

GREG DEVORKIN LUP AMENDMENT & REZONING RECOMMENDATION

To: Thiensville Planning Commission

Prepared by Jon Censky, Village Planner

Date: December 3, 2019

Item No. III.B

General Information

Applicant:	Greg Devorkin
Status of Applicant:	Property Owner
Requested Action:	Land Use Plan amendment, rezoning recommendation and Preliminary Plat Approval
Existing Zoning:	I-1 Institutional & R-2 Single Family Residential
Proposed Zoning:	R-2 Single Family and Office/Professional Service District.
Location:	138 N. Orchard Street
Land Use Plan Designation:	Institutional
Existing Land Use:	Vacant Church and School

Proposal:

Earlier this year the applicant held a neighborhood meeting to discuss his plans to redevelop the former Lumen Christi property at the northeast corner of Buntrock Avenue and Orchard Street into apartment style condos. Based on his current submittal, it seems obvious that Mr. Devorkin was listening to the neighbors and now proposes a unified planned mixed office and single-family development. This project consists of ten new single-family lots with homes to be unified in design and size and with the former church being converted into light office use. The ten new lots will be 7,188 square feet in size and the three remaining residential lots will be 10,367sf, 9,898sf and 9,899sf in size. The church parcel, which is proposed at 15,527sf in size.

To accomplish this change, the Comprehensive Land Use Plan for this site will need to be changed from the **Institutional classification to the Office classification for the former church parcel and the Single-Family Residential classification for the former school property and the underlying basic use zoning district will need to be changed from the I-1 Institutional District to the R-2 Single-Family Residential District for the former school site and to the B-3 Office and Professional Service District for the former church.** The PDO Planned Development Overlay District will be applied across the entire church/school site as it will tie this project together as one mixed use project. Staff notes that the three residential sites at the north end of this development are already zoned R-2 and rezoning thereof is unnecessary.

Commissioners are reminded that the Planned Development Overlay District (PDO) is an Overlay Zoning intended to provide flexibility in applying the regulations and standards of the basic use underlying district to achieve a unified and planned development of a site in single, partnership or corporate ownership. The PDO type development typically encompasses one or more principal uses and/or structures where strict compliance with the regulations and standards of the underlying basic zoning district would prevent such development. The PDO Overlay District is a tool that allows the Village Board, following a recommendation from the Plan Commission, to consider modifications for such things as lot size and width requirements, yard and setback standards and density requirements to a maximum of 22 units/acre.

Staff's review of these plans indicates that while the project is conforming to the density limits of the R-2 District, it falls short on other regulations as indicated below.

Nonconforming to Standards:

Accordingly, staff's review of these plans indicates the following departures:

- R-2 Single-Family Residential District.
Code Requirement – SEC 17.0304 D. Lot Area and Width
Lots shall have a minimum area of 6,800 square feet and shall not be less than 60 feet in width.
Departure – the proposed lot width for lots from lot 2 through lot 11 is 50 feet.
- Office/Professional Service District.
Code Requirement – SEC 17.0310 F. Setback and Yards.
There shall be a minimum side yard on each side of all buildings not less than 15 feet.
Departure – The side yard along the north side of the existing church is 5.4 feet.
- PDO Ordinance,
Code Requirement – Section 17.0316 D.4.f
The entire tract or parcel of land to be included in a Planned Development Overlay District shall be held under single ownership or if there is more than one (1) owner, the petition for such Planned Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PDO as a single parcel, lot or tract and be so recorded with the Ozaukee County Register of Deeds office.
Departure - While this project will be initially approved and processed as one planned development under signal ownership with uniform home design and size, the lots will ultimately be sold to separate owners.

Basis for Approval of the petition

According to the new PDO Ordinance, the Plan Commission, in making its recommendation and the Village Board in making its determination, shall consider:

- That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PDO within (12) months following the approval of the petition and that the development will be carried out according to a reasonable

development timetable, including all benchmark dates from commencement to completion of the physical development of the proposed project that is satisfactory to the Village.

- That the proposed Plan Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted Comprehensive Smart Growth Land Use Plan or any adopted components thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the Village and that the benefits and improved design of the resultant development justifies the establishment of a PDO Planned Development Overlay District.
- The Village Plan Commission in making its recommendation and the Village Board in making its determination shall further find that:
 - a. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
 - b. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - c. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
 - d. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
 - e. Public water and sewer facilities shall be provided.
 - f. The entire tract or parcel of land to be included in a Planned Development Overlay District shall be held under single ownership or if there is more than one (1) owner, the petition for such Planned Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PDO as a single parcel, lot or tract and be so recorded with the Ozaukee County Register of Deeds office.

Moreover, such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.

The total net residential density within the Planned Development Overlay District will be consistent with the Village's Smart Growth Land Use Plan and the density determined on a case-by-case basis by the Village Board following review and recommendation by the Plan Commission.

Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.

Adequate, continuing fire and police protection is available.

The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.

Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

Planner's Comments/Recommendation

Staff recommends approval as this project will provide better utilization of the land than would otherwise be realized if the site were redeveloped under the underlying I-1 district. The project will not have an unreasonable adverse effect on neighboring properties, the structures proposed for the project are harmonious with existing nearby structures and land uses and the building materials will be selected to be utilized in a manner that is harmonious with the general character of other buildings and structures in the vicinity of the proposed development. The proposed project will result in the construction or upgrading of specific public infrastructure improvements that will benefit the public and the proposed project will enhance an existing structure that is deemed beneficial to the character of the neighborhood where it is situated.

At this meeting, Commissioners are being asked to make two recommendations; first State Law requires that the Comprehensive Land Use Plan be consistent with the proposed zoning and, therefore, the Comprehensive Land Use Plan must be amended from the Institutional classification to the Office classification for the former church site and to the Single-Family Residential classification for the school site. Following your recommendation to change the Land Use Plan you will then recommend rezoning the former church portion of the development from the I-1 Institutional District to the B-3 Office and Professional Service District and to rezone the former school portion, from I-1 Institutional District to R-2 Single-Family Residential District. The PDO Planned Development Overlay District will then be recommended to be applied across the entire site.