



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: February 17, 2025

Re: 4804 John Garry Drive – Rezoning (Case # 64-2025)

Executive Summary

Approval of this request would result in the rezoning of 3.73 acres, located northeast of the intersection of John Garry Drive and North Cedar Lake Drive, from M-N (Mixed-use Neighborhood) to R-MF (Multi-family Dwelling).

Discussion

A Civil Group (agent), on behalf of Garry & Brenda Lewis (owners), is seeking approval to rezone 3.73 acres of the overall 5.38-acre parcel, from M-N (Mixed-Use Neighborhood) to R-MF (Multi-Family Dwelling). The parcel is located at 4804 John Garry Drive and is currently split-zoned with approximately 1.55-acres at the corner of John Garry Drive and E. Cedar Lake Drive already being zoned R-MF and improved with a private amenity facility for the surrounding multi-family development. The split-zoning resulted from a 2023 consolidation plat of three adjoining lots. The current request would rezone the entirety of the M-N portion of the site and establish one consistent classification across the entire acreage.

This application was precipitated by the applicant's submission of construction plans for development of the subject site with seven multi-family structures. Initial review of the proposed development plans discovered that one of the proposed structures would narrowly exceed the 35-foot maximum height of the M-N zoning district. Following discussion with staff it was determined that the proposed rezoning would address the additional building height needed to make the proposed construction compliant subject a concurrent approval of an administrative plat.

The purpose of the administrative plat would be to add approximately 5-feet of additional lot width to the subject acreage to ensure a minimum 15-foot setback would be provided from the future buildings constructed on the site. Per the dimensional standards of the UDC for the R-MF district, when an R-MF parcel maintains 15-feet or more of side yard setback from proposed construction the maximum building height may be increased to 45-feet. The Administrative Plat known as "*Corporate Lake Plat 17*" was recently approved by the Community Development Director and the proposed building placement shown on the site plans for the proposed construction would now be consider compliant subject to approval of the requested rezoning.

The surrounding land use conditions consist of similar development to the south and west. To the north and east are mixed-use development that are retail, restaurant, and residential uses. The proposed rezoning is consistent with the future land use map designation for the parcel. Furthermore, the parcel is supported by sufficient public infrastructure to support the increase in residential development. The rezoning action is a "downzoning" in that all potential commercial uses will be eliminated on the rezoned acreage.



At its January 23, 2025 meeting, the Planning & Zoning Commission held a public hearing on this matter. Staff presented its report and the applicant's representative gave an overview of the request. Commissioners inquired about the purpose of the request, to which staff explained that the rezoning would permit the additional building height with the approval of the administrative plat. Following staff's response and closure of the public hearing without comments, a motion was made to approve the request which passed unanimously (7-0).

A copy of the Planning and Zoning Commission staff report, locator maps, rezoning exhibit, and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: Limited. Any modifications to public infrastructure serving the property would be at the expense of the applicant.

Long-Term Impact: Limited. The provision of public services necessary to support the proposed multi-family development include possible impacts such as increased public infrastructure maintenance costs (i.e. water, sewer, and roads) and public safety as well as solid waste collection expenditure. Such increases in expenditures may or may not be off-set by increased user-fees and property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
02/04/2025	Approved: Administrative plat, "Corporate Lake Plat 17" (administrative approval by the Director of Community Development)
06/05/2023	Approved: "Corporate Lake Plat 16" (Ord. No. 025350)
07/01/2009	Approved, "Corporate Lake Plat 15 Administrative Replat" (administrative approval by the Director of Public Works)
03/06/1991	Approved, "Corporate Lake Plat 6" (Ord. # 012886)

Suggested Council Action

Approve the request to rezone 3.73 acres from M-N to R-MF as recommended by the Planning and Zoning Commission.