

CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** September 26, 2016

SUBJECT: ZC 2016-14, Ordinance No. 3430, Public Hearing and consideration of a request from Adiene Jones for a Zoning Change from R-1 Single Family to R-1-S Special Single Family on 2.06 acres located at 7512 Bursey Road.

PRESENTER: Clayton Comstock, Planning Manager

SUMMARY:

Adiene Jones is requesting a zoning change from R-1 Single Family to R-1-S Special Single Family on 2.06 acres located at 7512 Bursey Road.

GENERAL DESCRIPTION:

Ms. Jones is the owner of a lot and house at 7512 Bursey Road, which is located on the south side of the street between Smithfield Road and Londonderry Drive. The applicant is requesting a zoning change with the intent to sell the property to a potential buyer who is interested in keeping livestock on the property. The applicant has indicated that the potential buyer plans to keep a horse on the property, but the zoning change allows for the keeping of any animals listed under the definition of Livestock, except for swine. Here are the animals considered as Livestock under Chapter 14 of the Code of Ordinances (Animals).

“... cattle, sheep, swine or goats commonly raised for human consumption; a horse, pony, mule, donkey or hinny; native or nonnative hoofstock raised under agricultural practices”.

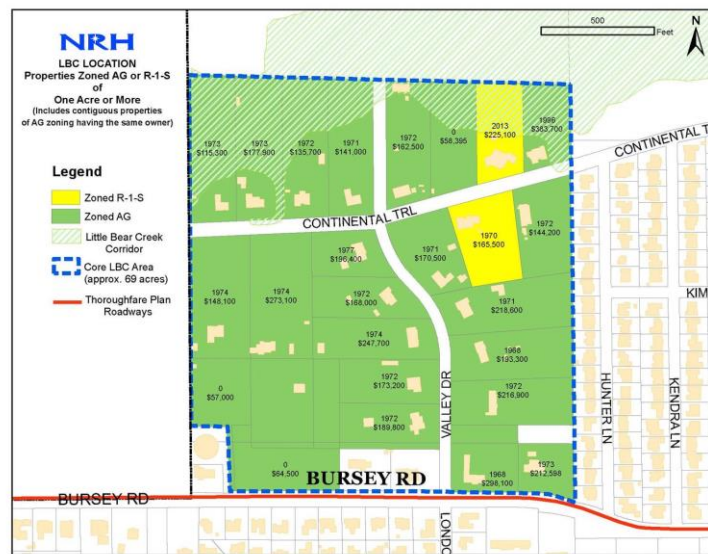
While most of the area is characterized by low density single-family neighborhoods, there are 13 large estate lots on the south side of Bursey Road. These lots are located between Londonderry Drive and extend along Bursey Road South.

Estate Lots

In 2014, the City Council and Planning and Zoning Commission held work sessions to discuss the applicability of estate lots and the R-1-S zoning district in certain areas of the city. Estate lots were viewed as a desired market niche for North Richland Hills as land and house values are typically higher than average. The direction from those discussions was to review zoning cases with the following general policy guidance:

- Allow R-1-S zoning in the Little Ranch Road / Meadow Creek Road and Continental Trail / Valley Drive areas
- Discourage R-2 zoning within the estate areas
- Discourage R-1-S zoning outside the estate areas
- Incorporate these policies into a future Comprehensive Plan update

The map below shows the Continental Trail / Valley Drive estate lot area. The property under consideration is located east of this area on the south side of Bursey Road, which is in an area where the R-1-S zoning district is discouraged. While the property immediately east of the site under consideration is zoned R-1-S, that zoning change was approved in August 2013 before the revised policy direction was developed in June 2014.



Livestock

The applicant has indicated that a potential buyer plans to keep livestock (horses) on the property, which is a permitted activity in the R-1-S zoning district. The zoning ordinance states the purpose of the R-1-S zoning district as follows:

“The R-1-S single-family residential zoning district 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 R-1-S district is specifically planned for the keeping of livestock in a residential setting.”



There are related standards in Chapter 14 of the Code of Ordinances (Animals) that define livestock and affect the location of an enclosure for livestock as well as limit the number of animals kept on the property. Livestock is defined in Chapter 14 as:

“... cattle, sheep, swine or goats commonly raised for human consumption; a horse, pony, mule, donkey or hinny; native or nonnative hoofstock raised under agricultural practices”.

The chapter also states that enclosures must be located at least 100 feet from another residence, not including the house on the property, and limits the number of livestock to one per full acre. If the zoning is changed to R-1-S, the size of this property would allow two animals per the definition of livestock to be kept on the site.

The Development Review Committee recommended denial of the R-1-S zoning request. The property is not located in either of the two areas designated for the preservation of estate lot. In addition, changing the zoning to R-1-S would allow for the keeping of livestock on this property, not just horses. There are concerns about odor and other nuisances that go along with the keeping of livestock since this property backs up to 3 standard residential lots located on Woodhaven Drive in a traditional R-2 neighborhood.

COMPREHENSIVE PLAN: The Comprehensive Plan classifies this area as “Low Density Residential.” This designation provides areas for the development of traditional, low-density single-family detached dwelling units.

CURRENT ZONING: The property is currently zoned R-1 Single Family Residential. A 1977 zoning map indicates the property was zoned 1-F-9 Single Family Residential. When the zoning ordinance was updated in 1984 to its current version, the zoning designation was revised to R-1 Single Family Residential.

PROPOSED ZONING: The proposed zoning is R-1-S Special Single Family. The R-1-S zoning district is intended to provide areas for very low-density development of single-family residences that are constructed at an approximate density of one unit per acre in a quasi-rural setting. The district is specifically planned to allow for the keeping of livestock in a residential setting. The R-1-S district requires a minimum lot size of one acre and a minimum house size of 2,300 square feet.

SURROUNDING ZONING | LAND USE:

North: R-2 Single-Family Residential | Low Density Residential
West: R-1 Single-Family Residential | Low Density Residential
South: R-2 Single-Family Residential | Low Density Residential
East: R-1-S Special Single-Family | Low Density Residential

PLAT STATUS: The property is currently platted as Lot 6, Block 1, Oakvale Addition.



PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission conducted a public hearing and considered this item at the September 1, 2016. After hearing the applicant and four speakers in support of her application, the Commission voted 4-0 to recommend approval. Two commissioners filed affidavits for conflict of interest and abstained from discussing and voting on the request.

RECOMMENDATION:

Deny Ordinance No. 3430.