



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of March 26, 2013
Second Reading for the City Council Meeting of April 9, 2013

DATE: February 14, 2013

TO: Ronald L. Olson, City Manager

FROM: Mark E. Van Vleck, P.E., Director, Development Services Department
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PUBLIC HEARING – CHANGE OF ZONING
Carl Badalich and Sherry Badalich (Case No. 0213-02)
Change from “RM-AT/PUD” Multifamily AT District with a Planned Unit Development Overlay to “RM-AT/PUD” Multifamily AT District with a modified Planned Unit Development Overlay
Property Address: 7269 State Highway 361

CAPTION:

Case No. 0213-02 Carl Badalich and Sherry Badalich: A change of zoning from the “RM-AT/PUD” Multifamily AT District with a Planned Unit Development Overlay to the “RM-AT/PUD” Multifamily AT District with a modified Planned Unit Development Overlay, not resulting in a change of future land use. The property is described as Sunrise Shores, Block 1, Lots 101-119, 122, 301-313, and 3B, located between State Highway 361 and the Gulf of Mexico, approximately one-half mile north of Sea Way Drive.

PURPOSE:

The purpose of this item is to rezone the property to allow a Planned Unit Development consisting of 31 single-family dwelling units, two townhouse units, and a multifamily structure, which is a change from the previously approved 23-unit townhouse Planned Unit Development.

RECOMMENDATION:

Planning Commission and Staff Recommendation (February 13, 2013):
Approval of the change of zoning from the “RM-AT/PUD” Multifamily AT District with a Planned Unit Development Overlay to the “RM-AT/PUD” Multifamily AT District with a modified Planned Unit Development Overlay, subject to nine conditions:

1. **Master Site Plan:** The Owners shall develop the Property in accordance with the Master Site Plan as shown in Exhibit B. The development of the Property is to consist of 31 single-family dwelling units, two townhouse units, and one or

more multifamily structures. The development of the Property shall be constructed in two phases: Phase 1 consists of 21 single-family dwelling units and Phase 2 consists of 10 single-family dwelling units, two townhouse units, and one or more multifamily structures. The multifamily portion of the development is subject to specific requirements regarding multifamily structures as set out in the UDC.

2. **Dwelling Units per Acre:** The density of dwelling units on the Property cannot exceed 60 dwelling units per acre.
3. **Building Height:** The maximum height of the single-family dwelling units and townhouse units is three stories, with a maximum of 45 feet of habitable space. The height of the multifamily structures in the development must be in accordance with the provisions set out in the UDC.
4. **Parking:** Each dwelling unit must have two parking spaces within a private garage. Dwellings in Phase 1 must have an additional two guest parking spaces on a 20-foot long by 18-foot wide driveway located on each dwelling's lot. Dwellings in Phase 2 must have a minimum of 7 parking spaces in a shared guest parking lot as identified in the Master Site Plan. Parking on the Property shall be designed and utilized not to impede access for fire apparatus.
5. **Setbacks:** Minimum eight-foot wide front yard setbacks shall be provided for each lot in Phase 1, and minimum five-foot wide front yard setbacks shall be provided in Phase 2. Minimum side and rear yard setbacks for all lots in both phases shall each be five feet. The Property shall provide a minimum open space requirement of 30%. Setbacks for the multifamily portion of the development shall be a minimum of five feet.
6. **Private Street Access:** Each lot shall have access to a private street with a paved width of not less than 24 feet in Phase 1 and 20 feet in Phase 2. The fire apparatus turn around shall be constructed in accordance with the approved Master Site Plan unless otherwise approved by the Fire Department. The private street shall be striped to indicate "Fire Lane/No Parking." Access and circulation for the multifamily portion of the development shall be in accordance with the provisions set out in the UDC.
7. **Pedestrian Access:** A minimum four-foot wide sidewalk is required to be constructed along the internal private street.
8. **Infrastructure:** The location of water and wastewater lines and easements is subject to the approval of the Nueces County Water Control and Improvement District #4. The location of electrical conduit and easements is subject to the approval of AEP-Texas.
9. **Time Limit:** Construction of the infrastructure for Phase 1 is complete. The Owners shall commence construction of the infrastructure for Phase 2 within 24 months from the date this Planned Unit Development ordinance is approved by the City Council. Construction of the multifamily portion of the development is not subject to an expiration date under this ordinance.

BACKGROUND AND FINDINGS:

As detailed in the attached Zoning Report, the applicant is requesting a rezoning to allow the construction of 31 single-family dwelling units, two townhouse units, and a multifamily structure. The original PUD was approved by Council in June 2010 for a 23-unit townhouse development. PUDs approved by Council cannot be significantly modified without Council approval. The applicant is requesting a rezoning for a new PUD because he wants to change the existing development plan.

By using a PUD, the developer would be committed to a site plan that could not be changed significantly without a public hearing. This PUD utilizes decreased lot sizes and setbacks for individual lots, while maintaining the required amount of open space.

ALTERNATIVES:

- 1. Approve an intermediate zoning district; or
- 2. Deny the request.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The proposed change of zoning is consistent with elements of the Comprehensive Plan, Mustang/Padre Island Area Development Plan, and Future Land Use Plan.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Planning/Environmental Services, Legal, and Planning Commission

FINANCIAL IMPACT:

- Operating Revenue Capital Not applicable

Fiscal Year: 2012-2013	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: None

LIST OF SUPPORTING DOCUMENTS:

Aerial Overview Map

Zoning Report with Attachments

Ordinance with Exhibits