



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of November 15, 2016
Second Reading for the City Council Meeting of December 13, 2016

DATE: October 25, 2016

TO: Margie C. Rose, City Manager

FROM: Daniel McGinn, Interim Director, Development Services Department
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<p>Public Hearing and First Reading for Property at 10329 Kingsbury Drive</p>
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CAPTION:

Case No. 0916-01 Coastal Bend Grace House, Inc.: A change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-1/SP" General Commercial District with a Special Permit. The property is described as Block 3, Lot 4, Hill Country Estates, located on the southeast corner of Kingsbury Drive and McKinzie Road

PURPOSE:

To allow construction of a social service use.

RECOMMENDATION:

Planning Commission and Staff Recommendation (September 7, 2016):

Denial of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-1/SP" General Commercial District with a Special Permit and, in lieu thereof, approval of the "CN-1/SP" Neighborhood Commercial District with a Special Permit subject to the following conditions:

1. **Uses:** The only uses authorized by this Special Permit other than uses permitted in the base zoning district is a transitional housing facility, a social service. The facility shall not exceed the 10 beds. For the purposes of this section, a transitional housing facility is defined as a project that is designed to provide housing and appropriate supportive services to residents to facilitate their movement to independent living. Outreach support services are only for residents and shall be provided before 9pm. A single or two-family use is also permitted.
2. **Fencing:** The property shall be required to have an 8-foot tall wood screening fence on east side of property from the face of the building to the rear property line and a 6-foot tall minimum wood screening fence along the rear property line.

3. **Security:** The transitional housing facility located on the Property shall be monitored by staff at all times.
4. **Landscaping:** Landscape requirements for the Property shall be in compliance with multi-family standards as outlined in the UDC. Shrubs will be planted on the eastern property line from the face of the building to the front yard setback to screen from visiting traffic.
5. **Building Design:** The exterior façade of the building(s) shall compliment the style of dwellings on Kingsbury Drive in terms of materials and the building shall resemble a single-family dwelling.
6. **Lighting:** Freestanding light poles on the Property shall not exceed 15 feet in height. The Owner shall comply with all other UDC lighting requirements.
7. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within 12 months of this ordinance to submit a complete building permit application and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Vote Results for PC:

_For: 7

Against: 1

Absent: 1

A ¾ vote is needed due to opposition from owners totaling more than 20% of the land in the notification zone

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant is requesting a rezoning from the “CN-1” Neighborhood Commercial District to the “CG-1/SP” General Commercial District with a Special Permit to allow the construction of a transitional housing facility, which is considered a social service use. The residential unit is designed for 10 women, a director, and a staff assistant. The only visitors are ‘Life-skill’ training and religious formation instructors.

The proposed rezoning is consistent with the Future Land Use Map and is consistent with the policies in the Comprehensive Plan concerning infill development, location of social service, and commercial uses. A transitional housing facility is more like a residential use than a commercial use and is appropriately located on the fringe of a neighborhood and on an arterial street among other commercial sites. The property to be rezoned is suitable for uses permitted by the Special Permit and the rezoning is not anticipated to have a negative impact upon the surrounding property.

ALTERNATIVES:

1. Approve the “CN-1/SP” as recommended
2. Approve the “CG-1/SP” (requires ¾ vote)
3. Deny the request.

OTHER CONSIDERATIONS: The Tuloso-Midway Independent School District Board of Trustees have submitted a resolution in opposition of the rezoning of the property at Kingsbury Estates to any commercial or multi-family use.

CONFORMITY TO CITY POLICY:

The subject property is located within the boundaries of the Northwest Area Development Plan. The proposed rezoning to the "CG-1/SP" General Commercial District with a special permit is consistent with the adopted Future Land Use Map and the Northwest Area Development Plan.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal and Planning Commission

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not applicable

Fiscal Year: 2016-2017	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:

Ordinance

Presentation - Aerial Map

Planning Commission Final Report