

CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** December 9, 2024
SUBJECT: ZC24-0113, Ordinance No. 3874 Public hearing and consideration of a request from Scott Hoberer for a zoning change from AG (Agricultural) to R-2 (Single-Family Residential) at 8900 Amundson Drive, being 0.73 acres described as Tract 2N, Tandy K Martin Survey, Abstract 1055. CONTINUED FROM THE NOVEMBER 11, 2024, CITY COUNCIL MEETING
PRESENTER: Clayton Comstock, Managing Director of Development Services

SUMMARY:

Scott Hoberer is requesting a zoning change from AG (Agricultural) to R-2 (Single-Family Residential) on 0.73 acres located at 8900 Amundson Drive.

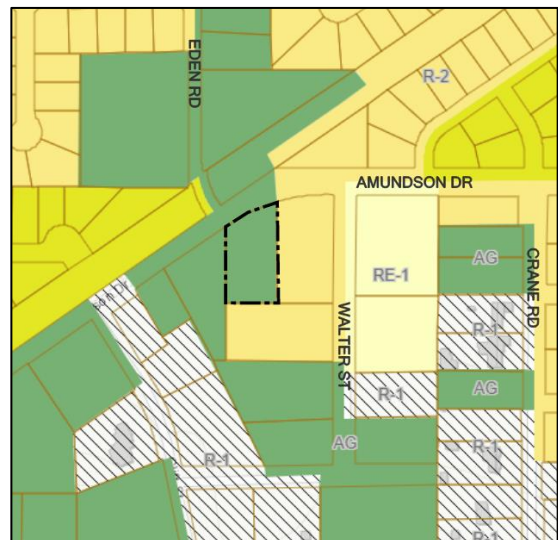
This item is continued from the November 11, 2024, City Council meeting at the request of the applicant. Mr. Hoberer has indicated his intent to file an additional request for an exception to the platting requirement for building permits, which requires action by the Planning and Zoning Commission. Staff recommends proceeding with the approval of the zoning change on the December 9 agenda since the plat exception stands on its own merit. If the City Council would like to postpone action on the zoning change until a decision has been made by the Planning and Zoning Commission regarding the plat exception, it is recommended that the public hearing for the zoning case be continued to the January 27, 2025, City Council meeting.

GENERAL DESCRIPTION:

The property under consideration is a 31,799-square foot (0.73-acre) tract located on the south side of Amundson Drive between Eden Road and Walter Street. The applicant is requesting a zoning change to R-2 (Single-Family Residential).

The character of the area is low-density single-family residential. Most properties are R-1 (Single-Family Residential) or AG (Agricultural), with some zoned RE-1 (Residential Estate) and R-2 (Single-Family Residential).

While the AG (Agricultural) district is primarily intended to protect land suited for agricultural uses from incompatible uses, it is also a holding zone intended to preserve land suited for eventual





development into other uses. The district was also assigned to properties when they were annexed into the city limits in the past, as required by [Section 118-20](#) of the zoning ordinance. This allowed for zoning changes to be considered at a time when reasonable development of a site was suitable based on long-range plans, availability of public services, and market conditions.

In reference to platting property zoned AG (Agricultural), [Section 118-294\(9\)](#) of the zoning ordinance does not permit property zoned AG to be subdivided or developed for any purpose other than agricultural use without an approved zoning change. In order for the applicant to plat the property, it must be rezoned to an appropriate residential zoning district.

BACKGROUND: Mr. Hoberer submitted a permit application for a carport on July 5, 2024. The size and location of the carport meets the standards that would allow a permit to be issued, however the property is not platted or zoned. On July 8, 2024, the Permits & Inspections Division notified Mr. Hoberer of the zoning and platting requirements and provided details for next steps with the Planning & Zoning Division. On September 9, 2024, the Development Services Department received a complaint about the carport having been installed without a permit, and Mr. Hoberer was contacted again regarding the zoning and platting requirements. The zoning change application was made on October 4 and the application fee was paid. No plat application has been received at this time.

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 (AG Agricultural). The AG district is intended to preserve lands best suited for agricultural use from encroachment of incompatible uses, and to preserve in agricultural use, land suited to eventual development into other uses pending proper timing for practical economical provisions of utilities, major streets, schools, and other facilities so that reasonable development will occur.

PROPOSED ZONING: The proposed zoning is 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.

The R-2 zoning district was selected due to the size of the existing home (2,470 square feet) and existing lot (31,799 square feet), and consistency with the zoning of adjacent properties. A revision to a less intense zoning district, such as R-1 or RE-2, could be approved by City Council without readvertisement of the public hearing.



SURROUNDING ZONING | LAND USE:

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

PLAT STATUS: The property is unplatted. Approval of a final plat would be required prior to any permits being issued for the property unless the Planning & Zoning Commission approves a waiver or exception to Sec. 110-41 of the Subdivision Regulations.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission considered this item at their November 7, 2024, meeting and voted 6-0 to recommend approval.

RECOMMENDATION:

Either approve Ordinance 3874 at staff's recommendation, or continue the public hearing to the January 27, 2025, City Council meeting at the request of the applicant.