

## ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

**Petition Number:** Z14-05

**Petitioner:** Mark Teitelbaum, Manager  
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**Agent:** Daniel Wind  
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**Project Name:** Westglen Court Subdivision

**Location:** 855 Westglen Village Dr.

**Petition Date:** 10/17/14

**Review Date:** 10/22/14

**Requested Action:** Final PSD Development Plan Approval

**Code Section** Zoning Ordinance  
Article XIIA and XXIII

**Existing Land Use/Zoning:** PSD

**Surrounding Land Use/Zoning:** West –Open Space / PA  
South – Multiple Family/ R-4  
East – Multiple Family/ R-4  
North – Multiple Family and Open space  
/ R-4 and PA

**Plan Designation:** High Density Residential

**Proposal Description:**

Mr. Teitelbaum has submitted a final PSD site development plan for the 9 lot Westglen Court subdivision. The preliminary PSD development plan and subdivision plat were approved by the Board of Aldermen on May 12, 2014.

### PSD Regulations

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A PSD petition is a two step process. The first step is the submittal of a preliminary development plan as a part of the zoning change petition. Upon its approval by ordinance, the property is rezoned to PSD and a 12 month time frame begins in which the petitioner is required to submit a final development plan. The final plan approval process is similar to the preliminary plan approval process in which the submission goes back to the Planning and Zoning Commission for a recommendation and then to the Board of Aldermen for final approval. If the petitioner fails to obtain final plan approval within the allotted time, the preliminary approval is deemed revoked.

The preliminary site development plan was approved on May 12, 2014. Engineered plans were submitted for review sometime thereafter. The plans have now reached sufficient completion to be considered for a final plan review by P&Z. This meets the 12 month submittal requirement of the ordinance.

The attached revised plan is functionally the same as the preliminary development plan. The number and arrangement of lots, utility distribution and traffic circulation are essentially unchanged. **There have, however, been some adjustments to the grading plan. The most significant deviation from the preliminary plan, relative to grading, is in the rear of lots 1 - 4. The original plan had approximately the rear half of these lots undisturbed. The revised plan shows these lots being disturbed all of the way to the rear property line. This causes the removal of several trees and existing ground cover vegetation that was to be preserved in the original plan.**

### **Section 3. Use regulations:**

Single family detached units are an allowed use in the PSD district.

### **Section 4. Height Regulations:**

The maximum structure height allowed in a PSD development is 35 feet. This issue does not appear to have been addressed on the final site development plan, but this matter is reviewed as a part of the building permit issuance.

### **Section 5. Area Regulations:**

The minimum building setback provisions of the PSD district regulations all appear to have been met as have the adjusted setback provisions for lots 1 and 9 as approved via variance.

### **Section 6. Parcel Size:**

The minimum parcel size that can be considered for PSD zoning is one (1) acre. This parcel exceeds this requirement.

### **Section 7. Parking:**

All parking is provided in accordance with the minimum provisions of the PSD regulations.

## **Section 8. Streets and Traffic Circulation:**

The proposed roadway appears to meet the minimum dimensional requirements of the PSD district

## **Section 9. Perimeters:**

Subsection 2 of this section requires that all residential structures within a PSD be separated from adjoining commercial and multiple family uses by a minimum of 60'. There are no adjoining commercial uses. A variance to this setback was granted allowing the setback from multiple family uses in lots 1 and 9 to be reduced to 10'. This submitted plan complies with this variance.

Subsection 3 of this section requires that buffer zones "be kept free of buildings and structures" and requires that they be "landscaped, screened or protected by natural features so that adverse impacts on surrounding areas are minimized". The perimeter setback area contains no structures and has retained existing vegetation. The rear of lot 1 contains 3 small new trees. **Due to their proximity to dwelling units on the adjoining properties, I recommend that the rear lines of lots 1 and 2 be more extensively planted to provide screening to the adjoining dwellings. The three trees in lot 1 should be enhanced with evergreen trees and evergreen and deciduous shrubs to provide substantial screening to a height of 6 along the entire rear lot line. Similar planting should be placed along the rear line of lot 2. The prairie grass areas can be located in front of the screening.**

## **Section 10. Internal Buffers:**

This code section requires that the internal building spacing be the mean of the minimum building spacings in the adjoining zoning districts pro rated by frontage to the PSD. The only adjoining zoning district with a side yard setback or minimum building spacing is the R-3 district across the street. This district has an 8' side yard requirement which corresponds to a 16' building spacing. This final development plan appears to meet this 16' building spacing requirement. **I recommend that the approving ordinance require this minimum spacing and that it also be called out on the recorded subdivision plat.**

## **Section 11. Open Space:**

Subsection 1 (ii) of this section requires that one area meeting the definition of useable open area must be provided. Two areas meeting this requirement were indicated on the preliminary plan. **These are not called out on this submittal, but the areas indicated on the preliminary plat are still present in the site development plan.**

Subsection 2 of this section requires that a minimum of 15% of the site must be dedicated to open space as defined in Subsection 1 of this section. This plan is well in excess of this requirement. The percentage of the site that qualifies as open space is called out on the cover sheet as 59%.

Subsection 4 of this section requires that at least 70% of the land dedicated for open

space shall have a slope of no more that 8%. The preliminary plan showed that this requirement had been met. **This final development plan submittal does not appear to include this information. I recommend that the Commission consider recommending approval of this final plan with the stipulation that the plan meets this requirement and that this information be added to the final plan prior to it being stamped and approved for construction.**

### **Section 12. Environmental Design:**

Subsection 1 requires the submittal of a general landscaping plan. A landscape plan is included with this submittal.

Subsections 2 - 4 of this section require the delineation of flood plains, and the preservation of a site's native characteristics and hillsides. These matters were discussed and made a part of the preliminary plan submittal. **With the exception of the rear areas of lots 1 – 4, which were discussed earlier in this report, the final plan reflects the approved preliminary plan in this regard.**

### **Section 13. Site Plan Approval:**

This section outlines the process and information submission requirements for consideration and approval. I believe that all of the requirements of this section were met as a part of the preliminary plan submittal.

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Thomas H. Aiken, AICP  
City Planner/Assistant City Administrator