

# ZONING REPORT

Case No.: 0413-02  
 HTE No. 13-10000011

Planning Commission Hearing Date: April 24, 2013

<b>Applicant &amp; Legal Description</b>	<p><b>Applicant/Owner:</b> Kitty Hawk Development Ltd.  <b>Representative:</b> RVE, Inc., Pat Veteto, P.E., R.P.L.S.  <b>Legal Description/Location:</b> Being a 58.969-acre tract of land out of the south half of Section 31, Laureles Farm Tracts, located along the south side of South Staples Street (FM 2444) and along the east side of County Road 41.</p>			
<b>Zoning Request</b>	<p><b>Tract 1 (0.705 acres)</b>  <b>From:</b> "RE" Residential Estate District  <b>To:</b> "CN-1" Neighborhood Commercial District</p> <p><b>Tract 2 (45.913 acres)</b>  <b>From:</b> "RE" Residential Estate District  <b>To:</b> "RS-15" Single-Family 15 District</p> <p><b>Tract 3 (12.351 acres)</b>  <b>From:</b> "CN-1" Neighborhood Commercial District  <b>To:</b> "RS-15" Single-Family 15 District</p> <p><b>Total Area:</b> 58.969 acres</p> <p><b>Purpose of Request:</b> To allow development of a single-family subdivision and future commercial uses.</p>			
<b>Existing Zoning and Land Uses</b>		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
	<i>Site</i>	"RE" Residential Estate & "CN-1" Neighborhood Commercial	Vacant	Residential Estate & Commercial
	<i>North</i>	"FR" Farm Rural	Vacant	Residential Estate
	<i>South</i>	"RE" Residential Estate	Residential Estate & Vacant	Residential Estate
	<i>East</i>	"RE" Residential Estate	Residential Estate & Vacant	Residential Estate
	<i>West</i>	Outside City Limits (O.C.L.)	Vacant	Low Density Residential & Commercial

<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located in the Southside Area Development Plan (ADP) and is planned for commercial and estate residential uses. The proposed change of zoning to the “RS-15” Single-Family 15 District and the “CN-1” Neighborhood Commercial is not consistent with the Future Land Use Plan.</p> <p><b>Map No.:</b> 047030, 047029, &amp; 046030</p> <p><b>Zoning Violations:</b> None</p>				
<b>Transportation</b>	<p><b>Transportation and Circulation:</b> The subject property has approximately 1,600 feet of frontage along South Staples Street (FM 2444), which is a proposed “A3” Primary-Arterial Divided street, and approximately 340 feet of frontage along County Road 41, which is a proposed “A2” Minor Arterial Divided street.</p>				
<b>Street R.O.W.</b>	<b>Street</b>	<b>Urban Transportation Plan Type</b>	<b>Proposed Section</b>	<b>Existing Section</b>	<b>Traffic Volume</b>
	S. Staples St. (FM 2444)	“A3” Primary-Arterial Divided	95’ ROW 64’ paved	100’ ROW 28’ paved	7,651 (2010)
	County Road 41	“A2” Secondary Arterial Divided	100’ ROW 54’ paved	-- ROW -- paved	Not Available

**Staff Summary:**

**Requested Zoning:** On Tract 1, the applicant is requesting a change of zoning from the “RE” Residential Estate District to the “CN-1” Neighborhood Commercial District on 0.71 acres. On Tract 2, the applicant is requesting a change of zoning from the “RE” Residential Estate District to the “RS-15” Single-Family 15 District on 45.91 acres. On Tract 3, the applicant is requesting a change of zoning from the “CN-1” Neighborhood Commercial District to the “RS-15” Single-Family 15 District on 12.35 acres.

**Applicant’s Development Plan:**

The proposed rezoning is for 58.969 acres out of a 298.72-acre tract of land, which will be developed as the Kitty Hawk Subdivision. The majority of the remaining land is proposed for one-acre lots. About sixty acres of this subdivision is being rezoned to the “RS-15” Single-Family 15 District, which requires a minimum lot size of 15,000 square feet. Due to a lack of wastewater infrastructure, the area being rezoned to the “RS-15” District will be developed into 66 half-acre lots, constituting approximately 19.5% of the Kitty Hawk Subdivision. With half-acre lot sizes, the developer can install septic systems for each lot rather than extending wastewater lines south of the Oso River.

The portion of property being rezoned to “CN-1” Neighborhood Commercial District is a 0.71-acre tract of land that will front County Road 41 and will be an extension of the existing “CN-1” District that fronts South Staples Street (FM 2444) and County Road 41. This rezoning will reduce the existing “CN-1” District located at the corner of South Staples Street (FM 2444) and County Road 41 from about 17 acres to 5.36 acres.

**Existing Land Uses & Zoning:** North and south of the subject property is vacant land zoned “FR” Farm Rural District. Also to the south of the subject property is the Kitty Hawk subdivision zoned “RE” Residential Estate District. West of the subject property is vacant land zoned “CN-1” Neighborhood Commercial District and the city limit line. East of the subject property is vacant land and the Kitty Hawk subdivision zoned “RE” Residential Estate District.

**AICUZ:** The subject property is not located in a Navy Air Installation Compatibility Use Zones (AICUZ).

**Comprehensive Plan & Area Development Plan (ADP) Consistency:** The proposed change of zoning is located within the boundaries of the Southside ADP and is not consistent with the adopted Future Land Use Plan, which slates the property for estate residential (one-acre lots) and commercial uses. The developer originally intended to develop 17.2 acres of commercial uses and one-acre residential lots, and the Future Land Use Plan accommodated the developer’s original plan. The developer’s change in plans is acceptable with regards to the City’s Comprehensive Plan and is consistent with surrounding planned uses.

**Plat Status:** The property is currently unplatted. The master preliminary plat is under review.

**Department Comments:**

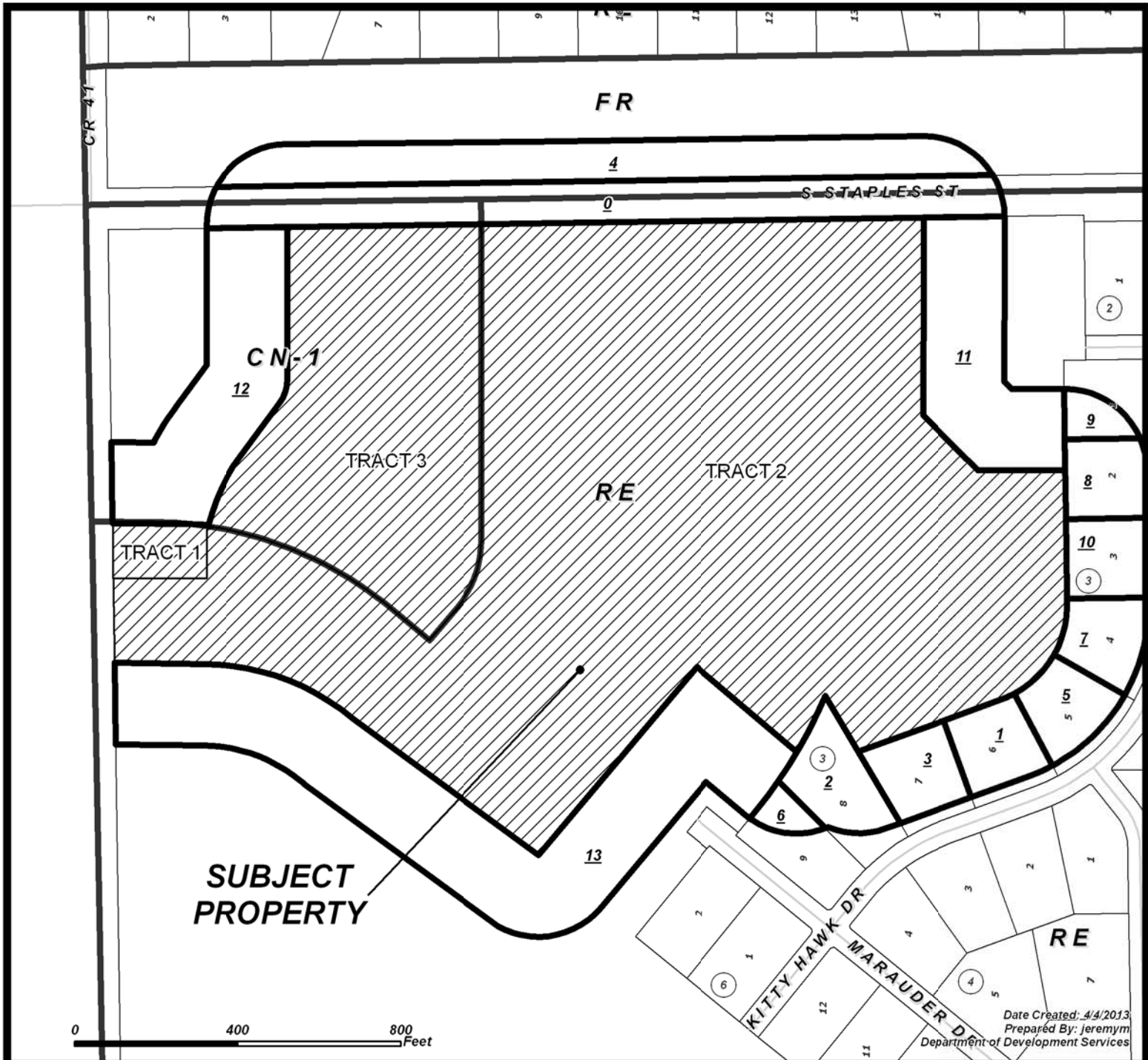
- The proposed residential development is an extension of the Kitty Hawk Subdivision and is partially consistent with the Future Land Use Plan. Although commercial and residential estate uses are planned for the subject property, staff agrees that a low density residential use with lot sizes of 15,000 square feet to a half-acre is appropriate for the land and that reducing the amount of commercial area is also acceptable.
- The proposed change of zoning is compatible with current zoning patterns in the area and would not have a negative impact on the surrounding neighborhood.
- The City’s Comprehensive Plan recommends that commercial activities be located with convenient access to arterial-type streets. The area being rezoned to the “CN-1” Neighborhood Commercial District is located along County Road 41, which is a proposed “A2” Secondary Arterial Divided street. The majority of the existing commercial zoning fronts on South Staples Street (FM 2444), which is also an arterial-type street.
- The proposed commercial uses will have direct access to South Staples Street (FM 2444) and will not increase traffic through the surrounding residential areas.

**Planning Commission and Staff Recommendation (April 24, 2013):**

Approval of the change of zoning from the “RE” Residential Estate District to the “CN-1” Neighborhood Commercial District on Tract 1, from the “RE” Residential Estate District to the “RS-15” Single-Family 15 District on Tract 2, and from the “CN-1” Neighborhood Commercial District to the “RS-15” Single-Family 15 District on Tract 3.

<b>Public Notification</b>	Number of Notices Mailed – 13 within 200’ notification area; 1 outside notification area
	<u>As of May 7, 2013:</u>
	In Favor – 0 (inside notification area); 0 (outside notification area)
	In Opposition – 1 (inside notification area); 0 (outside notification area)
For 2.85% in opposition.	

- Attachments:           1. Location Map (Existing Zoning & Notice Area)  
                                  2. Preliminary Plat



Date Created: 4/4/2013  
 Prepared By: jeremym  
 Department of Development Services

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### 2. SITE - EXISTING ZONING, NOTICE AREA & OWNERSHIP

RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF Two-Family
CR-1 Resort Commercial	RS-15 Single-Family 15
CR-2 Resort Commercial	RE Residential Estate
CG-1 General Commercial	RS-TH Townhouse
CG-2 General Commercial	SP Special Permit
CI Intensive Commercial	RV Recreational Vehicle Park
CBD Downtown Commercial	RMH Manufactured Home
CR-3 Resort Commercial	
FR Farm Rural	
H Historic Overlay	
BP Business Park	

- Subject Property with 200' buffer
- Owners in favor
- Owners within 200' listed on attached ownership table
- Owners in opposition

