

Development Review Staff Report

PLANNING AND ZONING COMMISSION PUBLIC HEARING: JANUARY 11, 2018

CITY COUNCIL PUBLIC HEARING: JANUARY 29, 2018



CASE NUMBER:

Preliminary Plat of Linwood Heights Revenge Subdivision

LOCATION:

2100 block E. Sunshine Street

ACRES:

1 acre

EXISTING LAND USE:

Vacant/undeveloped

APPLICANT:

E Sunshine Land, LLC

STAFF:

Daniel Neal, 864-1036

STAFF RECOMMENDATIONS:

Approve w/Conditions

PROPOSED MOTION:

Move to approve a one lot preliminary plat.

SUMMARY OF REQUEST:

The applicant is proposing a preliminary plat for a one lot subdivision named “Linwood Heights Revenge”.

FINDINGS FOR STAFF RECOMMENDATION:

1. The applicant’s proposal, with the conditions listed below is consistent with the City’s *Subdivision Regulations*.

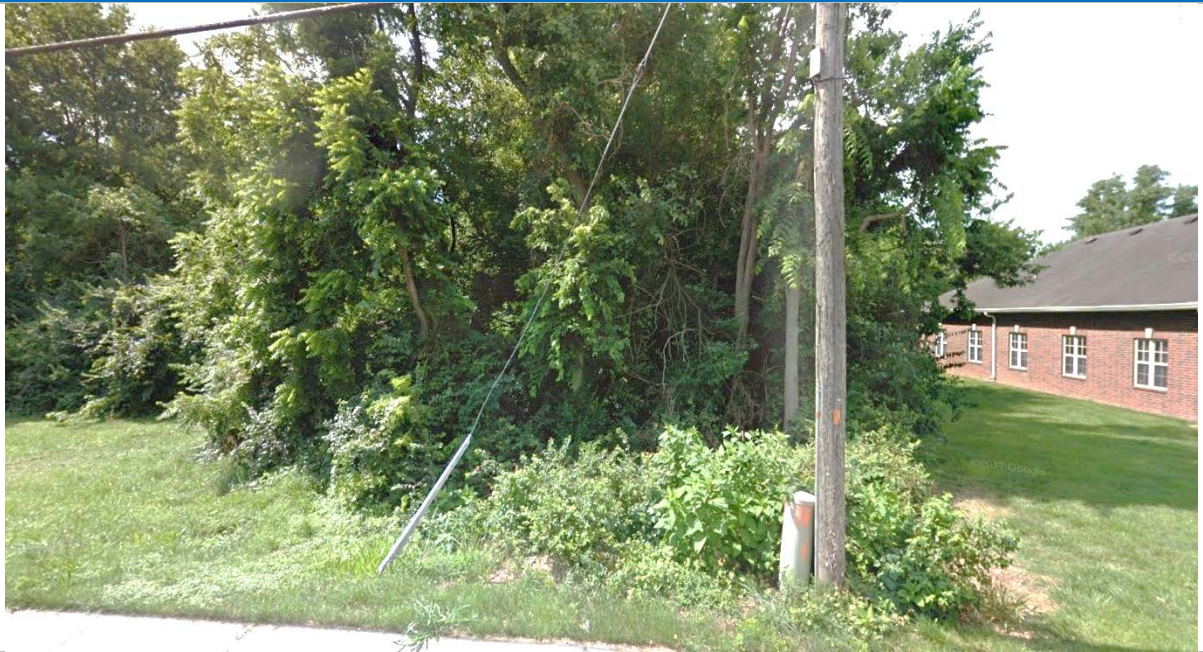
SURROUNDING ZONING AND LAND USES:

	NORTH	SOUTH	EAST	WEST
ZONING	O-1	R-SF	GR and R-SF	R-SF and O-1
LAND USE	Office uses	Single-family residences	Vacant/undeveloped and single family residences	Single family residences and office uses

SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

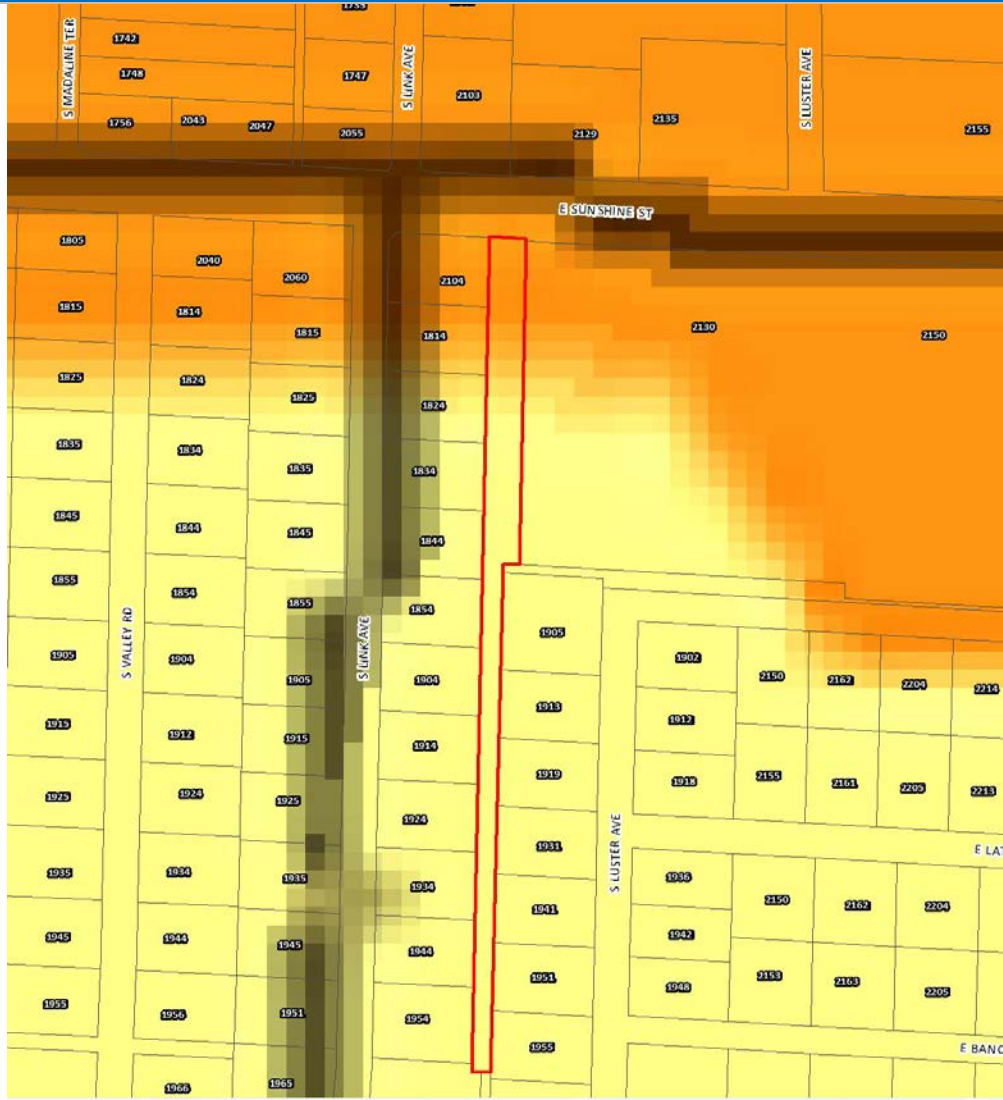





















GOOGLE MAPS STREET VIEW:



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GROWTH MANAGEMENT AND LAND USE PLAN:



- | | | |
|---|--|---|
|  Low-Density Housing |  General Industry, Transportation and Utilities |  Greenway |
|  Medium or High Density Housing |  Park |  Parkway |
|  Medium Intensity Retail, Office or Housing |  School |  City Boundary |
|  High Intensity Retail, Office or Housing |  Golf |  Urban Service Area Boundary, Year 2020 |
|  Greater Downtown |  Community-Public |  Urban Reserve Boundary, Year 2040 |
|  Business Park |  Urban Reserve Area | |
|  Light Industrial, Office and Office-Warehouse |  Rural Area | |

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PROPERTY HISTORY:

The subject property was originally zoned R-SF, Single-family residential in 1995 during the citywide re-mapping.

COMPATIBILITY WITH THE ZONING ORDINANCE:

CODE ITEM	REQUIREMENTS FOR O-1 & R-SF
Use Limitations	N/A
Maximum Structure Height	N/A
Front Yard Setback	25 feet along a primary arterial street
Side and Rear Setbacks	10 feet for side and 20% of the depth but not less than 10 feet nor more than 25 feet in O-1
Open Space Requirement	20%
Design Requirements	N/A
BULK PLANE	LANDSCAPING
N/A	N/A

COMPATIBILITY WITH COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies the northern part of this lot as an appropriate area for Medium-Intensity Retail, Office or Housing. This mixed category indicates that a variety of office, commercial and/or mid-or high-density housing may be appropriate at major intersections or along certain roadway corridors. The Major Thoroughfare Plan classifies Sunshine Street as a primary arterial roadway which supports the proposed land use. The southern portion of this lot is identified as appropriate for Low-Density Housing; however, the applicant isn't proposing any changes to this area.

STAFF COMMENTS:

1. The applicant is proposing to subdivide approximately one acre into a one lot subdivision named "Linwood Heights Revenge". This preliminary plat is being processed concurrently with rezoning request Z-2-2018 COD #142 which will rezone the north 106 feet to O-1 and leave the remaining property R-SF. The applicant is proposing to construct additional off-street parking for the adjacent office building at 2104 E. Sunshine Street.
2. No access is allowed to Sunshine Street from this lot. The rezoning request will require the proposed lot to be combined with the lot at 2104 E. Sunshine Street so any access to this lot will be taken from Link Avenue.
3. If Planning and Zoning Commission approves the preliminary plat, then the plat will be forwarded to City Council for acceptance of public streets and easements. An approved preliminary plat is active for two (2) years.
4. The property is required to be approved through the major subdivision process because its current configuration does not match the City's subdivision records and a deed was not presented that created this lot following the Subdivision Regulations.
5. The proposed preliminary plat was reviewed by City departments and comments are contained in Attachment 1.

PUBLIC NOTIFICATION:

The property was posted 10 days prior to the Planning and Zoning Commission meeting.

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DEPARTMENT COMMENTS:

ATTACHMENT 1 DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:

No comments.

CITY UTILITIES:

No impact on utilities, no objection to approval.

CLEAN WATER SERVICES COMMENTS:

Address changemarks regarding required sanitary sewer easements.

FIRE DEPARTMENT COMMENTS:

Fire has no objections to the preliminary plat.

MODOT COMMENTS:

Need 5 feet additional right-of-way per item 28 of engineering report.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

City's Transportation Plan classifies E. Sunshine Street as a Primary Arterial roadway and S. Link Avenue as a Local roadway. The standard right-of-way width for E. Sunshine Street is 50 feet from the centerline. E. Sunshine Street is under MODOT jurisdiction – defer to MODOT for comments regarding access and right-of-way acquisition along E. Sunshine Street. The standard right-of-way width for S. Link Avenue is 25 feet from the centerline. It appears additional right-of-way is not needed. A survey is recommended to determine the exact amount of existing right of way. E. Sunshine Street is a MODOT maintained street and S. Link Avenue is a city maintained street. The most recent traffic count on E. Sunshine Street east of S. Glenstone Avenue is 34,134 vehicles per day. The most recent traffic count on S. Link Avenue south of E. Sunshine Street is 688 vehicles per day. As a part of the Conditional Overlay District #142, it is required that the area being rezoned is to be combined with the property abutting to the west. Therefore, the only access permitted to the combined properties will be to S. Link Avenue. There is sidewalk along the property frontage of E. Sunshine Street. The existing infrastructure meets current city standards. On-street parking is not allowed along E. Sunshine Street. There is a Greenway Trail southeast of the property pertaining to this zoning on Seminole Street. There are bus stops along E. Sunshine Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. The City has no planned improvements in the area pertaining to this zoning. There are no right-of-way improvements required as a part of this rezoning. Please verify with MODOT that additional right-of-way is not needed to ensure there is 50 total feet of right-of-way from the centerline of the roadway of Sunshine (based on classification as a Primary Arterial).

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Public Works Traffic Division	Response
Street classification	E. Sunshine Street – Primary Arterial
On-street parking along streets	E. Sunshine Street – No
Trips generated - Peak Hour	5.15 vehicles (R-SF) 45.32 vehicles (O-1)
Additional Trips generated with zoning change - Peak Hour	40.17 vehicles
Existing street right of way widths	E. Sunshine Street - 45 ft. from the centerline
Standard right of way widths	E. Sunshine Street - 50 ft. from the centerline
Traffic study submitted	Not required*
Proposed street improvements	None required

*A traffic study was not required. A change in zoning from R-SF to O-1 for the proposed property does not exceed 100 additional trip ends in the AM or PM Peak Hours or 1,000 additional trip ends in a day – therefore, it does not trigger the requirement of a Traffic Study.

STORMWATER COMMENTS:

The property is in the Galloway Creek Branch drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required per Chapter 96. Buyout in lieu of on-site stormwater detention not an option and detention will be required. Since the project will not be disturbing more than one (1) acre a land disturbance permit will not be required.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. A stormwater detention permit will be required for the private, onsite detention and/or water quality facility. This permit may be obtained through the Building Development Services (BDS) office, once the stormwater plans and calculations have been approved. The cost of this permit is \$155. These facilities must be constructed, inspected, approved and operational prior to issuance of the building permit

Public Works Stormwater Division	Response
Drainage Basin	Galloway Creek
Is property located in Floodplain	No
Is property located on a sinkhole	No
Is stormwater buyout an option	No

REQUIREMENTS FOR APPROVAL:

ATTACHMENT 2 CONDITIONS OF PLAT APPROVAL

Staff recommends the Planning and Zoning Commission approve the Preliminary Plat, with the conditions listed below:

1. All improvements shall be constructed in accordance with the "Design Standards for Public Improvements" of the Public Works Department and the maintenance and operation of such improvements shall be the responsibility of the developers unless approved by the Director of Public Works. All required sanitary sewer, street, sidewalk and drainage plans shall be prepared in accordance with City standards and specifications and approved by the Director of Public Works.
 - a. Public sewer and service lateral currently available for each proposed lot. Dedicate new easements to cover existing sanitary sewer and show all existing easements of record.
 - b. A stormwater detention permit will be required for the private, onsite detention and/or water quality facility. This permit may be obtained through the Building Development Services (BDS) office, once the stormwater plans and calculations have been approved. The cost of this permit is \$155. These facilities must be constructed, inspected, approved and operational prior to issuance of the building permit.
2. All required street rights-of-way, drainage and utility easements and limitations of access shall be dedicated on the final plat.
 - a. Approximately five (5) feet of additional right-of-way is required for 50 total feet of right-of-way from the centerline of the roadway of Sunshine Street (based on classification as a Primary Arterial).
 - b. No direct access is permitted to Sunshine Street from this lot.
3. The developer shall meet all city and state erosion control regulations prior to disturbing the soil.
4. It is determined that the public interest requires assurance concerning adequate maintenance of common space areas and improvements. The restrictive covenants, rules and bylaws creating the common ownership must therefore provide that if the owners of the Property Owners Association shall fail to maintain the common areas or improvements in reasonable order and condition in accordance with the approved plans, the City may, after notice and hearing, maintain the same and assess the costs against the units or lots, per the Common Open Space and Common Improvement Regulations section of the Zoning Ordinance.
5. The developer shall be responsible for the relocation costs of any existing utility services and shall be responsible for clearing all utility easements of trees, brush and overhanging tree limbs.
6. All other requirements which are necessary for this subdivision to be in compliance with the Subdivision Regulations.

If the request is recommended for denial by the Commission and the applicant requests City Council consideration, all the above conditions, plus any amendments made by the Planning and Zoning Commission, shall be included in the Council Bill.