

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
5/22/17

ITEM NO. 3 PRD TO RM15; 8.566 ACRES; 2115 EXCHANGE CT (KES)

Z-17-00157: Consider a request to rezone approximately 8.566 acres from PRD (Planned Residential Development) District to RM15 (Multi-Dwelling Residential) District, located at 2115 Exchange Ct. Submitted by Paul Werner Architects, for Southwind Capital LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request from PRD (Planned Residential Development) District to RM15 (Multi-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.

REASON FOR REQUEST

Applicant's Response:

"The property is currently zoned PRD and was part of a bigger tract that has since been sold, and rezoned to RM15. An RM15 zoning would seem to make more sense than a PRD for this property."

KEY POINTS

- The property is located at the southwest corner of K-10 Highway and O'Connell Road and is currently zoned PRD (Planned Residential Development) District.
- PD zoning requires submittal of a Preliminary Development Plan with the rezoning application.
- The proposed density will remain the same and this rezoning will not increase the maximum density. The existing and proposed zoning allow for 15 units/acre density.
- As currently zoned, the property has remained vacant since 2006. The Planning Commission granted an extension to the approved Final Development Plan in 2007 for a period through 2008.
- The rezoning will align the remaining portion of the PRD with the zoning district to the south.
- The proposed rezoning will allow development consistent with the residential nature of the area and fit within the goals of the comprehensive plan, the current Land Development Code and the intentions of the Final Development Plan that was approved in 2006 as well as allow the proposed use to better fit within the City Code.

ASSOCIATED CASES

- FDP-08-13-05 Final Development Plan; Fairfield Farms Multi-Family; Southwest corner of K-10 Highway and O'Connell Road. Planning Commission approved on January 23, 2006. (Expired in 2008.)
- PDP-12-12-03 Preliminary Development Plan; Fairfield Farms West (originally submitted as Farmland Northwest Addition), south of K-10 Highway and west of O'Connell Road. Planning Commission approved on March 3, 2004.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submission and administrative approval of a site plan.
- Application and release of building permits prior to development.

PUBLIC COMMENT

N/A

Project Summary

The property is currently zoned PRD (Planned Residential Development) District. A rezoning request to the RM15 (Multi-Dwelling Residential) District is requested to bring the remainder of what was once a larger tract into the same zoning district as the southern portion of the development area. Adjacent zoning to the west is RM12D and the requested rezoning would be compatible with this residential area. The request complies with the Comprehensive Plan land use projections in the area. The area remains residential and the maximum density of 15 units/acre will remain the same. The RM15 zoning district permits a one-step, administrative site plan review process.

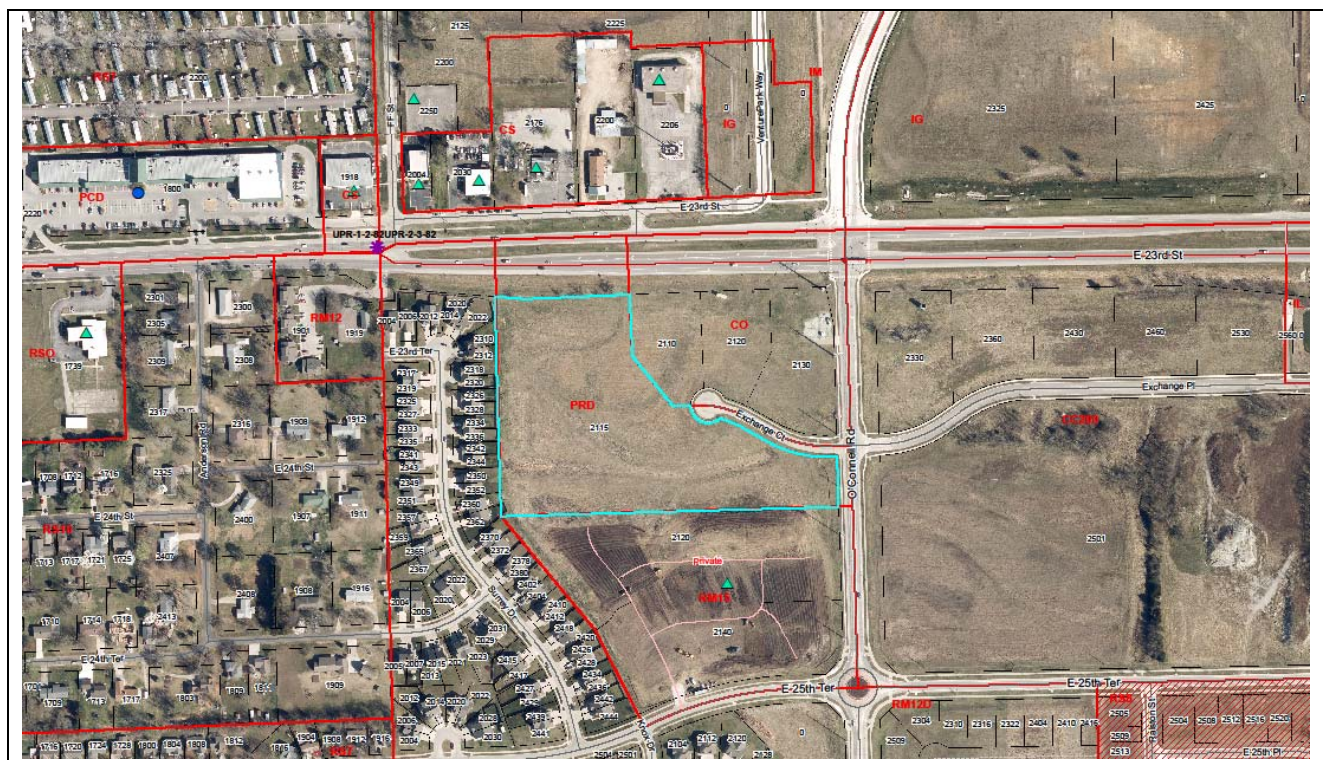


Figure 1. Zoning and land use in the area. Subject property is outlined.

Properties in the surrounding area of the property are zoned CO (Commercial Office), RM15 (Residential Multi-Dwelling) and RM12D (Residential Dwelling Duplex) and are developed with Multi-Dwelling Senior Living structures and Residential Duplex Dwelling structures. The zoning map in Figure 1 illustrates the zoning and land uses of the area. The senior living structures are newly completed just to the south of the subject property.

Per Code, a Preliminary Development Plan must be submitted with any rezoning request to the Planned Development Overlay. The previously approved development plan has expired. A

concept plan for the proposed use related to this rezoning request proposes similar multi-family structures to those that were approved in the previous Final Development Plan that has since expired. (Figure 2)

REVIEW & DECISION- MAKING CRITERIA

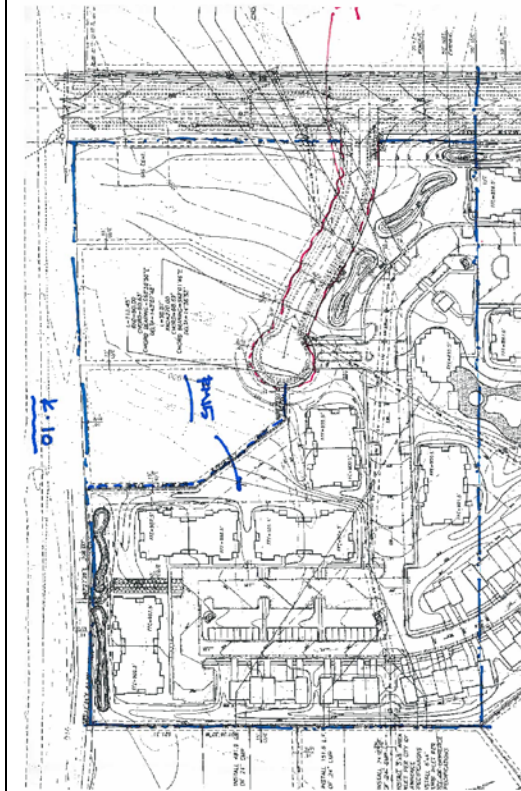
1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's response:

"RM15 and PRD zonings are essentially the same density and use, therefore it would conform with H2020."

This property is currently zoned PRD under an approved Final Development Plan in compliance with the current goals of *Horizon 2020* and the urban growth projections for the subject area. No change in density or character of development is proposed.

Figure 2. Concept Plan will be similar to previously approved multi-family structures located to the west.



Staff Finding – 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: PRD (Planned Residential Development) District; *Undeveloped.*

Surrounding Zoning and Land Use: To the west: RM12D (Multi-Dwelling Residential) District; *Residential Duplex units.*

To the south: RM15 (Multi-Dwelling Residential) District; *Multi-Dwelling Senior Living units.*

To the east: CC200 (Community Commercial Centers) District; *Undeveloped pad sites.*

To the north: CO (Office Commercial Development) District; *Undeveloped pad sites.*

Staff Finding – The subject property is adjacent to properties zoned for residential and commercial land uses. The commercially zoned properties are currently undeveloped. 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:

"To the south of the subject property is multi-family zoned RM15; to the west are duplexes, to the north is K-10 highway; and to the east is vacant."

This area is currently developed as a Multi-Dwelling Residential neighborhood with undeveloped Commercial land uses to the north and east.

Staff Finding – This property is south and west of an undeveloped area designated for low intensity commercial office uses. Multi-dwelling residences are located around the subject property. The proposed rezoning would result in a development 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

The rezoning request is not changing overall development plans for the area, the character of the neighborhood or impacting adjoining property.

Staff Finding – The rezoning request is compliant with plans for the area. The request is a change from a Planned Development Overlay District to RM15 (Multi-Dwelling Residential) District. The RM15 District permits similar density and housing types as previously approved on the expired Final Development Plan.

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

Applicant's response:

"It is suitable for multi-family under the current and proposed zoning regulations."

Staff Finding – The property is well suited to the uses to which it is restricted under the existing zoning regulations. The proposed rezoning does not change the permitted uses. The Land Development Code adopted in 2006 includes many of the site development standards previously only found in the Planned Development regulations. This allows development with increased landscape and buffer yards in conventional (RM) zoning districts without reliance on PD overlays.

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

Applicant's Response:

"The property has never been developed."

The Planning Commission approved a Final Development Plan for this property on January 23, 2006. On May 21, 2007, an extension to this approved Final Development Plan was granted by the Planning Commission and approval was extended to January 2008. The Final Development Plan approval has expired. The property has not been developed.

Staff Finding – The property has been vacant as zoned since the Final Development Plan was approved in 2006.

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

Applicant's Response:

"As the density would remain the same as the current zoning allows, we see no detrimental effects on nearby properties."

As noted earlier, the property is surrounded on the west and south with Multi-Dwelling Residential zoned property which is partially developed. The residential development of this property would be similar to, and compatible with the adjacent land uses. To the east and north, the property is adjacent to property zoned for commercial office uses. This commercially zoned area is currently undeveloped.

Staff Finding – The RM15 zoning is compatible with the nearby properties and the previously approved Final Development Plan. The rezoning would allow for a proposed use that would be similar to the nearby uses and should have no detrimental effect. Future development is subject to site plan approval.

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:

"Since the property has been vacant since it was annexed into the city, it would benefit the city for the property to be developed for many reasons such as tax revenue."

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 developer to retain a similar density and streamline the site plan review process.

Staff Finding - Approval of the rezoning request will allow multi-dwelling residential development similar in intensity and compatible with the uses proposed on the previously approved Final Development Plan. The Land Development Code was adopted to encourage development in conventional zoning districts with increased landscape and bufferyard standards. 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 compliant with the Comprehensive Plan and the Golden Factors and would be compatible with surrounding development. Staff recommends approval of the rezoning request.