



STAFF REPORT

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Rezoning for JRC Development C-R (RZ1402)

Type of Request: Rezoning

Meeting Dates

Planning Board on January 21, 2014

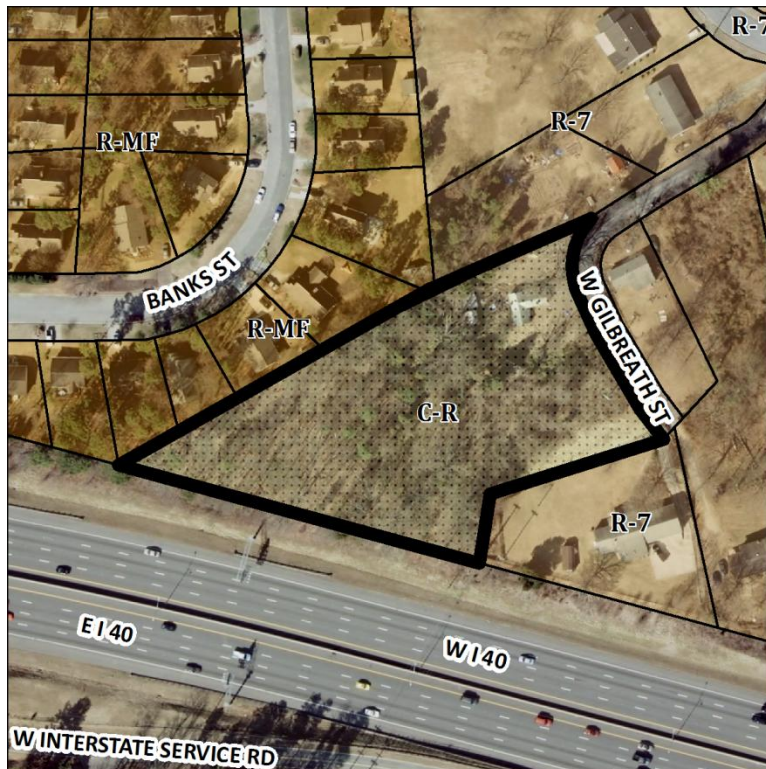
City Council on February 4, 2014

Contact Information

Not applicable

Summary

Because it has been more than three years since the subject property had conditional zoning approved and no progress has been made on the project, staff proposes that the subject property be rezoned from C-R back to R-7.



Location

613 W Gilbreath St

GPIN: 8874820026

Current Zoning

Conditional Residential (C-R)

Proposed Zoning

Residential (high density) (R-7)

Surrounding Zoning

R-7 & R-MF

Surrounding Land Uses

Single Family Dwellings

Size

2.08 acres

Section 10.85.F of the *Development Ordinance* states that “approval of a conditional zoning district... is intended that property shall be reclassified... only in the event of firm plans to develop the property. Therefore, no sooner than three years after the date of approval of the petition, the Planning Board may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the City Council a report, which may recommend that the property be reclassified to another district.”

The C-R conditional zoning district was approved for this property on December 5, 2006. The approval included a site plan and the following three additional conditions:

- The existing gravel road tying into this proposed C-R lot will be paved and widened to 20 feet by the developer. Additional right-of-way of this gravel road will be acquired by the developer if necessary and then be dedicated to the City of Graham.
- The minimum square footage of the future houses shall be 1100 square feet.
- The developer must ask the property owner at 736 Banks St if he or she desires the extension of the proposed 8-foot treated wood fence along the entire rear lot line of this property all the way to I-85/40. The developer shall provide the 8-foot wide treated fence if requested by the property owner at 736 Banks St, and the City of Graham shall be informed.

Construction drawings were submitted and reviewed by the Technical Review Committee on February 7, 2007 and were never approved. The Engineering Review Fee of \$600 (\$100 per lot) was never paid. Staff is not aware of any further activity related to this project.

Based on these facts, staff feels that progress has not been made in accordance with the approved petition and conditions.

NOTE: The Permit Extension Act “stopped the clock” for development approvals from January 1, 2008 to December 31, 2011, effectively adding four years to development approvals. Three years from approval of the conditional rezoning would have been December 5, 2009, but with the Permit Extension Act, it became December 5, 2013.

Conformity to the *Growth Management Plan (GMP)* and Other Adopted Plans

Applicable Goals to Guide Us into the Future

- 6.1.3. Promote the incorporation of street trees along new roads and the extension or widening of roads. *Rezoning the property back to R-7 would ensure that any future subdivision of the property would comply with the new street standards that were adopted in 2013, which promote street trees.*

Applicable Planning District Policies and Recommendations

- 7.3.4.1.1. Encourage infill development within the district, as well as redevelopment efforts of deteriorating structures. *Rezoning the property back to R-7 would still allow the property to be subdivided provided that all requirements for the R-7 zoning district and subdivisions could be met.*
- 7.3.4.1.4. Improve enforcement of existing zoning ordinance to improve community appearance. *Rezoning an approved conditional rezoning after three years of no progress allows any new/changed standards to be applied to future development of the property. Rezoning the property back to R-7 would ensure that any future development of the property comply with new or changed regulations that were adopted since December 2006.*

Planning District

North

Development Type

Neighborhood Residential

Located near a major thoroughfare

For single family residential and townhouses

Characteristics include open space; parks included within development; pedestrian-oriented; automobile-oriented; sidewalks; street trees; landscaping

Density of 3-5+ DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities