

## ZONING ORDINANCE CHANGE PETITION REVIEW REPORT

**Petition Number:** Z15-06

**Petitioner:** Jerry Dalebout  
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**Project Name:** Essen Estates Sub.

**Location:** 214 & 216 Ries Rd.

**Petition Date:** 4/17/15

**Review Date:** 5/5/15

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

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

**Existing Land Use/Zoning:** Single Family/R-1/R-2

**Surrounding Land Use/Zoning:** West –Single Family/ R-2  
South – Single Family/ R-1  
East - Single Family/ R-1  
North – Single Family/ R-1

**Plan Designation:** Low Density Residential

**Proposal Description:**

Mr. Dalebout has submitted a final PSD site development plan for the 7 lot Essen Estates subdivision.

# 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 to the Planning and Zoning Commission and Board of Aldermen for 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 January 12, 2015. Engineered plans have been submitted for review and that process is still underway. The plans have now reached sufficient completion to be considered for a final PSD plan consideration 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 is the same as are their general dimensions. The traffic circulation and utility distribution are not changed. The grading has been adjusted slightly, but the overall drainage pattern of the development is essentially the same as that of the original submitted 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 is not typically an issue for single family construction. This is always reviewed as a part of the process of issuing building permits.

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

The 15' minimum building setback provision of the PSD district regulations has been exceeded with a 20' front yard.

### **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 internal roadway meets minimum dimensional requirements. The street is shown as a 26' wide asphalt pavement with concrete curbs and gutters in the middle of a 50' publically dedicated right-of-way.

**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 commercial or multiple family uses adjoining this site.

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 buffer zones are landscaped with either retained trees or new plantings. This is shown on the included landscape sheet.

**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. This is to maintain uniformity with the character of the surrounding neighborhood. The R-1 and R-2 zoning districts abut the perimeter of this PSD. Both districts have a 10' side yard (20' building spacing) requirement. This final development plan meets this requirement.

**Section 11. Open Space:**

Subsection 1 (ii) of this section requires that one area meeting the definition of useable open area must be provided. One area that meets this requirement was shown on the preliminary plan. It has not been shown on the final plan, but since it is not a publically dedicated area or common ground it is of little importance to the approval of the 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 in excess of this requirement. The computation is shown on the cover sheet.

Subsection 4 of this section requires that at least 70% of the land dedicated for open space shall have a slope of no more than 8%. The plan shows that this requirement has been met.

**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. The final plan reflects the accepted 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