

Legislation Text

File #: 6175, **Version:** 1

CC MEETING: June 6, 2023

DATE: May 22, 2023

TO: Erin Rinehart, City Manager

FROM: Loren Shapiro, AICP, Planning Manager
Marc Guy, Assistant City Manager

Hold A Public Hearing And Consider An Ordinance Amending The Zoning On An Approximately 3.8-Acre Tract Zoned To The (SF-12/20) Single-Family Residential District And Located At 2400 Briardale Drive And Approximately 480 Feet East Of Kelly Boulevard, To Amend And Reestablish Planned Development District No. 119 (PD-119) To Change The Base Zoning To The (SF-8.4/18) Single-Family Residential District And Modify Development Standards, And To Provide Conceptual Plans; Amending The Official Zoning Map Accordingly. Case No. PLZPD 2022-196 The Enclave.

BACKGROUND:

The applicant is requesting to amend, expand and reestablish PD-119 to change the zoning on an approximately 3.8-acre tract from the (SF-12/20) Single-Family Residential District to the (SF-8.4/18) Single-Family Residential District to be comparable with the zoning of the adjoining properties. The applicant proposes to subdivide and develop the property with six single-family detached homes on lots with a minimum area of 9,700 square feet and with homes containing a minimum of 3,000 square feet of living area and rear or side-entry garages with alley access.

PD-119 was originally adopted by the City Council in 1990 for an approximately 7.25-acre tract. It changed the base zoning from the (SF-12/20) Single-Family Residential District to the (SF-8.4/18) Single-Family Residential District. It required homes to have a minimum living area of 2,000 square feet (Parkside Estates subdivision - west of the property). The applicant's proposed development standards align with the adjacent Parkside Estates and Copperwood Addition Phase 2 subdivisions, which require minimum lot widths of 70 feet and lot depths of at least 110 feet. The City's Zoning Ordinance requires written notices be mailed to property owners within 200 feet of the land being considered for a change of zoning prior to the Planning and Zoning Commission and City Council public hearings. This provides property owners the opportunity to respond to proposed rezoning requests with their support or opposition. If written protest against the zoning change request is submitted by the owners of 20 percent or more of the land immediately adjoining and within 200 feet of the property being considered for a zoning change, a favorable vote by three-fourths of the City Council, a minimum of six members, is required to approve the zoning change.

On March 2, 2023, the Planning and Zoning Commission considered 'The Enclave' rezoning request and recommended approval by a 7-0 vote.

On April 4, 2023, City Council considered the rezoning request. The owners of 20 percent or more of the land

within 200 feet of the property being considered filed written opposition to the change, which invoked the three-fourths vote requirement. City Council voted to approve the zoning change request by a 5-2 vote. However, due to the written opposition from the property owners, the motion to approve did not receive the required 6 favorable votes by City Council, and the rezoning request was denied.

The Zoning Ordinance does not allow a new application to be submitted for rezoning a property that has been denied by City Council within one year of the Council's action, except:

- a. At the request of the City Council;
- b. Upon written request by the applicant the City Council may waive the 12 month waiting period and permit a new application to be filed. Such request for waiver may be set for a public hearing if required by a majority vote of the City Council, or;
- c. Where the property involved is temporarily classified to the (IH) Interim Holding District.

On April 18, 2023, the City Council voted unanimously to reconsider the zoning change request at its June 6, 2023, meeting.

Written notices were mailed to inform property owners within 200 feet of the property of the June 6 City Council public hearing.

STAFF RECOMMENDATION/ACTION DESIRED:

On March 2, 2023, the Planning and Zoning Commission recommended **APPROVAL** of the request with staff stipulations.

Written protests have been received against the rezoning request, signed by the owners of 20 percent or more of the area of land within 200 feet of the property being considered. As a result, the rezoning request can be approved only by a favorable vote of three-fourths of all members of the City Council (a minimum of 6 votes needed in support).

The attached ordinance reflects the action of the Commission.

Staff recommends approval and adoption of the ordinance.