

Legislation Details (With Text)

File #: 2018-1846 **Name:**

Type: Public Hearing - Sworn **Status:** Agenda Ready

File created: 2/9/2018 **In control:** City Council - Regular Session

On agenda: 5/17/2018 **Final action:**

Title: Public Hearing - Appl. #PL2017-234 - Rezoning from AG to RLL - 5261 NE Maybrook Rd.; Derek D. Collins, applicant.

Sponsors: Planning and Special Projects

Indexes:

Code sections:

Attachments: 1. PC Action Letter 3-13-18, 2. Jackson County Septic Letter (2).pdf, 3. PL2017-234 Staff Letter.pdf, 4. Site Plan, 5. Certificate of Survey, 6. Protest Petition - Maybrook, 7. Vollenweider Email to Council, 8. Applicants letter to Jackson County.pdf, 9. T. Vollenweider Protest Petition-5-3-2018.pdf, 10. Location Map, 11. Mullins Email to PC 5-8-18.pdf, 12. Mullins Email to City Council 4-12-18, 13. Septic Site Plan.pdf, 14. Septic Perc Tests.pdf, 15. Vollenweider Exhibits from 5-8-18 PC.pdf, 16. Updated Staff Letter, 17. PC Action Letter 5-8-18.pdf

Date	Ver.	Action By	Action	Result
5/8/2018	1	Planning Commission	recommended for approval	Pass
4/12/2018	1	City Council - Regular Session	remanded	
4/5/2018	1	City Council - Regular Session	received and filed	
3/13/2018	1	Planning Commission	recommended for approval	Fail
2/27/2018	1	Planning Commission	continued	Pass
2/13/2018	1	Planning Commission	continued	Pass

Public Hearing - Application #PL2017-234 - Rezoning from AG to RLL - 5261 NE Maybrook Rd.; Derek D. Collins, applicant.

Issue/Request:

This application is to request approval for rezoning of approximately 3.85 acres from AG (Agricultural) to RLL (Residential Large Lot) for the purposes of bringing the property into compliance with the zoning ordinance and for the construction of a single-family residence on the property. Under the Unified Development Ordinance (UDO), the minimum lot size for property zoned AG is 10 acres. Since the property is 3.85 acres, the applicant was advised to rezone to either RDR (Rural Density Residential) or RLL (Residential Large Lot), which have minimum lot sizes of 1 acre and 0.5 acres, respectively.

The former property owner obtained a special use permit in 2009, for the primary use of the property as a private baseball field for his family. A special use permit is not required for the continued use of the field by the current property owner once a house is constructed on the premises because the house would then become the primary use and the ballfield would serve as an accessory use per Section 8.050.O of the UDO (Recreational facility, non-commercial (outdoor), Residential Districts-Permitted accessory uses and structures). The use requirements for the baseball field as an accessory use are the same as those required under the existing special use permit.

A protest petition has been filed and is attached.

Josh Johnson, Assistant Director of Planning Services

Key Issues: The Council heard this rezone on April 5, 2018. A motion to advance an ordinance approving the rezoning to a second reading failed by a vote of 3 “ayes” and 4 “nays”, thereby denying the request. The applicants sent an email to the Council requesting reconsideration of the rezone. The Council, on April 12, 2018, granted reconsideration by a vote of 6 “ayes” and 0 “nays” and remanded the project back to the Commission. On May 8, 2018 the Commission recommended approval of the rezone to the Council.

Recommendation: Staff recommends APPROVAL of the rezoning from AG to RLL.

Committee Recommendation: On motion of Mr. Funk and seconded by Mr. Simms, the Planning Commission voted five “yes” (Mr. Norbury, Mr. Sims, Ms. Arth, Mr. Funk and Mr. Gustafson) and one “no” (Ms. Roberts) by voice vote to **RECOMMEND APPROVAL** of **Appl. #PL2017-234 - REZONING from AG to RLL - 5261 NE Maybrook Rd; Derek D. Collins, applicant**