

# PLANNING COMMISSION FINAL REPORT

Case No.: 0414-05

HTE No. 14-10000017

Planning Commission Hearing Date: April 23, 2014

<b>Applicant &amp; Legal Description</b>	<p><b>Applicant/Owner:</b> Upper Padre Partners, LP, and Bryan R. Gulley  <b>Legal Description/Location:</b> Being a 7.24-acre tract of land out of all of Lots 11 through 23, Block 46, Padre Island – Corpus Christi, Island Fairway Estates, and a portion of Lot 27D, Padre Island – Corpus Christi, Island Fairway Estates, located along the west side of Nemo Court, approximately 250 feet west of South Padre Island Drive (PR 22) and north of Whitecap Boulevard.</p>			
<b>Zoning Request</b>	<p><b>From:</b> “CR-2” Resort Commercial District and “CR-2/IO” Resort Commercial District with an Island Overlay  <b>To:</b> “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development Overlay  <b>Area:</b> 7.24 acres  <b>Purpose of Request:</b> To allow construction of a 50-unit single-family development.</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>		“CR-2” Resort Commercial & “CR-2/IO” Resort Commercial with an Island Overlay	Vacant & Commercial	Medium Density Residential & Commercial
<i>North</i>		“CR-2” Resort Commercial & “CR-2/IO” Resort Commercial with an Island Overlay	Vacant & Commercial	Medium Density Residential & Commercial
<i>South</i>		“CR-2” Resort Commercial & “CR-2/IO” Resort Commercial with an Island Overlay	Vacant & Commercial	Medium Density Residential & Commercial
<i>East</i>		“CR-2/IO” Resort Commercial with an Island Overlay & “RM-1/PUD” Multifamily 1 with a Planned Unit Development	Vacant, Medium Density Residential & Commercial	Medium Density Residential
<i>West</i>		“CR-2” Resort Commercial District	Commercial	Commercial
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located within the boundaries of the Mustang-Padre Island Area Development Plan (ADP) and is planned for medium density residential and commercial uses. The proposed change of zoning to the “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development Overlay is not consistent with the Future Land Use Plan.  <b>Map No.:</b> 029026  <b>Zoning Violations:</b> None</p>			

<b>Transportation</b>	<b>Transportation and Circulation:</b> The subject property has access to Nemo Court, which is a dead end local residential street. The subject property has indirect access to South Padre Island Drive (PR 22), which is an “A2” Secondary Arterial Divided street, via Nemo Court.				
<b>Street R.O.W.</b>	<b>Street</b>	<b>Urban Transportation Plan Type</b>	<b>Proposed Section</b>	<b>Existing Section</b>	<b>Traffic Volume</b>
	Nemo Ct.	Local Residential	50’ ROW 24’ paved	90’ ROW 68’ paved	Not Available

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a change of zoning from the “CR-2” Resort Commercial District & “CR-2/IO” Resort Commercial District with an Island Overlay to the “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development Overlay to allow construction of 50 single-family dwellings in a manner that deviates from the standard single-family subdivision requirements.

**Development Plan:** The proposed development will consist of 50 single-family dwellings on a 7.24-acre lot at a density of 6.9 dwelling units per acre. The proposed development will consist of zero lot line dwellings. A 5-foot maintenance easement is required on the lot adjacent to the zero lot line property line. The lots will be a minimum of 3,500 square feet and will have a minimum width of 35 feet. The front yard requirement on some lots along the hammerhead turnarounds shall be five feet. Each lot will have access to a private street that will have a minimum paved width of 24 feet with on-street parking between the back of curb and the property line. The right-of-way width will be 40 feet on the private streets and 38 feet on the hammerhead turnarounds. A sidewalk shall be provided in the common open areas between lots. The proposed height of the structures shall not exceed 40 feet. The applicant is requesting that the single-family units be allowed to be used for short term rental properties.

The following table is a comparison of the proposed development standards and the Unified Development Code (UDC) standards of the “RS-4.5” Single-Family 4.5 District. The table states all necessary deviations from the UDC.

Minimum Dimensions	“RS-4.5” Single-Family 4.5 District Standards	Proposed PUD	Complies w/ District Standard
Minimum lot area	4,500 sq. ft.	3,500 sq. ft.	<u>No</u>
Minimum lot width	45 ft.	35 ft.	<u>No</u>
Minimum Street Yard	20 ft.	5 ft.	<u>No</u>
Side Yard (single)	5 ft.	5 ft.	Yes
Side Yard (total)	10 ft.	10 ft.	Yes
Rear yard	5 ft.	5 ft.	Yes
Open space	30%	30+%	Yes
Maximum height	35 ft.	40 ft.	<u>No</u>
ROW width	50 ft.	40 ft.	<u>No</u>
Pavement width	28 ft.	24 ft.	<u>No</u>
Hammerhead ROW width	50 ft.	38 ft.	<u>No</u>

Staff agrees with the requested variances from the “RS-4.5” District. The development of Schlitterbahn on Padre Island will require many short term rental properties. By allowing Planned Unit Developments, the City can allow flexibility in the development of future units on the Island. All of the requested variances for this project are reasonable and will not adversely affect the surrounding properties. Although the right-of-way and pavement width are less than the standard requirement, the developer is increasing the amount of open space around the properties to allow a more pedestrian friendly environment.

**Existing Land Uses & Zoning:** North and south of the subject property is vacant land zoned “CR-2” Resort Commercial & “CR-2/IO” Resort Commercial with an Island Overlay. East of the subject property is vacant land and a multifamily development zoned “CR-2/IO” Resort Commercial with an Island Overlay & “RM-1/PUD” Multifamily 1 with a Planned Unit Development. West of the subject property is the future location of the Schlitterbahn Development zoned “CR-2” Resort Commercial District.

**AICUZ:** The subject property is not located in a Navy Air Installation Compatibility Use Zones (AICUZ).

**Comprehensive Plan & Area Development Plan (ADP) Consistency:** The subject property is within the boundaries of the Mustang-Padre Island ADP and the proposed rezoning is not consistent with the adopted Future Land Use Plan, which slates the property for medium density residential uses. The requested zoning change is most similar to the regulations imposed by an “RS-4.5” Single-Family 4.5 District. The proposed development will act more like multifamily structures than single-family homes because many of the homes will be short-term rental properties.

**Department Comments:**

- This rezoning is compatible with the present zoning and conforming uses of nearby properties and to the character of the surrounding area. Staff believes this rezoning does not have a negative impact upon the surrounding neighborhood.
- The subject property is suitable for the uses proposed by this rezoning.
- This PUD utilizes decreased lot sizes, lot widths, street yard setbacks, right-of-way width, pavement width, and increased height requirement. The PUD will maintain the required side and rear yard setbacks, as well as open space.
- PUDs allow flexibility for attractive, efficient design and can often reduce infrastructure installation and maintenance costs to the City. Using a PUD would commit the developer to a site plan that could not be changed significantly without public hearing.
- The Unified Development Code (UDC) allows the reduction of setbacks when properties are located in water oriented subdivisions. Due to the openness created by the various waterways around the subject property, reduced setbacks are appropriate at this location.

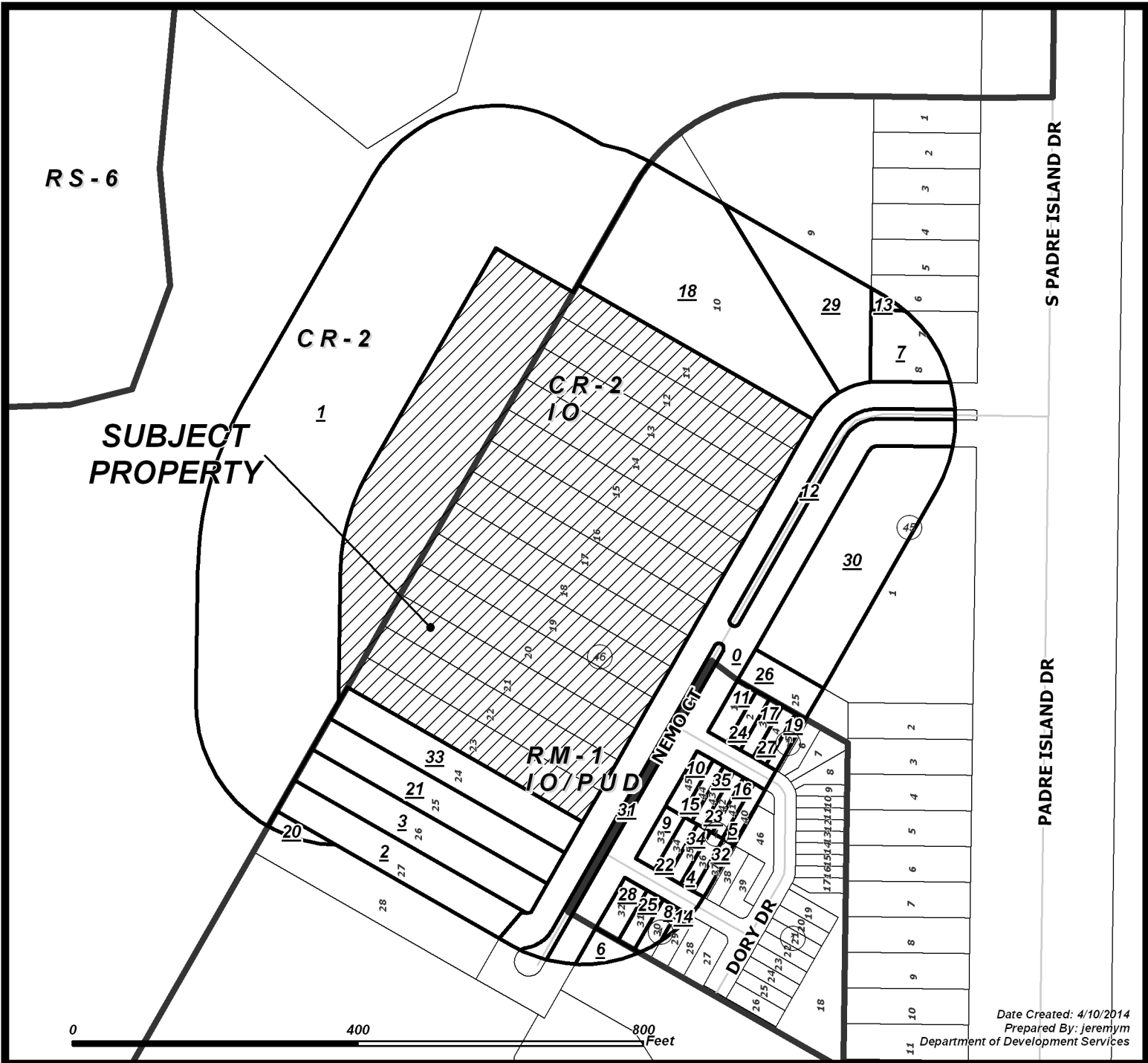
**Planning Commission and Staff Recommendation (April 23, 2014):**

Approval of the change of zoning from the “CR-2” Resort Commercial District & “CR-2/IO” Resort Commercial District with an Island Overlay to the “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development Overlay subject to the following development standards:

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 50 single-family dwelling units.
2. **Building Height:** The maximum height of any structure on the Property is 40 feet.
3. **Open Space:** The Property must maintain a minimum of 30% open space. Any surfaces constructed within the required open space must be constructed of pervious material.
4. **Private Street Access:** The property shall provide a two-way private street with a paved width of not less than 24 feet. The private street shall be striped to indicate “Fire Lane/No Parking.”
5. **Pedestrian Access:** A minimum five-foot wide sidewalk shall be constructed along the common areas along the rear of the single-family lots.
6. **Short Term Rentals:** All of the units on the Property can be used as short-term rentals with rental periods less than 30 days.
7. **Time Limit:** Construction of the development shall commence within 24 months from the date this modified Planned Unit Development ordinance is approved by the City Council.

<b>Public Notification</b>	Number of Notices Mailed – 33 within 200-foot notification area; 3 outside notification area
	<b><u>As of April 30, 2014:</u></b>
	In Favor – 0 inside notification area; 0 outside notification area
	In Opposition – 0 inside notification area; 0 outside notification area
For 0.00% in opposition.	

Attachments:           Location Map (Existing Zoning & Notice Area)  
                              PUD Exhibit



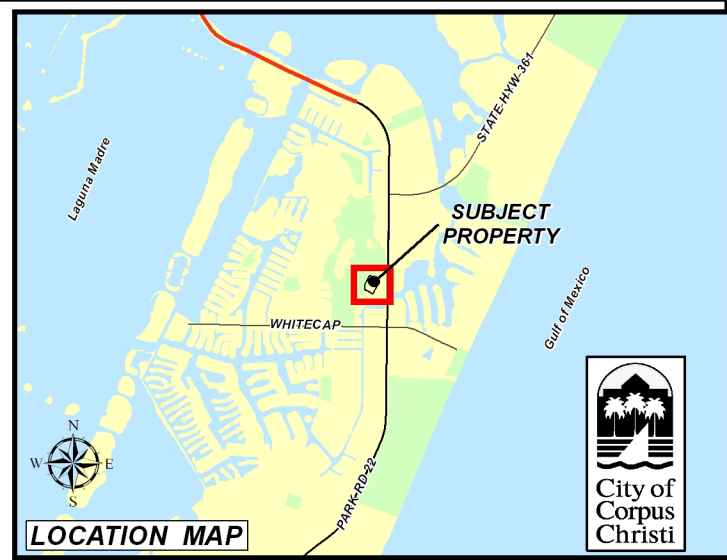
Date Created: 4/10/2014  
 Prepared By: jeremym  
 Department of Development Services

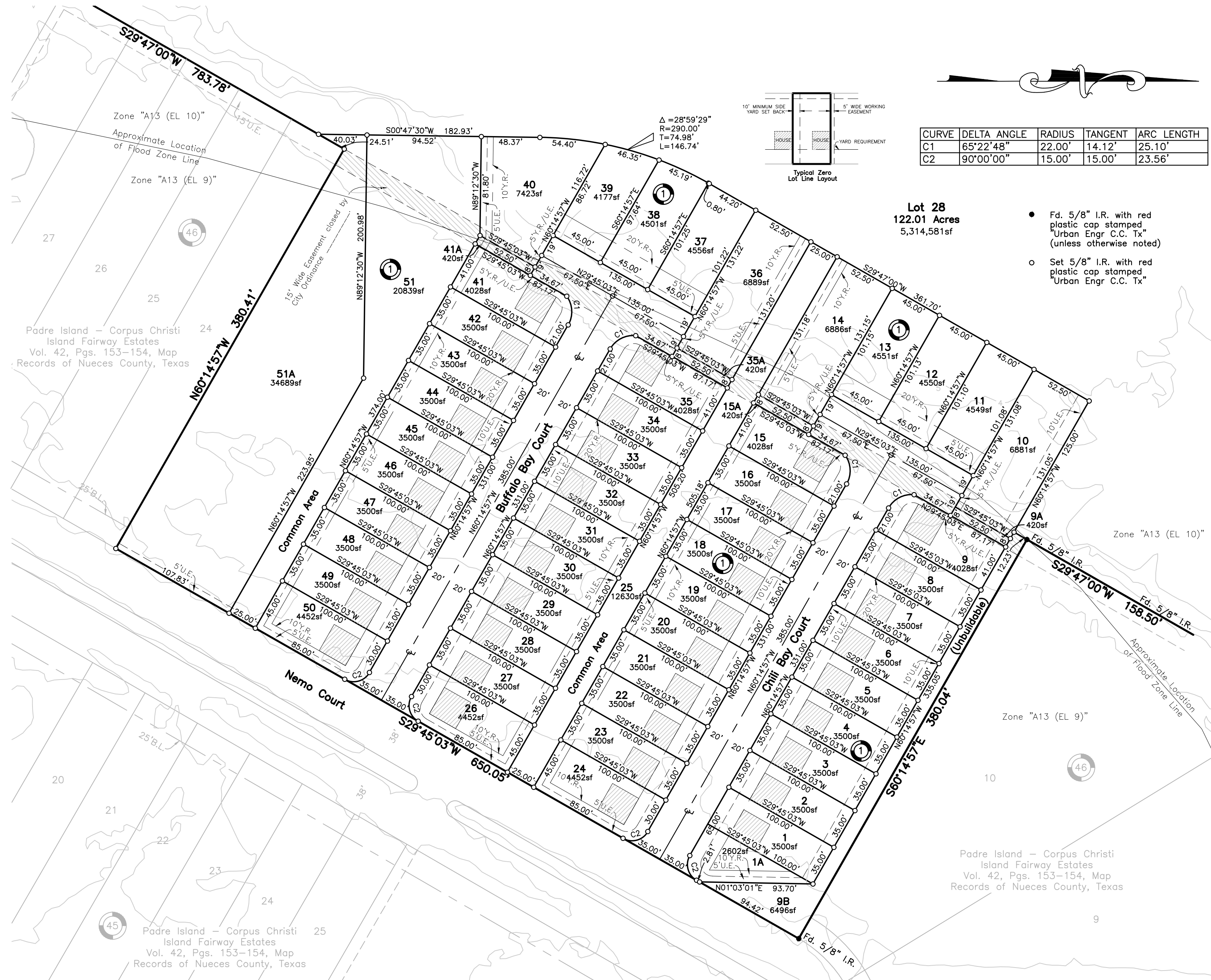
## CASE: 0414-05

### Zoning & Notice Area

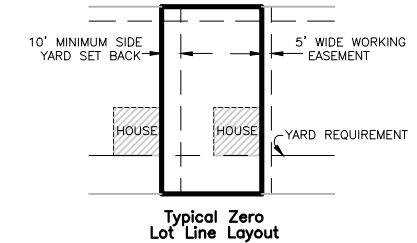
RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	IH	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev. Overlay
ON	Professional Office	RS-10	Single-Family 10
RM-AT	Multifamily AT	RS-6	Single-Family 6
CN-1	Neighborhood Commercial	RS-4.5	Single-Family 4.5
CN-2	Neighborhood Commercial	RS-TF	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





CURVE	DELTA ANGLE	RADIUS	TANGENT	ARC LENGTH
C1	65°22'48"	22.00'	14.12'	25.10'
C2	90°00'00"	15.00'	15.00'	23.56'



**Lot 28**  
122.01 Acres  
5,314,581sf

- Fd. 5/8" I.R. with red plastic cap stamped "Urban Engr C.C. Tx" (unless otherwise noted)
- Set 5/8" I.R. with red plastic cap stamped "Urban Engr C.C. Tx"

**Plat of**  
***SBC Resort Phase 1***  
***Unit 1***

being a re-plat of Lots 11 through 23, Block 46, Padre Island - Corpus Christi, Island Fairway Estates, a map of which is recorded in Volume 42, Pages 153 through 154, Map Records of Nueces County, Texas and Lot 27D, Padre Island - Corpus Christi, Island Fairway Estates, a map of which is recorded in Volume 67, Page 779-785, Map Records of Nueces County, Texas.



DATE: February 28, 2014  
SCALE: 1"=60'  
JOB NO.: 38808.IW.01  
SHEET: 7 of 7  
DRAWN BY: XG

**EXHIBIT B**