

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
12/14/15

ITEM NO. 3A A (County) TO RS10; 3 ACRES; 1041 N 1700 Road (KES)

Z-15-00524: Consider a request to rezone approximately 3 acres from A (County Agricultural) District to RS10 (Single-Dwelling Residential) District, located at 1041 N 1700 Road. Submitted by BG Consultants, Inc., for Wedman Construction, Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request from A (County Agriculture) District to RS10 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and subject to the following condition:

- City Commission approval of Annexation (A-15-00525).

REASON FOR REQUEST

Applicant's Response:

“Required when annexing property into the City.”

KEY POINTS

- The property is located to the east of Dole Drive at the southeast corner of it's future intersection with N 1700 Road and is currently zoned A (County Agriculture) District.
- The property owner has requested annexation. City policy does not require Planning Commission review for annexation less than 10 acres.
- Rezoning is required when annexing property into the city limits.
- RS10 zoning is the current zone of the adjacent residential development.
- The proposed rezoning will allow development to continue as part of the established residential development of the area and fit within the goals of the comprehensive plan.

ASSOCIATED CASES

PP-15-00527 Preliminary Plat; Westwood Hills 9th Plat; In progress. (Scheduled for Planning Commission, December 2015).

A-15-00525 Annexation; In progress. (Scheduled for City Commission, January 2015).

PF-15-00614 Final Plat; Westwood Hills 9th Plat; In progress.

OTHER ACTION REQUIRED

- City Commission approval of annexation request.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Administrative approval of a final plat.
- Application and release of building permits prior to development.

PUBLIC COMMENT

N/A – no communications received.

Project Summary

The property is being annexed into the city and the county zoning designation will no longer be appropriate. A preliminary plat that proposes 6 new lots along the east side of Dole Drive accompanies this request.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's response:

"The rezoning request conforms to Horizon 2020 and falls under the Urban Growth Area category."

This property is currently zoned A (County Agriculture) and when brought into the city limit is in compliance with the current goals of *Horizon 2020* and the urban growth projections for the subject area. The change in density is in character with the current development. This rezoning is part of the proposed next phase of Westwood Hills.

Staff Finding – The plan anticipates low density, residential development as urban services are available. The proposed rezoning does not change the overall character of development in the area and the request is in conformance with the residential land use recommendations in the Comprehensive Plan.

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

Current Zoning and Land Use: A (County Agriculture) District; *One Single-Dwelling Structure and open land.*

Surrounding Zoning and Land Use: To the east: RS40 (Single-Dwelling Residential) District; *Single-Dwelling Residential structures.*

To the south: RS10 (Single-Dwelling Residential) District; *Partially developed with Single-Dwelling Residential structures.*

To the west: RS10 and RS7 (Single-Dwelling Residential) Districts; *Partially developed with Single-Dwelling Residential structures.*

To the north: A (County Agriculture) and OS (Open Space); *Single-Dwelling Residential structures and open land.*

The property is currently zoned A (County Agriculture) District. An annexation request is in process. Adjacent zoning in the area is RS10, RS40, RS7, A (County Agriculture) and OS (Open Space). The requested rezoning is consistent with existing zoning in adjacent residential development, Westwood Hills. The request complies with the Comprehensive Plan land use projections in the area. The RS10 zoning district and the proposed plat accommodate the residential development with lot sizes consistent with the adjacent Westwood Hills subdivision.

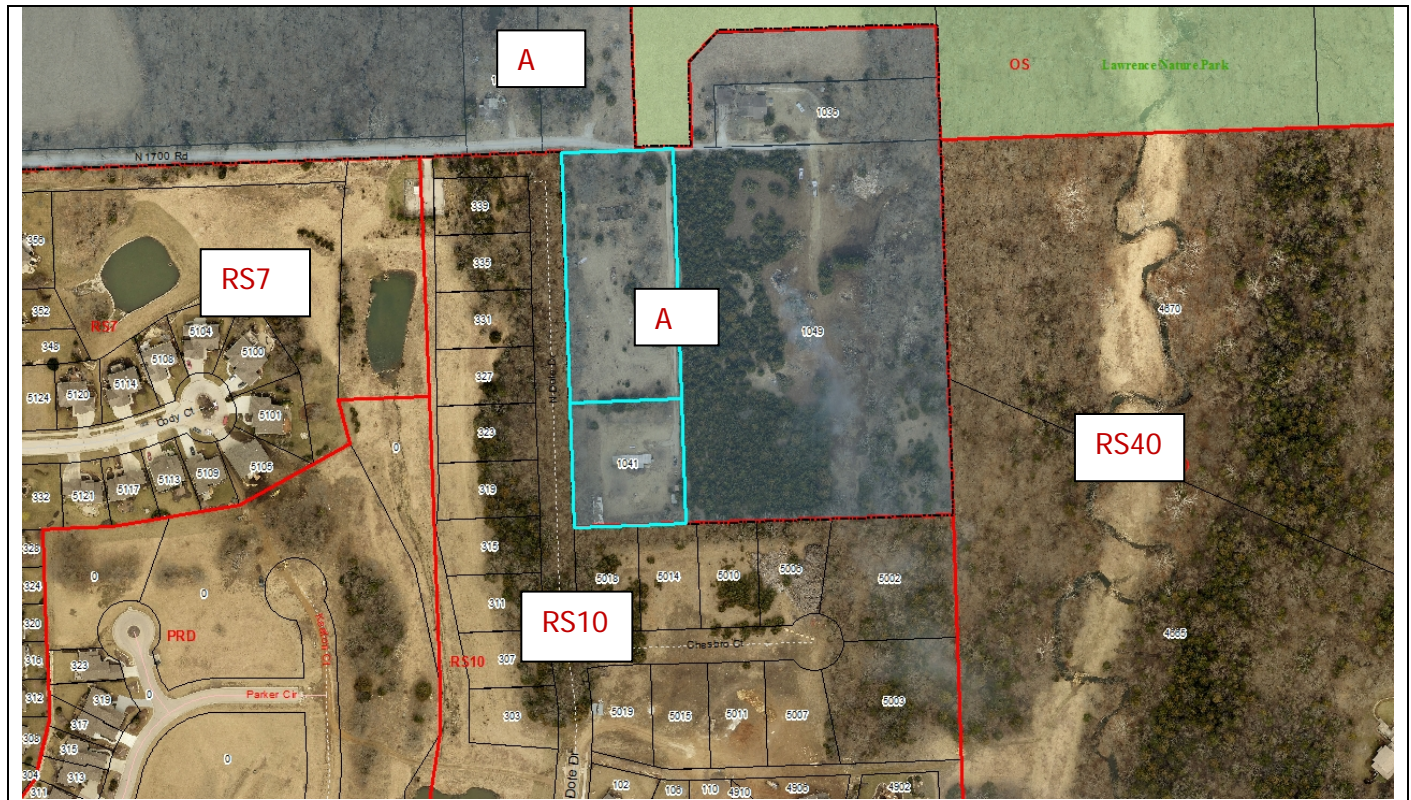


Figure 1. Zoning and land use in the area. Subject property is outlined.

Staff Finding – The subject property is adjacent to properties zoned for residential land uses. The residential zoned properties are currently being developed. The proposed rezoning is compatible with the zoning and land uses, existing and approved, in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The adjacent areas to the west and south are zoned RS10. The property to the east and north are generally zoned A (County Agriculture)."

This area is currently developing as a residential area and is part of the Urban Growth Area. The properties surrounding the subject property are established with Single-Dwelling Residential structures and are part of current residential development. This property would become part of the Westwood Hills development.

Staff Finding – The proposed rezoning is in keeping with the development in the area. The proposed rezoning would result in a use that is compatible with the character of the area.

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

There is not a current neighborhood plan for this area. The property was included in The Northwest Plan and recommended for low-density residential development. The Northwest Plan is considered out-of-date.

Staff Finding – There is not an adopted Sector Plan for this area.

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

Applicant's response:

"The County A designation is not suitable for property that has or is planned to be annexed into the city."

Staff Finding – This property is part of an annexation request. Upon annexation, the County A District will no longer be suitable. The proposed rezoning permits development consistent with the area.

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

Applicant's Response:

"The property history is unknown but has generally been undeveloped."

Staff Finding – The county appraisal records indicate the southern parcel has had a structure on it since 1990. The majority of the property is undeveloped.

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

As noted earlier, the property is surrounded with residential zoned property which is developed or in the process of being developed. The rezoning of this property would allow for development similar to, and compatible with, the adjacent land uses.

Staff Finding – The RS10 zoning is in keeping with surrounding zoning. The rezoning would allow for proposed development that would be compatible with the nearby uses and should have no detrimental effect.

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

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

The proposed rezoning is not changing the allowed use of the property in a manner that would be detrimental to public health, safety and welfare. The proposed rezoning allows the applicant to continue development that is compatible with the area.

Staff Finding - Approval of the rezoning request will allow development similar in intensity and compatible with the uses already in the area. Final Plat approval is required prior to development. There would be no gain to the public health, safety, and welfare through the denial of the rezoning request.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan and the Golden Factors, and for compatibility with surrounding development. The rezoning request is consistent with the Comprehensive Plan would be compatible with surrounding development. Staff recommends approval of the rezoning request subject to the following condition:

- City Commission approval of Annexation (A-15-00525).