

Staff Report
Rezoning Request for
CIRI, Parcel 609

Introduction

The Cook Inlet Region, Inc. (CIRI) owns parcel 609, consisting of 19.3638 acres, more or less, within the Town of Indian Head. The Town's Zoning Map currently shows the parcel split zoned with approximately one third zoned open space and two-thirds zoned Town Center Mixed Use (TCMX). A general development plan for the property consisting of 164 townhouse units was approved by the Planning Commission in August of 2016. A traffic impact study was prepared by Traffic Concepts, Inc. in November of 2016 indicating that affected intersections will continue to operate satisfactorily under future conditions with full build out of the development.

Based on the proposed concept of 164 townhome sites on the subject property, the following impacts are noted by staff as required by Article 20 of the Town's Zoning Ordinance. Staff has determined that the application for rezoning provided by CIRI is complete. The application has requested that the entire parcel be rezoned to TCMX or as an alternative, preserve an open space sector that will be redefined to preserve the environmentally sensitive areas of the property.

Population Change

With 164 additional townhome units, and the current ratio of 2.76 persons/dwelling from the 2010 Census, the population increase from the project determined will be 452 people. With a current population of 3,857; this represents an 11.7% increase in population. It is expected that full buildout of the development will not occur for 4-6 years after initiation of the development. With actual growth from the date of the most recent 2009 comprehensive plan until now consisting of only a few new homes, the proposed level of population increase from this development is well within the levels anticipated in the comprehensive plan. Moreover, the increase in school enrollment for this property is estimated consisting of: 35 elementary school students, 21 middle school students, and 31 high school students which will not increase the schools capacity beyond its capability.

Availability of Public Utilities

The proposed increase in water and sewer usage from full buildout of the development will not increase the available treatment capacity beyond existing capacity.

Water distribution systems with adequate pressure and fire flow and sewage collection system are within close proximity to the development and available for extension to serve the proposed development.

Natural gas is also available within Indian Head Highway in the event the developer elects to be served by natural gas.

Present and Future Transportation Patterns

The proposed development will access at two (2) locations onto Dr. Andrews Way which then intersects Indian Head Highway, an arterial highway. Traffic will most definitely increase onto Dr. Andrews Way and Indian Head Highway. A traffic impact study, prepared by Traffic Concepts, Inc. on behalf of CIRI, has been completed and shows that all intersections impacted by the Development will operate at an acceptable level of service A or B after full buildout and anticipated 3% growth in background traffic volumes.

Compatibility with Existing and Proposed Development

The property in question is boarded by the Navy Base, the elementary school, and town and city parkland, existing townhouses in Riverwatch Commons and Riverwatch Development and multi-family units along Indian Head Highway. The proposed townhouse development with a gross density of 8.3 units/acre is consistent and compatible with the surrounding properties.

Relationship to the Town's Comprehensive Plan

The proposed TCMX development is consistent with the Town's 2009 Comprehensive Plan and further detailed in the applicant's petition for rezoning.

Fiscal Impact on Town Government

The fiscal impact on the Town will consist of additional revenues in the form of taxes, and impact fees. Impact fees will amount to approximately 1.7 million dollars. The Town will however be required to perform perpetual routine maintenance on public roads and utilities that will be initially installed by the Developer. The Town will not be responsible for construction of any improvements associated with the Development. The Town's police and fire protection manpower and facilities will be burdened with additional responsibility associated with 164 new residential units within the town limits. However, the Town's Comprehensive Plan identifies current police, fire, and other community services as adequate through 2030.

Suitability of the Property for the Intended Use

The existing 19.38 acre parcel is currently undeveloped and unimproved. The majority of the property is forested. Environmentally sensitive elements such as streams and steep slopes are located primarily within the area zoned Open Space. The property is not encumbered with the 100 year mapped floodplains or Chesapeake Bay Critical Areas. The soils, outside of the steep slopes, are suitable for development according to the Natural Resource Conservation Service. The applicant has made a written inquiry to the Department of Natural Resources concerning the existence of rare and endangered species. No response has been received at this time. On balance, the site is suitable for the development.

Changes in the Character of the Neighborhood or Mistake in the Original Zoning

According to State Law, the applicant must prove a change in the character of the neighborhood or that there was a mistake in the original zoning. We agree with the applicant's assertion that there was a mistake in the original zoning. It is unusual for private property to be zoned Open Space. Open Space is generally confined to government owned land on which parks or other public uses can be made of the land. In this case, an arbitrary zoning boundary was placed on the property, most likely to protect and preserve environmentally sensitive areas. Protection of environmentally sensitive elements can be preserved by other means and in some areas, is required by the State government.

Staff Recommendation

The current zoning map of the Town shows the parcel in question being split zoned with the northern 7 acres ± being zoned Open Space and the remainder zoned TCMX. We can only assume the open space was placed to protect and preserve the natural features of the site including a perennial stream, steep slopes and forest. It is unusual for private parcel to be zoned open space particularly in view of the absence of floodplain and Chesapeake Bay Critical Areas. The specific location of the Open Space zoning boundary line appears to be arbitrary and not based on an environmental study or topographical survey.

With this in mind, the staff recommends the following course of action:

Recommendation: Approval of rezoning of the open space to TCMX (rendering the entire property TCMX) with the following condition(s):

- Based on a topographical survey of the property and environmental analysis by the applicant, and input from DNR, place in a perpetual conservation easement all forest areas, streams and their buffers, and steep slopes, not proposed for development. This will include the northern and perhaps the southern areas of the property.

- Allow a natural buffer to remain along the common property boundary with the Navy Base.
- Comply with the provisions of the Town's Forest Conservation Ordinance with any required reforestation implemented within the Town of Indian Head, if possible.

As an alternative, the "Open Space" zoning could be preserved, but redefined, to include the environmentally sensitive areas only.