



17-206Z

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS-60" - Single Family Residence District to "DR" - Duplex Residential District, Located Approximately 250 Feet North of Elm Street and on the West Side of Lindsey Street, and Accompanying Ordinance

**COUNCIL GOAL:** Direction for Strategic and Economic Growth

**MEETING DATE:** February 20, 2018

**DEPARTMENT:** Planning

**CONTACT:** Samantha Pickett, AICP, Planning Manager  
Brian Lockley, AICP, CPM, Director of Planning  
Melissa Spriegel, Planner I

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends denial of the proposed rezoning request due to lack of conformance with the Future Land Use Plan as well as lack of conformance with the land use pattern in the surrounding area.

**APPLICATION SUBMITTAL DATE:** July 17, 2017 (Original Application)  
August 7, 2017 (Revised Submittal)  
November 7, 2017 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 0.22 acres of land from "RS-60" - Single Family Residence District to "DR" - Duplex Residential District, generally for duplex residential uses.

**At the January 23, 2018 Planning & Zoning Commission meeting, the Commission recommended denial of the proposed request. As such, a super majority of the City Council is required in order to approve the rezoning request.**

**ZONING:**

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Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"RS-60" - Single Family Residence District (Single Family Residential Uses)	Undeveloped Land
North	"RS-60" - Single Family Residence District (Single Family Residential Uses)	Russell 2 Subdivision
South	"RS-60" - Single Family Residence District (Single Family Residential Uses)	Russell 2 Subdivision
East	"RS-60" - Single Family Residence District (Single Family Residential Uses)	Russell 4 Subdivision
West	"RS-60" - Single Family Residence District (Single Family Residential Uses)	Russell 2 Subdivision

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally to allow for duplex (two-family) residential uses. The property is currently zoned for single family residential uses; however, the applicant has indicated their desire to construct a duplex on the subject property.

Currently, the subject property is located within a large swath of area both zoned and developed as "RS-60", which allows for a single family home on a lot of at least 6,000 square feet. While a few lots remain undeveloped in the area, this is traditionally considered a well-established neighborhood of single family homes and although the proposed rezoning to "DR" - Duplex Residential District is a residential use, the proposed zoning is neither compatible with the FLUP designation for low density residential uses, nor is it consistent with the existing land use pattern in the area. As such, Staff recommends denial of the rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for residential, low density uses. The FLUP modules diagram designates the subject property as Town Center 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 not consistent with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would not help the community attain the goal of "Economic Development Vitality for a Sustainable and Affordable Community" through the stated objective of the Comprehensive Plan, a "balanced development pattern".
- Impact on Infrastructure: The proposed rezoning request may have an 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: While the properties located adjacent to the subject property are zoned for residential uses, the proposed zoning of a single lot would disrupt the land use pattern established in the area. As well, approval of the proposed request may set a precedent for future development.
- Land Use and Tax Base Summary: Module 55 is currently comprised of approximately 51.7% residential uses and 48.3% 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 55 are comprised of approximately 47.5% from residential uses and 52.5% from non-residential uses (including agricultural uses). Estimated tax revenues by type in Module 55 are comprised of approximately 62.2% ad valorem taxes and 37.8% 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 no comments or phone calls in support of or opposition to this request.

**BOARD OR COMMISSION RECOMMENDATION:** On January 23, 2018 the Planning and Zoning Commission voted 4-3-0 to recommend denial of the proposed rezoning request.

**SUPPORTING MATERIALS:**

[PZ Minutes 01.23.pdf](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Comprehensive Plan Maps](#)  
[Land Use and Tax Base Summary](#)  
[Land Use Comparison Table](#)  
[Proposed Rezoning Ordinance](#)  
[Exhibits A-B](#)  
[PowerPoint Presentation](#)