

TO: Planning Commission  
FROM: Peter Gansen, Planning & Zoning Administrator  
RE: Staff Report for Application Z-25-01 Lovejoy  
DATE: January 14, 2025 Regular Meeting

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Application: Z-25-01  
Applicant: Sarah Lovejoy  
Property Address: 7036 NICKLE RD  
Legal Description: Metes & Bounds  
Parcel ID: 10181327  
Zoned: Urban Reserve

- Applicant has filed the appropriate application for a Rezoning request.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350' were mailed a notice of hearing.

Request:

- Petition to rezone from Urban Reserve to Wooded Residential.

#### Summary of the property

The subject property is located on the west side of the City at 7036 NICKEL RD.

Based on the application the project is proposing the rezone that would allow a smaller lot size, 5 acres, in order to split the property and develop the properties independently.

This is not a spot zone. The property is still within a residential use allowed zoning district and there are other properties in the vicinity that are zoned Wooded residential.

Referring to the land use matrix chart in your packets, this rezone would actually place the property in a more restrictive zoning category regarding most land uses.

No animals, no accessory structure without a house etc.,

However, it does allow for a smaller lot size, 5 acres. The property currently is restricted to 10 acres minimum lot size.

According to the legal description the property is approximately more or less about ten acres.

However, the property appears to be described by metes and bounds meaning the property boundaries have never been surveyed so the exact area is unknown until its surveyed.

It was the applicants request to apply for the rezoning without a certificate survey the thought being if the request is denied they are not out having spent resources on a survey.

The one problem with this is if they are approved and it turns out to be less than 10 acres the lot could not be split because it would not meet the minimum 5 acre tract size.

Staff sees no problem with the rezone relating to land use, as the property is actually going into a more restrictive category and could possibly achieve what the applicant desires.

However staff strongly recommends a condition of this approval to require a certificate of survey prior to applying to City Council for the rezone.

This way it will guarantee the question of lot size is answered before City Council hears the matter.

So the City is not put in a position where we approve something then find out later it doesn't work.

As Zoning Administrator the City's Ordinance allows me the authority to require a survey. However it seemed reasonable at the time to allow this request to appear before the Planning Commission as this is the first stop for a rezone, and if the Commission is supportive or not to a rezoning matter the project would end here.

So now it is up to the Commission to review the request and make a recommendation for the rezone or deny the request.

This decision needs to be based on the reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use.

Does the request align with the City's vision reducing lot sizes for more houses. Or requiring large lot sizes to preserve larger rural open spaces.