

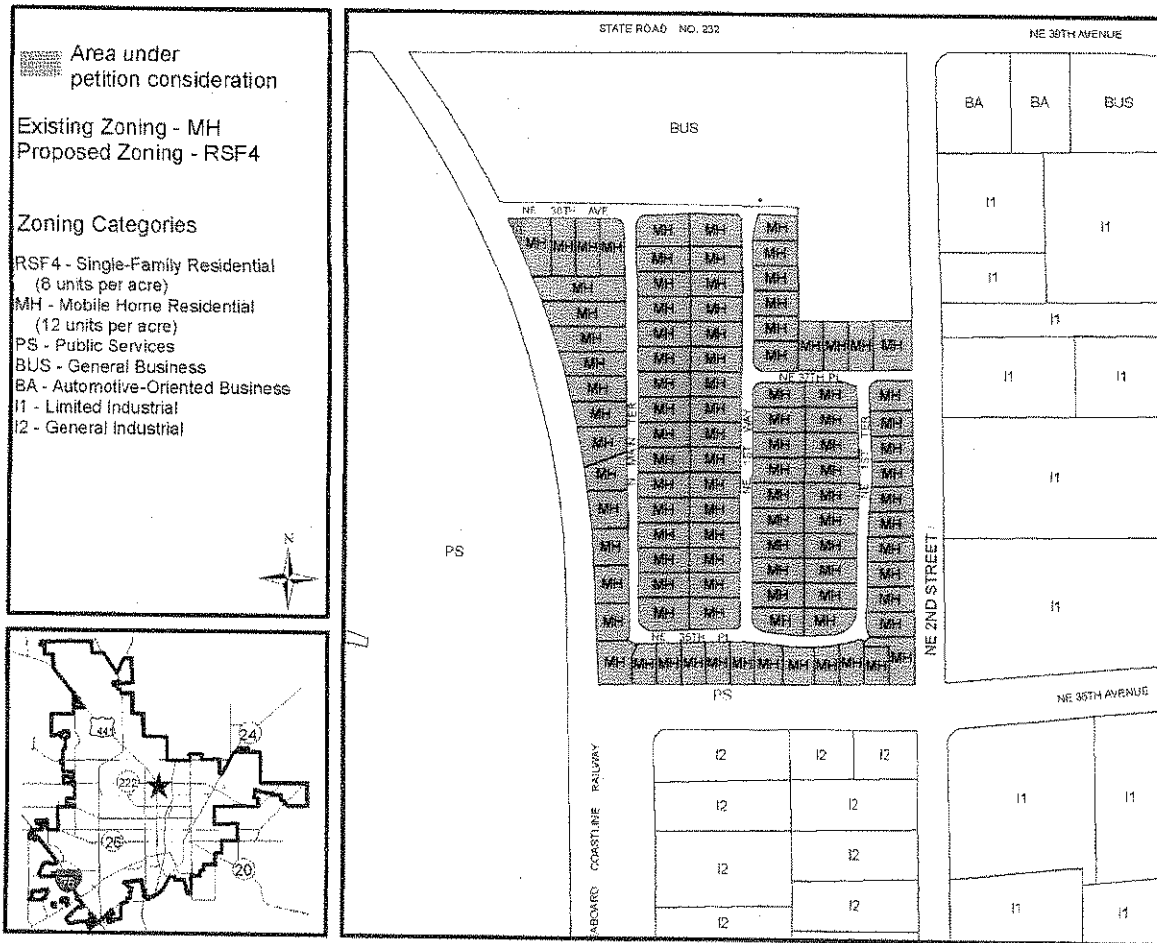
TO: City Plan Board **Item Number: 4**

FROM: Planning Department Staff **DATE:** August 26, 2010

SUBJECT: Petition PB-10-85 ZON. Howard Wallace, agent for Villas at 39th, LLC and property owners of record. Rezone from MH: 12 units/acre mobile home residential district, to RSF-4: 8 units/acre single-family residential district. Located west of NE 2nd Street, north of NE 35th Ave., and east of the CSX Railroad ROW in the 3500-3700 block of NE 1st Terrace, NE 1st Way, and North Main Terrace.

Recommendation

Staff recommends approval of Petition PB-10-85 ZON.



Description

This petition request is to rezone 100 mobile home condominium parcels from MH (12 units/acre mobile home residential district) to RSF-4 (8 units/acre single-family residential district) in a development known as Villas at 39th. Prior to becoming Villas at 39th, this was Varsity Mobile Home Villas mobile home park. The combined parcels are approximately 14 (MOL) acres in size. The proposed zoning is consistent with the existing Residential Low (R-L) future land use category on the property.

The existing MH zoning would allow a maximum of 168 mobile homes on the 14 acre site, with a minimum lot size of 3,000 square feet. The proposed zoning would allow a maximum of 112 single family homes at the site, with a minimum lot size of 4,300 square feet. The proposed rezoning is a reduction in maximum allowable density (allowing 56 fewer dwelling units at the site).

The subject parcels are located west of NE 2nd Street, north of NE 35th Ave., and east of the CSX Railroad ROW in the 3500-3700 block of NE 1st Terrace, NE 1st Way, and North Main Terrace. Parcels 10-21 abut NE 2nd Street (see map on page 1). As illustrated on the map, the property is surrounded on the east and south by industrial zoning and industrial uses. Immediately to the west of the property is an active CSX railroad line. To the west of that is the City's Public Works compound (PS zoning). The property immediately to the north is zoned BUS (General business district).

The southern edge of the property abuts a regulated creek (Springstead Creek), which is a channelized ditch along the southern property line. Another regulated creek (Pine Forest Creek), which is also in the form of a channelized ditch, runs along and through the western lots near the property line.

Most of the parcels are vacant with existing utilities serving each lot. There are 6 parcels that have been sold and occupied under the MH zoning for the condominium mobile home park. Some parcels have mobile home models shown for sale currently. After the rezoning to RSF-4, the existing mobile homes would become grandfathered non-conforming uses at the site. The petitioner has indicated to Planning staff that after the rezoning ordinance is adopted, he would legally abandon the mobile home condominium and would submit a design plat for a single-family subdivision for the parcels.

The parcels under petition consideration have not been the subject of a rezoning or future land use amendment in recent years. However, the property immediately to the north (fronting on NE 39th Avenue, see map on first page) was rezoned from MH to BUS (General business district) in September 2009 (Ordinance 090201). This BUS piece had been part of the mobile home park.

The property is located in Zone A of the TCEA. Transit Route 15 serves the 39th Avenue corridor in the area with 30 minute frequencies from 6:03 a.m. to 6:03 p.m. and hourly after then until 10:03 p.m. The route circulates from the Rosa Parks Downtown Station past the site to the NW 13th Street shopping area with Wal-Mart, Albertsons, Lowe's, and the Exchange Shopping Center at NW 13th Street and NW 39th Avenue.

Access to the site is via an entry off NE 2nd Street at NE 37th Place and from an ingress/egress easement through the BUS-zoned property to NE 39th Avenue. The roads currently in the mobile home park are considered common area and operate as private streets. There are no sidewalks in the existing mobile home park layout.

The full map series for this petition is located in Appendix A.

Key Issues

The key issues associated with this rezoning are as follows:

- The rezoning will create a non-conforming use situation for the 6 mobile homes currently located at the site. They will be considered grandfathered non-conforming uses.
- The owner/developer will have to legally nullify the existing mobile home condominium documents and plat for a single family subdivision at the time of development.
- There are regulated channelized creeks at the site, and there is floodplain associated with several of the lots abutting the creeks.
- There is no stormwater management system in this development. When a subdivision plat is submitted, stormwater management facilities will have to be shown.
- The property is surrounded by industrial and business zoning and the western edge of the property abuts an active railroad line.
- The street widths currently do not meet the standard for a single-family subdivision and there are no sidewalks in the current layout of the development.
- The street system within the mobile home park is private and considered common area.
- The site is located in the Tertiary Wellfield Protection Zone.

Basis for Recommendation

The staff recommendation is based on the five following factors, which are discussed below: Conformance with the Comprehensive Plan; Conformance with the Land Development Code; Changed Conditions; Compatibility; and Impacts on Affordable Housing.

1. Conformance with the Comprehensive Plan

The proposed zoning is consistent with the R-L future land use category existing on the property. Maintaining a residential zoning on the property provides an opportunity for infill, single-family development in the previous mobile home park. The proposed rezoning would allow redevelopment of the mobile home park, which has not proved to be viable to date.

Redevelopment is a major goal of the City as indicated in Future Land Use Element Objective 2.1.

“Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.”

The proposed rezoning area is serviced by transit and is in close proximity to existing shopping and educational facilities.

The site is in Zone A of the TCEA, which was established to provide an incentive for development and redevelopment in the eastern and central portions of the city.

2. Conformance with the Land Development Code

The property is located in the Tertiary Wellfield Protection Zone. The residential zoning is in conformance with the Land Development Code requirements for the Wellfield Zone.

Existing utilities serve the site, which is a Land Development Code requirement given the proposed density of 8 dwelling units per acre and the location in the Wellfield Protection Zone.

Any residential development that takes place on the site will have to conform with the creek setback provisions of the Land Development Code.

The rezoning will create non-conforming uses at the site, which will be grandfathered legal, non-conforming uses.

The current street system within the development does not conform with the standard Land Development Code subdivision requirements. At the platting stage, this issue will have to be resolved.

3. Changed Conditions

This site was previously the Varsity Villas Mobile Home Park. That use was abandoned, and it was anticipated that the Villas at 39th Mobile Home Condominium would attract new residents interested in purchasing a mobile home site. With the recent financial crisis and problems with obtaining loans for mobile homes, the viability of that concept has been significantly diminished. Sales at the site have not met expectations.

Lending for single-family site-built homes is currently easier to obtain, which is the rationale for transforming this site to a single-family residential zoning. With the high vacancy rate at the site, adaptive re-use of the development site to single-family may make it more viable.

4. Compatibility

Table 1 shows the adjacent land uses and zoning at the site. The site currently has a residential use category on it (Mobile Home). Thus, even though there is surrounding industrial property, it would not create increased compatibility issues since the site would remain in a residential category.

As discussed earlier in the document, the proposed rezoning reduces the density and number of units that can be located at the site.

The rezoning site is located in the Tertiary Wellfield Protection Zone. Residential use on centralized water and wastewater systems is highly compatible with the wellfield zone.

5. Impacts on Affordable Housing

The RSF-4 zoning district offers an opportunity for affordable housing because of the lot sizes and density allowed in it. The RSF-4 zoning maintains residential use on the property in an area with existing utility infrastructure and in close proximity to city services. The development is served by transit that connects to the downtown employment area and to shopping and educational opportunities.

Transportation

There are no major transportation issues associated with this rezoning. The total number of units allowed would be reduced, and there are existing trip credits at the site for 100 mobile home units. The site is located in Zone A of the TCEA, and there would be only the Concurrency Management Element Policy 1.1.4 standards to be met at the platting stage.

As discussed earlier, the site is served by Transit Route 15.

Environmental Impacts and Constraints

The primary environmental issues at this site are the two regulated creeks (both are channelized) and the floodplain area on the western and southern edges of the property (in association with the creeks). Several of the existing western lots are probably not buildable due to floodplain issues. For the buildable lots, the developer will have to meet the creek setback of 35 to 150 feet based on an assessment by the Public Works Department of the creek situations.

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August 26, 2010


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Respectfully submitted,



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Table 1

Adjacent Existing Uses

North	Vacant
South	Industrial uses
East	Industrial uses
West	Railroad line (CSX) and City Public Works Compound

Adjacent Zoning and Land Use

	Zoning Category	Land Use Category
North	BUS	Commercial
South	I2	Industrial
East	I1	Industrial
West	PS	PF

List of Appendices

Appendix A Supplemental Documents

Exhibit A-1 Existing Zoning Map

Exhibit A-2 Proposed Zoning Map

Appendix B Application and Neighborhood Workshop information

Exhibit B-1 Rezoning Application

Exhibit B-2 Neighborhood Workshop information