

PLANNING & ZONING COMMISSION MEETING OF 01-12-16 AGENDA ITEM #15-310Z

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

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

**FROM:** Eleana Galicia, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “AG” – Agricultural District to “SF5” – Single Family Residence District, Located Approximately 1,500 Feet North of Virginia Parkway and Approximately 1,260 Feet East 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 2, 2016 meeting.

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**STAFF RECOMMENDATION:** Staff recommends approval of the proposed rezoning request.

**APPLICATION SUBMITTAL DATE:** December 14, 2015 (Original Application)  
December 21, 2015 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 33.28 acres of land from “AG” – Agricultural District to “SF5” – Single Family Residential District, generally for single family residential uses.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“AG” – Agricultural District (Agricultural Uses)	Undeveloped Land
North	“PD” – Planned Development District Ordinance No. 2004-09-091 (Single Family Residential Uses)	Creekview Estates Subdivision

South	“AG” – Agricultural District (Single Family Residential Uses)	Single Family Residence
East	“AG” – Agricultural District (Agricultural Uses), and “PD” – Planned Development District Ordinance No. 2000-01-05 (Single Family Residential Uses)	Wiskbrook Estates Subdivision and Undeveloped Land
West	“AG” – Agricultural District (Institutional Uses), “RS-84” – Single Family Residential District (Institutional Uses), and “SF5” – Single Family Residential District	Boyd High School, The Church of Jesus Christ of Latter-Day Saints, Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally for single family residential uses. Staff feels that the proposed rezoning request is appropriate as the Future Land Use Plan designates the subject property for low density single family residential uses, and the subject property is adjacent to similar single family residential uses to the North, East and South, and as such Staff recommends approval of the proposed rezoning request.

Staff has some 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, the overall usability of the subject property may be significantly limited. Additionally, 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.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for low density single family residential and floodplain uses. The FLUP modules diagram designates the subject property as Suburban Mix and Floodplain 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 “land use patterns that complement one another.”
- **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 since a portion of the land would change from floodplain to residential uses. Staff is unable at this point in time to determine the exact difference in the impact

on infrastructure as the wide range of non-residential uses currently allowed could impact the infrastructure more or less than the impact of the proposed development.

- Impact on Public Facilities/Services: The proposed rezoning request should have an impact on public facilities and service, such as schools, fire and police, libraries, parks and sanitation services, as a portion of the land will change from floodplain to residential uses requiring additional public services.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located North, East and South of the subject property are used for similar single family residential uses. The adjacent property located west of the subject property and north of the Church of Jesus Christ of Latter-Day Saints was also recently rezoned to “SF5” – single family residential district for single family residential uses. In Staff’s professional opinion the proposed rezoning request will remain compatible with the existing and future surrounding land uses.
- Fiscal Analysis: The fiscal analysis shows a negative cost benefit of \$93,361 using the full cost method.

The attached “Land Use and Tax Base Summary” shows that Module 34 is currently comprised of approximately 49.6% residential uses and 50.3% non-residential uses (including 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 16.9% from non-residential uses (including 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 single family residential uses in the area.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- Fiscal Analysis
- Land Use and Tax Base Summary
- Proposed Zoning Exhibit
- PowerPoint Presentation