



AGENDA MEMORANDUM

Public Hearing and First Reading Ordinance for October 29, 2019
Second Reading Ordinance for November 12, 2019

DATE: October 21, 2019
TO: Peter Zaroni, City Manager
FROM: Al Raymond, Director
Development Services Department
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Rezoning property at or near 2110 Laguna Shores Road

CAPTION:

Zoning Case No. 0719-02 B&A Terra Firma Development, LLC: (District 4) Ordinance rezoning property at or near 2110 Laguna Shores Road from the "RE" Residential Estate District to the "RS-15" Single-Family 15 District.

SUMMARY:

The purpose of the zoning request is to allow for the construction of a denser single-family neighborhood.

BACKGROUND AND FINDINGS:

On October 1, 2019, City Council held a public hearing and considered the rezoning to "RS-6" Single-Family 6 District. The result was no action by City Council.

On October 15, 2019, City Council requested reconsideration of the zoning case as a result of the support by Flour Bluff Independent School District of the change in zoning from "RE" Residential Estate District to "RS-15" Single-Family 15 District. The proposed "RS-15" District allows up to 2.9 dwelling units per acre. The minimum lot size is 15,000 square feet.

On October 29, 2019, with a $\frac{3}{4}$ vote on the first reading of the ordinance, City Council approved the change from "RE" Residential Estate District to the "RS-15" Single-Family 15 District.

The subject property is 15.96 acres in size. The owner is proposing to construct single-family homes. The existing "RE" Residential Estate District allows single family homes at one dwelling unit per acre. The proposed "RS-6" Single-Family 6 District allows up to 7 dwelling units per acre. The minimum lot size is 6,000 square feet.

On March 20, 2019, the Planning Commission recommended denial of the applicant's request to rezone the property from the "RE" Residential Estate District to the "RM-2" Multifamily 2 District to allow for the construction of an apartment complex. However, the City Council failed to reach

consensus concerning the rezoning to the “RM-2” District. The result was no action by the City Council. In the event the City Council fails to act within six months, such proposed Zoning Map amendment is deemed denied. Per UDC 3.3.6.B, if the applicant withdraws the application after Planning Commission has held a public hearing and made a recommendation on the application, no further application for rezoning the same district may be submitted for 12 months from the date of the recommendation. The applicant has withdrawn the application for “RM-2” and submitted a new application to rezone the property from “RE” Residential Estate District to the “RS-6” Single-family 6 District to allow for the construction of Single-Family homes.

Conformity to City Policy

The subject property is located within the boundaries of the Flour Bluff Area Development Plan and is planned for low density residential uses. The proposed rezoning to the “RS-6” Single-Family 6 District is inconsistent with the adopted Comprehensive Plan (Plan CC) and warrants a Future Land Use Map amendment.

Public Input Process

Number of Notices Mailed
58 within 200-foot notification area
5 outside notification area

As of September 24, 2019:

In Favor	In Opposition
3 inside notification area	22 inside notification area
0 outside notification area	0 outside notification area

Totaling 59.75% of the land within the 200-foot notification area in opposition. Due to the opposition exceeding 20%, the rezoning case is considered controversial. Therefore, three quarters of City Council members must vote in approval to approve the change of zoning.

Commission Recommendation

Planning Commission recommended approval the change of zoning from the “RE” Residential Estate District to the “RS-6” Single Family 6 District on July 10, 2019.

ALTERNATIVES:

1. Deny the zoning request which will still allow the construction of a single-family neighborhood at current density limitations.
2. Approval of another residential zoning district within the range of the request (“RS-22”, “RS-15”, and “RS-10”).

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION:

Staff recommends approval of the zoning request. Planning Commission recommended approval of the change of zoning from the “RE” Residential Estate District to the “RS-6” Single Family 6 District with following vote count.

Please note, due to the opposition exceeding 20%, the rezoning case is considered controversial. Therefore, three quarters of City Council members must vote in approval to approve the change of zoning.

Vote Count:

For: 5
Opposed: 0
Absent: 3
Abstained: 0

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation - Aerial Map
Planning Commission Final Report