



TO: Planning Commission; Town Council; Mayor
FROM: John Barlow, Apple Valley Finance Director
DATE: December 8th, 2020
RE: Staff Review of Rezone Application

APPLE VALLEY PLANNING COMMISSION APPLICATION STAFF REPORT

Application Type: Rezone Application
Agent Name: Craig Coats (Alliance Consulting)
Project Address: NW ¼ Section 29, T-42S R 11W, S.L.B. & M.
Parcel/Lot Number: AV-1329
Current Zoning: Open Space (OS)
Proposed Zoning: Rural Estate 1 Acre (RE-1.0)
Legislative/Administrative Proceeding: Legislative
Approval Authority: Apple Valley Town Council
Appeal Authority: Apple Valley Appeal Authority

Date of Public Hearing: December 8th, 2020
Location of Public Hearing: Apple Valley Town Hall
Body of Public Hearing: Apple Valley Planning Commission
Notice to Mailed to Neighbors: November 20th, 2020

Summary of Application

The Applicant is requesting an amendment to the zoning map to change the northwest section of AV-1329 from Open Space to Rural Estate 1 Acre for the purposes of a proposed subdivision.

This would move the property from an allowed density of zero residential units to approximately 60 residential units.

General Plan and Zoning

The general plan map has this property designated open space (OS/OST); however, the applicant is has also requested that the Planning Commission consider changing that designation.

Standards for Approval/Denial



Apple Valley ordinance does not outline a standard for approval; however, the staff recommends at least considering the following:

1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Staff Analysis

Please keep in mind that the list of consideration above and discussed below are NOT a comprehensive list of consideration, but a recommended minimum amount of consideration.

PZ Commission can make a recommendation based on: ANY RATIONAL BASIS. This is the most flexible level of discretion given to you under the law.

Is the applicant request consistent with the General Plan's (GP) goals, objectives, and policies?

The applicant's request is in line with the General Plan. The general plan map has the property designated as medium residential density.

Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?

The request zoning is consistent with the zoning and land use for property to the west of the applicant's property. The land uses to the east are very low density housing, agricultural, and open space.

Will the proposed amendment adversely affect adjacent property?

The proposed zoning may have negatively affect adjacent property by obstructing views and putting and increased demand on existing infrastructure; however, these adverse



effects could be mitigated with proper planning and infrastructure investment.

Is there adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection?

There is not adequate infrastructure to support this level of development. The following infrastructural investments would be needed to support this level of density;

1. improvements to roads,
2. improvements to storm water infrastructure,
3. improvements to water distribution systems, and
4. further studies are needed to understand the potential impact of wastewater.

Staff Recommendation

There are at least two key considerations for this application.

The first is determination of how best to balance property owner's rights to enjoy the full and best use of their property and the interest of adjacent property to enjoy their property. It is staff's recommendation, in situations like this, to fall back on high-level planning (i.e. the general plan), which would point toward approving the application.

The second consideration is the adequacy of the Town's systems to support the level of density. In this case, the Town's systems would rely heavily on the developer to include system and project specific improvements to support the would-be level of demand.



Caution

Ask yourself the following questions before voting.

1. Do I have a conflict of interest that has not been disclosed?
2. Am I granting this application based on who the applicant is?
3. In our discussion or in my own personal deliberations, did I/we consider the applicant's:
 - Color
 - Disability
 - Family Status
 - Sex/Gender
 - Race
 - Religion
 - National Origin
 - Familial Status
 - Military Service

If the answer is yes to any of the questions above, STOP. Consult with Town Staff, or the Town Attorney.



Sample Motions

(Approve without conditions) I move we recommend that the Town Council approve the zoning map amendment requested for the northwest quarter of parcel AV-1329 based on the findings set forth in the staff report and (if applicable) for the following additional reasons: _____.

(Approve with conditions) I move we recommend that the Town Council approve the zoning map amendment for the northwest quarter of parcel AV-1329 with the following conditions: [list conditions] _____.

(Deny) I move we recommend the Town Council deny the zoning map amendment requested for the northwest quarter of parcel AV-1329 based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

(Postpone) I move we postpone considering the text amendment application to the next regular planning commission meeting, and direct staff to report back about _____.