



## AGENDA ITEM ANALYSIS

Project/Issue Name: 24-60 An Ordinance of the City Council Approving Amendment of the Zoning Code and Official Map by Changing the Classification of Approximately 28.88 Acres of Property, located at the 7200 Block of West Farm Road 170, from Kirkwood Estates Planned Development District (PDD 23-005) to Kirkwood Estates Planned Development District (PDD 24-003).

Submitted By: Chris Tabor, Principal Planner

Date: November 5, 2024

### Issue Statement

Kyle Kirk and Kirk Werks, LLC have applied to change the Zoning Classification of approximately (28.88) acres of property located at the 7200 Block of West Farm Road 170 from Kirkwood Estates Planned Development District (PDD 23-005) to **Kirkwood Estates Planned Development District Amended (PDD)**.

### Discussion and/or Analysis

The property subject to this Rezoning Application is comprised of approximately (28.88) acres of land located at the 7200 Block of West Farm Road 170, which consists of a total of 4 parcels. The current zoning for the site is Kirkwood Estates Planned Development District (PDD 23-005). Lot 1 is the site of Kirk's Collision Center, an Auto Repair Shop, while the remaining lots are all vacant.

### Applicant's Proposal

The City Council approved previous Development Plans for this site on July 26 of 2022 and October 17 of 2023, by the same applicant, that is similar in some of the use and design elements to the third proposed plan. The most substantial change to the proposed plan from the previous iterations includes a reconfiguration of the residential portion of the Development Plan. The previously approved Development Plan allowed for 50 lots (lots 7 – 56) adhering to the required standards of the Medium-Density Single-Family Residential (R1-M) Zoning District; whereas the newly proposed plan allows for 59 lots (7 – 65) adhering to the required standards of the High-Density Single-Family Residential (R1-H) Zoning District.

Lots 1 – 6 remain as commercial use lots that will meet the City of Republic's General Commercial (C-2) Zoning District regulations. A more thorough summary is contained in the following paragraph.



The Applicant is proposing the Rezoning of this property to a Planned Development District (PDD) that will consist of two separate uses: commercial and single-family residential. Lots 1 – 6 (10.26 acres) are designated as commercial use lots and will adhere to the City’s General Commercial (C-2) Zoning District regulations. Lots 7 – 65 (11.81 acres) are designated as residential use lots and will adhere to the City’s Single-Family High-Density Residential (R1-H) Zoning District regulations. Screening and parking requirements will be in compliance with the City of Republic’s adopted Municipal Code. The Development Plan also contains new water, sanitary sewer, and stormwater systems to support the development, the required Secondary Arterial Street (Bailey Avenue), and Local Streets to support the development.

Specifically, the Applicant’s proposal includes the following elements:

- **Lots 1 – 6: General Commercial (C-2)**
  - Note: Compliance with the General Commercial (C-2) District Regulations
  - Total Area: 10.26 acres
  - Total Lots: 6
  - Permitted Uses: General Commercial (C-2)
- **Lots 7 – 65: High-Density Single-Family Residential (R1-H)**
  - Note: Compliance with the High Density Single-Family Residential District (R1-H) Regulations
  - Total Area: 11.81 acres
  - Total Lots: 59
  - Permitted Uses: Single-Family Residential
  - Density: 4.9 Dwelling Units/Acre

The following paragraphs contain brief analyses of present site conditions as well as the proposal’s relationship to **adopted plans of the City**.

#### **Consistency with the Planned Development District (PDD) Ordinance**

The purpose of the Planned Development Regulations is to allow for mixed-use, unconventional, or innovative arrangements of land and public facilities, which would be difficult to develop under the conventional land use and development regulations of the City.

Planned Unit Developments must demonstrate substantial congruence with each of the following conditions in order to be considered eligible for approval:

- The proposed Development Plan shall involve a mixture or variation of land uses or densities.
  - Kirkwood Estates is a residential and commercial mixed-use development consisting of single-family and commercial lots
- The proposed Development Plan shall involve the provision of all infrastructure deemed necessary to adequately serve the potential development.



- The Kirkwood Estates PDD Development Plan includes provisions for municipal water and sewer services, a plan for stormwater management, and the construction and dedication of a Secondary Arterial Street (Bailey Avenue), identified in the City's Major Thoroughfare Plan.
- The proposed Development Plan shall involve design elements that promote the City of Republic's Comprehensive Plan and other adopted plans of the City.
  - The City of Republic's Comprehensive and Land Use Plans promote the expansion of commercial and residential development at locations supported by the City's water, sanitary sewer, and transportation networks; the Kirkwood Estates Development can be adequately supported by the City's capacities for water, sewer, and transportation.
- The proposed Development Plan shall involve design elements intended to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements.
  - The Kirkwood Estates Development Plan includes the construction of a Secondary Arterial City Street (Bailey Avenue) identified on the City's Major Thoroughfare Plan. The street will connect the development from East US Highway 60 to West Farm Road 170 and then to the south property line of the development.

#### **Consistency with the Comprehensive Plan**

The City's Comprehensive Plan generally encourages the expansion of residential and commercial development through proactive rezoning of land at appropriate locations. Appropriate locations are described generally throughout the Plan with regard to the **relationship of land at particular locations to infrastructure capable of supporting various intensities and densities of uses.**

The 2021 Comprehensive Plan and Land Use Plan identifies Land Use Goals and Objectives relating to development, as follows:

- **Goal:** Support market conditions to develop a greater variety of residential options
  - **Objective:** Support a variety of housing developments and styles to ensure a range of options are available
- **Goal:** Support new development that is well-connected to the existing community
  - **Objective:** Encourage development that improves and expands upon existing infrastructure
  - **Objective:** Promote development aligning with current adopted plans of the City
- **Goal:** Recognize potential infill sites as opportunities for development



- **Objective:** Support the development of vacant parcels as opportunities for densification that is harmonious with surrounding development

### **Compatibility with Surrounding Land Uses**

The subject site is surrounded by existing agricultural, commercial, and residential zoned properties and uses:

- North: East US Highway 60
- South: Greene County Agricultural
- East: Medium Density Single-Family Residential (R1-M); Greene County General Commercial
- West: Local Commercial (C-1) and General Commercial (C-2); Greene County General Commercial

The land uses permitted in the Applicant's proposal are considered to be generally compatible with the surrounding agricultural and residential zoned properties and uses in proximity to the subject parcel.

### **Capacity to Serve Potential Development and Land Use**

**Municipal Water and Sewer Service:** Portions of the proposed development are currently served by City of Republic sanitary sewer and water service; the remaining portions of the development not currently served by these utilities are in proximity to these services.

The proposed development will connect to existing gravity sanitary sewer mains in the area; the effluent will travel from the development to the McElhaney Lift Station and then to the Shuyler Creek Lift Station before being pumped to the Wastewater Treatment Facility.

The development will be served via a looped water system, connecting to existing water mains parallel to East US Highway 60 and West Farm Road 170 and to an existing water main located in the subdivision to the east. The exact location and size of the water mains required to serve the development will be determined during the infrastructure design process.

**The Water System, the existing Lift Stations, and the Wastewater Treatment Facility have sufficient capacity to serve the proposed development at full build-out.**

**Transportation:** The Development Plan includes the construction and dedication of a new Secondary Arterial within the development area, known as Bailey Avenue, identified in the City's Major Thoroughfare and Transportation Plans, in addition to multiple Local Streets to serve Lots within the development.

The Applicant provided a Traffic Impact Study (TIS) Memo, reviewed by MODOT and the City of Republic, to analyze the impact of the traffic generated from the proposed development. The results of the TIS Memo indicate the development warrants a Right-In/Right-Out (RIRO) at the intersection with East US Highway 60. These improvements are required during the initial phase of construction of Bailey



Avenue from West Farm Road 170 to East US Highway 60. The transportation improvements required to support the development are the responsibility of the Developer.

The City will be working with MODOT and the Applicant throughout the development process, including during construction of the required transportation improvements to support the development.

No parcel within the development will have direct access to East US Highway 60 or West Farm Road 170.

**Stormwater:** The Development Plan contains areas designated for stormwater retention/detention, designed to accommodate stormwater generated by the development. Additional stormwater areas and/or easements may be required through the engineering design process. The stormwater retention/detention areas, drainage easements, and all open space/common areas will be owned and maintained by the Developer and/or a Property Owners Association.

**Floodplain:** The subject parcel **does not** contain any areas of **Special Flood Hazard Area (SFHA/Floodplain)**.

**Sinkholes:** The subject parcel **does not** contain any identified sinkholes.

All developments must include site design providing for sufficient emergency vehicle access as well as fire protection facilities (e.g. fire hydrants). **Additional elements of code compliance, evaluated at the time of infrastructure design, impacting the development of the subject property, include, but are not limited to, the City's Zoning Regulations, adopted Fire Code, and adopted Building Code.** The next steps in the process of development of the subject parcel, upon a favorable rezoning outcome, will be the development, review, and approval of an Infrastructure Permit for the construction of utility services and roads.

#### **Recommended Action**

Staff considers the **proposed Zoning Map Amendment (Rezoning to Planned Development District)** to be generally consistent with the **goals and objectives of the Comprehensive and Land Use Plans**, generally consistent with the **trend of development in the vicinity of the site**, generally **compatible with surrounding land uses**, and **able to be adequately served by municipal facilities**. Specifically, the proposed development can be adequately served by the City's municipal water and sanitary sewer services and the City's transportation network. Based upon this analysis (performed without the benefit of evidence and testimony of a public hearing), Staff recommends the approval of this application.