



AGENDA MEMORANDUM

Public Hearing & First Reading Ordinance for the City Council Meeting 07/19/22
Second Reading Ordinance for the City Council Meeting 07/26/22

DATE: July 19, 2022
TO: Peter Zanoni, City Manager
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Rezoning a property at or near 11110 IH 37 (AKA Up River Road)

CAPTION:

Zoning Case. No. 0322-02 Elizabeth and Edelmiro Garza (District 1). Ordinance rezoning a property at or near 11110 Interstate Highway 37 (AKA Up River Road) from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District.

SUMMARY:

The purpose of this rezoning is to bring the subject property into conformity to allow for a Mobile Vendor Unit (MVU). City Council tabled the rezoning case in May to allow time for the Texas Department of Transportation (TxDot) to review any potential traffic hazards. After further staff review, TxDot did not observe a traffic hazard based on traffic counts and data and does recommend any changes to the right-of-way.

BACKGROUND AND FINDINGS:

The subject property is 0.1736 acre. To the north property is zoned "RS-6" Single-Family 6 District and is vacant. To the south is Interstate Highway 37. The east and west property is zoned "RS-6" Single-Family 6 Residential and is vacant.

The property is an existing nonconforming lot due to taking of subject property land for improvements on IH 37 Access. Prior to the onset of the COVID-19 Pandemic, the applicant ran a successful off-site "brick and mortar" restaurant. Due to the economic strain of the pandemic, the applicant had to close the off-site restaurant. The closure prompted the applicant to open a Mobile Vending Unit (MVU) on the subject property.

Conformity to City Policy

Although the proposed zoning is inconsistent with the Future Land Use Map, it is generally consistent with many broader elements of the comprehensive plan.

Public Input Process

Number of Notices Mailed

10 within 200-foot notification area
1 outside notification area

As of March 22, 2022:

In Favor

1 inside notification area

0 outside notification area

In Opposition

0 inside notification area

0 outside notification area

Totaling 0.00% of the 200-foot notification area* is in opposition.

*Created by calculating the area of land immediately adjoining the subject property and extending 200-foot therefrom. The opposition is totaled by the total area of land that each individual property owner owns converted into a percentage of the total 200-foot notification area.

Notified property owner's land in square feet / Total square footage of all property in the notification area = Percentage of public opposition

ALTERNATIVES:

1. Denial of the zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION:

Planning Commission recommended denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood District, in lieu thereof approval of the "RS-6/SP" Single-Family 6 District with a Special Permit on March 9, 2022.

Vote Count:

For: 8

Opposed: 0

Absent: 0

Abstained: 0

Staff recommends denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood District, in lieu thereof approval of the "RS-6/SP" Single-Family 6 District with a Special Permit.

LIST OF SUPPORTING DOCUMENTS:

Ordinance

Presentation - Aerial Map

Planning Commission Final Report