

City Council Agenda Memo

From: Ryan Miller, City Planner

City Council Meeting: June 27, 2023 / July 11, 2023

Subject: Ordinance 23-024: Rezone Lots 1-11 in Block 28; All in Timberline Addition from an Agriculture A District and Residence R-1D Single-family District to a Residence R-1C Single-family District

Person(s) Responsible: Mike Struck, Community Development Director

Summary:

Sioux Empire Development Corp has submitted a petition to rezone Lots 1-11 in Block 28 of Timberline Addition from Agriculture A District and Residence R-1D Single-family District to a Residence R-1C Single-family District.

Background:

A rezone and preliminary plat for Block 28 were submitted in 2022. The item was tabled at the August 2, 2022 Planning Commission meeting due to concerns related to portions of the block being located in the floodplain. The applicant was working at the time on a Letter of Map Revision (LOMR) in order to remove the entire block from the floodplain. The Planning Commission tabled the item until this was done. The LOMR is now complete.

Item Details:

Currently, portions of the proposed Block 28 are zoned R-1D, R-1C and Ag. The R-1C and R-1D zoned areas are a result of a preliminary plat and rezone approved in 2020 which zoned Lot 1 and a portion of the proposed Lot 2 in Block 28 as R-1D and portions of the former preliminary platted Lots 1 and 2 in Block 27 (to be now preliminary platted as Lots 10 and 11 in Block 28) zoned as R-1C. The remainder of the proposed Block 28 is currently zoned Ag. Adjacent zoning includes additional R-1D zoning to the north, R-1C zoning to the east, and additional Ag zoning to the south and west.

The Future Land Use Map from the City's 2040 Comprehensive Plan defines the area as Open Space and Medium Density Residential. Medium Density Residential land uses would include single and two-family with a density of four (4) to 12 units per acre. The R-1C Single-Family District allows single-family housing with a maximum per unit density of six (6) units per acre, which is within the guidelines for medium density residential.

The floodplain previously cut through the middle of the proposed Block 28 with Lots 3 and 9 getting bisected by the floodplain line. Due to this, the City's Future Land Use Map defines the portion of the area impacted by the flood plain as Open Space. This land use classification is intended for areas to remain undeveloped and natural or recreational in character. The applicant completed the Floodplain Development process and Letter of Map Revision removing the area from the floodplain. The Future Land Use map identifies a portion of the area as Open Space/Floodplain primarily due to the existence of the floodplain, which is no longer applicable as the Floodplain Development process and Letter of Map Revision has been completed according to FEMA standards removing the area from the floodplain. A Future Land Use map amendment has been sought to remove the open space designation for the remaining portion of the block.

Legal Consideration:

None.

Strategic Plan Consideration:

Economic Growth – the rezone will support additional residential lots in the City.

Financial Consideration:

None.

Options and Recommendation:

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Move the item to a study session
5. Discuss / take no action / table

The Development Review Team recommended approval of the rezone with the understanding that the lowest floor elevation of any dwelling within the rezone area shall be two feet above base flood level.

The Planning Commission voted 9-0 recommending approval with the understanding that the lowest floor elevation of any dwelling within the rezone area shall be two feet above base flood level.

Supporting Documentation:

Ordinance

Hearing Notice – City Council

Hearing Notice – Planning Commission

Planning Commission Minutes

Petition to Rezone

Location Map

Rezone Map

Zoning Map

Future Land Use Map
Floodplain Map
Preliminary Floodplain Map