

# 13<sup>th</sup> Street Apartments Rezone ZON2021-0016

**City Council**

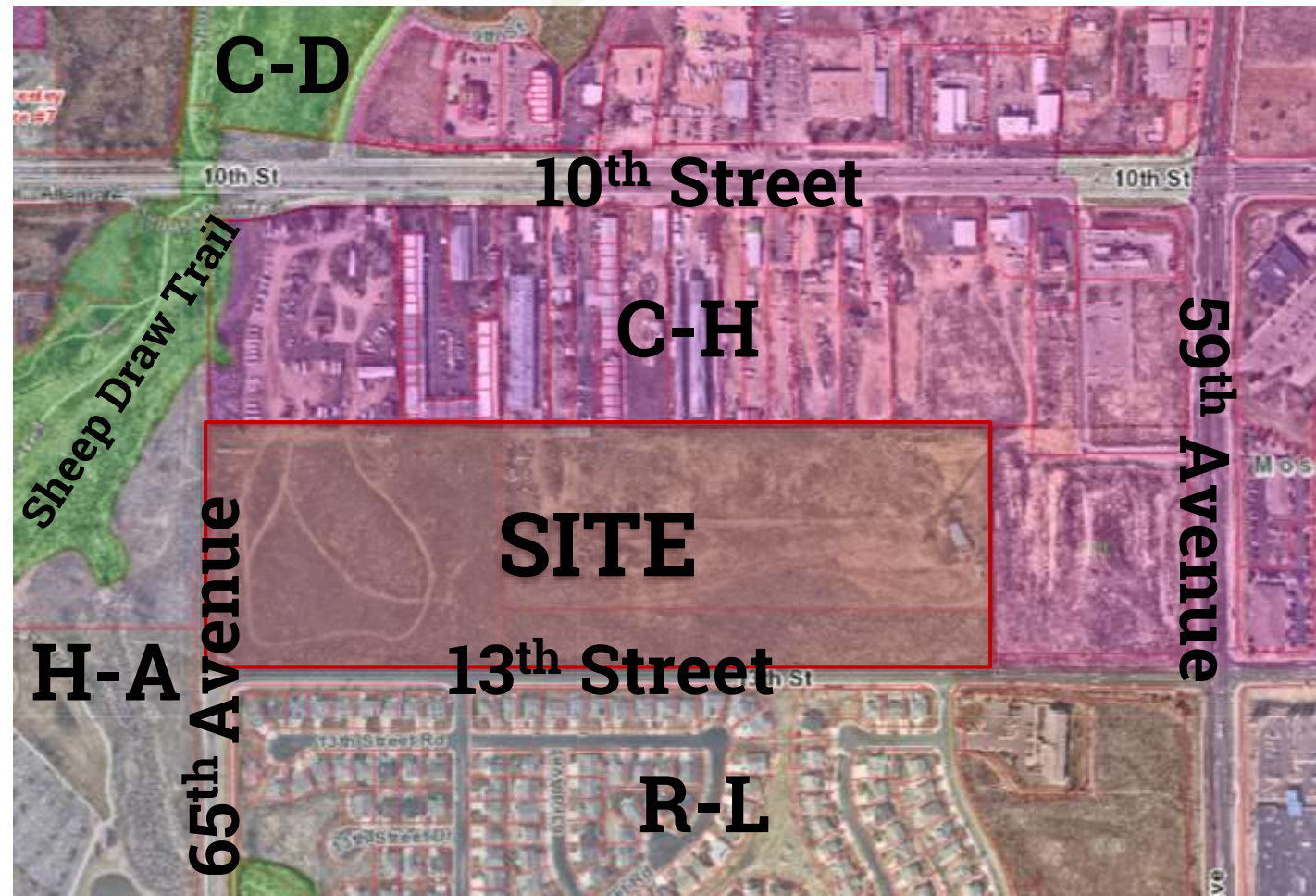
**January 17, 2023**

**Meg Oren, Planner II**



# Location

- North of and adjacent to 13<sup>th</sup> Street, west of 59<sup>th</sup> Avenue, and south of the commercial properties along 10<sup>th</sup> Street
- **Surrounding Zoning and Land uses:**
  - North: C-H – existing commercial uses.
  - East: C-H – undeveloped, future commercial uses.
  - South: R-L – residential development.
  - West: H-A – open space (City owned).



# Site Background & Request

- **Background:**
  - In 2006, the property was annexed and zoned Holding-Agriculture (H-A).
  - In 2013, the site had a proposed Use by Special Review (USR 2:13) for oil and gas wells. It was approved by the Planning Commission. The approved project was never implemented, and the subject site remains vacant to today.
- **Request:**
  - Rezone 31.19 acres from Holding-Agriculture (H-A) to Residential-High Density (R-H).
  - Applicant is looking to incorporate residential density in the area to support existing and future commercial properties located adjacent to the property to the north and to the east.

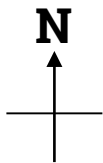




# Site Analysis Map

## Existing Conditions:

- Predominately undeveloped
- Topography is higher on the eastern end and falls towards the Sheep Draw to the west



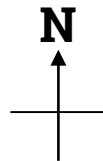
# Zone District Land Use Comparison

- **Holding – Agriculture  
Zone District (H-A):**

- Farming

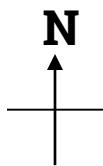
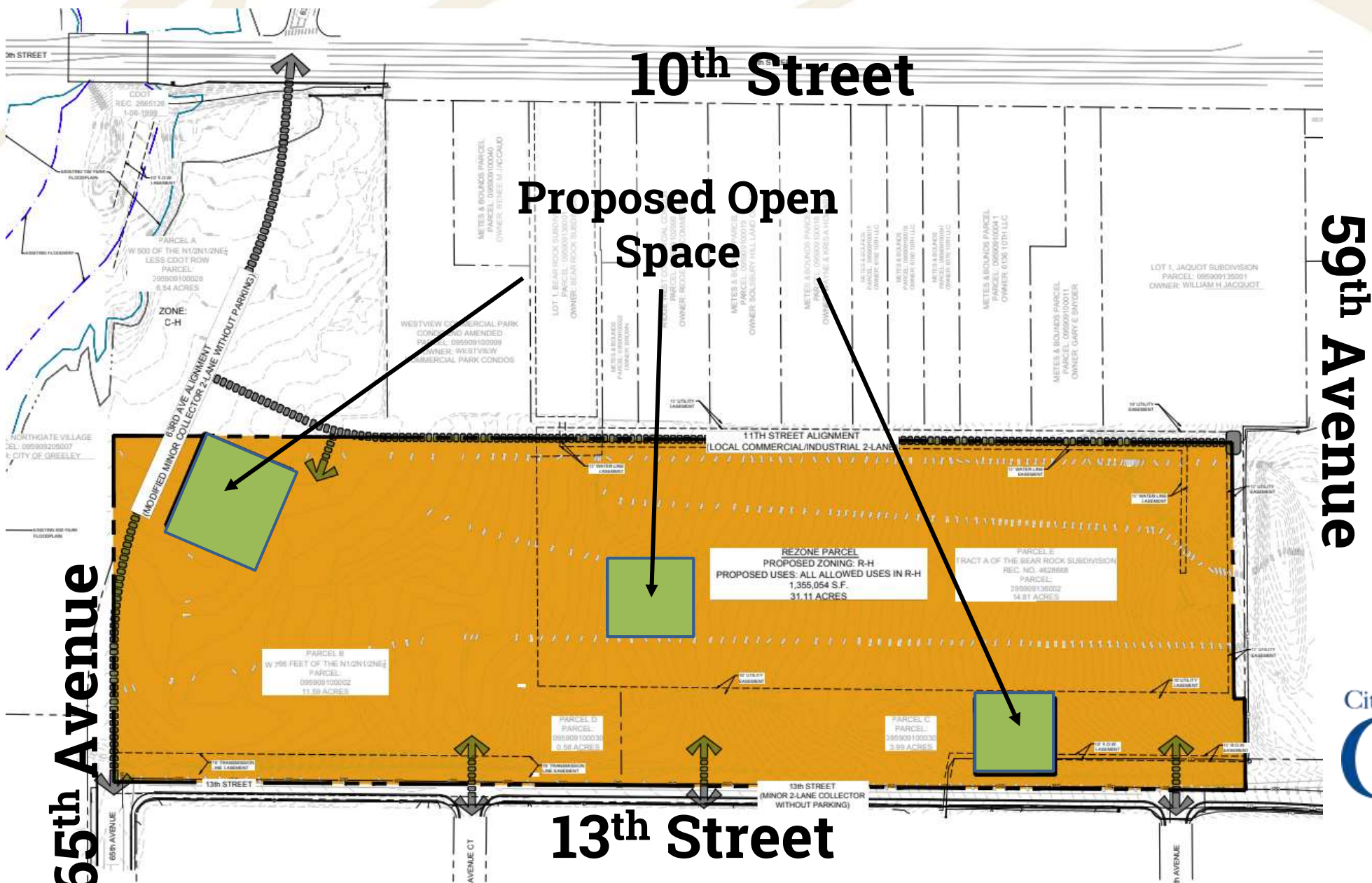
- **Residential – High  
Density Zone District  
(R-H):**

- Single-family
- Two-family
- Row House
- Multi-family





# Zoning Suitability Map



# Approval Criteria

## **Rezone Criteria – 24-204(b): Nine Criteria Used to Evaluate Rezone applications**

- The proposed Rezone is consistent with the criteria as outlined in your Summary

# Notification

- Neighborhood Meeting was held virtually via Zoom on January 5, 2022
- A total of 388 notice letters were mailed to property owners within 1,000 feet
- Two signs posted on the property
- Seven phone calls received – wanted to know what was being proposed, concerns about traffic and opposition to having apartments
- Two letters were emailed with concerns pertaining to traffic congestion, safety and opposition to apartments



# Recommendation

- Complies with Section 24-204(b) 1-9
- Planning Commission reviewed the request and conducted a public hearing on September 27, 2022, voted unanimously to recommend approval (5-0)
  - Four individuals spoke in opposition at the public hearing
    - Traffic, density, noise, privacy and safety concerns





# Zone District H-A

Table 24-4-1: Zoning Districts and Intent	
District & Intent	Relationship to Comprehensive Plan
H-A — Holding-Agriculture. The H-A district is intended for properties which have been annexed to the City and are either being used for agricultural purposes or have little or no immediate development potential. Due to the development patterns and inefficiency of providing City services, this area receives only limited infrastructure investment and is therefore used as a "pre-development" district to either preserve open and rural lands and agriculture uses, or hold areas until more coordinated planning for infrastructure, land uses, and design can occur.	Limited application as a pre-development area or for agriculture uses in Rural Neighborhoods.



# Zone District R-H

Table 24-4-1: Zoning Districts and Intent	
District & Intent	Relationship to Comprehensive Plan
R-H — Residential High Density. The R-H district provides multi-family residential living in a moderate-density pattern in suburban neighborhoods or higher-density, and larger-scale projects in strategic locations for walkable and urban neighborhoods. It is located in areas that have transitions between lower-density neighborhoods or more intense non-residential uses and where a high level of accessibility, public amenity and support services are immediately available.	<p>General application the Mixed-use, Legacy Urban, and Downtown Neighborhoods; Multi-modal Corridors; and Mixed-use High-intensity Areas.</p> <p>Limited Application in Suburban Neighborhoods, as part of housing mix or creating walkable neighborhoods.</p>



# Approval Criteria

## Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

- |    |  |
|----|--|
| 1) | <p><b>The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.</b></p>  |
|    | <ul style="list-style-type: none"><li>• <i>Subject site identified in the Comprehensive Plan as part of a Mixed-Use High Intensity area</i></li><li>• <i>R-H zone district encourages a variety of densities and range of housing options</i></li><li>• <i>R-H zone provides a transition between single-family residences to the south and commercial properties to the north</i></li></ul> |
| 2) | <p><b>The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.</b></p>  |
|    | <ul style="list-style-type: none"><li>• <i>Proposed rezone would provide opportunities to add residential densities adjacent to and within walking distance of current and future commercial uses</i></li><li>• <i>Future development of this property has potential to create a transition between neighborhood to the south and commercial activity to the north</i></li></ul>             |

# Approval Criteria

## Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

**3) Whether the area changed or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.**

- *Rezone request would help support current commercial businesses within the area and encourage redevelopment of properties along 10<sup>th</sup> Street corridor*
- *Developer would be required with future development of the site to construct the 63<sup>rd</sup> and 65<sup>th</sup> Avenue connections, widen areas of 13<sup>th</sup> Street and construct 11<sup>th</sup> Street through the property*

**4) Whether the existing zoning has been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.**

- *Existing H-A zone district is intended to serve as a “pre-development” district to hold areas until a coordinated development plan is in place*
- *R-H zone district provides transition between lower-density neighborhoods (Fox Run to the south) and non-residential uses (commercial district along 10<sup>th</sup> Street)*

# Approval Criteria

## Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

**5) The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.**

- *Applicant narrative noted future development would include construction of additional roadway infrastructure to serve the property; completing missing segments of the urban street grid*
- *Site plan details, including buffering and on-site transitions, as well as architectural character, would be reviewed in greater detail as part of a formal site development plan application*

**6) The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.**

- *Staff and referral agencies have reviewed the proposal and have no concerns at this time*
- *At the time of Subdivision, the applicant would need to provide final reports and analysis that conform with City and agency requirements*
- *There are existing water and sewer utilities adjacent to the property that would be extended to serve future development*



# Approval Criteria

## Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

7) **The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

- *Current zoning as Holding Agriculture would not allow the applicant to develop the property*
- *H-A zone district is intended as a “pre-development” district*
- *Rezone request is consistent with the goals and intent of the zoning regulations and Comprehensive Plan to provide a transition between residential densities and commercial districts*
- *Market study was commissioned by the developer and included for review*

8) **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

- *Any development proposal will be required to meet Development Code, Subdivision and Design criteria and will be evaluated against those criteria as part of the review process*
- *Applicant did complete a preliminary traffic analysis as part of the rezoning request*
- *Proposed roadway improvements and connections are intended to mitigate congestion and will be reviewed in greater detail as part of the subdivision and site plan processes*

# Approval Criteria

## Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

9)	<b>The recommendations of professional staff or advisory review bodies.</b>
	<ul style="list-style-type: none"><li><i>Staff and referral agencies have reviewed the rezoning request and have no concerns at this time. Further analysis would be conducted at the time of subdivision and site planning, as applicable. Development plans must meet the subdivision and design criteria established under the Development Code.</i></li></ul>

