

PLANNING COMMISSION FINAL REPORT

Case No.: 0115-06
 HTE No. 15-10000002

Planning Commission Hearing Date: February 11, 2015

Applicant & Legal Description	<p>Applicant/Owner: South Staples, LLC Representative: Naismith Engineering</p> <p>Legal Description:</p> <p>Tract 1: Being an 8.57 acre tract out of a 78.76 acre parcel which is out of the East One-Half of the Northwest One-Quarter, Section Thirty, Laureles Farm Tracts.</p> <p>Tract 2: Being a 5.22 acre tract out of a 78.76 acre parcel which is out of the East One-Half of the Northwest One-Quarter, Section Thirty, Laureles Farm Tracts.</p> <p>Location: The property is located on the northwest corner of South Staples Street (FM 2444) and County Road 41A.</p>			
Zoning Request	<p>Tract 1: From: "FR" Farm Rural District To: "RS-15" Single-Family 15 District Area: 8.57 acres Purpose of Request: To allow the construction of a single-family subdivision.</p> <p>Tract 2: From: "FR" Farm Rural District To: "CN-1" Neighborhood Commercial District Area: 5.22 acres Purpose of Request: To allow neighborhood commercial type businesses.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
<i>Site</i>		Tract 1: "FR" Farm Rural Tract 2: "FR" Farm Rural	Tract 1: Vacant Tract 2: Vacant	Tract 1: Low Density Residential Tract 2: Low Density Residential
<i>North</i>		"FR" Farm Rural	Vacant	Low Density Residential
<i>South</i>		"FR" Farm Rural	Vacant	Low Density Residential
<i>East</i>		"FR" Farm Rural	Vacant	Low Density Residential
<i>West</i>		"FR" Farm Rural	Vacant	Low Density Residential

ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the London Area Development Plan (ADP) and is planned for low density residential uses. The rezoning on Tract 1 is consistent with the adopted Future Land Use Plan. While the rezoning on Tract 2 is inconsistent with the Future LAND Use Plan.</p> <p>Map No.: 048030</p> <p>Zoning Violations: None</p>
Transportation	<p>Transportation and Circulation: The area to be rezoned has access to South Staples Street (FM 2444), which the Urban Transportation Plan shows as an A3 Primary Arterial Street, and County Road 41A, which the Urban Transportation Plan shows as a C3 Primary Collector Street.</p>

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	FM 2444 South Staples Street	A3 Primary Arterial	Existing	130' ROW 79' Paved	3,063 ADT
	CR 41A	C3 Primary Collector	Proposed	75' ROW 50' Paved	Not Available

Staff Summary:

Requested Zoning: The applicant is requesting a change of zoning from the “FR” Farm Rural District to the “RS-15” Single-Family 15 District on Tract 1 to allow construction of single-family dwellings on lots with a minimum size of 15,000 square feet and to the “CN-1” Neighborhood Commercial District on Tract 2 to allow neighborhood commercial type businesses. The applicant plans to develop half-acre (21,780 square feet) single-family lots because public wastewater lines are not available in the area and half-acre lots are required for septic systems. The applicant is requesting the “RS-15” District because he cannot meet the minimum lot size of 22,000 square feet required by the “RS-22” District.

Development Plan: The subject property located within the newly annexed portion of South Staples Street (FM 2444). The applicant/developer’s rezoning area is part of a larger proposed development consisting of 78.76 acres. The developer is proposing to build 93 single-family lots on half-acre lots on a total of 70.33 acres, and neighborhood commercial uses on the remaining 8.43 acres. The majority of the development is outside City limits. The newly annexed area only extends 500 feet north of South Staples Street (FM 2444). For **Tract 1**, there is a total of 8.57 acres and the developer is proposing eight half-acre lots. For **Tract 2**, there is a total of 5.22 acres and the developer is proposing neighborhood commercial uses.

Existing Land Uses & Zoning: To the north, south, east and west of the subject property is zoned as “FR” Farm Rural and is currently vacant. To the east is a proposed single-family subdivision with half-acre lots called Sun George Village.

AICUZ: The subject property is not located in a Navy Air Installation Compatibility Use Zones (AICUZ).

Comprehensive Plan & Area Development Plan (ADP) Consistency: The subject properties are within the boundaries of the London ADP and the proposed rezoning is partially consistent with the adopted Future Land Use Plan, which slates the properties for low density residential use. Tract 1 is consistent with the Future Land Use Plan. Currently, there is low density residential development underway within 2,600 feet from the subject properties. Tract 2 is not consistent with the Future Land Use Plan. However, the Urban Transportation Plan map calls for a collector street (County Road 41A) to extend along the east side of the entire development. Therefore, the proposed commercial tract of land (Tract 2) will be located at the corner of a collector and arterial roadway, making the location suitable for neighborhood commercial uses. Additionally, the Future Land Use Plan calls for commercial nodes of development farther east of Tract 1 at the intersection of South Staples Street (FM 2444) and CR 41.

Department Comments:

- The rezoning to the “RS-15” District on Tract 1 is not consistent with the London ADP in that the property is not suited for the lots sizes allowed by the “RS-15” District because public wastewater is not available and the use of septic systems requires a minimum lot size of 21,780 square feet. However, a rezoning to the “RS-22/SP” Single-Family 22 District with a Special permit for lot sizes of 21,780 square feet (just under the “RS-22” District’s required lot size of 22,000 square feet) would be consistent with Comprehensive Plan and London ADP.
- The rezoning to the “CN-1” District on Tract 2 is not consistent with the Future Land Use Plan. However, the Future Land Use Plan indicates nodes of commercial development at major intersections. Therefore, the rezoning to “CN-1” at this location is consistent with the Comprehensive Plan and London ADP.
- The nearest existing commercial use is 2.5 miles from the subject property near the corner of Yorktown Boulevard and South Staples Street (FM 2444).
- The rezonings are 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 rezonings (with the exception of the “RS-15” District).
- The proposed rezonings would not have a negative impact on the surrounding neighborhood.

Planning Commission and Staff Recommendation:

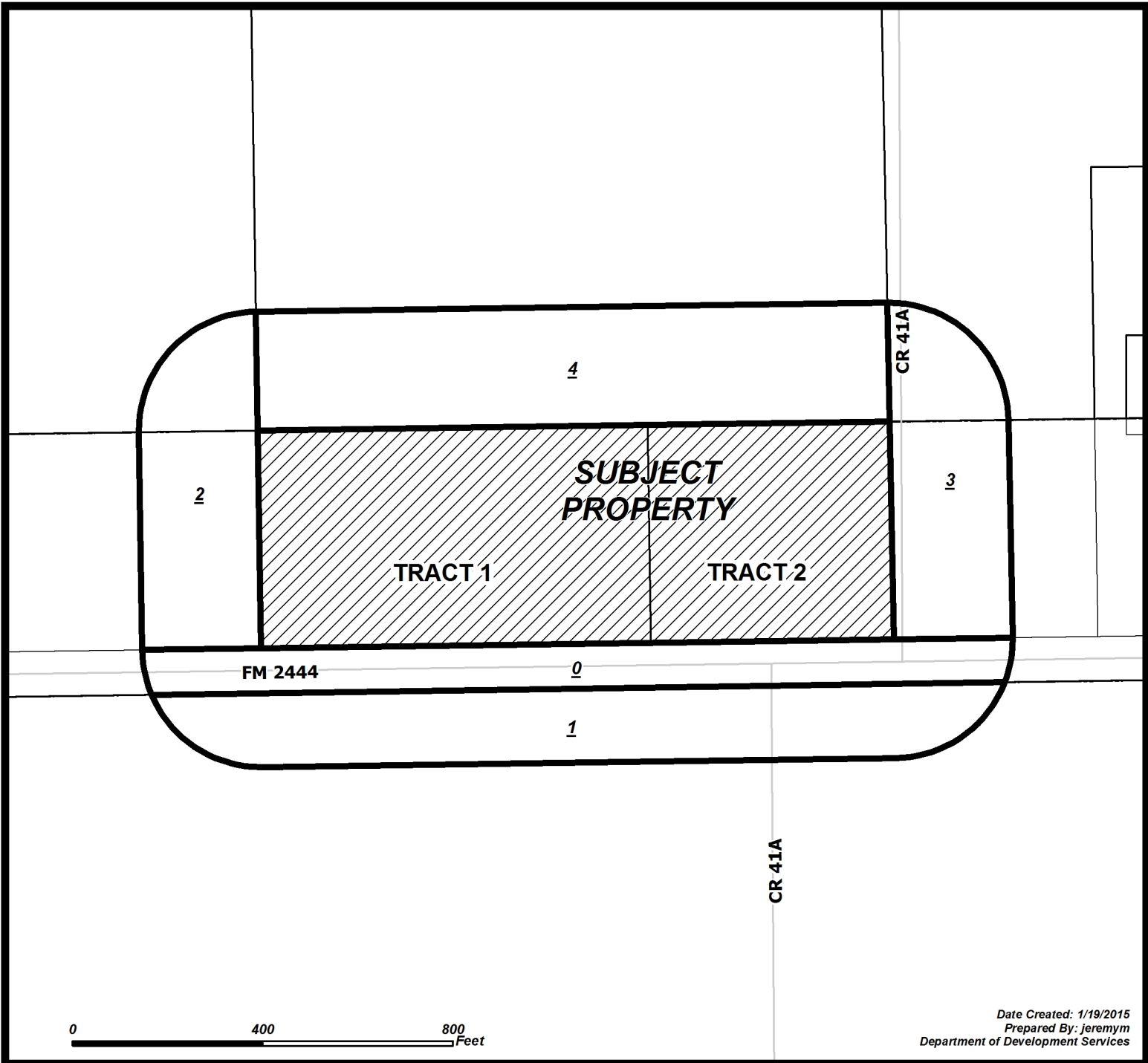
Tract 1: Denial of the rezoning from the “FR” Farm Rural District to “RS-15” Single-Family 15 District and, in lieu thereof, approval of the “RS-22/SP” Single-Family 22 District with a Special Permit subject to a site plan and the following conditions:

1. **Permitted Uses:** The only use authorized by this Special Permit are those authorized by the “RS-22” Single-Family District and single-family detached dwellings on lots with a minimum size of 21,780 square feet.
2. **Lot Width:** The Property described as Tract 1 shall be developed in accordance with the setback/height/open space requirements of the “RS-22” District with the exception that Lots 2, 3, 58 and 59 are permitted to have a minimum lot width of 60 feet measured at the front yard setback and Lots 1 and 60 are permitted to have a minimum lot width of 90 feet measured at the front yard setback.
3. **Time Limit:** This Special Permit shall be deemed to have expired within 24 months of this ordinance unless a complete public improvement construction permit application has been submitted.

Tract 2: Approval of the rezoning from the “FR” Farm Rural District to “CN-1” Neighborhood Commercial District.

Public Notification	Number of Notices Mailed – 4 within 200-foot notification area; 3 outside notification area
	<u>As of February 16, 2015:</u>
	In Favor – 1 inside notification area; 0 outside notification area
	In Opposition – 0 inside notification area; 0 outside notification area
For 0.00% in opposition.	

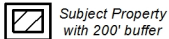
- Attachments:
1. Location Map (Existing Zoning & Notice Area)
 2. Site Plan (Preliminary Plat)



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Zoning & Notice Area

RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	IH	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev. Overlay
ON	Professional Office	RS-10	Single-Family 10
RM-AT	Multifamily AT	RS-6	Single-Family 6
CN-1	Neighborhood Commercial	RS-4.5	Single-Family 4.5
CN-2	Neighborhood Commercial	RS-TF	Two-Family
CR-1	Resort Commercial	RS-15	Single-Family 15
CR-2	Resort Commercial	RE	Residential Estate
CG-1	General Commercial	RS-TH	Townhouse
CG-2	General Commercial	SP	Special Permit
CI	Intensive Commercial	RV	Recreational Vehicle Park
CBD	Downtown Commercial	RMH	Manufactured Home
CR-3	Resort Commercial		
FR	Farm Rural		
H	Historic Overlay		
BP	Business Park		



Subject Property with 200' buffer



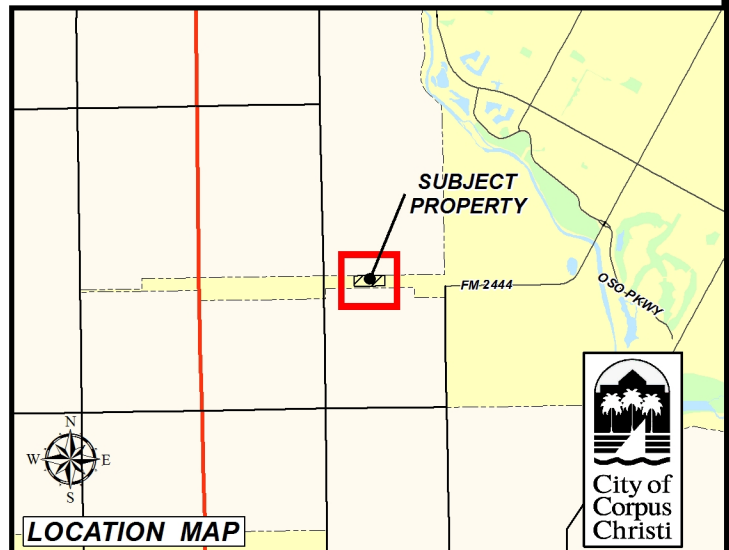
Owners in favor

4

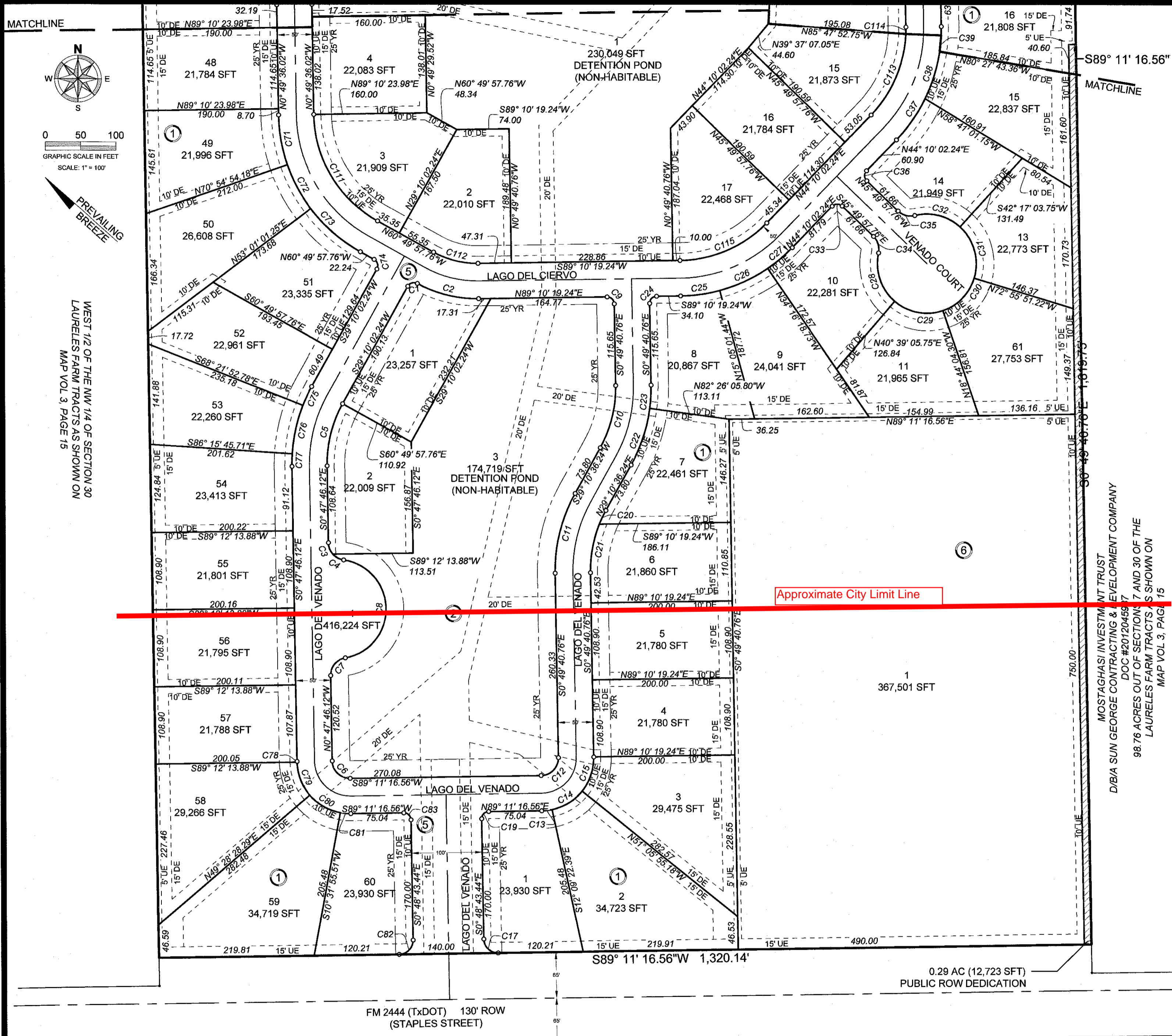
Owners within 200' listed on attached ownership table



Owners in opposition



Site Plan



Curve Table			
Curve #	Length	Radius	Delta
C1	15.624	10.000	89.5194
C2	90.148	175.000	29.5147
C3	17.657	25.000	40.4670
C4	17.657	25.000	40.4670
C5	91.518	175.000	29.9634
C6	39.277	25.000	90.0159
C7	35.314	25.000	80.9340
C8	197.759	70.000	161.8679
C9	15.708	10.000	90.0000
C10	91.644	175.000	30.0047
C11	117.828	225.000	30.0047
C12	39.277	25.000	90.0159
C13	14.849	75.000	11.3442
C14	50.976	75.000	38.9424
C15	52.006	75.000	39.7293
C17	31.416	20.000	89.9996
C19	15.708	10.000	90.0000
C20	21.457	175.000	7.0250
C21	70.188	175.000	22.9797
C22	84.869	225.000	21.6117
C23	32.959	225.000	8.3930
C24	15.708	10.000	90.0000
C25	55.982	225.000	14.2557
C26	75.352	225.000	19.1881
C27	45.399	225.000	11.5608
C28	75.453	70.000	61.7588
C29	72.554	70.000	59.3861
C30	66.213	70.000	54.1964
C31	79.149	70.000	64.7847
C32	68.857	70.000	56.3602
C33	15.708	10.000	90.0000
C34	25.413	25.000	58.2431
C35	25.413	25.000	58.2431
C36	15.708	10.000	90.0000
C37	70.857	225.000	18.0436
C38	70.285	225.000	17.8980
C39	35.554	225.000	9.0537
C40	83.623	225.000	21.2944
C41	85.713	225.000	21.8266
C42	13.905	10.000	79.6713
C43	94.619	225.000	24.0946
C44	48.914	225.000	12.4558
C45	30.624	75.000	23.3952
C46	45.704	75.000	34.9152
C47	41.478	75.000	31.6865
C48	28.553	225.000	7.2710
C49	71.195	225.000	18.1296
C50	76.998	225.000	19.6073
C51	48.224	70.000	39.4719
C52	77.404	70.000	63.3557
C53	54.760	70.000	44.8213
C54	56.759	70.000	46.4577
C55	77.861	70.000	63.7297
C56	47.220	70.000	38.6499
C57	25.413	25.000	58.2431
C58	15.708	10.000	90.0000
C59	20.619	225.000	5.2505
C60	73.071	225.000	18.6074
C61	72.503	225.000	18.4626
C62	10.499	225.000	2.6735

Curve Table			
Curve #	Length	Radius	Delta
C64	25.413	25.000	58.2429
C65	15.708	10.000	90.0000
C66	83.668	175.000	27.3933
C67	79.395	175.000	25.9944
C68	14.553	10.000	83.3816
C69	35.504	225.000	9.0410
C70	82.282	225.000	20.9529
C71	71.700	225.000	18.2583
C72	70.285	225.000	17.8980
C73	93.658	225.000	23.8497
C74	15.708	10.000	90.0000
C75	29.578	225.000	7.5320
C76	70.285	225.000	17.8980
C77	17.803	225.000	4.5334
C78	1.030	75.000	0.7869
C79	50.976	75.000	38.9424
C80	50.976	75.000	38.9424
C81	14.849	75.000	11.3442
C82	31.416	20.000	90.0000
C83	15.708	10.000	90.0000
C84	39.269	25.000	89.9969
C85	137.469	175.000	45.0078
C86	9.794	175.000	3.2068
C87	127.632	175.000	41.7872
C88	196.346	125.000	89.9982
C89	196.353	125.000	90.0018
C90	14.044	225.000	3.5764
C91	86.206	225.000	21.9522
C92	84.394	225.000	21.4907
C93	82.831	225.000	21.0927
C94	85.981	225.000	21.8898
C95	111.637	175.000	36.5504
C96	14.519	10.000	83.1900
C97	116.778	225.000	29.7372
C98	130.600	175.000	42.7591
C99	30.039	175.000	9.8348
C100	114.256	175.000	37.4078
C101	137.440	175.000	44.9984
C102	137.440	175.000	44.9984
C103	79.124	175.000	25.9057
C104	12.487	175.000	4.0883
C105	68.758	175.000	22.5117
C106	92.058	175.000	30.1401
C107	92.058	175.000	30.1401
C108	22.021	175.000	7.2099
C109	13.045	10.000	74.7446
C110	45.011	175.000	14.7367
C111	183.278	175.000	60.0060
C112	65.440	125.000	29.9953
C113	127.768	175.000	41.8317
C114	9.663	175.000	3.1636
C115	137.459	175.000	45.0047
C116	132.408	337.000	22.5117
C117	177.277	337.000	30.1401
C118	177.277	337.000	30.1401

OWNER: DAVID UNDERBRINK, SR. P.E. GEORGE V. THAMARAVELLI
 ENGINEER: DAVID UNDERBRINK, SR. P.E. (361) 510-8000
 ENGINEER IN CHARGE: DAVID UNDERBRINK, SR. P.E. (361) 510-8000
 PROJECT NO: 201204597
 DRAWING NO: 07/23/2014
 SHEET: 3 OF 3

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FINAL PLAT OF
LAGO DEL VENADO
 NUECES COUNTY, TEXAS

2:9279 SO STAPLES 62 AC SUBDIVISION 02 POLAND DEVELOPMENT FINAL PLAT DWG 9/27/14
 MOSTAGHASI INVESTMENT TRUST
 D/B/A SUN GEORGE CONTRACTING & DEVELOPMENT COMPANY
 DOC #201204597
 98.76 ACRES OUT OF SECTIONS 7 AND 30 OF THE
 LAURELES FARM TRACTS AS SHOWN ON
 MAP VOL 3, PAGE 15

Exhibit B