



## Planning and Zoning Commission Planning Department Staff Report

**Report Date:** 4/2/2021  
**Case No:** 2021-2-REZ  
**Project Planner:** Michael Patroski, Planner

### Item Details

**Project Name:** Rivery Crossing  
**Project Location:** 206 E Janis Dr, within City Council district No. 2.  
**Total Acreage:** 0.141  
**Legal Description:** 0.414 acre (6,160 sq.ft.) out of the Nicholas Porter Survey, Abstract No. 497.  
**Applicant:** Haynie Consulting Inc., c/o Tim Haynie  
**Property Owner:** Haynie Consulting Inc., c/o Tim Haynie  
**Request:** Zoning Map Amendment to rezone the subject property from **Townhouse (TH)** to **Residential Single-Family (RS)**.  
**Case History:** This is the first public hearing of this request.



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### Overview of Applicant's Request

The applicant is requesting to rezone the Townhouse (TH) zoned property to Residential Single-Family (RS). According to the applicant's letter of intent, the subject property is proposed to be rezoned to accommodate one (1) residential dwelling unit.

### Site Information

#### Location:

The subject property is located at 206 E Janis Drive and is 0.141-acres in size. The subject property is the western section of an overall 3.07-acre tract of land that has frontage to both E Janis Drive and Rivery Blvd.

#### Physical and Natural Features:

The subject property is predominantly flat with moderate tree coverage.

#### Future Land Use and Zoning Designations:

The subject property is part of the Williams Drive Gateway Plan and it is designated Special Area (SA) with the specific future land use designation of High Density Mixed Housing. The subject property is currently zoned Townhouse (TH).

#### Surrounding Properties:

The subject property is directly adjacent to single family homes to the east and west. There is also a single-family home across E Janis Drive to the North. To the south (southeast) is the remaining portion of the 3.07-acre property that is currently vacant and is also zoned Townhouse (TH).

This area includes a corridor mix of mixed use commercial and residential (single-family residential, attached single-family residential, duplex, and multi-family) along and surrounding Williams Drive and Rivery Blvd, some of which were developed in the 1970s, 80s and 90s. Trends continue to include commercial and mixed density residential in the immediate and surrounding areas.

The current zoning, Future Land Use designation, and existing uses of the adjacent properties to the north, south, east and west are outlined in the table below:

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DIRECTION	ZONING DISTRICT	FUTURE LAND USE	EXISTING USE
North	High Density Multi-Family (MF-2)	Special Area (SA) Williams Drive Gateway Plan, Medium Density Mixed Housing (MDMH)	Single Family Neighborhood
East	Townhouse (TH)	Special Area (SA) Williams Drive Gateway Plan, High Density Mixed Housing (HDMH)	Vacant
South	Residential Single-Family (RS)	Special Area (SA) Williams Drive Gateway Plan, Medium Density Mixed Housing (MDMH)	Single Family Home
West	Residential Single-Family (RS)	Special Area (SA) Williams Drive Gateway Plan, Medium Density Mixed Housing (MDMH)	Single Family Home



### Property History:

The subject property was annexed into the city limits in 1964 (Ord 64-A1), at which time it was designated a residential zoning district.

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In July 2017, the subject property was included in the Williams Drive Study, specifically within the Centers Area boundary. The purpose of this Study was to develop a plan of action that incorporates safety, efficient transportation operations, safe accommodations of all modes, and integration of smart transportation and land use, community needs and the future economic growth of Williams Dr. The focus of the Centers Area included developing a plan for a vibrant mixed-use center and gateway along Williams Drive.

In February 2019, this property was rezoned to the Townhome (TH) district. As the property was being designed to accommodate the TH development, it was determined that this portion may be better suited for a Single Family Residential due to the site configuration and odd shape. The tracts odd shape also is partially due to the reason why another small portion was rezoned to General Commercial (C-3). (2020-18-REZ).

In March 2020, recommendations from the Williams Drive Study were adopted into the Williams Drive Gateway Plan, a small area plan established by the 2030 Plan Update.

The subject property currently has an on-going Preliminary Plat, that is awaiting the rezoning decision. (2020-23-PP)

### Comprehensive Plan Guidance

#### Future Land Use Map:

Special Areas are planned areas that integrate a variety of complementary uses, with an emphasis on retail, offices, and entertainment activities. These centers are unique destinations with emphasis on building design, landscaping and the inclusion of public plazas, green spaces and areas for the public to gather. Special Areas are designed in a pattern of pedestrian-oriented, storefront-style shopping streets, with shared parking and strong pedestrian linkages to the surrounding areas.

#### Special Area (SA)

DUA: 14 or more

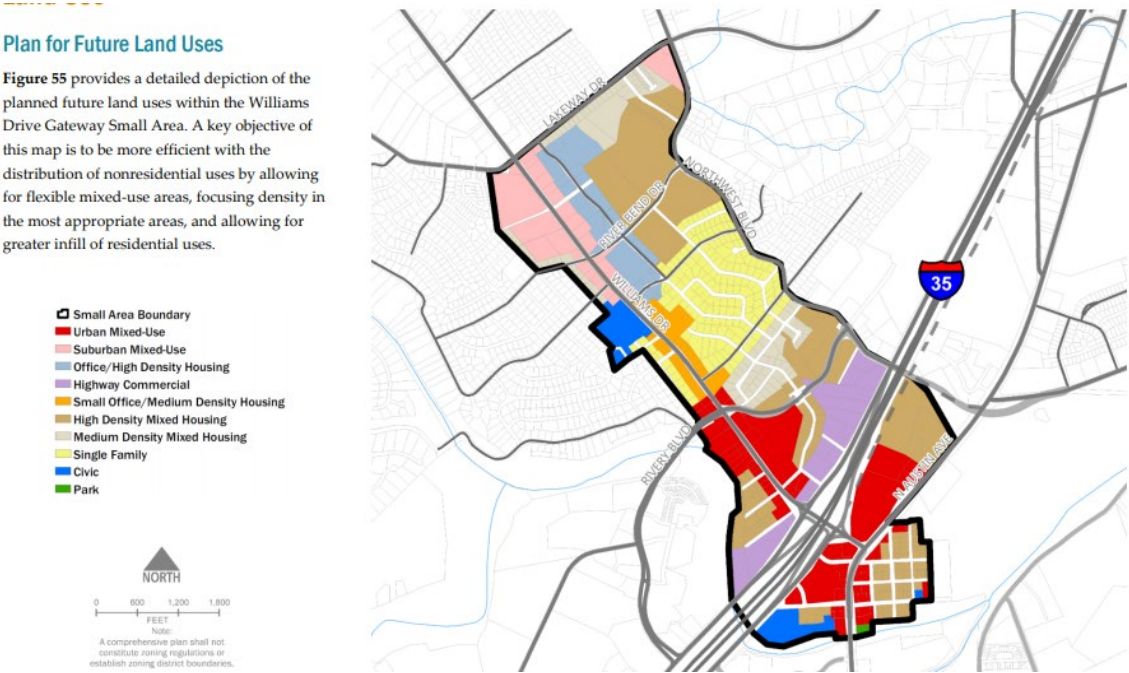
Target Ratio: Development Specific

Primary Use: Mixed-use (high-density residential and retail)

Secondary Uses: Medium-density residential, office, commercial, recreational, and civic uses.



Other Master Plans: Williams Gateway Plan



As part of the Special Area Future Land Use district, the subject project has the specific future zoning designation of High-Density Mixed Housing.

This property is also located within the Williams Drive Gateway Plan. The vision of the plan is a vibrant mixed-use center and gateway and establishes policies for future development of the area. This plan designates future land uses, desired street networks, and public and private improvements. This plan provides City-adopted policy direction to guide decision-making and prioritization of development opportunities, transportation improvements, and partnerships.

Within this Plan, the subject property is designated as High Density Mixed-Housing. The High Density Mixed Housing designation encourages a variety of higher-intensity residential housing in a walkable environment. The designation provides no fewer than 16 dwelling units per acre. Acceptable uses include townhomes, apartments, and assisted living facilities. Careful transitions between existing similar single-family residences and higher density residential uses are accommodated.

**DUA:** 16 or more

**Target Ratio:** 80% residential, 20% non-residential

**Primary Use:** Medium density residential

**Secondary Uses:** Secondary Uses: High density residential, neighborhood-serving retail, office, institutional, and civic uses

### High Density Mixed Housing

The High Density Mixed Housing designation encourages a variety of higher-intensity residential housing in a walkable environment. The designation provides no fewer than 16 dwelling units per acre. Acceptable uses include townhomes, apartments, and assisted living facilities. Careful transitions between existing similar single-family residences and higher density residential uses are accommodated.



DUA: 16 or more

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Primary Use: Medium density residential

Secondary Uses: High density residential, neighborhood-serving retail, office, institutional, and civic uses

### Utilities

The subject property is located within the City's service area for water, wastewater, and electric. It is anticipated that there is adequate capacity to serve the subject property at this time. A Utility Evaluation may be required at time of Subdivision Plat to determine capacity and any necessary utility improvements.

### Transportation

The subject property has 48.54' of frontage along E Janis Drive, a Residential Local Street. These streets are intended to provide access to adjoining properties by collecting the traffic from surrounding areas and distributing it to adjoining collectors or arterial streets. Local streets can access both collector level streets and arterial level streets.

A Traffic Impact Analysis (TIA) will be required at time of Site Development Plan for any development that generates more than two thousand (2,000) average daily trips based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

### Proposed Zoning district

The Residential Single-Family (RS) zoning district allows for medium density and its minimum lot size is 5,500 square feet. The RS district contains standards for development that maintain single-family neighborhood characteristics. The RS district may be located within proximity of neighborhood-friendly commercial and public services and protected from incompatible uses. All housing types in the RS district shall use the lot, dimensional and design standards of the district.

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Permitted land uses within the district include detached single-family homes and group homes with 6 or less residents. Attached single-family homes, churches, family home day care, and schools among other uses are permitted subject to specific design limitations to ensure compatibility with the surrounding properties. Other uses such as accessory dwelling units, bed and breakfast, group day care, general office and other similar uses may be permitted subject to approval of a Special Use Permit (SUP). Exhibit 4 contains a comprehensive list of RS district permitted uses and development standards.

### Intergovernmental and Interdepartmental Review

The proposed rezoning request was reviewed by all applicable City Departments to determine the appropriateness of the requested zoning on the subject property. No comments were issued regarding the zoning request.

### Approval Criteria

Staff has reviewed the proposed rezoning request and has found that it complies with 4 and partially complies with 1 of the 5 criteria established in UDC Section 3.06.030 for a Zoning Map Amendment, as outlined below:

ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA	
<b>1. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.</b>	<b>Complies</b>
An application must provide the necessary information to review and make a knowledgeable decision in order for staff to schedule an application for consideration by the Planning and Zoning Commission and City Council. This application was reviewed by staff and deemed to be complete.	
<b>2. The zoning change is consistent with the Comprehensive Plan.</b>	<b>Partially Complies</b>
<p>The subject property has the Future Land Use designation of Special Area, being that the subject property is within the Williams Drive Gateway Plan. As part of the Williams Drive Gateway Plan, the subject property has the specific designation of High-Density Mixed Housing (HDMH). This specific designation is intended to provide no fewer than 16 dwelling units per acre and describes the primary use as Medium Density residential, examples may include apartments, townhomes, and assisted living facilities. In this regard the proposed zoning district is not appropriate.</p> <p>However, the subject property is part of a 3.07-acre property that extends eastward to connect to Rivery Boulevard. The subject property may be considered the 0.14-acre panhandle of the larger tract that connects the property to E Janis Drive. This panhandle area is just under 50' wide and is adjacent to the east and west by properties located with the specific future land use of Medium Density Mixed Housing (MDMH). Medium Density Mixed Housing permits the use of single family detached homes. At the time the High-Density Mixed Housing Future Land Use was designated to the subject property, it was done following the property lines of the parent tract as Future Land Use designations typically describe the development character envisioned for an area. Therefore, the requested Residential Single-Family (RS) zoning district for this small portion of the 3.07-acre tract may be considered appropriate when considering the adjacent future land use designations, and the fact that the High Density Mixed Housing included this small portion as it is</p>	

ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA	
<p>currently part of the 3.07-acre tract that fronts Rivery Blvd and where higher density is more appropriate.</p> <p>Furthermore, the remaining larger tract will have access to Ryan Drive and Rivery Boulevard. This will ensure the remaining property will have adequate connectivity to surrounding roadway and the proposed zoning change will not hinder development of the remaining land. Additionally, with the request to rezone from one residential zoning district to another, it will not impact the target ratio for the Future Land Use designation.</p>	
<b>3. The zoning change promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City.</b>	<b>Complies</b>
<p>The proposed zoning district will not negatively affect the health, safety or general welfare of the City. The Applicant's letter of intent states that they intend to develop one (1) single family detached residential structure as indicated in the submitted Preliminary Plat, posing minimal impact to the surrounding neighborhood that consists of a mix of detached and attached single-family uses, as well as higher density multi-family uses further to the northeast.</p> <p>Additionally, there is an existing 8" water line running along adjacent E Janis Drive and an existing 8" wastewater line along Ryan Drive, estimated 112' from the subject property.</p>	
<b>4. The zoning change is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.</b>	<b>Complies</b>
<p>The subject property is located along E Janis Drive, a local roadway, with residential detached and attached single-family homes to the east and west. While the adjacent property to the east is zoned High-Density Multi-Family (MF-2), the entire street (Westwood Lane and Ryan Lane) has developed entirely with single-family homes. Thus, displaying the proposed zoning will be compatible with the present land uses and character of the neighborhood.</p>	
<b>5. The property to be rezoned is suitable for uses permitted by the District that would be applied by the proposed amendment.</b>	<b>Complies</b>
<p>The proposed zoning district Residential Single-Family (RS) has a minimum lot size of 5, 500 square feet. The subject property is 6, 160 square feet. Therefore the subject property to be rezoned is suitable for the uses permitted within the Residential Single-Family (RS) zoning district and is of adequate size to permit compliance with all RS standards including but not limited to setbacks, bufferyards, building height and impervious cover.</p>	

Based on the criteria listed above, staff finds that the proposed request meets 4 and partially meets 1 of the 5 criteria outlined in UDC Section 3.06.030 for a zoning map amendment (rezoning). While the subject property has the Future Land Use designation of High Density Mixed Housing (HDMH), given the properties unique size, shape and location, the proposed zoning district appears to be an appropriate designation for the subject property.

### Meetings Schedule

April 6, 2021 – Planning and Zoning Commission  
April 27, 2021 – City Council First Reading of the Ordinance  
May 11, 2021 – City Council Second Reading of the Ordinance



## **Planning Department Staff Report**

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### **Public Notification**

As required by the Unified Development Code, all property owners and registered neighborhood associations within a 300-foot radius of the subject property were notified of the Zoning Map Amendment request (28 notices), a legal notice advertising the public hearing was placed in the Sun Newspaper (March 21, 2021) and signs were posted on-site. To date, staff has received 0 written comments in favor, and 0 in opposition to the request.

### **Attachments**

Exhibit 1 – Location Map

Exhibit 2 – Future Land Use Map

Exhibit 3 – Zoning Map

Exhibit 4 – Design and development standards of the Residential Single-Family (RS)

Exhibit 5 – Letter of Intent