

PLANNING & ZONING COMMISSION MEETING OF 01-10-17 AGENDA ITEM #16-341Z

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Matt Robinson, AICP, Planning Manager

**FROM:** Melissa Spriegel, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “SF5” – Single Family Residence District to “TH” – Townhome Residential District, Located Approximately 3,200 Feet South of U.S. Hwy 380 (University Drive) and on the East Side of Lake Forest Drive

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the February 7, 2017 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request as Staff has concerns regarding the ability to develop the property due to the extensive floodplain and the potential removal of quality trees within the floodplain. A Tree Preservation Plan and a Flood Study will need to be submitted to ensure the property can be developed for the requested townhome uses.

**APPLICATION SUBMITTAL DATE:** November 28, 2016 (Original Application)  
December 21, 2016 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 26.82 acres of land from “SF5” – Single Family Residence District to “TH” – Townhome District, generally for residential uses.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“SF5” – Single Family Residence District (Residential Uses)	Undeveloped Land

North	“AG” – Agriculture District and “PD” – Planned Development District Ordinance No. 2004-09-091 (Residential Uses)	Creekview Estates Phase 2A
South	“RS-84” – Single Family Residential District (Residential Uses)	The Church of Jesus Christ of Latter Day Saints
East	“SF5” – Single Family Residence District (Residential Uses)	Undeveloped Land
West	“AG” – Agriculture District (Agricultural Uses)	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone approximately 26.82 acres of land from “SF5” – Single Family Residence District to “TH” – Townhome District, generally for residential uses.

Given the property’s midblock location, nearby similar residential uses, and conformance with the Future Land Use Plan (FLUP), Staff feels that the request for townhome uses is appropriate for this location; however, Staff has concerns regarding the ability to develop in the extensive floodplain on the property and the potential removal of quality trees within the floodplain. Upon completion of the necessary engineering, no more than 30% of the quality trees within the floodplain may be removed per Section 146-136 (Tree preservation) of the Zoning Ordinance. Any amount exceeding the 30% threshold would require the applicant to request a variance to this section of the Ordinance. Staff has recommended that the applicant submit an updated Flood Study as well as a Tree Preservation Plan to ensure the property can be developed. The applicant has chosen to go forward with the rezoning request prior to the submittal of these documents; therefore, it is unknown at this time whether the property can be developed. As such, Staff recommends denial of the proposed rezoning request.

This property was rezoned from “AG” – Agriculture District to “SF5” – Single Family Residence District in 2015. At that time Staff’s concerns regarding the ability to develop the property given the extensive floodplain on the property and the potential removal of quality trees within the floodplain were made known. These concerns came to the forefront during the platting of the subject property in which it was determined more than 30% of the quality trees on the subject property would need to be removed to develop. A variance to the Tree Preservation section of the Zoning Ordinance was requested and denied; therefore, development was not possible.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for floodplain uses. The FLUP modules diagram

designates the subject property as Suburban Mix within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- Comprehensive Plan Goals and Objectives: The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would help the community attain the goal of “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices”.
- Impact on Infrastructure: The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area.
- Impact on Public Facilities/Services: The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located adjacent to the subject property are zoned for similar residential uses. The proposed rezoning request will not alter the land use from what has been planned for the subject property.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base residential zoning of the subject property.

The attached “Land Use and Tax Base Summary” shows that Module 34 is currently comprised of approximately 50% residential uses and 50% non-residential uses (including mixed-use, institutional and agricultural uses). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 34 are comprised of approximately 83% from residential uses and 17% from non-residential uses (including mixed-use, institutional and agricultural uses). Estimated tax revenues by type in Module 34 are comprised of approximately 94.1% ad valorem taxes and 5.9% sales and use taxes.

- Concentration of a Use: The proposed rezoning request should not result in an over concentration of residential land uses in the area.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received three letters in opposition to this request and one informational letter.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Letter of Opposition

- Comprehensive Plan Maps
- Fiscal Analysis
- Land Use and Tax Base Summary
- Land Use Comparison Table
- Proposed Zoning Exhibit
- PowerPoint Presentation