

Planning Commission Agenda Item for August 26, 2014

Case No. 14.049PUDF: Final Plat for the Rolling Hills P.U.D. (Planned Unit Development), by Changing the Zoning Classification from R-4, Multi-Family Residential District, to P.U.D., Planned Unit Development Zoning District

Applicant/Owner: Anthony Knievel, Norman Curtis and Travis Gladson

Agent: Azimuth Consulting, LLC

Summary:

The applicants are seeking approval of an Ordinance creating a Planned Unit Development Zoning District and a Final Plat to create four (4) lots for ownership purposes.

Background:

The .356 acre property proposed for a Planned Unit Development is located on the north side of 12<sup>th</sup> Street, west of Butler Spaeth Road. It was platted into two (2) lots in 1980 and two (2) four plex units were constructed in 1981, with one (1) four plex per lot. In 1982 the owner created an Agreement for parking which allowed tenants living in the building on the east lot, toward the rear, to use the parking in front of the building on the west lot, close to the street. This action has created parking maintenance and ownership issues for the existing owners. The proposed Planned Unit Development is an efficient method to solve the existing problems.

The Planned Unit Development Plat will create four (4) lots, Lots 2D and 2E are buildings, while Lots 2C and 2F consist of the land area surrounding each building. When buildings serve as a lot within a Planned Unit Development, there are no setbacks, the building is the lot. Without this ability, the owners would not be able to subdivide. This method will place each four plex on a lot, which has the parking for that building adjacent to it. Thus, the issues of parking lot maintenance and ownership of the two (2) parking lots will no longer be of concern.

Along with the PUD Final Plat, there is a concurrent Zoning Ordinance Map Amendment to the Zoning Ordinance, the property is currently zoned R-4, Multi-Family Residential District. Land designated as PUD always has a Zoning Map Amendment approval in order to create the land area on the Zoning Map for a Planned Unit Development.

There are requirements in the Zoning Ordinance in order to approve a rezoning request. Section 12 of the Zoning Ordinance indicates that an amendment to the Zoning Map shall not take place unless at least one (1) of two (2) criteria exists.

The criteria are:

- a. The Zoning Map may be amended when there is a need to correct an obvious error. In this case there was no obvious error in the zoning designation. The owners have indicated that action taken by a previous owner has created problems which can be appropriately addressed through a Planned Unit Development.
- b. The Zoning Map may be amended to recognize changing conditions within the City. This request does recognize changing conditions. A previous owner created an Agreement which is causing problems for the existing owners who want to solve the parking maintenance and ownership concerns through the application of a Planned Unit Development.

The Planned Unit Development Ordinance has been provided and will be recorded with the Final Plat. Agreements for access and parking lot maintenance and repair will also be provided and recorded with the Final Plat.

Planning Requirements:

1. All requirements of the Campbell County Fire Department shall be met, including access to both lots. Access shall be of the appropriate width and barrier-free.
2. The owners of the property are responsible for maintaining legal access.
3. Electric service shall show on the plat as within a 10 foot (10') wide electrical easement.
4. All utilities, except electrical service, shall be within a blanket Private Easement across the plat. This shall show as a note on the plat.
5. An Agreement for maintenance and repair of all utilities shall be filed with the Final Plat.
6. An Agreement for parking lot maintenance and repair shall be filed with the Final Plat.
7. A Title Report shall be submitted prior to recording the Final Plat.
8. The Planned Unit Development Ordinance shall be approved by City Council and recorded with the Final Plat.

Staff Recommendation:

Staff recommends approval of the Final Plat for the Rolling Hills P.U.D. (Planned Unit Development), by Changing the Zoning Classification from R-4, Multi-Family Residential District, to P.U.D., Planned Unit Development Zoning District, subject to all Planning requirements.

*This project is scheduled for review by City Council on September 2, 2014 at 7:00 p.m. in the City Council Chambers for a Public Hearing on the Planned Unit Development Ordinance and First Reading of the Ordinance.*

Save: 14.049PUDF PC Case Sheet

Attachments: Aerial and Vicinity Map, Plat Map

Case Management: Michael Surface