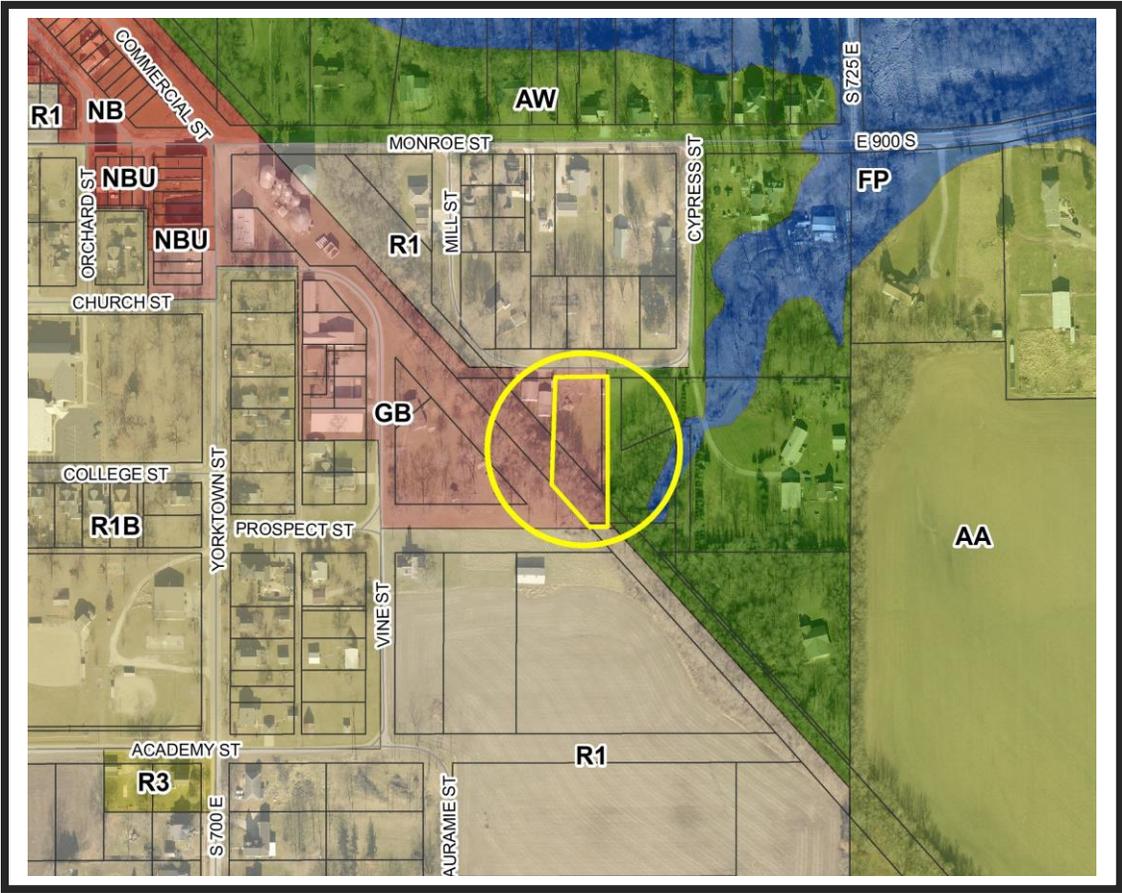

Z-2776
TAMMY APPELBAUM
(GB to AW)

STAFF REPORT
(With request for an additional continuance)
October 10, 2019



Z-2776
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Staff Report
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Note: The APC bylaws permit petitioners to request up to two continuances and a total of no more than four months delay in rezone cases. This case has had two continuances requested by petitioner resulting in a three-month delay. Petitioner is now requesting a third continuance of two additional months; per APC bylaws, a third request for continuance can only be granted by the commission. Petitioner is requesting this continuance because she is still waiting to get elevation information from IDNR to complete a flood certification to verify the location of the Flood Plain on adjacent property.

The bylaws state that a third continuance is a possibility:

“a third continuance of no more than two (2) months is granted by the Commission upon a written request for such continuance setting forth the need for such continuance filed before 12:00pm on the day of the meeting and a finding by the Commission that the continuance is not made for the purpose of undue or unnecessary delay.”

A written request has been made by petitioner’s counsel; it is up to the APC to decide if a third continuance, to the February 19, 2020 APC meeting or to the March 18, 2020 meeting (as requested) is granted. If the continuance is not granted, the October staff report is below and the case must be heard at the January 15, 2020 meeting or withdrawn and refiled.

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is the owner, and represented by attorney Joseph Bumbleburg, is requesting rezoning of 0.721 acres to build a new single-family home. This property is also known as 9036 Mill Street in the unincorporated town of Stockwell, in Lauramie 9 (NW) 23-3

ZONING HISTORY AND AREA ZONING PATTERNS:

This rezone site is currently zoned GB. Land to the west, which is the same parcel, is also zoned GB. Property adjacent to the east is zoned AW. Platted lots to the north across Mill Street are zoned R1. Farther east is Flood Plain zoning associated with an unnamed tributary to Lauramie Creek.

AREA LAND USE PATTERNS:

The petitioner’s shop buildings are on the same property to the west of the legal description in this request. She would like to rezone this area to build a new residence. A

residence was removed in 2006 from the rezone site. Petitioner owns several lots adjacent to the area in this request.

TRAFFIC AND TRANSPORTATION:

Mill Street is considered a local road according to the *Thoroughfare Plan* and requires a 25' setback from the front property line. This area of Stockwell is separated from the core of the platted area by old railroad right-of-way. Mill Street is gravel and there is no storm sewer, curb, gutter, or sidewalks.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

According to petitioner's attorney the site is served by sanitary sewer and a private well. No bufferyard is required in the AW zone.

STAFF COMMENTS:

Petitioner would like to build a new home in the area being rezoned. The rezoned area will need to be combined with adjacent land (for example by an Exemption E deed) so the business and home are on separate lots. The petitioner's lots will need to be reconfigured so that the new home meets required setbacks. Petitioner's attorney mentioned that there could be an additional building constructed for the business. Staff has concerns about the expansion of the business not having adequate area zoned commercially.

Staff understands that the area around this site has a rural feel because of the street conditions, lack of pavement and no curb or gutters, and the low density of the area, but staff does not support rezones to rural zones when sewer is available. Therefore, staff cannot support this rezone; however, a rezone to the also adjacent R1 zoning district would be supportable.

STAFF RECOMMENDATION:

Denial