



AGENDA MEMORANDUM (Revised)

Public Hearing and First Reading for the City Council Meeting of July 23, 2024
Second Reading for the City Council Meeting of July 30, 2024

DATE: July 23, 2023

TO: Peter Zaroni, City Manager

FROM: Al Raymond, Development Services Department
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<p>Rezoning for a property at or near 7213 State Highway 361 (SH-361)</p>
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CAPTION:

Zoning Case No. ZN8120, Mustang Island LLC (District 4). Ordinance rezoning a property at or near 7213 State Highway 361 (SH-361) from the "RM-AT" Multi-Family Apartment Tourist District to the "RV" Recreational Vehicle Park District; providing for a penalty not to exceed \$2,000 and publication. (Planning Commission and Staff recommend approval). 3/4 favorable vote required due to protest by surrounding owners.

SUMMARY:

This item is to rezone the property to allow a commercial (overnight accommodation) use; particularly a recreational vehicle park.

BACKGROUND AND FINDINGS:

The subject vacant 10.72-acre tract out of a 29.99-acre parent parcel for a master development that is to include single-family uses, commercial (Retail Sales and Services/Restaurant) uses, and a commercial (Overnight Accommodation (Hotel)) use. It is located along the east side of State Highway 361, out of the Mustang Island area, and two (2) miles north of the Mustang Island State Park.

The subject property is zoned "RM-AT" Apartment Tourist District, which is typical to the Padre/Mustang Island area. The greatest concentration of this district is in the Mustang Island area (measuring approximately six (6) miles, north of the Mustang Island State Park's Fish Pass, south of the Port Aransas's city-limit line, and along the east side of State Highway 361. The typical zoning district along the west side of State Highway 361 is "FR" Farm Rural District, the zoning district granted upon annexation, and where zoned otherwise; the result of an amendment to the "FR" district of origin. The area east of State Highway 361, north of the Mustang Island State Park, and south of the Port

Aransas city line, was annexed in 2001, while the area west of the highway was annexed 2-3 years prior.

To the north of the parcel, properties are zoned “RM-AT” Multi-Family Apartment Tourist District and “FR” Farm Rural District; however, are vacant. To the east of the area of request is the remaining of the parent-parcel zoned “RM-AT” Multi-Family Apartment Tourist District slated for single-family uses and a hotel development. To the west of the site and State Highway 361, properties are zoned “FR” Farm Rural and “RM-AT” Multi-Family Apartment Tourist District and are vacant.

The applicant is requesting an amendment to the current district to accommodate a recreational vehicle park use with approximately 98 RV stalls. Incidental uses are to include a community center, maintenance/utility support spaces, swimming pools, shower facilities, and laundry room, among other amenities. The amendment is for phase 2 of 2 of the master development. Phase 2 also includes construction of townhomes per the preliminary plat approved by Planning Commission on July 26, 2023. Phase 1 includes a retail center, hotel, and townhomes. There are mitigation efforts attached to the overall site due to violation issued by the Texas General Land Office; which also include the un-permitted filling and dredging of 1.2 acres of wetlands within the jurisdiction of the Army Corps of Engineers. The development will impact the entire 7.64 acres of wetland identified on-site.

The “RV” Recreational Vehicle Park District provides for the development of tourist accommodations that utilize recreational vehicle parks. Recreational Vehicle parks are restricted to the Recreational Vehicle District; which requires a minimum 3-acre site area.

The proposed rezoning is consistent with broader elements of PlanCC; however, it is inconsistent with the Future Land Use designation of Planned Development; therefore, will warrant an amendment to the Future Land Use map.

Public Input Process:

Four (4) notices were mailed within the state required, 200-foot, notification area, and 1 outside the notification area.

As of July 23, 2024:

In Favor	In Opposition
0 inside notification area	2 inside notification area (Received 7/23/24)
0 outside notification area	0 outside notification area

Two (2) separate property owners within the 200-foot notification area are in opposition, totaling 70.89%. A 3/4 favorable vote is required due to protest by surrounding owners.

Property Owner 2 (9.05%) – Reason for opposition: “Should be a special permit.”
Property Owner 5 (61.85%) – Reason for opposition: “Decline of property value.”

ALTERNATIVES:

Denial of the change of zoning from the “RM-AT” Multi-Family Apartment Tourist District to the “RV” Recreational Vehicle District.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION (May 29, 2024):

Planning Commission and Staff recommend approval of the change of zoning from the "RM-AT" Multi-Family Apartment Tourist District to the "RV" Recreational Vehicle District.

Vote Results

For: 7

Against: 1

Absent: 1

Abstained: 0

LIST OF SUPPORTING DOCUMENTS:

Ordinance

Presentation - Aerial Map

Planning Commission Final Report