

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Pickett, Planner II

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “AG” – Agricultural District and “CC” – Corridor Commercial Overlay District to “SF7.2” – Single Family Residential District and “CC” – Corridor Commercial Overlay District, Located on the South Side of U.S. Highway 380 (University Drive) and on the West Side of Gray Branch Road

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the July 21, 2015 meeting.

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

**APPLICATION SUBMITTAL DATE:** April 13, 2015 (Original Application)  
April 27, 2015 (Revised Submittal)  
May 4, 2015 (Revised Submittal)  
May 18, 2015 (Revised Submittal)  
May 22, 2015 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 52.14 acres of land to “SF7.2” – Single Family Residential District, generally for single family detached residential uses.

On June 9, 2015, the Planning and Zoning Commission voted 5-0-0 to table the item to the June 23, 2015 meeting in order to give the applicant time to speak with the nearby residents. Two spoke in opposition to the rezoning request stating concerns about the size of the lots and the future of Gray Branch Road (see attached minutes). The applicant has not requested any new changes be made to the rezoning request subsequent to the Planning and Zoning Commission meeting on June 9, 2015, but has provided an informational only layout to demonstrate a potential option for access to the property. Any off-site easements or access points will be determined during the platting process.

**ZONING:**

<b>Location</b>	<b>Zoning District (Permitted Land Uses)</b>	<b>Existing Land Use</b>
Subject Property	“AG” – Agricultural District and “CC” – Corridor Commercial Overlay District (Agricultural Uses)	Undeveloped Land
North	“SF5” – Single Family Residential District (Single Family Residential Uses), “PD” – Planned Development District Ordinance No. 2004-06-068 (Park Uses), and “CC” – Corridor Commercial Overlay District	Undeveloped Land
South	“AG” – Agricultural District (Agricultural Uses)	Single Family Home
East	“AG” – Agricultural District and “CC” – Corridor Commercial Overlay District (Agricultural Uses)	Undeveloped Land
West	“AG” – Agricultural District, “BG” – General Business District (Commercial Uses), and “CC” – Corridor Commercial Overlay District (Agricultural Uses)	Single Family Homes and Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property to “SF7.2” – Single Family Residential District, generally for single family residential uses. Given that the adjacent properties’ are used or zoned single family residential uses, as well as the natural floodplain buffer between the subject property and the adjacent commercial property to the west, Staff feels the proposed use will be compatible with existing and future adjacent and surrounding uses and, as such, recommends approval of the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for High Density Residential uses; however the applicant has requested the property be zoned for low density residential uses. The FLUP modules diagram designates the subject property as Suburban Mix within a significantly developed area. Furthermore, the subject property is located within the Northwest Sector Study area and is in general conformance with the Northwest Sector Study Phase 1 Report. 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 may have an impact on public services, such as schools, fire and police, libraries, parks and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The proposed rezoning request for residential uses should remain compatible with properties located adjacent to the subject property.
- Fiscal Analysis: The attached fiscal analysis shows a negative cost benefit of \$146,269 using the full cost method.

The attached “Land Use and Tax Base Summary” shows that Module 35 is currently comprised of approximately 65.8% residential uses and 34.2% non-residential uses (including institutional and agricultural uses). The proposed rezoning request will have an effect on the anticipated land uses in this module. Estimated tax revenues in Module 35 are comprised of approximately 87.2% from residential uses and 12.8% from non-residential uses (including agricultural uses). Estimated tax revenues by type in Module 35 are comprised of approximately 92.8% ad valorem taxes and 7.2% 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 four letters and a petition in opposition to this request.

**ATTACHMENTS:**

- PZ Minutes 06.09.15
- Location Map and Aerial Exhibit
- Letter of Intent
- Letters of Opposition
- Comprehensive Plan Maps
- Fiscal Analysis
- Land Use and Tax Base Summary
- Proposed Zoning Exhibit – Boundary
- Access Exhibit – Informational Only
- PowerPoint Presentation