



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of December 16, 2014  
Second Reading for the City Council Meeting of January 13, 2015

**DATE:** November 24, 2014

**TO:** Ronald L. Olson, City Manager

**FROM:** Dan M. Grimsbo, P.E., Director, Development Services Department  
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**Rezoning from Neighborhood Commercial to General Commercial  
For Old Lipan Ltd.  
Property Address: 5657 South Staples Street**

### **CAPTION:**

Case No. 1114-05 Old Lipan Ltd.: A change of zoning from “CN-1” Neighborhood Commercial District and “CN-2” Neighborhood Commercial District to the “CG-2” General Commercial District, resulting in a change to the Future Land Use Plan from Public Semi-Public to Commercial uses. The property is described as Lot 13C, Block 10, Gardendale Subdivision, located at the northwest corner of Holly Road and South Staples Street.

### **PURPOSE:**

The purpose of this item is to rezone the property to allow a general commercial use.

### **RECOMMENDATION:**

Planning Commission and Staff Recommendation (November 19, 2014): Approval of the change of zoning from the “CN-1” Neighborhood Commercial District and “CN-2” Neighborhood Commercial District to the “CG-2” General Commercial District.

### **BACKGROUND AND FINDINGS:**

As detailed in the attached report, the applicant is requesting a rezoning the “CN-1” Neighborhood Commercial and “CN-2” Neighborhood Commercial to the “CG-2” General Commercial District for construction of a single-story, 18,455-square foot restaurant/bar with an additional 7,695 square feet of exterior deck space. The proposed development is for a Brewster Street Southside. This rezoning is consistent with the Southside Area Development Plan and the Comprehensive Plan. The amendment is compatible with the present zoning and conforming uses of nearby property and to the character of the surrounding area. The property to be rezoned is

suitable for uses permitted by the zoning district that would be applied by the proposed amendment. The proposed rezoning would not have a negative impact on the surrounding neighborhood.

**ALTERNATIVES:**

1. Deny the request.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

The subject property is located within the boundaries of the Southside Area Development Plan and is not consistent with the adopted Future Land Use Plan, which slates the property for a Public Semi-Public uses. However, the property was designated for public uses because it was originally occupied by a church.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Legal and Planning Commission

**FINANCIAL IMPACT:**

- Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2014-2015</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
<b>BALANCE</b>				

Fund(s):

**Comments:** None

**LIST OF SUPPORTING DOCUMENTS:**

- Presentation - Aerial Map
- Ordinance
- Planning Commission Final Report