



PLAN COMMISSION STAFF REPORT

ITEM NO: 3 & 3A

APPLICATION NO. LEGP-000187-2024 and LEGP-000188-2023

MEETING DATE: July 15, 2024

SUBJECT: Zoning change and planned development proposal

PETITIONER(S): Wayne R and Shirley L Holland, Charles L and Linda J Holland, and Susan E Sheridan (owners) and Matthew Skelton, Church Church Hittle + Antrim (applicant)

SUMMARY: Change of Zoning from R1 to R3/PD and Adoption of a Preliminary Development Plan and Ordinance governing the development to be known as The Courtyards of Hazel Dell Planned Development

LOCATION: 17000-17400 block of Hazel Dell Road

WAIVERS REQUESTED: R3 bulk standard reductions, buffer and peripheral yard reductions, block length, amenities located within north buffer yard, design standards for landscaping

RECOMMENDATION: Approval

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Planning Terms

Change of Zoning- An amendment to a zoning map to effect a change in the nature, density, or intensity of uses allowed in a zoning district or on a designated parcel or land area.

R1 - The purpose of the R-1 District is to permit the establishment of moderate low density single family residential areas.

R3- The purpose of the R-3 District is to permit moderate to high density one-and two-family residential dwellings on central sewer and water facilities.

Development Plan- A scale drawing, including a legal or site description, of the real estate involved which shows the location and size of the following, both existing and proposed: all buildings, structures, and yards; topographic map; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets, service facilities; and other improvements such as planting areas.

Planned Development- A large-scaled unified development consisting of a parcel or parcels of land, controlled by a single owner, and developed as a single entity. The area of land is then developed according to the adopted preliminary development plans and approved detailed plans with more flexible standards, such as lot sizes, uses, and setbacks than those restrictions that would normally apply to a specific zoning district.

Preliminary Development Plan - The initial development plans as proposed for a district overlay following approval by the Plan Commission and adoption by the Common Council of said drawings and Planned Development ordinance including any waivers from the underlying zoning district regulations and commitments by the developer for said real property.

Waiver- A specific modification or lessening of the regulations of the Unified Development Ordinance granted by the Plan Commission and Common Council of said drawings and Planned Development (PD) ordinance including any waivers from the underlying zoning district regulations and commitments by the developer for said real property.

Stipulation - A condition, requirement, or item specified as a part of an agreement or ordinance.

Condition - A restrictive or modifying factor that is essential to the occurrence of something else.

Comprehensive Master Plan - is a policy document upon which laws that regulate land development activities are based. It is designed to guide community and economic development efforts or any activity that affect local government for a to 25- year period. Included is guidance on local decisions related to (1) public and private land development, (2) expenditures of public funds, availability of tax incentives, and (4) cooperative efforts and issues of pressing concern such as creating a more vibrant downtown and introducing more options for attainable housing.

The land use plan map serves as a visual representation to the written narrative of the plan. Both the future land use map and the future built form map are visual guides for current and future community and economic development efforts and policies. Those bring two visuals bring together most of the elements of the comprehensive plan to illustrate what the broader community would like to see happen and further translate the vision, desired outcomes and policy objectives into a tangible decision-making network. A comprehensive plan is flexible and adaptive whereas the regulations of the Unified Development Ordinance dictate uses and specific regulations for each zoning district.

The 'suburban transect' that is a part of the built-form map primarily consists of residential uses with plenty of green space. The scale of the development remains consistent to a lower-suburban land use with building heights ranging from 1 to 3 stories. The scale of housing and any mixed use development may increase in scale but must remain consistent with the surrounding context.

Procedure

The applications were filed on the January, 2024 deadline for a public hearing at the March Plan Commission meeting. Due to on-going negotiations between the applicant and the City, the applications have been continued and have not had a public hearing until July 15, 2024. The proposed change of zoning, preliminary development plan and ordinance are discussed at a Plan Commission Meeting where a public hearing is held. The Plan Commission hears the evidence presented by Staff, applicant/owner, and any individuals in the audience wishing to speak for or against the proposed change of zoning, preliminary development plan, and ordinance. The Plan Commission then makes a recommendation to the Common Council for either adoption, denial, or amends the applicants' proposal. The Plan Commission has the authority to modify the proposal and/or attach conditions/stipulations to the recommendation. After the Plan Commission's Public Hearing, the Council then hears the proposal and then may adopt, deny, or modify what was sent by the Plan Commission to the Council. Prior to the public hearing before the Commission, a published legal notice is advertised in the newspaper and public hearing notices are sent to the surrounding property owners by certificate of mailing. Notices were sent to the surrounding property owners as required.

The applicant held the required neighborhood meeting on March 20, 2024. As of the writing of this staff report, no correspondence has been received.

Background

The two applications under consideration affect three parcels (10-10-03-00-00-043.000, 10-10-03-00-00-041.000, and 10-10-03-00-00-040.000) of approximately 53 acres on the east side of Hazel Dell Parkway, immediately south of Midland Trail; two parcels are improved with farm buildings or single-family dwellings. (Exhibit A – Location Map). The planned development would be named *The Courtyards of Hazel Dell*.

To the west across Hazel Dell Road are a vacant parcel and the Hazel Dell Woods subdivision, zoned R1 and R1/PD, respectively. To the south and east are metes and bounds parcels, zoned R1, improved with single-family dwellings. To the north is Midland Trail and the under-construction Midland Pointe

development, zoned R5 and PB/PD.

The Comprehensive Master Plan indicates the area as Infill Residential (Exhibit B – Land Use Map): one to two-unit houses are the predominant use. This can include rowhouses, duplexes, smaller-unit multi-family, live/work units, and smaller lot single-family detached ranging from 1 to 4 stories. Small-scale institutional, public and semi-public uses may be permitted.

Single-family dwellings are indicative of the site's suburban transect designation (Exhibit C – Build Form Map).

Change of Zoning Request

The applicant is requesting a change of zoning from R1, low density single-family residential, to R3, moderate to high density single family residential.

Preliminary Development Plan

The name of the development will be *The Courtyards of Hazel Dell* and is proposed to have 111 single-family detached courtyard dwellings. Dwellings will be single-story and each unit will be owner occupied. As proposed, the overall project density is 3.22 units per acre (Exhibit D - Color Concept Plan).

Private amenities include pickleball and bocce courts, an amenity building, pool, and a community garden. A connection to the Midland Trail is provided, as is a public art installation and public amenities, such as a shelter and benches. The public amenities, to be determined at a later date, will encroach into the 40-foot landscape buffer yard.

This project has had a preliminary Technical Advisory Committee review but no engineering review has been completed. The construction plans will require TAC review, during which time full engineering comments will be provided. All TAC requirements will need to be met prior to permit issuance.

Table A below specifies the proposed development standards of the preliminary development plan.

Table A: Project Development Standards

	Required by UDO	Proposed	
Minimum lot area	8,000 square feet	6,000 square feet	waiver
Minimum lot width	70 feet	52 feet	waiver
Minimum lot frontage	35 feet	35 feet	
Front setback	30 feet	20 feet	waiver
Rear setback	20 feet	10 feet	waiver
Side setback	6 feet	5 feet	waiver
Minimum living area	1,000 square feet	1,400 square feet	
Maximum lot coverage	45 percent	60 percent	waiver
Maximum building height	35 feet	35 feet	
Block length	Not be more that one thousand (1,000) feet nor less than four hundred (400) feet in length	Blocks at entrances less than 400 feet; street D longer than 1,000 feet	waiver
Open space	28 percent	35.5 percent	
Lot density	3.5 units/acre	3.22 units/acre	
North peripheral yard	50 feet	40 feet, no additional landscaping	waiver
West peripheral yard	50 feet	40 feet, no shrubs	waiver
East peripheral yard	50 feet	20 feet, no additional landscaping	waiver
South peripheral yard	50 feet	20 feet, no additional landscaping	waiver
Shrubs and grasses in north yard	24-inch height at planting	less than 24-inches at planting	waiver
Amenities setback	50 feet	18 feet	waiver

Staff is generally in support of the waiver requests, as the bulk standards waivers for minimum lot area, width, and setbacks would be appropriate for this particular site design and dwelling type. The request for the block length is also appropriate given the site layout and curvilinear nature of street D.

Existing vegetation will be preserved, to the greatest extent possible, along the north, east, and south and should provide an adequate vegetative buffer to mitigate the reduction of landscape peripheral yards. Additionally, lots along the south and east boundaries of the development will have a 20-foot landscape buffer. Language in Section 17 of the planned development ordinance should be clarified that the *commonly maintained space* will be a *landscape buffer* and no fence or improvements should be permitted in the buffer.

The applicant initially requested no maximum lot coverage, but after further discussion between the city's engineering department and the project engineer, it was determined that 60 percent lot coverage is supported by the submitted drainage report.

No sign waivers are requested. A sign permit, meeting the requirements of the UDO for vision corner clearance, setback from the right-of-way, height, materials, and landscaping will be required prior to installation of the proposed sign.

	Description	Analysis
<i>Surrounding Land Uses</i>	<i>North - R5/PD/PD Midland Trail, Midland Pointe development East- R1 single-family residential South - R1 single-family residential West - R1/PD Hazel Dell Woods, vacant</i>	<i>The surrounding uses are residential in nature and this proposed development does meet the land use map and policy statements of the Comprehensive Master Plan.</i>
<i>Comprehensive Master Plan and Future Land Use</i>	<i>Infill Residential</i>	<i>Low-scale one to two-unit single-family residential is the predominant use. This can include one to two-story single-family detached, townhomes, live/work units, duplexes and accessory dwelling units. Small-scale institutional, public and semi-public uses may be permitted.</i>
<i>Traffic Circulations and Thoroughfare Plan</i>	<i>Hazel Dell Road is a primary arterial</i>	<i>Arterial is a type of roadway that is a high- capacity urban road that delivers traffic from an integrated network of continuous routes. Primary Arterial serves corridor traffic movements indicative of substantial statewide or interstate travel and connects to major population centers.</i>
<i>TAC Comments</i>		<i>Submitted for preliminary review</i>

The following comments should be addressed in the proposed planned development ordinance for clarification:

1. Section 6.2.: correct preliminary development plans file date.
2. Section 17.2.(b) and (c): The additional 20 feet of commonly maintained space should be labeled as *landscape buffer* in both the Ordinance and on the plans.

Attachments

Exhibit A	Location map
Exhibit B	Land use map
Exhibit C	Build form map
Exhibit D	Color concept map
Exhibit E	Preliminary development plan
Exhibit F	Applicant's submittal
Exhibit G	Planned Development Ordinance
Exhibit H	Justification of waivers

Recommendation

Staff can support a positive recommendation for the change of zoning and adoption of the preliminary development plan and waivers requested including the planned development ordinance regulations as it meets the intent and goals of the comprehensive master plan including any stipulations/conditions.

Motion Change of Zoning LEGP-000187-2023

1. Motion to approve the change of zoning request from R1 to R3/PD as submitted per the presentation for application number LEGP-000187-2023 and forward a favorable recommendation for adoption to the Common Council.
2. Motion to deny the request for a change of zoning as per the presentation and application number LEGP-000187-2023 and forward a do not adopt recommendation to the Common Council. (LIST REASONS)
3. Motion to continue application number LEGP-000187-2023 until the August 19, 2024 meeting.

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Motion Preliminary Development Plan and Ordinance LEGP-000188-2023

1. Motion to approve the change of zoning request from R1 to R3/PD Residential Planned Development as per the presentation and submittals for application number LEGP-000188-2023 including the adoption of the preliminary development plan and ordinance with the following waivers and stipulations:
 1. Reduction in minimum lot area to 6,000 square feet;
 2. Minimum lot width of 52 feet;
 3. Minimum front setback of 20 feet;
 4. Minimum rear setback of 10 feet;
 5. Minimum side setback of 5 feet;
 6. Maximum lot coverage of 60 percent;
 7. Block length;
 8. Forty-foot north peripheral yard with no additional landscaping;
 9. Forty-foot west peripheral yard with no shrubs;
 10. 20-foot south peripheral yard with no additional landscaping;
 11. 20-foot east peripheral yard with no additional landscaping;
 12. Shrubs and grasses in north yard less than 24-inches in height at planting;
 13. Eighteen-foot setback for amenities in north peripheral yard.

2. Motion to deny the request for the adoption of a preliminary development plan and planned development ordinance per the presentation and application number LEGP-000188-2023 and forward a do not adopt recommendation to the Common Council. (LIST REASONS)

3. Motion to continue application number LEGP-000188-2023 until the August 19, 2024 meeting.