

REZONING STAFF REPORT**Date: April 2, 2009****APPLICANT NAME**

Stephen Quinnelly

LOCATION

South side of Bear Fork Road, 1/4 mile+ East of the South terminus of Siesta Drive

**CITY COUNCIL
DISTRICT**

Council District 1

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

R-A, Residential-Agricultural

AREA OF PROPERTY

9.57± acres

CONTEMPLATED USE

Rezoning from R-1, Single Family Residential District, to R-A, Residential-Agricultural districts, to allow agricultural use

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

**TIME SCHEDULE
FOR DEVELOPMENT**

Immediate

**ENGINEERING
COMMENTS**

No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. No work shall be allowed in wetlands without proper permitting from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

**URBAN FORESTRY
COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private

properties (State Act 61-929 and City Code Chapters 57 and 64). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

REMARKS

The applicant is requesting a rezoning from R-1, Single Family Residential District, to R-A, Residential-Agricultural districts, to allow agricultural use. Residential-Agricultural is the only district that allows agricultural use.

The applicant wishes to rezone the subject property in order to grow and sell watermelons. The applicant states that the property is 9.57 acres in size. More than half of the property is covered with wetland, which greatly limits the use of the property. The applicant states that the subject property would be ideal for his proposed use. He further argues that adjacent sites are zoned industrial and have the same wetland issue. There are no residences within ½ mile of the property.

This area is shown as residential on the General Land Use component of the Comprehensive Plan. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

It should be noted that the subject site was part of a previous Rezoning from R-1 to R-A, to allow a livestock farm, and Planning Approval application, to allow a shooting range; both were denied. Since then, the applicant has subdivided the property into several lots (SQ's Subdivision), Lot 3 of which is the subject property; the shooting range is no longer proposed, nor is the livestock farm. The property is indeed greatly affected by wetlands, thereby making development difficult. Furthermore, the property is just within the city limits, surrounded by mostly vacant land. With that said, it may be more beneficial to the applicant to rezone the entirety of the subdivision. Nevertheless, the Commission may have some justification in approving this application as proposed.

Residential-Agricultural Districts are composed of "mainly open subdivided lands that are vacant or in agricultural, forest, or single-family residential uses." The subject site consists of 9.57± acres of vacant land and abuts Eight Mile Creek. As already mentioned, the applicant proposes to grow watermelons on the property; however, the

proposed garden area is not illustrated on the site plan. There is a structure illustrated, but with no proposed use.

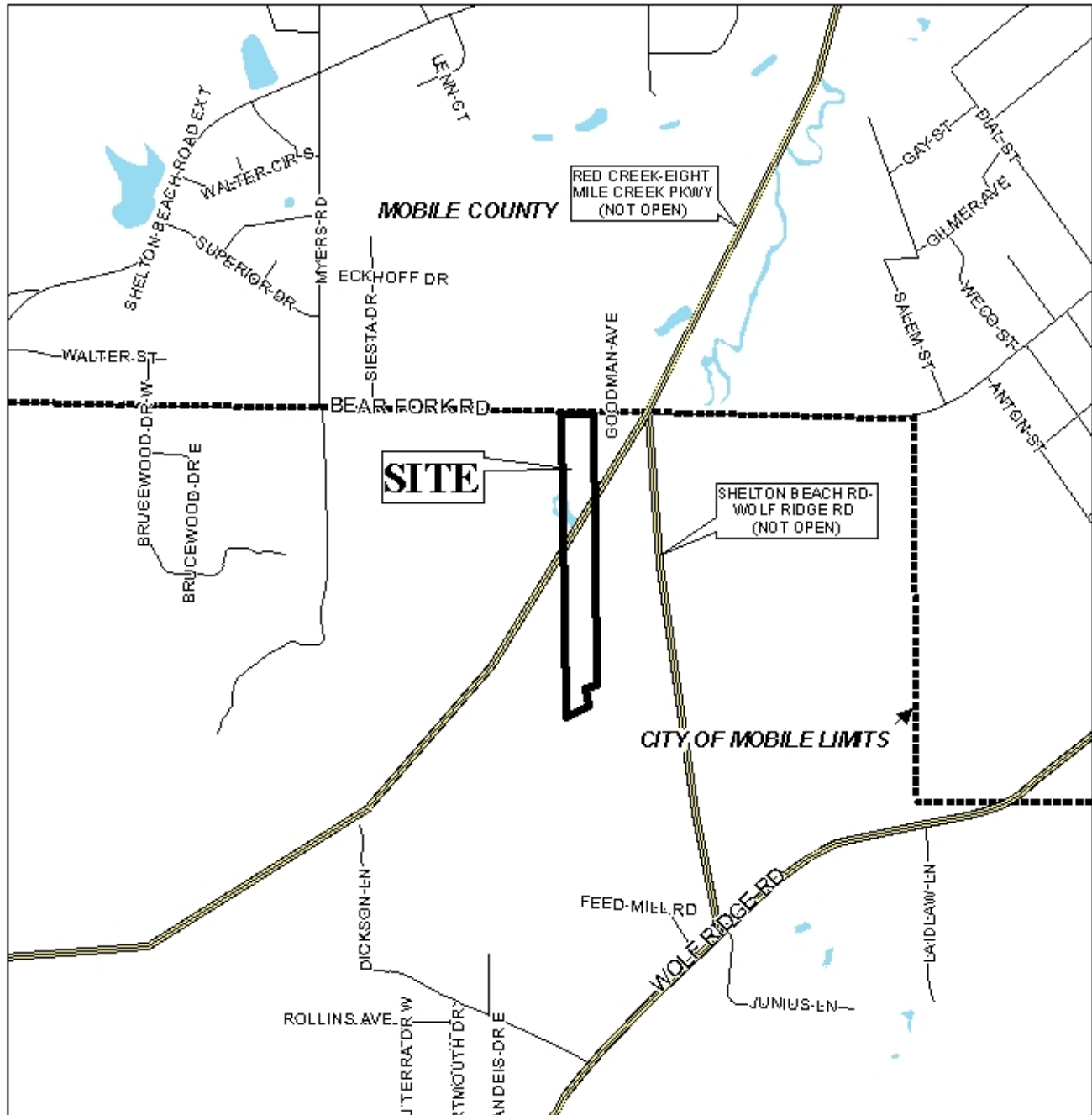
A portion of the site is within the proposed Red Creek – Eight Mile Parkway corridor, a major street on the major street plan; therefore, the provision of a setback would be needed to allow for the planned Major Street. Specifically, the Major Street Plan requires that the Parkway have a minimum 200' right-of-way; therefore, a minimum setback of 125' from the centerline of the proposed corridor should be required.

Only R-1 and R-2 Districts are exempt from complying with the landscaping and tree planting requirements of the Ordinance, thus full compliance would be required for the site; however, only the portion of the site which is developed would have to comply. Additionally, many of the existing trees, if preserved, could be claimed for credit, thus reducing the need for additional trees.

RECOMMENDATION Based on the preceding, the application is recommended for Approval subject to the following conditions:

- 1) Provision of a minimum setback of 125' from the centerline of the proposed Red Creek – Eight Mile Parkway corridor; and
- 2) Full compliance with all municipal codes and ordinances.

LOCATOR MAP



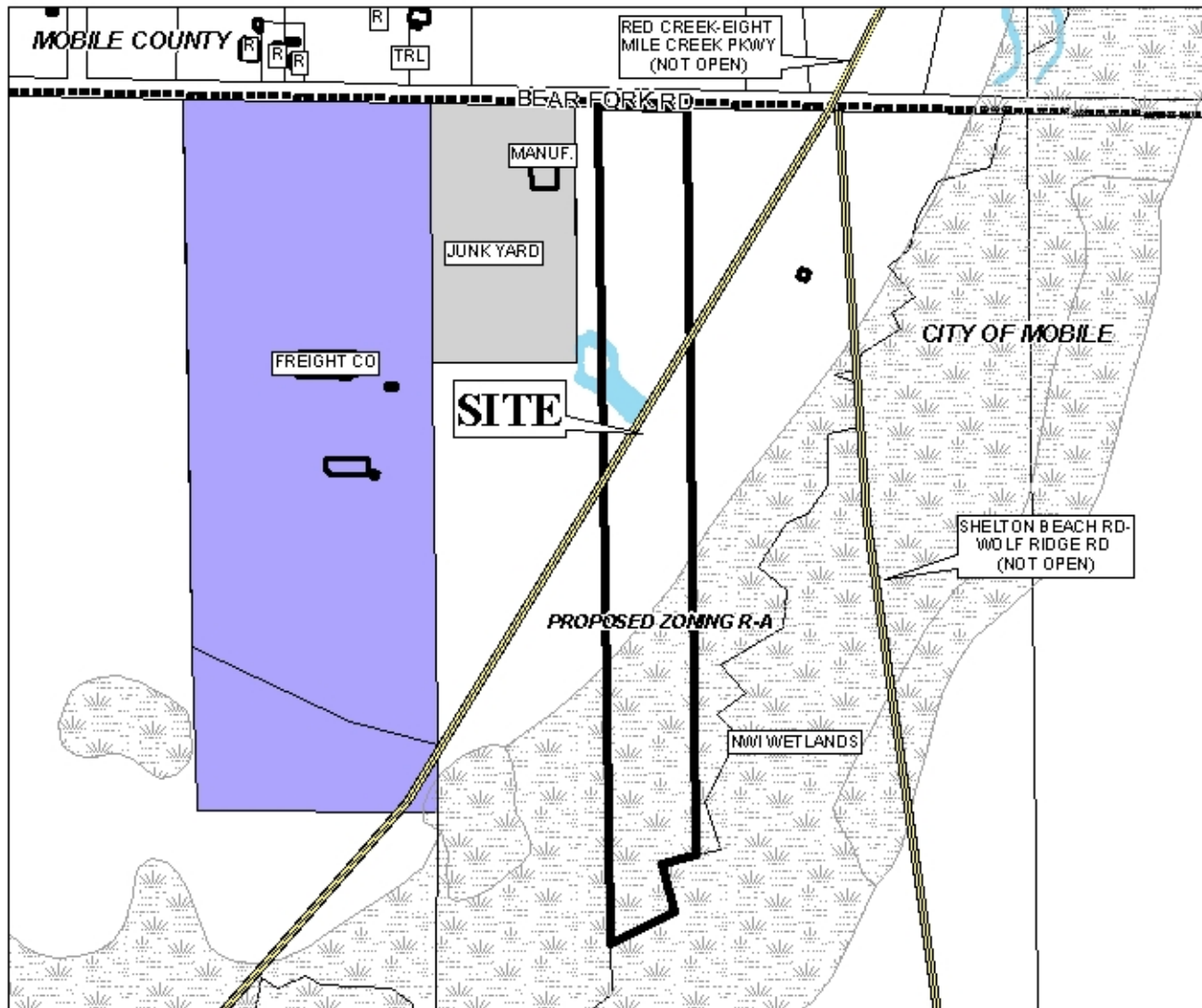
APPLICATION NUMBER 25 DATE April 2, 2009

APPLICANT Stephen Quinnelly

REQUEST Rezoning from R-1 to R-A



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use with industrial land use located to the west.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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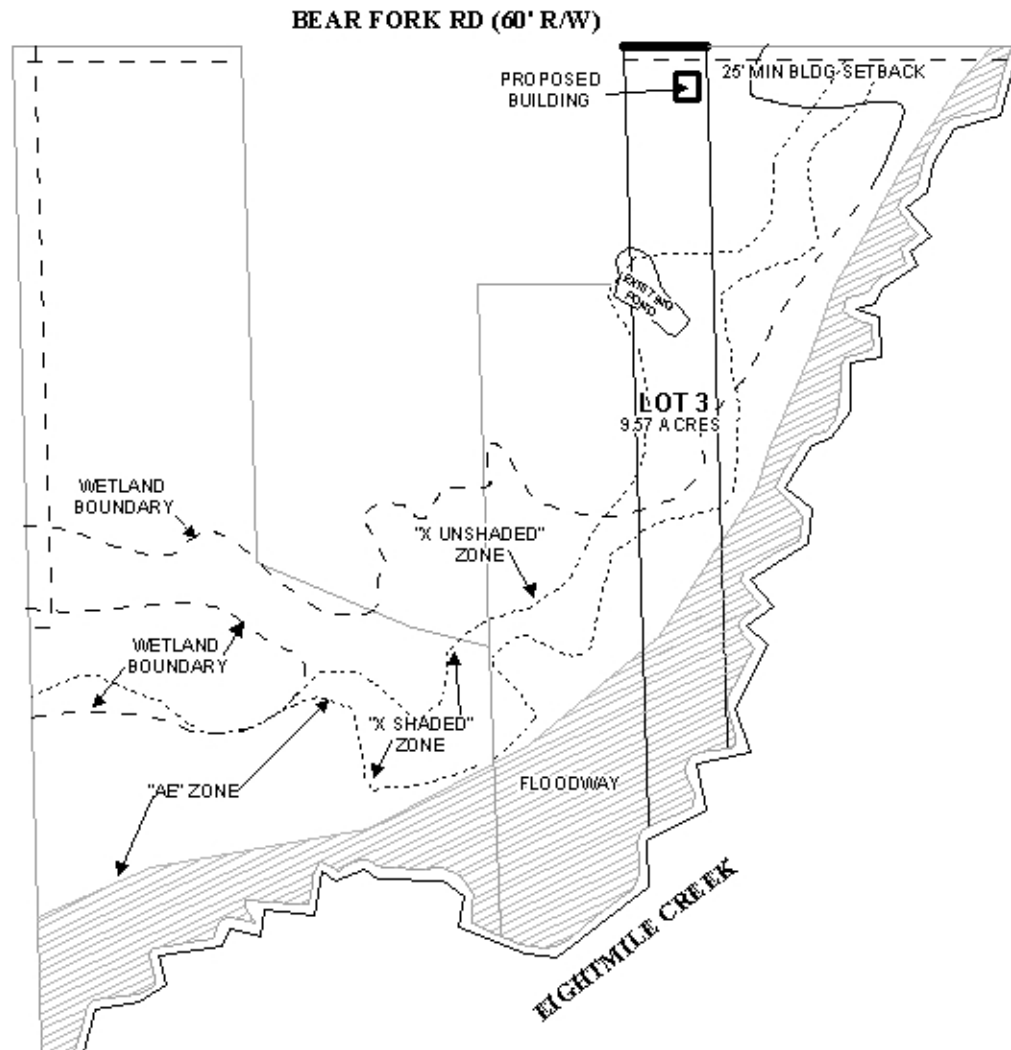
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SITE PLAN



This site plan illustrates the existing lot configuration.
Existing zoning in R-1 and proposed zoning R-A for lot three only.

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