

Legislation Text

File #: 2018-1846, **Version:** 1

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**