

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
2/22/2010

ITEM NO. 1 A TO RS7; .99 ACRES; 1764 E 1300 RD

Z-12-29-09: Consider a request to rezone approximately .99 acres from A (Agricultural) to RS7 (Single-Dwelling Residential), located at 1764 E 1300 Rd. Submitted by Terry Bearden, for Nate Anthony, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately .99 acres, from A (Agricultural) District to RS7 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: The property was recently annexed into the city to take advantage of city services. The rezoning is to have a city zoning designation consistent with existing use.

KEY POINTS

- *Horizon 2020* identifies this property in Service Area 1 as a low-density residential use.
- The property is currently a single-dwelling residential use consistent with the proposed zoning.
- The rezoning would assign a property that is within the city limits, a city zoning designation.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-12-4-09 .99 ac; 1764 E 1300 Rd (Approved December 15, 2009 by City Commission)

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning.
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

ATTACHMENTS

- Page Map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

The subject property was recently annexed into the city because of a failing septic system. The property was annexed with a county A (agriculture) District zoning designation. The proposed RS7 District is consistent with the existing use and the uses of the properties to the north, east and south.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *None*

Staff Finding – This zoning is consistent with the future land use map identifying land use for Service Area 1. *Horizon 2020* identifies this area, a small area on the east side of N. Iowa St. as low-density residential uses on Map 3-1.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use: A (Agricultural) District; detached dwelling

Surrounding Zoning and Land Use:

- North: A District; detached dwelling
- West: IG (General Industrial) District; Del Monte, dog food production
- South: A District; detached dwelling
- East: A-1 (Suburban Homes Residential) District; single-family dwelling

Staff Finding – The subject property is currently zoned county A District and developed with a detached dwelling. The property to the west is zoned county IG and is developed with a dog food manufacturing plant. The property to the east is zoned county A-1 and is developed with a detached dwelling. The properties to the north and south are zoned county A and developed with detached dwellings.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Residential.*

Staff Finding – The neighborhood is a mix of residential and industrial uses. In this area, the east side of N. Iowa Street is residential however the west side is developed with industrial uses.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Finding – The subject property is not located within any planning area.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: *None*

Staff Finding – The property is currently developed with a detached dwelling. The property needed to hook up to city services and was recently annexed. This zoning is changing the current agricultural zoning to a residential zoning to be consistent with the existing use.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: *None*

Staff Finding – This property has been zoned A and is developed with a detached dwelling.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *None*

Staff Finding – The properties to the north, east and south are all developed with residential uses. It would be consistent with the surrounding uses.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *Elimination of septic field.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

Staff Finding – If denied, this property would remain zoned to a county zoning district but be within the city boundaries. If the A zoning would remain, no changes to the property could occur until a city zoning district was designated. Rezoning provides the property owner with a conforming zoning designation. The property owner could not connect to sanitary sewer until annexed and rezoning is the logical follow-up action.

9. PROFESSIONAL STAFF RECOMMENDATION

The subject property is currently developed with a detached dwelling. The properties to the north, east and south of the subject property are developed with residential use though remain in the county. The property to the west is zoned IG and developed with a dog food production plan and is within the city. This zoning would assign a city zoning to a recently annexed property that is consistent with the existing use.

Staff recommends approval of the rezoning from the county A District to the RS7 District.