



## Legislation Text

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File #: 19-755, Version: 1

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**TO:** Mayor and Members of City Council

**THRU:** Kristoff Bauer, ICMA-CM - Deputy City Manager  
Gerald A. Newton, AICP - Development Services Director  
Taurus Freeman - Planning & Zoning Divisional Manager

**FROM:** Craig Harmon, AICP, CZO - Senior Planner

**DATE:** May 28, 2019

**RE:**  
**P19-13F.** Initial Zoning of property from the County's jurisdiction to City Single Family 10 (SF-10), located near the intersection of Burnside Place and Dunbane Court (Tax Map # 0531-50-7205), containing 5.13 +/- acres, and being the property of Kings Grant Homeowners Assoc. Inc. Related to AX-19-003.

**COUNCIL DISTRICT(S):**  
1 - Kathy Jensen

**Relationship To Strategic Plan:**

2024 Goals, Goal IV: Desirable Place to Live, Work and Recreate.

**Executive Summary:**

This property is used as a community park for Kings Grant. The owners, the Kings Grant Homeowner's Association, request to continue to use this property as a community park. The only change to this property would be its annexation into the City, as related to annexation AX19-003.

On April 9<sup>th</sup>, the Zoning Commission held a public hearing regarding this case. There were no speakers in favor or in opposition. The Commission voted 5-0 to recommend approval.

**Background:**

Applicant: Harold Bell - Kings Grant Homeowners Association  
Owner: Kings Grant Homeowners Association  
Requested Action: Initial zoning to SF-10  
Property Address: Near the intersection of Burnside Place and Dunbane Court  
Council District: 1  
Status of Property: Park  
Size: 5.13 +/- acres  
Adjoining Land Use & Zoning:  
North: Future I-295

South: PND - Single Family Residential  
West: SF-10 - Single Family Residential  
East: County - Single Family Residential  
Traffic Count: Russell Street - No current traffic data for Burnside Pl  
Letters Mailed: 41

2010 Land Use Plan: Low Density Residential

**Issues/Analysis:**

The subject property is located on Burnside Place, which is classified as a local street. This request is to annex and initially zone this property to Single-Family 10 (SF-10) zoning.

The parcels adjacent to this property have a mixture of zonings (Planned Neighborhood Development (PND), Single-Family 10 (SF-10) and single-family zoning as listed by Cumberland County. All the current land uses are single-family residential.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts, in accordance with Section 30-2.C. Standards and Requirements for Development Applications.

**Map Amendment/Straight Rezoning:**

The applicant is requesting to initially zone the subject property SF-10 Zoning for the purpose of annexing this property into the City. While this lot is currently used as a community park, under the proposed SF-10 zoning, as many as 24 single-family homes could be built.

The intent of the SF-10 District is to “accommodate principally single-family detached residential development at low densities, and to accommodate flexibly-designed residential development that provides variable housing types and arrangements that respond to environmental and site conditions.”

The reclassification of land to a straight zoning district allows all of the residential uses that are shown on the attached Use Table according to the Unified Development Ordinance (UDO). The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable.

Planning Staff recommends APPROVAL of the initial zoning to SF-10 based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance and the 2010 Land Use Plan.
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- This proposed change is in accordance with the existing and proposed plans for the area; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

**Budget Impact:**

There is not an immediate budgetary or economic impact this initial zoning.

**Options:**

1. Approval of the SF-10 zoning as presented by the Planning Staff (recommended).
2. Approval of a more restrictive zoning district.
3. Deny the request.

**Recommended Action:**

The Zoning Commission and City Staff recommend APPROVAL of the initial zoning to SF-10, as presented by the Staff and based on the information provided above and all attachments.

The Amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance and the 2010 Land Use Plan all support single family residential uses in this area; 2) that the uses near this property are all single family residential uses which are compatible with the proposed zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of most of the development in this area. This proposed amendment is consistent with the 2010 Land Use Plan because the subject property is shown as a low density residential use classification and the proposed zoning and use is consistent with that classification.

**Attachments:**

1. Map Amendment Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Properties
7. Use Table