

**AGENDA REPORT**  
**PLANNING AND ZONING COMMISSION MEETING**  
**December 8, 2016**

**SUMMARY**

A request by WoodCliff Investments, LLC., 1507 Windsor, LLC., 1509 Windsor, LLC., and 1511 Windsor, LLC. (owners) for a two-lot replat of R-3 and U-C zoned land, to be known as "Windsor Place, Plat No. 1". The 0.75-acre subject site is located on the north side of Windsor Street, approximately halfway between Ripley and William Streets. **(Case #17-22)**

**DISCUSSION**

The applicant is requesting a replat of Lots 21 through 24 of Stephens Addition to create two new lots. Proposed Lot 1 includes all of existing Lot 24 and a 10-foot strip of Lot 23. Proposed Lot 2 consolidates Lots 21, 22, and the remainder of Lot 23.

R-3 zoning standards require a minimum of 2,500 sq. ft. of lot area per dwelling unit (i.e., maximum density of 17.4 dwelling units per acre). In conjunction with widening the existing parcel to meet minimum lot width standards, proposed Lot 1 will grow from approximately 8,000 sq. ft. to just over 10,000 sq. ft., effectively increasing its maximum residential redevelopment potential from one single-family home to four dwelling units. Proposed Lot 1 (addressed 1507 Windsor Street) contains a legally nonconforming triplex which has an active rental certificate.

A building permit has been issued and construction has commenced on a six-unit single-family attached structure on Lots 21, 22 and 23. This project was allowed under a current clause in the City's Subdivision Regulations which allows permits to be issued for construction of a building over contiguous lot lines (Section 25-17(a)). Replatting these lots into a single lot will increase the theoretical redevelopment potential from six to nine dwelling units, subject to R-3 District zoning standards and applicable standards and criteria of the Benton-Stephens U-C Overlay District.

The plat shows the median front setback on Windsor Street (21 feet) as required per Section 29-26(b)(1) of the Zoning Ordinance since lots composing over 40% of the Windsor Street frontage between Ripley and William Street are developed with buildings.

The plat dedicates additional street right-of-way and utility easements and satisfies all applicable development code standards. However, it should be noted that Council has recently denied similar requests after determining that the criteria of Section 25-30(d)(2) was met. This provision of the Subdivision Regulations states, "A resubdivision of land shall not be approved by the council if the council determines that" ... "the replat would be detrimental to other property in the neighborhood and the detriment to the property in the neighborhood outweighs the benefits to the subdivider and the public."

Staff has historically limited its reviews and recommendations on platting requests to objective criteria. Staff recognizes the implications of consolidation plats within the context of historically single-family neighborhoods (especially Benton-Stephens and East Campus), and require additional public notice and Commission consideration in light of this. However, without having clear guidance within the Subdivision

Regulations regarding what constitutes a “detriment” and how to consistently evaluate and apply the public versus private weight of a perceived detriment, staff will continue to rely on Council’s discretion in making such determinations.

## RECOMMENDATION

Approval of the proposed final plat

## SUPPORTING DOCUMENTS

- Locator maps
- Plat

## SITE HISTORY

<b>Annexation Date</b>	1906
<b>Existing Zoning District(s)</b>	R-3 (Medium Density Multiple-Family District) Benton-Stephens Urban Conservation Overlay District (U-C)
<b>Land Use Plan Designation</b>	Neighborhood District
<b>Subdivision Status</b>	Platted lots

## SITE CHARACTERISTICS

<b>Area (acres)</b>	0.76 acre
<b>Topography</b>	Flat
<b>Vegetation/Landscaping</b>	Grass, trees, and exposed soil in construction area)
<b>Watershed/Drainage</b>	Flat Branch
<b>Existing structures</b>	1507 Windsor Street; 1,846sq. ft. triplex (1930)

## UTILITIES & SERVICES

All City services are available to the site. Adequate utility service capacities will be verified prior to any permits being issued for development which may place additional demands on existing systems.

## ACCESS

<b>Windsor Street</b>	South side of site
<b>Major Roadway Plan</b>	Local residential (Improved; City-maintained)
<b>CIP Projects</b>	None
<b>Sidewalk</b>	In place

<b>Liberty Street</b>	North side of site
<b>Major Roadway Plan</b>	Alley (Unimproved; City-maintained)
<b>CIP Projects</b>	None
<b>Sidewalk</b>	N/A

## PUBLIC NOTIFICATION

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on November 15, 2016.

<b>Public Information Meeting Recap</b>	Number of attendees: 9 Comments/concerns: Neighborhood character; overcrowding; infrastructure
<b>Neighborhood Association(s)</b>	Benton-Stephens
<b>Correspondence Received</b>	None

Report prepared by Steve MacIntyre; approved by Patrick Zenner