

Staff Report

Subject: Rezoning (Fourth District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: June 6, 2023
Item Description: **Gary Neidlinger** requests to **rezone** 8.8 acres from **AR-1** to **AR-2**, to allow for a 3-lot subdivision. Located on Charles Lane. **[Map# 469 Parcel# 15]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 8.8 acres from **AR-1** to **AR-2**, to allow for a 3-lot subdivision, with conditions.

Executive Summary/Background

- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.
- The applicant wishes to subdivide the parcel to create 3 home sites for recreational use.
- A similar rezoning was approved in 1997 on adjacent parcels for the creation of an additional “recreation camp” lot.
- The vast majority of this property is within the NWI and/or flood plain. The acreage of useable land must be determined by a certified wetlands specialist.
- At the May 9, 2023 Planning Board meeting, Brad Smith made a motion for approval, with the following conditions:
 1. The lots shall meet the requirements of the AR-2 zoning district.
 2. All wetland impacts must be approved and permitted by USACE.
 3. The rezoning will not take effect prior to the approval of a variance to allow additional lots to access Charles Lane.
 4. A wetlands delineation must be submitted prior to the approval of any permitting of structures.
 5. A combination plat must be approved by Development Services, and be recorded, before the rezoning can take effect.
- The motion was seconded by Alan Zipperer, and carried unanimously.

Alternatives

1. **Approve** the request to **rezone** 8.8 acres from **AR-1** to **AR-2** with the following conditions:
 1. The lots shall meet the requirements of the AR-2 zoning district.
 2. All wetland impacts must be approved and permitted by USACE.
 3. The rezoning will not take effect prior to the approval of a variance to allow additional lots to access Charles Lane.
 4. A wetlands delineation must be submitted prior to the approval of any permitting of structures.
 5. A combination plat must be approved by Development Services, and be recorded, before the rezoning can take effect.

2. **Deny** the request to **rezone** 8.8 acres from **AR-1** to **AR-2**

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Rezoning application and checklist 3. Plat 5. Deed
1. Ownership certificate/authorization 4. Aerial photograph