

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 11/7/2013

Action Requested By:
Planning

Agenda Item Type
Resolution

Subject Matter:

Amendment to a Planned Development

Exact Wording for the Agenda:

Resolution to set a public hearing on an ordinance amending the approved concept plan for The Villas at Timbers Edge Planned Development (formerly Timbers Edge Second Addition Planned Development) to change the housing type from 56 quad and duplex ranch condominium units to 53 single family detached condominiums and also amending the Unified Control Agreement to reflect the new ownership of the property.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Recommended by Planning Commission
Public hearing date: December 19, 2013

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____



Date: 10/23/2013

RESOLUTION NO. 13-

WHEREAS, the Planning Commission of the City of Huntsville, Alabama, has given consideration to an amendment to Ordinance No. 08-219, a synopsis of said amendment being as follows:

- (1) Amends the approved plans for The Villas at Timbers Edge Planned Development (formerly known as Timbers Edge Second Addition Planned Development) and amends the Report and Agreement with Regard to Unified Ownership to reflect new ownership of the property.
- (2) The first publication of this resolution, this synopsis, and the ordinance hereinafter set out at length shall be in the Huntsville Times on the _____ day of _____, 2013, and the second publication shall be one week thereafter on the _____ day of _____, 2013, both of which publications shall be at least 15 days in advance of the date of the public hearing hereinafter referred to.

WHEREAS, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that consideration should be given to the adoption of an amendment to Ordinance No. 08-219 of the City of Huntsville, Alabama, in accordance with said request;

NOW, THEREFORE, **BE IT RESOLVED** by the City Council of the City of Huntsville, Alabama, as follows:

1. That the City Council of the City of Huntsville, Alabama, shall meet at 6:00 p.m. on the _____ day of _____, 2013, in the Council Chambers of the City of Huntsville Administration Building at 308 Fountain Circle in the City of Huntsville, Alabama, for the purpose of holding a public hearing at which time and place all persons, parties in interest and cities who desire, shall have an opportunity to be heard in opposition to or in favor of said ordinance amending Ordinance No. 08-219 as amended by Ordinance No. 08-967 of the City of Huntsville, Alabama.

2. That the proposed amendment to Ordinance No. 08-219 as amended by Ordinance No. 08-967 of the City of Huntsville, Alabama, is substantially in words and figures as follows:

ORDINANCE NO. 13-

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE
CITY OF HUNTSVILLE, ALABAMA

The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 Code of Alabama, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, as follows:

WHEREAS, the City Council for the City of Huntsville, Alabama, approved the zoning of land for Timbers Edge Second Addition as Planned Development-Housing District, LUI Rating 37, on the 22nd of April 2008, by Ordinance No. 08-219; and

WHEREAS, Ordinance No. 08-219 included the approval of the contents, conditions, waivers and modifications as set out in the *Report to the City Council on the Timbers Edge Second Addition Planned Development; the Boundary and Topographic Survey; Slope Map; Preliminary Concept Plan; and Site Assessment Map; and the Report and Agreement with Regard to Unified Ownership; and*

WHEREAS, the City Council for the City of Huntsville, Alabama, approved an amendment to Ordinance No. 08-219 on the 20th of November, 2008, by Ordinance No. 08-967; and

WHEREAS, the new owners of The Villas at Timbers Edge (formerly known as Timbers Edge Second Addition) desire to make certain changes in the layout, location, and character of the approved Planned Development, which changes are shown on the amended Existing Condition Survey; Preliminary Concept Plan; Preliminary Grading and Drainage; Architectural Drawings; and in the ownership of the property, which changes are shown in the amended *Report and Agreement with Regard to Unified Ownership* and in the contents, waivers, and modifications as set out in the *Report to the City Council on the Request to Amend The Villas at Timbers Edge Planned Development; and*

WHEREAS, the Planning Commission of the City of Huntsville, Alabama, has reviewed said amendments to the plan of The Villas at Timbers Edge Planned Development and has recommended said amendments as shown on the plats identified as the Existing Condition Survey; Preliminary Concept Plan; Preliminary Grading and Drainage; Architectural Drawings; in the *Report and Agreement with Regard to Unified Ownership* and in the *Report to the Planning Commission on the Request to Amend The Villas at Timbers Edge Planned Development.*

NOW, THEREFORE, BE IT ORDAINED, by the City Council for the City of Huntsville, Alabama, that the plans for The Villas at Timbers Edge (formerly known as Timbers Edge Second Addition) approved as part of Ordinance No. 08-219 and amended by Ordinance No. 08-967, are hereby

ORDINANCE NO. 13-

amended to incorporate the changes hereof, all of which are on file in the offices of the Huntsville Planning Division.

This ordinance shall take effect from and after the date of its publication.

ADOPTED this the ____ day of _____, 2013.

President of the City Council of
the City of Huntsville, Alabama.

APPROVED this the ____ day of _____, 2013.

Mayor of the City of Huntsville,
Alabama

RESOLUTION NO. 13-

ADOPTED this the ____ day of _____, 2013.

President of the City Council of
the City of Huntsville, Alabama.

APPROVED this the ____ day of _____, 2013.

Mayor of the City of Huntsville,
Alabama

REPORT TO THE CITY COUNCIL ON
THE VILLAS AT TIMBERS EDGE
(FORMERLY TIMBERS EDGE SECOND ADDITION)
PLANNED DEVELOPMENT-HOUSING ZONING
Amendment to Ordinance No. 08-219

Introduction: In accordance with Section 30.5.5(5) of the Zoning Ordinance, planning staff finds and the Planning Commission recommends that certain hereinafter specified modifications are desirable in generally applicable regulations and/or officially adopted plans. Where such modifications are recommended, staff has made the determination that such modifications are necessary or justified by demonstration that the public purposes of the Planned Development and other zoning regulations would be met to at least an equivalent degree by the proposals of the applicant.

Request: The request is to amend the Planned Development-Housing district with a Land Use Intensity (LUI) rating of 37, with a total gross land area of 17.76 acres and creating a maximum residential Floor Area for the development of 125,324 square feet with 104,222 square feet of residential Floor Area shown on the development concept plan. The minimum open space requirement for the development is 595,677 square feet. However, 649,021 square feet of open space is shown on the development concept plan of which 98,912 square feet is floodway.

Location: The land lies along the west side of King Drake Road, north of Caldwell Lane and east of Big Cove Creek.

Development: This proposal is for a residential community that will consist of 53 single family detached dwelling units.

The Villas at Timbers Edge will be accessed through Timbers Edge to King Drake Road to the east. The Villas at Timbers Edge will be a private development and the owners will be responsible for the construction and maintenance of the driveways, other infrastructure, recreational facilities and common areas. Sidewalks along King Drake Road will be five feet in width.

Evidence of unified control has been submitted.

Situations not covered by the adopted ordinance and supplemental documents shall be regulated by appropriate existing Huntsville ordinances and regulations.

Failure to comply with or otherwise fail to satisfy the conditions under which approval is granted for the PD-H rezoning may be grounds for actions as provided by Section 30.6 of the Zoning Ordinance.

**ADDITIONAL DOCUMENTS SUBMITTED TO THE PLANNING COMMISSION IN
COMPLIANCE WITH ZONING ORDINANCE REGULATIONS**

**General Development Plan
Illustrations of Typical Building Designs
Slope and Elevation Maps
Boundary and Topographic Survey
Site Assessment Report**

**Unified Ownership Documents
Vicinity/Zoning Map
Open Space Plan
Physical Features Map**