



AGENDA MEMORANDUM
Public Hearing & First Reading Ordinance for the City Council Meeting 10/11/2022
Second Reading Ordinance for the City Council Meeting 10/18/2022

DATE: October 11, 2022
TO: Peter Zaroni, City Manager
FROM: Al Raymond, AIA, Director
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Rezoning a property at or near 14353 Commodores Drive

CAPTION:

Case No. 0622-02, Diamond Beach Holdings LLC (District 4): Ordinance rezoning property at or near 14353 Commodores Drive from the “RS-6” Single-Family 6 District, “RS-4.5 Single-Family 4.5 District, “CR-2” Resort Commercial District to the “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development Overlay; providing for a penalty not to exceed \$2,000 and publication.

SUMMARY:

The purpose of this rezoning is to allow for a waterfront residential development with single-family, two-family, and multifamily districts, as well as retail and commercial areas, public parks, and preserves, interspersed with canals and ponds.

BACKGROUND AND FINDINGS:

The subject property is 242.011 acres in size. To the north, properties are zoned “RM-3” Multifamily District, and “RS-TH” Townhome District, and vacant. To the south, “RS-TF” Two-Family District with Low-Density Residential uses. To the east, “CR-2” Resort Commercial District, and vacant. To the west, “RS-6” Single-Family 6 District with Low-Density Residential uses, and vacant.

The proposal for the subject property is a waterfront residential Planned Unit Development with a mixture of uses that will include Single-Family, Two-Family, Multifamily, and Commercial districts, with parks and preserves, interspersed with canals and ponds. A Public Improvement District in conjunction with the development proposed at the subject property was approved by City Council Resolution (#032761) on May 17, 2022.

The Traffic Impact Analysis for the subject property is currently under review by the Texas Department of Transportation and City Traffic Engineering.

After evaluation of case materials provided and subsequent staff analysis including land development, surrounding uses and zoning, transportation and circulation, utilities,

Comprehensive Plan consistency and considering public input, staff proposes approval of the change of zoning.

Conformity to City Policy

The proposed rezoning is consistent with many broader elements of the Comprehensive Plan.

Public Input Process

Number of Notices Mailed
437 within 200-foot notification area
0 outside notification area

September 11, 2022:

In Favor	In Opposition
3 (0.279%) inside notification area	6 inside notification area
0 outside notification area	0 outside notification area

Totaling 1.074% 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:

Denial of the change of zoning to the “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development Overlay.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION:

Planning Commission recommended approval of the change of zoning from the “RS-6” Single-Family 6 District, “RS-4.5 Single-Family 4.5 District, and “CR-2” Resort Commercial District to the “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development Overlay on August 10, 2022. Planning Commission recommended the PUD shall follow all right-of-way sections as designed up to and including all utilities, specifically, storm-water management and defined bioswales, define noise and visual separation from proposed short-term rentals, and confirm access for all emergency traffic.

Vote Count:

For: 7
Opposed: 0
Absent: 2
Abstained: 0

Staff recommended approval of the change of zoning from the “RS-6” Single-Family 6 District, “RS-4.5 Single-Family 4.5 District, and “CR-2” Resort Commercial District to the “RS-4.5/PUD” Single-Family 4.5 District with a Planned Unit Development Overlay.

LIST OF SUPPORTING DOCUMENTS:

Ordinance

Presentation - Aerial Map

Planning Commission Final Report