

## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager      **DATE:** December 9, 2024

**SUBJECT:** ZC24-0118, Ordinance No. 3882, Public hearing and consideration of a request from Rick Figueroa for a zoning change from R-2 (Single-Family Residential) to RE-1 (Residential Estate) at 7536 Kirk Road, being 1,140 square feet described as a portion of Lot 1, Block 1, Taylor's Place.

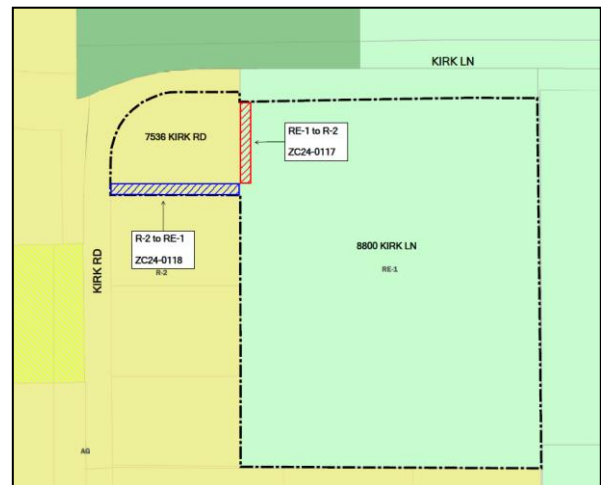
**PRESENTER:** Clayton Comstock, Managing Director of Development Services

### SUMMARY:

Rick Figueroa is requesting a zoning change from R-2 (Single-Family Residential) to RE-1 (Residential Estate) on a 1,140-square-foot portion of a lot located at 7536 Kirk Road.

### GENERAL DESCRIPTION:

The property under consideration is a 1,140-square-foot portion of a lot located at 7536 Kirk Road, which is at the southeast corner of Kirk Lane and Kirk Road. The applicant is requesting a zoning change on this strip of land to RE-1 (Residential Estate) with the intent to submit a replat of this lot and the adjacent property at 8800 Kirk Lane. **The owner intends to do a land swap between the lots to accommodate the construction of a sanitary sewer service line for 8800 Kirk Lane.** A zoning change request for the adjacent lot is an associated item on the December 9, 2024, City Council agenda (see ZC24-0117).



Multiple options for achieving the desired outcome of connecting to sanitary sewer for the property owner were evaluated. While not ideal, this proposed land swap option keeps a private sanitary sewer service line within a 10-foot wide portion of the same property that it will serve while maintaining the minimum lot area for the R-2 zoned property at the corner.

One alternative solution was to construct a public sewer line from Kirk Rd to 8800 Kirk Ln, including the cost of two (2) standard 4-ft diameter manholes, minimal asphalt street repair, and approximately 112 linear feet of 6" diameter sanitary sewer pipe within a 15-foot sanitary sewer easement. This approach could cost the property owner about



\$15,000 to \$20,000 and the City would have the responsibility to maintain a public sewer line extension for one lot.

Another alternative solution, requested by the applicant, was to place the private sewer line within a private sanitary sewer easement between two separate properties. Although the applicant owns both properties at this time, the City must consider future property owners should properties change hands. A private sanitary sewer easement between two individual properties creates numerous challenges. First, it complicates maintenance and repair responsibilities, often leading to disputes over costs and access. The property owner granting the easement may face repeated disruptions and potential property damage when access is required. For the grantee, reliance on another property introduces uncertainty for access or repair if needed. From a municipal perspective, ensuring reliable services also becomes difficult. Municipalities lack authority to enforce maintenance or intervene in disputes between private owners, as these are typically civil matters. Municipalities may face access issues for inspections or repairs, delaying service and increasing risk of sewer failures. These complications make private easements a less desirable solution compared to direct municipal connections.

**VISION2030 COMPREHENSIVE PLAN:** This area is designated on the Vision2030 Land Use Plan as Low Density Residential. This designation promotes quality neighborhoods of conventional suburban single-family detached homes. General characteristics of these neighborhoods include a density of two to six dwelling units per acre and houses of one- and two-stories.

**CURRENT ZONING:** The property is currently zoned R-2 (Single-Family Residential). This district is intended to provide areas for low density development of single-family detached dwelling units which are constructed at an approximate density of 4.0 units per acre.

**PROPOSED ZONING:** The proposed zoning is RE-1 (Residential Estate). This district was formerly named R-1-S (Special Single-Family) and is intended to provide areas for very low-density development of single-family detached dwelling units which are constructed at an approximate density of one unit per acre in a quasi-rural setting. The RE-1 district is specifically planned to allow for the keeping of livestock in a residential setting.

**SURROUNDING ZONING | LAND USE:**

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	AG (Agricultural)	Low Density Residential	Single-family residences
WEST	R-2 (Single-Family Residential)	Low Density Residential	Single-family residences
SOUTH	R-2 (Single-Family Residential)	Low Density Residential	Single-family residences
EAST	RE-1 (Residential Estate)	Low Density Residential	Single-family residences



**PLAT STATUS:** The property is platted as Lot 1, Block 1, Taylor's Place.

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission conducted a public hearing and considered this item at the December 2, 2024, meeting and voted 7-0 to recommend approval. At the time of this staff report publication, meeting minutes had not been completed. They will, however, be distributed to City Council prior to the December 9 meeting.

**RECOMMENDATION:**

Approve Ordinance No. 3882.