning Ordinance; and 2) the applicant failed to demonstrate that any of the following conditions justified rezoning: a manifest error in the ordinance; changes in conditions in a particular area; an increased need for business or industrial sites; the subdivision of land into urban building sites making reclassification necessary and desirable.

LOCATOR MAP



APPLICATION NUMBER Holdover DATE December 7, 2006

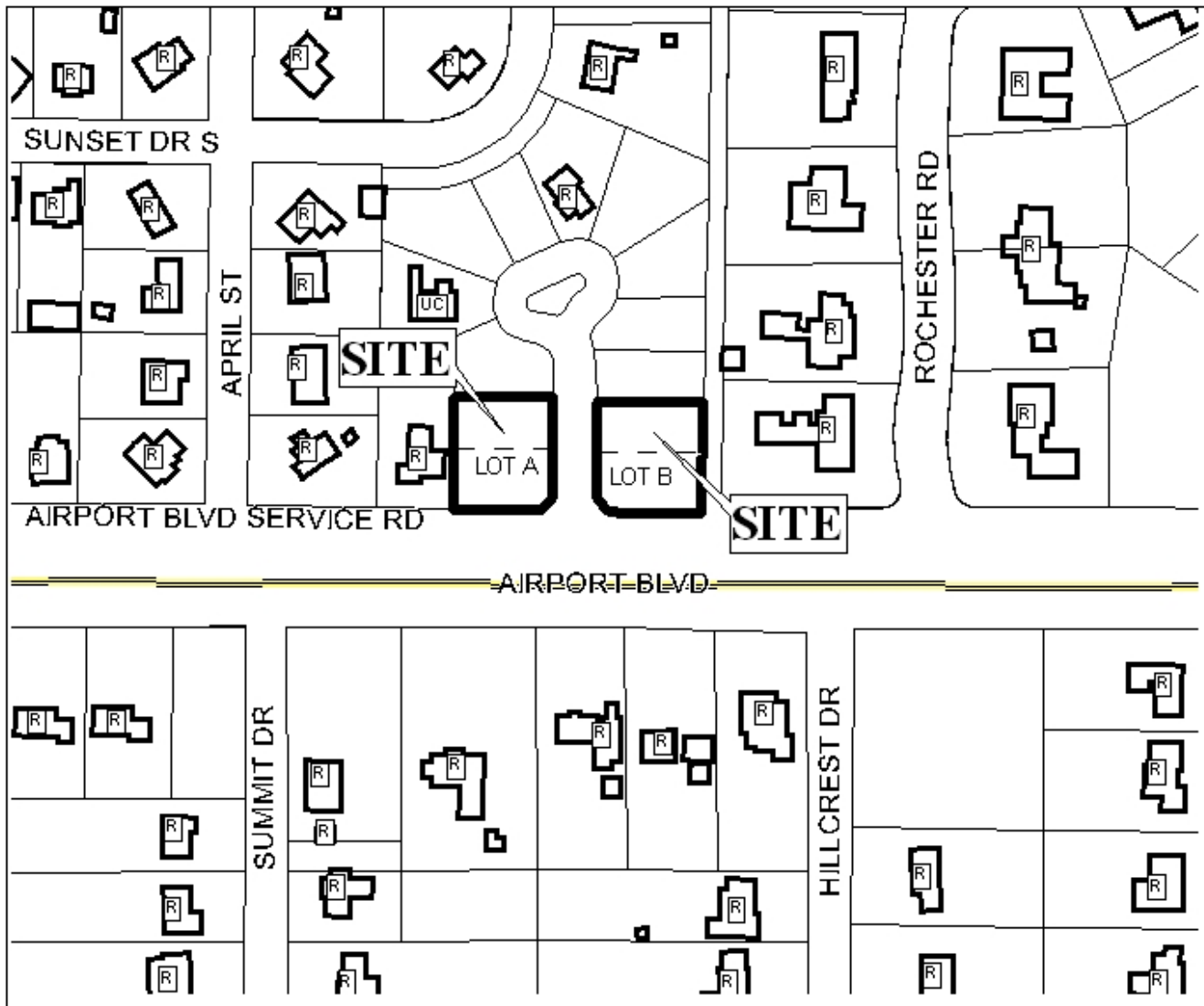
APPLICANT Rochester Place Subdivision, Resubdivision of Lots 1, 2, 12 and 13

REQUEST Subdivision, Rezoning from R-1 to R-3



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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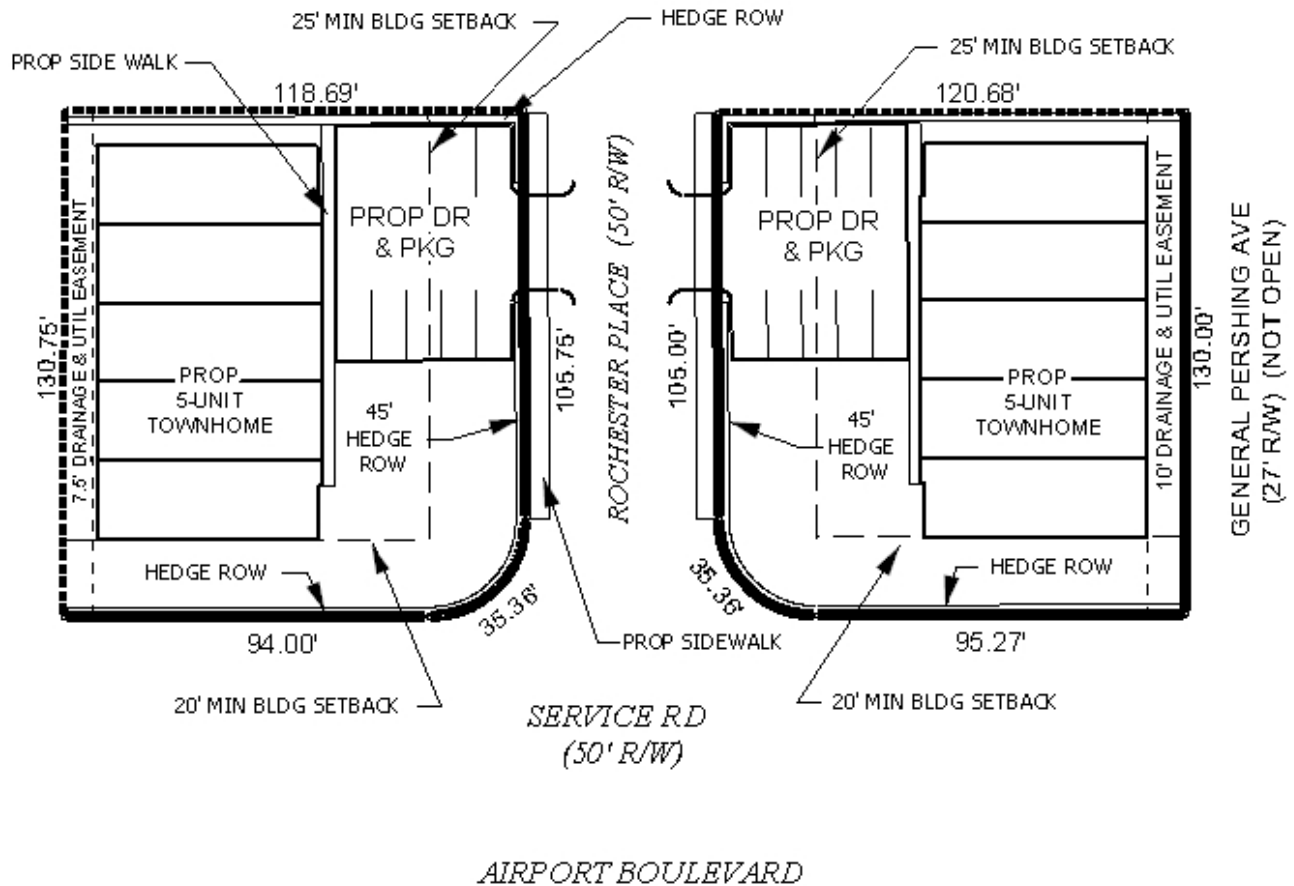
REQUEST Subdivision, Rezoning from R-1 to R-3

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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SITE PLAN



The site plan illustrates the proposed buildings, parking, sidewalks, setbacks, easements, and greenspace.

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NTS