

# Collaborative Planning, LLC

## ***MEMORANDUM***

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**TO:** Planning Commission

**FROM:** Cindy Nash, AICP, City Planner

**DATE:** March 20, 2019

**SUBJECT:** **River Town Villas of Hanover** for (1) Rezoning; (2) Planned Unit Development; and (3) Preliminary Plat

**APPLICANT:** Wits Realty

**LOCATION:** Generally located west of River Road, and north of Church Street

**COMPREHENSIVE PLAN:** Multi-Family Residential

### **Description of Request**

Wits Realty has submitted applications for a rezoning, planned residential development and preliminary plat. The property consists of approximately 4.08 acres and is located west of River Road and north of Church Street.

The Developer is proposing to develop the site into 18 detached residential units. All of the housing units would be villas and would have associated-maintained yards and driveways. The proposed builder is Bellin Construction.

This development is requesting the following approvals:

1. Rezoning of part of the property from B-1A to R-1A
2. Planned Unit Development
3. Preliminary Plat.

Patio homes will occupy all lots on the site. A characteristic of this type of development is that not only are the lots smaller, but the homes are constructed closer together with a reduced side yard setback. This is a type of unit that allows for higher density construction, but in an ownership that does not share walls as a townhome neighborhood would. A homeowner's association provides exterior maintenance of snow removal and lawn care. The buildings are maintained by the property owner.

The following items are included in the packet for review:

1. City Engineer Comment letter
2. City Planner Comment letter
3. Plat Narrative
4. Architectural Renderings
5. Preliminary Plat and Plan Set

## **Item 1: Rezoning**

**Public Hearing:      March 25, 2019 Planning Commission**

### **Request**

The Developer is requesting to rezone the property from B-1A to R-1A. A rezoning is an amendment to the zoning map, which changes the zoning district that a particular property is located within.

### **Analysis**

The City Council may adopt an ordinance amending the Zoning Map (rezoning) as a means to reflect change in the goals and policies of the community as reflected in the Comprehensive Plan. The Comprehensive Plan was updated in the Fall of 2019, and that update included regarding this property from a commercial use to multi-family residential.

There is not currently a zoning district that is a perfect match for this type of use (villas on smaller lots) as the R-2 zoning that would typically be associated with Multi-Family Residential Comp Plan guidance does not currently allow for detached villas (single-family homes). The suggested zoning district for this request would either be 1) R-1A, which would then require a PUD for the various exceptions needed for lot size and setbacks, or 2) R-2, which would also require a text amendment to allow villa lots in the R-2 District and would likely still require a PUD. The applicant is applying to rezone to R-1A, which is a category that permits single-family detached homes. A villa/patio home most closely resembles a single-family detached home.

### **Staff Recommendation**

***Staff recommends approving the rezoning subject to the conditions below:***

1. Adoption and publication of the ordinance as required by law.

## **Item 2: Planned Unit Development (PUD)**

**Public Hearing:      March 25, 2019 Planning Commission**

### **Request**

The Developer is proposing to redevelop the site into an 18-lot subdivision for the site. The properties on the east, south, and west of the proposed development contain existing uses. The property to the north is vacant. The subject property contains a single-family home which would be demolished as a part of the construction.

### **Analysis**

#### ***Density***

Per the City's ordinances, the total number of dwelling units allowed in a planned unit development shall be determined by either:

*“a. The standards of the applicable base zoning or overlay district in which the proposed development is to be located; or*

*b. The density specified by the City Council consistent with the intent of the comprehensive plan. A plan may provide for a greater number of dwelling units per acre than would otherwise be permitted by the regulations otherwise applicable to the site; however, the applicant shall show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. **The council, in determining the reasonableness of the increase in the authorized dwelling units per acre, shall recognize that increase density may be compensated for by additional private amenities and by increase efficiency in public facilities and services to be achieved by:***

- 1) The location, amount and proposed use of common open space;*
- 2) The location, design and type of dwelling units; and*
- 3) The physical characteristics of the site.”*

The Developer is proposing the density in a manner consistent with the Comprehensive Plan, which would permit between 4 to 12 dwelling units per acre. The villa home product could be considered a detached townhome. Townhomes are a permitted use in the R-2 zoning district and the total number of units proposed would be consistent with that which would be permitted under that zoning district. While still meeting the minimum density of the Comprehensive Plan, the total number of units is less than could be permitted if the applicant proposed either attached townhomes or an apartment building under R-2 zoning.

**PUD Generally**

A PUD is intended to allow for the development of residential areas under a flexible regulatory process that allows for a joint planning design effort by the developer and the City. This process should result in benefits that preserve natural resources and amenities, assure a higher quality living environment, and develop a variety of housing types and densities as a single planned entity. The City may authorize departures from the strict requirements of the underlying zoning district and subdivision regulations after finding that the proposal is consistent with the Comprehensive Plan, the general purposes of the Zoning Ordinance, and if the project complies with the requirements outlined below (discussion should occur on each of these items, along with feedback for redesign that would bring the plan into greater compliance with these standards).

1. The consistency of the proposed PUD with the comprehensive plan.
2. The extent to which the proposed PUD is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structure and open space, circulation patterns, visual character and sufficiency of drainage and utilities.
3. The extent to which the proposed uses will be compatible with present and planned uses in the surround area.
4. That any exceptions to this article are justified by the design or the development.
5. The sufficiency of each planned unit development phase's size, composition, and arrangement in order that its construction, and operation is feasible without dependence upon subsequent phases.
6. The burden or impact created by the PUD on parks, schools, streets, and other public facilities and utilities.
7. The impact of the PUD on environmental quality and on the reasonable enjoyment of the surrounding properties.

**Variances from Zoning Requirements in Planned Unit Developments**

The City may vary the regulations of the Zoning Ordinance in PUDs, and the development is requesting the following variations from the standard zoning requirements:

<b>Requirement</b>	<b>Standard Zoning</b>	<b>Variance Requested</b>
Lot Size	12,000 square feet	3,500 square feet
Lot Width (at front setback)	80 feet	50 feet

Garage Size	576 square feet	480 square feet
Front Yard Setback	Minimum 30 feet from property line	Not measuring to property line. Measuring instead to back of curb. Garage needs to be at least 25 feet from back of curb and home needs to be at least 20 feet from back of curb.
Rear Yard Setback	Minimum 30 feet from property line	Not measuring to property line. Homes must fit within lot shown on plans – 0-foot setback from actual property line.
Side Yard Setback	Minimum 10 feet from property line.	Not measuring to property line – 0-foot setback from actual property line. Homes are measured relative to location to each other – 10 feet between garages, 15 feet between garage and living side, or 20 feet between two living sides
Public Streets meeting City standards for ROW and pavement width	36' wide pavement in a 66' wide right of way	Private street so no ROW proposed. 28' wide pavement.
Cul-de-sac meeting city standards		Hammerhead style turn-around. Turning movements for a fire truck shown on Sheet C2-1

A narrative of why the applicant feels these changes are beneficial is included within the PUD narrative.

**Staff Recommendation**

***If the Planning Commission determines the proposed PUD should be recommended for approval to the City Council, staff recommends including the conditions below:***

1. A final plat is submitted and approved that is in substantial conformance with the Site Plans. A Developer's Agreement acceptable to the City is entered into by and between the

Developer and the City.

2. Adoption and publication of the ordinance as required by law.
3. All conditions of the City Engineer, City Attorney and City Planner are met.
4. The development must be constructed in substantial conformance with the Site Plans.
5. Villa homes are the permitted use on Lots 1 – 18, Block 1.
6. Ownership and maintenance of the outlots shall be addressed to the satisfaction of the City prior to submission of the Final Plat application.
7. The street shall be privately owned and maintained.
8. The developer must submit foundation and grading as-builts for each home constructed for the review of the Building Official.
9. Variations from the City's Zoning Ordinance requirements are approved as follows:
  - a. The lot size is reduced to 3,500 square feet.
  - b. The lot width is reduced to 50 feet.
  - c. A 0-foot setback is approved from the individual property lines for structures on Lots 1 through 18. However, the structures shall be required to maintain the following minimum setbacks:
    - i. The garage of any structure shall be setback no less than 25 feet from the back of curb of the private driveway.
    - ii. The living portion of any structure shall be setback not less than 20 feet from the back of curb of the private driveway.
    - iii. The minimum building separations to be maintained are the following:
      1. 10-foot minimum separation from foundation walls if garage side to garage side
      2. 15-foot minimum separation from foundation walls if garage side to living side
      3. 20-foot minimum separation from foundation walls if living side to living side
  - d. Structures may not be constructed in any easement.
  - e. Garage size shall be not less than 480 square feet.
  - f. Even if in conflict with the above, the following setbacks shall be maintained:
    - i. A setback of not less than 35 feet from the property line with Church Street shall be maintained for Lots 1 and 18.
    - ii. A setback of not less than 30 feet from the western property line of the Subject Property shall be maintained for Lots 1 through 6.

- iii. A setback of not less than 15 feet from the western property line of the Subject Property shall be maintained for Lot 7.
- iv. A setback of not less than 30 feet from the eastern property line of the Subject Property shall be maintained for Lots 12 through 18.
- v. A setback of not less than 15 feet from the eastern property line of the Subject Property shall be maintained for Lot 11.
- vi. A setback of not less than 30 feet from the northern property line of the Subject Property shall be maintained for Lots 7 through 11.

10. All other requirements of the City's Zoning Ordinance not specifically exempted above must be met.

### **Item 3: Recommendation on Preliminary Plat**

**Public Hearing:      March 25, 2019 Planning Commission**

Preliminary plats provide the layout for lots and blocks for future sale and ownership of specific parcels. The preliminary plat is “preliminary”, however approval of a preliminary plat gives the property rights by State law.

#### **Land Use**

The proposed land use is 18 single-family lots, and outlots for stormwater ponding and private neighborhood amenities (driveway, parking and landscaping).

#### **Access, Roads, Guest Parking Pedestrian Circulation**

Two private streets are proposed to be constructed. Instead of cul-de-sacs, the end of the private driveway is proposed to function as a hammerhead style turn-around.

The proposed 25-foot front yard setbacks for garages will typically provide room for 2 cars to park on the driveway. There are also 13 parking spaces proposed.

No sidewalks or trails are proposed. When interior to the development, this is acceptable with the low traffic volume. A sidewalk should be added to that portion of Church Street fronting the Subject Property to provide pedestrian access to the existing trail/sidewalk network on River Road.

#### **Utilities**

Utilities are proposed to be installed within the rights of way.

Ponding is located in outlots that will be deeded to the City.

#### **Park Dedication**

Park dedication is required for this plat, and will be calculated at the time of execution of the developer’s agreement. No parks are proposed for this area in the Comprehensive Plan, and this development is within walking distance of Settler’s Park. Estimated park dedication is 18 units at \$3,272 per unit for a total of \$58,896.

### **Landscaping and Tree Preservation**

Sheet L1-1 contains the proposed landscaping plan. The landscaping plans generally identify more than 2 trees per lot to be planted, but given lot size the trees are proposed to be installed in the HOA owned area rather than on the individual lots. This variation can be approved as part of the PUD.

Information on tree removal proposed is included in the plan set on Sheet L2-1. All existing trees are proposed to be removed in order to grade the site.

### **Engineering and Planning**

The development should comply with the requirements of the City Engineer's and City Planner's memos.

### **Staff Recommendation**

*If the Planning Commission finds the preliminary plat meets ordinances as modified by any recommended PUD, staff recommends approving the Preliminary Plat subject to the conditions below:*

1. Villas are the permitted use on Lots 1 – 18, Block 1.
2. Ownership and maintenance of the outlots shall be addressed in a manner satisfactory to the City.
3. All comments contained within the memo from the City Engineer dated \_\_\_\_, 2019, and the memo from the City Planner dated \_\_\_\_, 2019 are incorporated herein (collectively referred to as the "Staff Memos").
4. The Subject Property shall be constructed in substantial compliance with the Site Plans as revised to conform to the requirements of the Staff Memos.
5. If the updated Site Plans addressing the comments of the resolutions, Staff Memos, or outside agencies necessitate revisions to any of the lot lines or easements on the Subject Property, then those revisions shall be incorporated into the Final Plat submitted by the Developer. If an off-site easement is required to address a comment, then a separate easement document shall be provided to the City for review and approval prior to release of the Final Plat for recording.
6. To the extent that there are differences or conflicts between updated Site Plans and this resolution, the terms of this resolution shall be controlling.

7. The Site Plans have not been approved for permitting under the Wetlands Conservation Act. Compliance with these requirements may result in the changes to or the removal of lots, outlots, or right of way, in which case the Developer shall revise the Final Plat as necessary.
8. The timing of the construction of the infrastructure improvements on the Subject Property will be subject to the conditions of a Developer's Agreement between the City and the Developer, and City staff is authorized to negotiate and execute such Developers Agreement.
9. A title commitment shall be provided for the review of the City Attorney before the final plat is released for recording.
10. Homeowners association documents shall be provided for the review of the City Attorney before the final plat is released for recording.
11. Retaining walls are not permitted to be in any outlots that will be owned by the City. In the event retaining walls are shown within any drainage and utility easements, they must be owned and maintained by either the property owner or the HOA.
12. The Developer must reimburse the City for all costs incurred by the City and its consultants in relation to review of the proposed development plans, inspection of improvements, and the preparation of the Developer's Agreement.
13. Developer shall be responsible for securing necessary easements and for constructing utility improvements as shown on the attached plans, unless otherwise agreed to with the City in writing. The cost of constructing utility improvements shown on the Site Plans shall be borne solely by the Developer. However, to the extent that such utilities are oversized at the request of the City, the City shall reimburse the Developer for the cost of the extra diameter of the pipe. The location of such utility lines within the Subject Property shall be as designated and approved by the City Engineer.
14. Prior to the release of the Final Plat for recording, a Developer's Agreement must be entered into which Agreement(s) will include, but not be limited to, the following:
  - a. PRD details and information.
  - b. Street and utility construction details, processes, plans and financial guaranties.
  - c. Park dedication requirements.
  - d. All required approvals from other governmental agencies.
  - e. Final grading and drainage plans.
  - f. Maintenance requirements during construction.

- g. Landscaping plans.
  - h. Financial guaranties.
  - i. Other planning and engineering items, as appropriate.
15. Utility lines are required to be placed underground at the sole expense of the developer.
  16. The Developer shall be responsible for obtaining and complying with all necessary permits from any other governmental agencies.
  17. The Developer may not commence construction of any improvements on the Subject Property until the City Engineer has approved both the detailed grading plan and the detailed construction plan and issued written confirmation to the City and the Developer of the approval of such plans.
  18. The Developer must submit details on corrected building pads including compaction tests, limits of the pads and elevations of the excavations. The general soils report for the development must also be submitted to the City Engineer for review and approval prior to the issuance of building permits.
  19. The developer must submit foundation and grading as-builts for each home constructed for the review of the City Engineer.
  20. The Developer shall survey all storm water holding ponds as required by the City. The Developer shall be responsible for storm sewer cleaning and holding pond dredging, as required, by the City prior to completion of the development of the Subject Property.
  21. The approval of the preliminary plat shall terminate if either a final plat has not been approved or a Developer's Agreement has not been entered into between the City and Developer in the timeframe as required by the Subdivision Ordinance.
  22. Additional conditions as determined necessary by the City Planner, City Engineer, and City Attorney as review of the project progresses and is completed.