

# STAFF REPORT

Case No. 0317-07  
 INFOR No. 17ZN1010

**Planning Commission Hearing Date:** May 17, 2017

<b>Applicant &amp; Legal Description</b>	<p><b>Owner:</b> Mohammed Motaghi  <b>Applicant/Representative:</b> Michael Gunning  <b>Location Address:</b> 4626 Weber Road  <b>Legal Description:</b> A 7.05 acre tract of land out of the replat of the Edwin E. Connor Tract, as recorded in Volume 40, Page 95, of the map records of Nueces County, Texas, located along the east side of Weber Road, south of Gollihar Road, and north of McArdle Road.</p>			
<b>Zoning Request</b>	<p><b>From:</b> "RS-6/SP" Single-Family 6 District with a Special Permit  <b>To:</b> "CN-1" Neighborhood Commercial District  <b>Area:</b> 7.05 acres  <b>Purpose of Request:</b> To allow for multifamily and 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>	"RS-6/SP" Single-Family 6 with a Special Permit	Public/ Semi-Public	Government/ Institutional
	<i>North</i>	"RS-6" Single-Family 6	Low Density Residential and Commercial	Medium Density Residential and Commercial
	<i>South</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
	<i>East</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
	<i>West</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located within the boundaries of the Southeast Area Development Plan and is planned for Public/Semi-Public uses. The proposed rezoning to the "CN-1" Neighborhood Commercial is consistent with the adopted Future Land Use Map and the Southeast Area Development Plan.  <b>Map No.:</b> 045038  <b>Zoning Violations:</b> None</p>			
<b>Transportation</b>	<p><b>Transportation and Circulation:</b> The subject property has approximately 396 feet of street frontage along Weber Road which is designated as an "A1" Minor Arterial Street.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Weber Road	"A1" Minor Arterial	95' ROW 64' paved	80' ROW 60' paved	26,975 ADT (2014)

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a rezoning from the "RS-6/SP" Single-Family 6 District with a Special Permit to the "CN-1" Neighborhood Commercial District to allow multifamily and commercial uses.

**Development Plan:** The subject property is comprised of 7.05 acres and is proposed to be multifamily and commercial uses. According to the applicant, "The subject property is located along the east side of Weber Rd., situated between McArdle and Gollihar Roads. This site was known as the Physicians & Surgeons Hospital at 4626 Weber Rd., a designated arterial. The approved 1980 replat indicates that 9.22 acres of the property to be the site of an old sanitary landfill, which has been closed. Tract 1 abuts the east right-of-way line of Weber Road, a designated arterial. The subject property includes the former hospital buildings which are in part now occupied by offices, an adult day care center, a food catering service, and a considerable amount of vacant buildings. Based on Nueces County Tax Appraisal District records there is approximately 41,500 sf of building area and 82,000 sf of paved area that extends generally northeast to the proposed zoning line of Tract 2. It is the owner's intention to provide long term housing to accommodate the influx of workers needed for the new Harbor Bridge construction."

**Existing Land Uses & Zoning:** The subject property is zoned "RS-6/SP" Single-Family 6 District with a Special Permit. The subject property is currently the site of the former P&S Hospital. The building has been converted to serve various professional office uses and a catering business. To the north are single-family residences zoned "RS-6" Single-Family 6 District. Further to the north at the intersection of Weber Road and Gollihar Road are commercial uses and are zoned "CN-1" Neighborhood Commercial. The commercial uses include restaurants, a car wash, and a convenience store with fuel sales. To the south, east, and west are single-family residences zoned "RS-6" Single-Family 6 District.

**AICUZ:** The subject property is not located in one of the Navy's Air Installation Compatibility Use Zones (AICUZ).

**Plat Status:** The property is platted.

**PlanCC & Area Development Plan Consistency:** The subject property is located within the boundaries of the Southeast Area Development Plan (ADP). The proposed rezoning to the "CN-1" Neighborhood Commercial District is consistent with the adopted Southeast ADP. The proposed rezoning is consistent with the following policies of the Comprehensive Plan:

- Encourage the protection and enhancement of residential neighborhoods (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Promote a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses based on compatibility, locational needs, and characteristics of each use (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Support the separation of high-volume traffic from residential areas or other noise-sensitive land uses (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- The specific goal of the Southeast Area Development Plan is to protect the predominantly stable residential neighborhoods and to promote the efficient development of underutilized and remaining vacant land in the Area (Southeast ADP Goals and Objectives).
- Lighting from non-residential uses should be directed away from residential areas (Policy Statement B.2.a).
- Noise impacts from non-residential uses should be reduced by creating a buffer open space between the two areas. Such spaces may be landscaped areas, a street, a screening fence, larger setbacks, etc. These methods can be used singularly but are usually most effective when applied in combination to provide the desired effect (Policy Statement B.2.b).
- Placing low intensity activities next to single family uses (Policy Statement B.2.c).

**Department Comments:**

- The proposed rezoning is compatible with PlanCC and the Southeast Area Development Plan. The proposed rezoning is compatible with neighboring properties and with the general character of the surrounding area.
- The site is currently zoned with a Special Permit (SP) granted in 1980. The SP allows the operation of offices, medical, and health facilities.
- The “CN-1” Neighborhood Commercial District does open the possibility of more intense commercial uses adjacent to single-family residences. Examples of uses allowed in the “CN-1” District are: Multifamily Residential, Offices, and Retail Businesses. Bars, Pubs, and Taverns are prohibited in the “CN-1” District.
- According to the owner, there will be no expansion to the building. The only construction will be remodeling to prepare two wings of the building for the proposed multifamily use.
- Approximately 330 feet to the north are other properties zoned “CN-1” Neighborhood Commercial District located at the intersection of Gollihar and McArdle Roads.
- Based on information from the Nueces County Appraisal District, the hospital building has existed since 1979. Prior to hospital use, the site was vacant and an adjacent portion of property is a former landfill.
- The adjacent single-family homes to the north and south are buffered by at least 40 feet of drive aisles surrounding the former hospital building and a six foot masonry wall in good condition.
- The former landfill on the adjacent property will not be disturbed in any manner.
- Staff is recommending a Special Permit with conditions that protect the integrity of the surrounding single-family neighborhood. The proposed conditions will only allow

the uses of retail, professional offices, restaurants, and a set number of ninety-one (91) multifamily units.

**Staff Recommendation:**

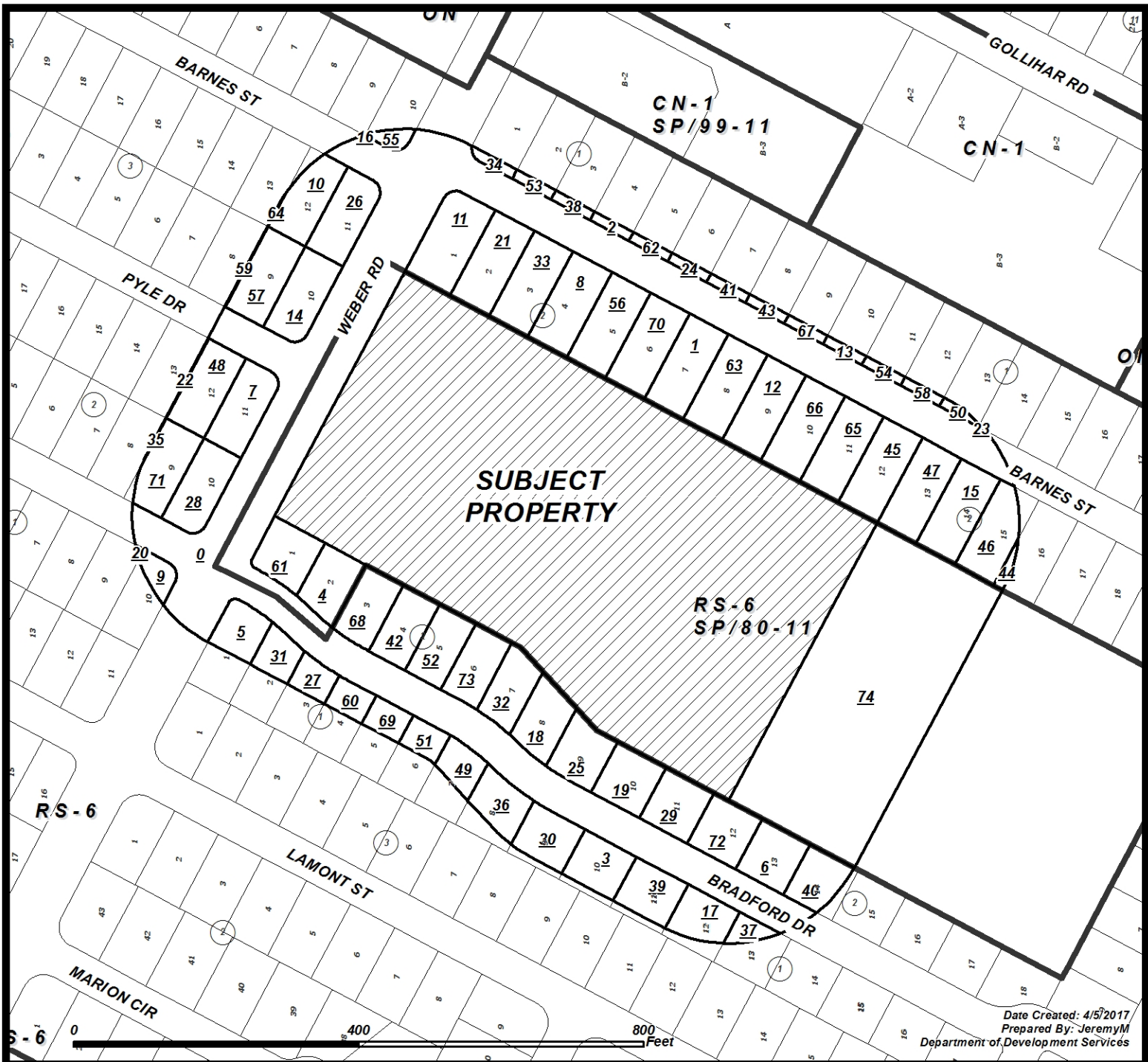
Denial of the change of zoning from “RS-6/SP” Single-Family 6 District with a Special Permit to the “CN-1” Neighborhood Commercial District, in lieu thereof approval of the “RS-6/SP” Neighborhood Commercial District with a Special Permit (SP) with the following conditions:

1. **Uses:** The only uses allowed on the Property other than uses permitted in the base zoning districts are retail, professional offices, restaurants, and ninety-one (91) multifamily units.
2. **Building:** No expansion of the building shall be allowed for the purposes of multifamily uses.
3. **Lighting:** All security lighting must be shielded and directed away from abutting residences and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line near all public roadways and residential development.
4. **Buffer Area:** The buffer area is defined as the area between the existing building and the single-family residences with a masonry wall to the north and south of the property. The existing separation between the building and six (6) foot masonry wall shall be maintained. No expansion of the building into this area shall be allowed. The property owner shall maintain and keep the existing six (6) foot masonry wall in good condition. No parking shall be allowed in the buffer area.
5. **Dumpsters:** Dumpsters shall not be located in the buffer area as described in Condition #4.
6. **Signage:** All existing signs along Weber Road will be allowed to remain. No additional signage for the purposes of advertisement shall be allowed.
7. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, and Building and Fire Code Requirements.
8. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within twelve (12) months of this ordinance, unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

<b>Public Notification</b>	Number of Notices Mailed – 74 within 200-foot notification area 8 outside notification area
	<b><u>As of May 12, 2017:</u></b>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.

**Attachments:**

1. Location Map (Existing Zoning & Notice Area)
2. Public Comments Received (if any)

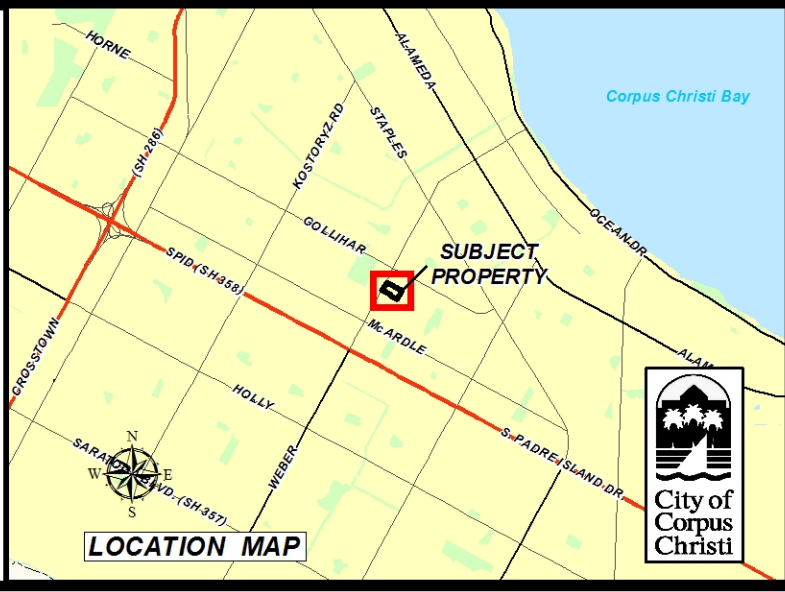


Date Created: 4/5/2017  
 Prepared By: Jeremy M  
 Department of Development Services

# CASE: 0317-07 ZONING & NOTICE AREA

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



**LOCATION MAP**

