



## **AGENDA MEMORANDUM**

Public Hearing and First Reading Ordinance for the City Council Meeting of May 13, 2014  
Second Reading Ordinance for the City Council Meeting of May 27, 2014

**DATE:** April 22, 2014

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

**FROM:** Barney Williams, P.E., Interim Director, Development Services Department  
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**Rezoning from Single-Family to Multifamily  
By John O. Nicholson, III d/b/a Barton Street Pub  
Property Address: 1005 & 1009 Mounts Drive**

### **CAPTION:**

Case No. 0414-03 John O. Nicholson, III d/b/a Barton Street Pub: A change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District, resulting in a change to the Future Land Use Plan from commercial to medium density residential uses. The property is described as being a 0.421-acre tract of land out of Lots 7 and 8, Block H, Flour Bluff Estates, located at the southeast intersection of Mounts Drive and Melody Lane.

### **PURPOSE:**

The purpose of this item is to rezone the property to allow multifamily uses.

### **RECOMMENDATION:**

#### Planning Commission and Staff Recommendation (April 9, 2014):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District.

### **BACKGROUND AND FINDINGS:**

As detailed in the attached report, the applicant is requesting a rezoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District to allow multifamily uses on the property. The proposed rezoning would allow uses such as single-family dwellings, townhouses, apartments, and duplexes. The current use of the property would not change as a result of the rezoning. The current use of the property is medium density residential, which is a non-conforming use in the "RS-6" District. A rezoning would bring the property into conformity with the Unified Development Code.

The proposed rezoning is inconsistent with the Future Land Use Plan, which slates the property for commercial uses. Although inconsistent with the Future Land Use Plan, the proposed rezoning to the "RM-1" District would be an appropriate use at this location. The "RM-1" District allows multifamily uses, which are also permitted in commercial zoning districts. The proposed rezoning is less intensive than a commercial use and would provide a transition from the commercial to the surrounding residential properties. The proposed rezoning is compatible with the present zoning and conforming uses of nearby properties and to the character of the surrounding area. The proposed rezoning would not negatively impact the surrounding properties and the property to be rezoned is suitable for multifamily uses.

**ALTERNATIVES:**

Deny the request.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

The proposed rezoning is inconsistent with the Future Land Use Plan, but is consistent with the Comprehensive Plan.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Legal and Planning Commission

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2013-2014</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				
BALANCE				

Fund(s):

**Comments:** None

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance with Exhibits  
Report with Attachments

Aerial Overview Map