

Staff Report

Subject: Rezoning (First District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: November 1, 2022
Item Description: **Wendall A. Kessler** as Agent for **Amby Development** requests to **rezone** 23.3 acres from **PD** to **AR-1** to allow for a home site. Located off Old River Road. **Map# 329 Parcel# 26**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 23.3 acres from **PD** to **AR-1** to allow for a home site, 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.
- The 23.3-acre parcel was rezoned to PD on January 21, 2003, as part of an 86.65-acre rezoning which created Stonegate Subdivision.
- The applicant wishes to rezone the 23.3 acres, known as Lake Jean in supporting documentation, to AR-1 in order to remove the lot from the Stonegate PD and establish a private residence.
- Page 10, sec. 2.42 of the original 2005 covenants states that “*(The) Developer specifically reserves the right to split, subdivide, reconfigure, or recombine its Lots*”. The applicant is the Developer named in the document and has retained ownership of the Lake Jean parcel.
- An amendment to the covenants was recorded in 2011, revoking the HOA lease and rights to “The Lake” which is described in a manner that indicates Lake Jean.
- The applicant requested AR-1 zoning specifically. As the parcel meets the requirements of the AR-1 zoning district, and AR-1 zoning is compatible with surrounding properties, Staff is recommending approval. It should be noted that, given the unique shape of the parcel, the amount of lake coverage, presence of wetlands, and unknown location of future building, it is not guaranteed that the applicant will be able to meet required building setbacks.
- At the October 17, 2022 Planning Board meeting, Ryan Thompson made a motion to **approve** the request to **rezone** 23.3 acres from **PD** to **AR-1** to allow for a home site, with the following conditions:
 1. The lot shall meet the requirements of the AR-1 zoning district.
 2. The applicant must provide a legal easement to the Stonegate HOA to allow access to Lake Jean as part of Stonegate’s drainage system.
- The motion was seconded by Alan Zipperer and carried unanimously.

Alternatives

1. **Approve** the request to **rezone** 23.3 acres from **PD** to **AR-1**, with the following conditions:
 1. The lot shall meet the requirements of the AR-1 zoning district.
 2. The applicant must provide a legal easement to the Stonegate HOA to allow access to Lake Jean as part of Stonegate’s drainage system.
2. **Deny** the request to **rezone** 23.3 acres from **PD** to **AR-1**.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

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