



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of May 14, 2024  
Second Reading for the City Council Meeting of May 21, 2024

**DATE:** April 19, 2024

**TO:** Peter Zaroni, City Manager

**FROM:** Al Raymond, Development Services Department  
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**Rezoning for a property at or near  
110 Rolling Acres Drive**

**CAPTION:**

Zoning Case No. ZN7974, Leslie Lopez (District 1). Ordinance rezoning a property at or near 110 Rolling Acres Drive from the "RS-6" Single-Family 6 District to the "ON/SP" Neighborhood Office District with a Special Permit; Providing for a penalty not to exceed \$2,000 and publication. (Planning Commission and Staff recommend approval to the "ON/SP" Neighborhood Office District with a Special Permit.)

**SUMMARY:**

The purpose of the request is to allow for retail sales and service (service-oriented); specifically, a beauty shop and retail boutique.

**BACKGROUND AND FINDINGS:**

The subject 0.38-acre parcel, in the northwest area of the city, is developed with a single-family home. Although the lot is oriented onto Leopard Street, the existing single-family structure is sited at the rear of the property, 135 feet away from Leopard Street, with frontage onto a local residential road, Rolling Acres Drive. The parcel abuts Leopard Street, an "A2" class arterial road, mid-way from McKinzie Road to the west, an existing "A2" class arterial road, and Rand Morgan Road, to the east, a proposed "A2" class arterial road, and is within a modest "ON" Neighborhood Office District with patches of "RS-6" Single-Family 6 Districts, and large "CG-2" General Commercial districts to its east and west.

The properties to the north, east, and west, of the subject property of the Rolling Acres Unit 2 Subdivision of 1948, are zoned "RS-6" Single-Family 6 District with low-density residential uses. The properties to the south of the subject parcel and Leopard Street, of the Rolling Acres Subdivision of 1946, are zoned "RS-6" Single-Family 6 District, with low-density residential use and a few vacant parcels.

The "ON" Neighborhood Office District permits office uses, apartments, commercial parking, overnight accommodation uses except for a bed and breakfast home, educational facilities, government facilities except for detention facilities, medical

facilities, places of worship, and community services uses. The applicant is requesting an amendment to the zoning map allow for retail sales and service (service-oriented); specifically, a beauty shop and retail boutique. Retail sales and services use is permitted as an accessory to a principal use in the “ON” Neighborhood Office District.

The proposed rezoning is consistent with many goals of Plan CC; however, it is inconsistent with the FLUM’s designation of Low-Density Residential. The request to amend the current zoning districts will warrant an amendment to the FLUM.

Public Input Process

Number of Notices Mailed: 13 notices were mailed within the 200-foot notification area, and 4 outside the notification area.

*As of May 10 2024:*

|   |  |
|---|--|
| In Favor<br>1 inside notification area<br>0 outside notification area | In Opposition<br>0 inside notification area<br>0 outside notification area |
|---|--|

A total of 0.00% of the 200-foot notification area is in opposition.

**ALTERNATIVES:**

Approval of the change of zoning from the “RS-6” Single-Family District to the “RS-6/SP” Single-Family 6 District with a Special Permit.

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

**RECOMMENDATION:**

Planning Commission and Staff recommend approval of the change of zoning from the “RS-6” Single-Family 6 District to the “ON/SP” Neighborhood Office District on April 3, 2024. The Special Permit will be subject to the following conditions:

1. **Use:** The only use allowed on the subject property other than uses permitted in the base zoning districts is retail sales and service (service-oriented), specifically a salon and retail boutique.
2. **Buffer Yard:** A 10-foot-wide buffer yard and 10-buffer yard points shall be required along the property boundaries adjacent to residential zoning districts.
3. **Lighting:** All lighting shall be shielded, and pole lights shall be of the full cut-off type. All light fixtures within 50 feet of the property boundaries adjacent to residential zoning districts shall be no greater than 15 feet in height.
4. **Building Height:** The building height requirement shall adhere to UDC Section 4.2.8.C Modification of Height Regulations.
5. **Hours of Operation:** The hours of operation shall be limited from 7:00 AM to 10:00 PM. Customer access after 10:00 PM shall be prohibited.
6. **Signage:** Freestanding signage along Rolling Acres Drive is prohibited.
7. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code.
8. **Other Requirements:** The conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.
9. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within 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.

Vote Results

For: 7

Against: 0

Absent: 1

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance

Presentation - Aerial Map

Planning Commission Final Report