



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of December 10, 2024  
Second Reading for the City Council Meeting of January 14, 2025

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**DATE:** November 4, 2024

**TO:** Peter Zaroni, City Manager

**FROM:** Michael Dice, Development Services Department  
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<p style="text-align: center;"><b>Rezoning for a property at or near 6817 Brooke Road</b></p>
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**CAPTION:**

Zoning Case No. ZN8477, MPM Development LP (District 5). Ordinance rezoning a property at or near 6817 Brooke Road, from the “RM-2” Multifamily District to the “CG-2” General Commercial District; Providing for a penalty not to exceed \$2,000 and publication. (Planning Commission and staff recommend approval). (Requires 2/3 vote).

**SUMMARY:**

This item is to rezone the property to allow for general commercial use.

**BACKGROUND AND FINDINGS:**

The subject property is 9.94 acres and is platted. The subject property is currently zoned “RM-2” Multifamily District and is presently vacant. To the north, properties are vacant and medium-density residential, zoned “CN-1” Neighborhood Commercial and “RS-6” Single-Family 6. To the south are medium-density residential zoned “RM-3” Multifamily District and “RS-6” Single-Family 6 District. To the east, are public/semi-public uses zoned “FR” Farm Rural. The applicant is requesting a zoning change for general commercial uses.

The “CG-2” General Commercial District permits restaurants, apartments, townhouses, overnight accommodation uses, educational facilities, medical facilities, commercial parking, offices, retail sales and services, vehicle sales and services, and indoor recreation uses (including bars and nightclubs).

The proposed rezoning is consistent with Plan CC; however, is inconsistent with the future land use designation of medium-density residential. The proposed rezoning is compatible with the present zoning and conforming uses of nearby property and to the character of the surrounding area and will have no adverse impact on the neighborhood. The property to be rezoned is suitable for the uses to be permitted by the

proposed amendment.

During the permitting process, zoning reviews are conducted to ensure that development compatibility is achieved; through the prescription of Unified Development Code required buffer yard width and points (UDC §7.9.5, 7.9.6), increased setbacks due to height (UDC §4.2.8.D), limitations on hours of operations with certain site features (UDC §7.2.7.B.1.a), and visual barriers such as landscaping (UDC §7.3.10) and walls to buffer noise generators (UDC §7.9.8.B).

- Required Buffer Yard (to “RS-6”) will be a Type C requiring 15 feet and 15 points. (An example of achieving 15 points could be a 6-foot solid masonry wall).

**Public Input Process:**

Number of Notices Mailed: 44 notices were mailed within the 200-foot notification area, and 0 outside the notification area.

As of November 11, 2024

In Favor 0 inside notification area 0 outside notification area	In Opposition 1 inside notification area 0 outside notification area
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A total of 1.03% of the 200-foot notification area is in opposition.

**ALTERNATIVES:**

Denial of the change of zoning from the “RM-2” Multifamily District to the “CG-2” General Commercial District.

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

**RECOMMENDATION (October 30, 2024):**

Planning Commission and Staff recommend approval of the change of zoning from the “RM-2” Multifamily District to the “CG-2” General Commercial District.

**Vote Results**

For: 5

Against: 0

Absent: 4

Abstained: 0

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance

Presentation - Aerial Map

Planning Commission Final Report