



**CITY OF TONTITOWN PLANNING OFFICE**

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Meeting: **September 19, 2023**  
Project: **Rezone RE to R1**  
Planner: Mark Latham

**PUBLIC HEARING AND PLANNING COMMISSION AGENDA ITEM**  
**REZONING REQUEST**  
**PH3 & PC3**

Kenneth Rice Road  
Parcel # 830-37903-900, 830-37903-200

**SUMMARY:** Request to rezone 1.5 acres in size from **RE** to **R-1**

**CURRENT ZONING:** **RE – Residential Estates**

**REQUESTED ZONING:** **R-1 – Single Family**

**FUTURE LAND USE CATEGORY:** **RE- Residential Estates**

**CITY WARD:**

**INFRASTRUCTURE SERVICE AREAS** (not a guarantee of service availability):

**Water:** Washington Water Authority

**Electric:** Ozarks Electric

**Sewer/Septic:** Septic

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

**Cable:** Cox Communications

**PROJECT SYNOPSIS:**

The owners of this property are Brian and Michelle Lehmann. Lehmann's are requesting a rezone 2.00 acres to build a primary residence. The applicants did not provide a reason for their request, but the property has an overhead powerline which hinders the availability of home location on property.

The property is located on west side of Kenneth Price Road.

**FUTURE LAND USE PLAN:**

The Future Land Use Category shown in this area is for the Residential Estates from the Vision Plan Document adopted by the City Council in June 2023.

**STAFF ANALYSIS:** This request is not aligned with the Future Land Use Plan for this area.

**APPROVAL CRITERIA:**

*Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include but not be limited to the following:*

- (1) Consistency of the proposal with the comprehensive plan.*

**STAFF ANALYSIS:** The current Future Land Use Plan shows this area as Residential Estates and does not meet the intent of the Future Land Use Map for this area.

- (2) *Consistency of the proposal with the purpose of these regulations.*

**STAFF ANALYSIS:** The property is surrounded by the Residential Estate zone.

- (3) *Compatibility of the proposal with the zoning, uses and character of the surrounding area.*

**STAFF ANALYSIS:** The requested use is for Single Family (R-1) 1 acre lot. Surrounding properties are zoned for Residential Estates, single family 2-acre minimum. The actual uses of the surrounding properties are residential estates.

**North-zoned: RE – Residential Estates**

**East-zoned: RE- Residential Estates**

**South-zoned: RE- Residential Estates**

**West-zoned: RE- Residential Estates**

- (4) *Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.*

**STAFF ANALYSIS:** This property is suitable for R-1, 1 acre single family residence.

- (5) *Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.*

**STAFF ANALYSIS:** This proposed rezoning will not be detrimental to nearby property. The surrounding properties are single family residents.

- (6) *Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and*

**STAFF ANALYSIS:** This property has never been developed.

- (7) *Impact of the proposed development on community facilities and services, including those related to utilities, streets drainage, parks, open space, fire, police, and emergency medical services.*

**STAFF ANALYSIS:** This impact is expected to be minimal to utilities, drainage, parks, open space, fire, police, and emergency services.

**TECHNICAL INFORMATION:**

*Technical information will be addressed if this property is improved.*

**NEIGHBOR COMMENTS:** All neighboring properties within 200 feet of the property boundary were

notified by certified mail of this project.

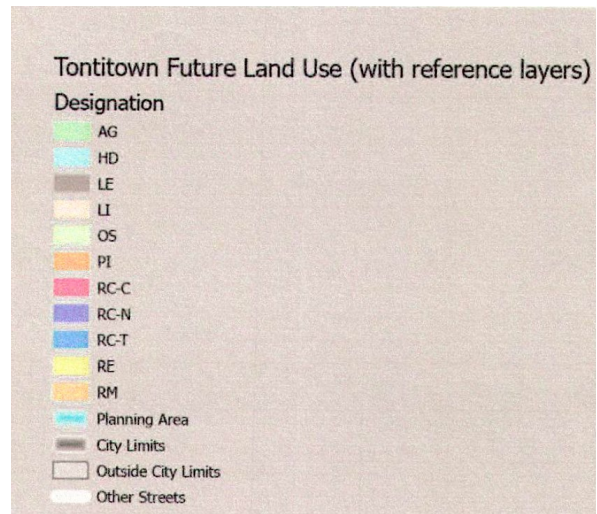
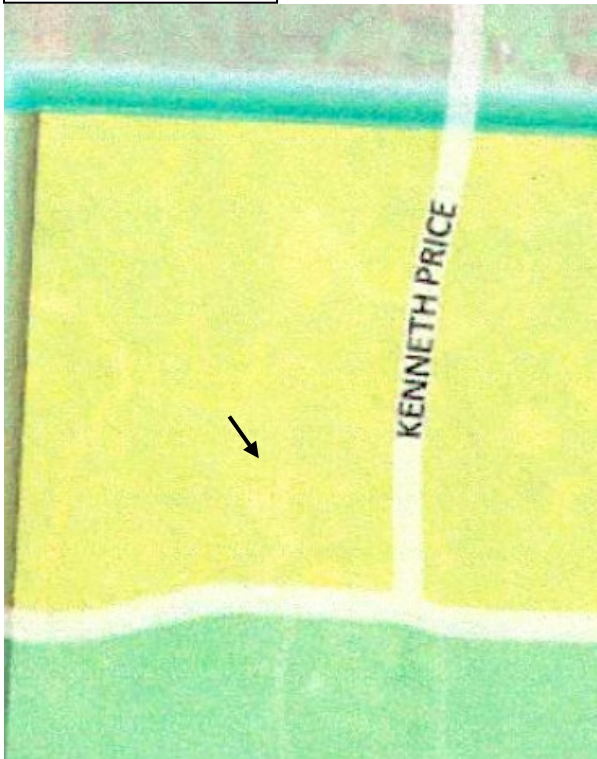
Any written comments received are attached.

**STAFF RECOMMENDATION:** The staff is recommending the Planning Commission consider approving the rezone from RE to R1.

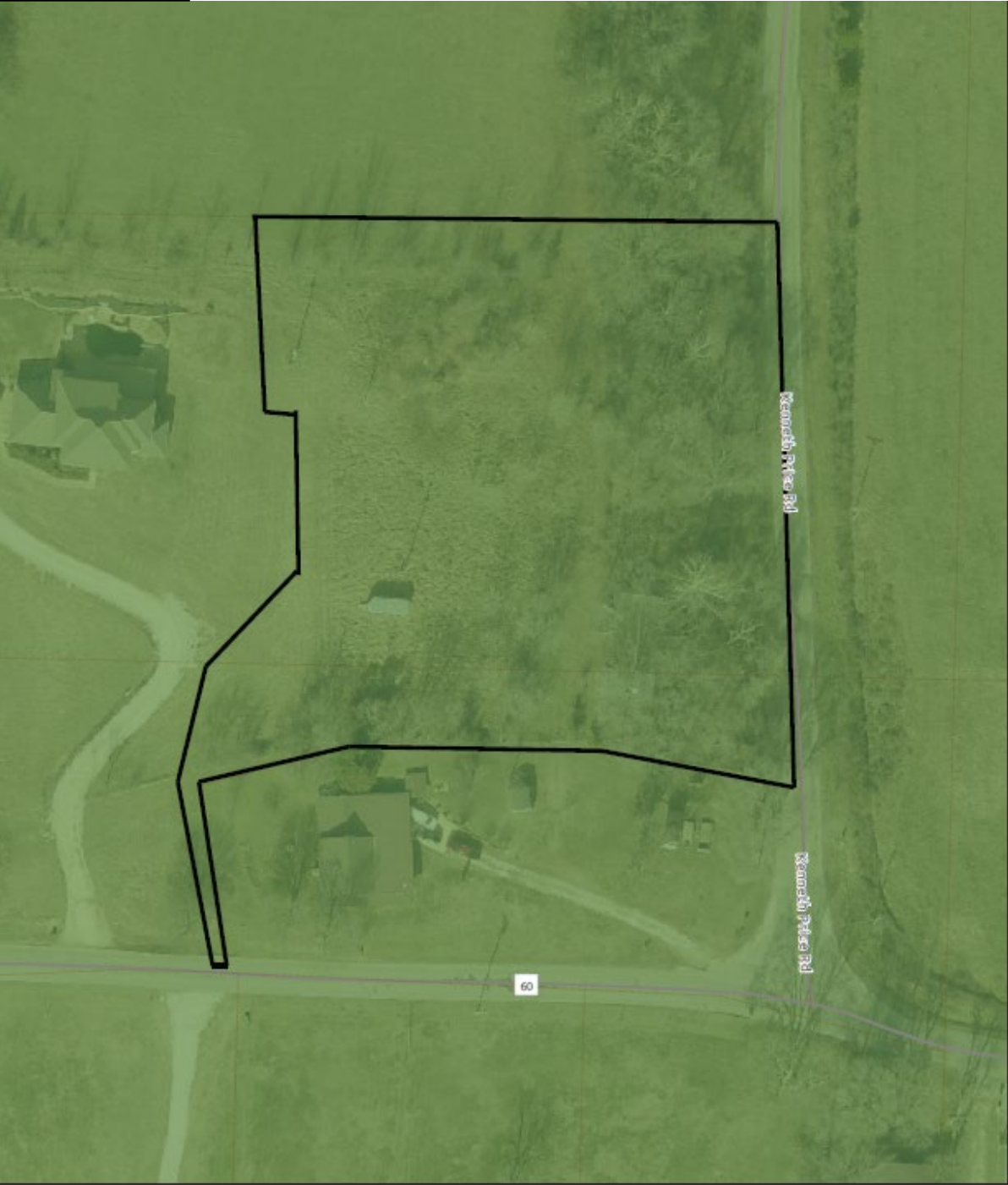
**PROCESS NOTES:**

1. This rezoning must proceed to the City Council for approval.

FUTURE LAND USE



SITE LOCATION



USE COMPARISON CHART			
	A	R-E	R-1
Category Names	Agriculture	Single Family Residential - 2 acre minimum lot size	Single Family Residential - 1 acre minimum lot size
Density	1 unit/5 acres	1 unit/2 acres	1 unit/acre
Minimum Lot Size	5 acres	2 acres	1 acre
Triplex, Quadplex	NP	NP	NP
Duplex	NP	NP	NP
Townhomes (single-family attached)	NP	NP	NP
Multi-Family (5 or more connected units)	NP	NP	NP
Nonresidential uses	5 acres	2 acres	1 acre
Max Building height	45'	35'	35'
Max Number of stories	N/A	N/A	N/A
Lot width min	240'	200'	120'
Lot depth min	400'	200'	120'
<b>Setbacks for 1 and 2 story structures</b>			
Front Setback	30'	30'	30'
Side Setback	30'	30'	20'
Street side setback	30'	30'	25'
Rear setback	30'	30'	25'
<b>Setbacks for 3 and 4 story structures</b>			
Front Setback	30'	30'	30'
Side Setback	30'	30'	20'
Street side setback	30'	30'	25'
Rear setback	30'	30'	25'
Maximum impervious	45%	45%	55%

