

STAFF REPORT

Case No.: 0515-03
 HTE No. 15-10000027

Planning Commission Hearing Date: May 20, 2015

Applicant & Legal Description	<p>Applicant/Owners: Kapavik Builders, Inc. Legal Description/Location: Lots 1, 2, 17 and 18, Block 10, Laguna Vista Shores, located along the west side of Laguna Shores Road between Courtland Drive and Riviera Drive.</p>			
Zoning Request	<p>From: "RS-6" Single-Family 6 District To: "RS-4.5" Single-Family 4.5 District Area: 5,000 SF per lot; a total area of 20,000 SF Purpose of Request: To reduce the setback requirements to be more consistent with smaller lot sizes.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"RS-6" Single-Family 6 District	Vacant	Low Density Residential
	<i>North</i>	"RS-6" Single-Family 6 District	Vacant	Low Density Residential
	<i>South</i>	"RS-6" Single-Family 6 District	Low Density Residential	Low Density Residential
	<i>East</i>	"RS-6" Single-Family 6 District	Low Density Residential and Public/Semi-Public	Low Density Residential
	<i>West</i>	"RS-6" Single-Family 6 District	Vacant and Low Density Residential	Low Density Residential
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Flour Bluff Area Development Plan (ADP) and is planned for low density residential uses. The proposed change of zoning is consistent with the adopted Future Land Use Plan and the Flour Bluff Area Development Plan. Map No.: 036027 Zoning Violations: None</p>			
Transportation	<p>Transportation and Circulation: The lots to be rezoned each have approximately 50 feet of frontage along Laguna Shores Road which is designated a Parkway as per the Urban Transportation Plan. In addition to frontage along Laguna Shores Road, Lot 1 has approximately 100 feet of frontage along Courtland Drive which is designated a Local Street. Lot 18 has approximately 100 feet of frontage along Riveria Drive which is also designated a Local Street.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Laguna Shores Road	P1 Parkway	80' ROW 40' paved	50' ROW 28' paved	N/A
	Courtland Drive	Local Street	N/A	50' ROW 28' paved	N/A
	Riviera Drive	Local Street	N/A	50' ROW 28' paved	N/A

Staff Summary:

Requested Zoning: The applicant is requesting a change of zoning from the “RS-6” Single-Family 6 District to the “RS-4.5” Single-Family 4.5 District. The purpose of the rezoning is to reduce the front yard setbacks to accommodate construction of dwellings on non-conforming lots of 5,000 square feet.

Development Plan: The applicant plans to develop the four 5,000-square foot lots with single-family dwelling and seeks the “RS-4” Single-family 4.5 District to allow development to occur in accordance with the minimum development standards of the “RS-4.5” Single-Family 4.5 District, in particular the requirement for a 20-foot front yard setback.

Background: Per the Unified Development Code (UDC), the “RS-6” Single-Family 6 District requires a minimum lot size of 6,000 square feet and a 25-foot setback along the street frontage. UDC text further requires the setback be applicable to both street frontages of corner lots. The property was platted in the 1940s and annexed in 1961. The lots are non-conforming lots, having never met the required 6,000-square foot minimum lot size. At the time of annexation, the Zoning Ordinance allowed corner yard setbacks to be smaller than today’s standards. Additionally, the UDC does not consider these lots to be “back-to-back” lots where reduced setbacks of 10 feet can be granted along the corner streets. The applicant raised several concerns about having to meet the 25-foot setback along both street frontages on the two corner lots given the size of the lots being 5,000 square feet. The applicant presented deed restrictions recorded at the time of the subdivision plat was filed for staff’s consideration of a reduced setback along the corner streets of Courtland and Riviera Drives. The 1940s deed restrictions allow a 20-foot front yard and five-foot side yard. However, today’s Unified Development Code requires non-conforming lots to comply with the zoning district’s setbacks/yard requirements of 25 feet.

Existing Land Uses & Zoning: The subject property is vacant and zoned “RS-6” Single-Family 6 District. The subject property is surrounded by lots with single-family homes or vacant properties all zoned “RS-6” Single-Family 6 District.

Air Installation Compatibility Use Zone (AICUZ): The subject property is located in Accident Potential Zone 1 (APZ-1) of the Navy’s AICUZ. Single-family dwellings are not a compatible land use in the APZ-1. Neither the existing zoning district, existing single-

family neighborhood, nor the requested zoning district are compatible in the APZ-1. Though the rezoning is not consistent with the APZ-1, the applicant is authorized to construct a single-family dwelling without the rezoning based on the property's existing zoning "RS-6" Single-Family 6 District.

Comprehensive Plan & Area Development Plan (ADP) Consistency: The proposed rezoning is consistent with the adopted Future Land Use Plan, which slates the property for low density residential uses. The subject property is within the boundaries of the Flour Bluff ADP and is consistent with the policies contained therein pertaining to land use and density.

Department Comments:

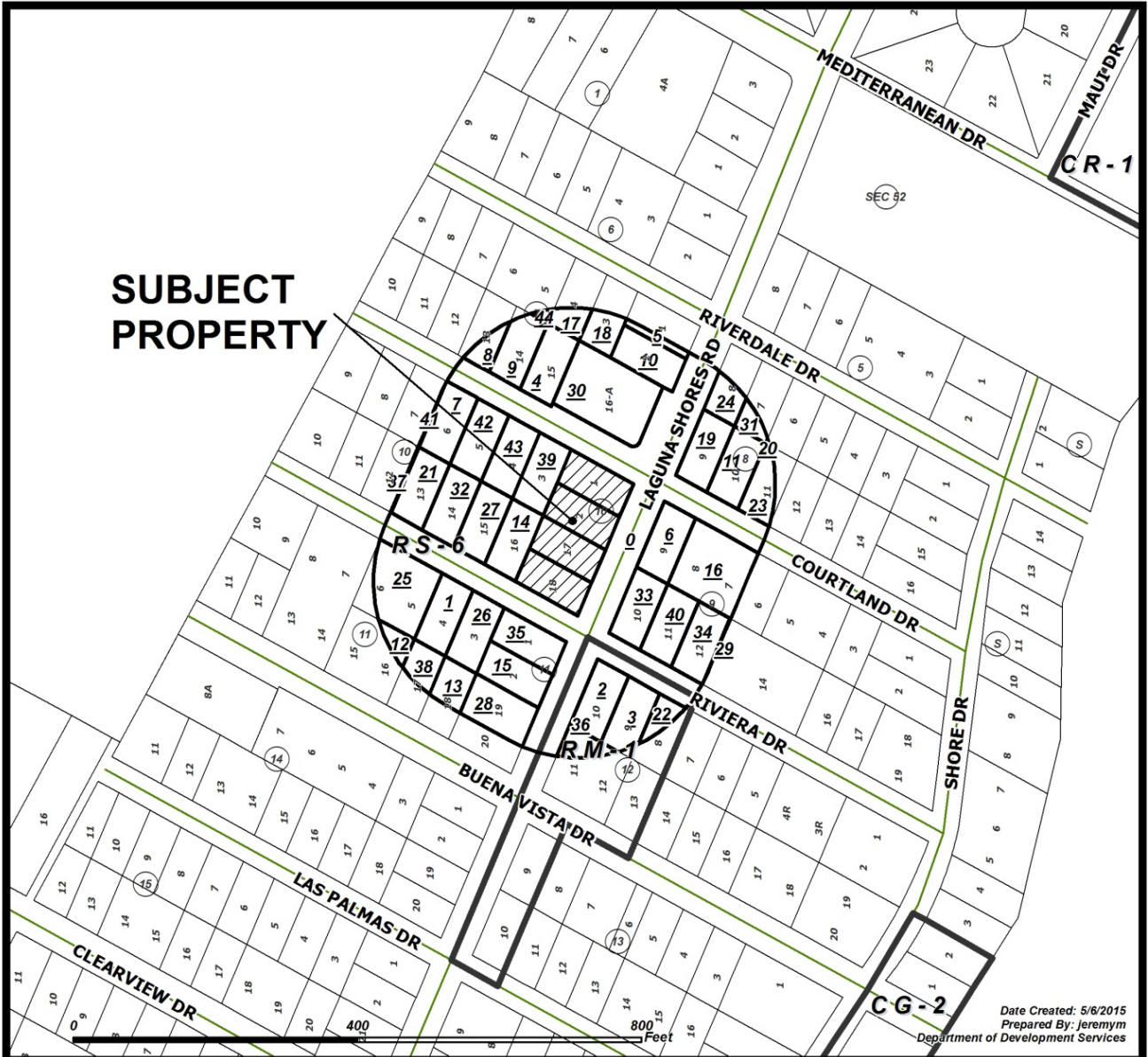
- The subject lots were platted in 1941 while under the jurisdiction of Nueces County (Volume 8, page 32). Although not enforced by the City, Staff notes for the record the existence of recorded deed restrictions that show intent to allow residential development with a 20-foot front setback and five-foot side yard setback on the subject lots.
- The lots became nonconforming lots of record at the time of City annexation and zoning with respect to lot size as the subject lots are 5,000 square feet in size while the "RS-6" Single Family Residential District requires a minimum lot size of 6,000 square feet.
- The "RS-4.5" Single Family 4.5 District requires a minimum lot width of 45 feet, a minimum lot area of 4,500 square feet and, a minimum street frontage setback of 20 feet. These requirements are seemingly more applicable to lots with an area of 5,000 square feet.
- The general non-conforming section of City Ordinance permits reduced standards including a reduction in setbacks for lots with frontages of not less than twenty-five feet (25) or more than forty-five (45) feet. (Article 9, Section 9.5.2, 9.5.3.)
- Past practice was to zone property as the most restrictive single family district in the absence of long-term planning efforts indicating otherwise.
- The proposed zoning would not, in this instance, increase density.
- The proposed rezoning would not negatively impact the surrounding properties
- The proposed zoning is appropriate for the proposed use.
- The rezoning is consistent with the Comprehensive Plan and the Flour Bluff Area Development Plan (ADP).
- The proposed rezoning is compatible with adjacent land uses of nearby properties and does not alter the character of the surrounding area.
- The proposed designation of "RS 4.5" Single-Family 4.5 is more appropriately suited for the subject property due to lot size.

Staff Recommendation:

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Public Notification	Number of Notices Mailed – 0 within 200-foot notification area; 0 outside notification area
	<u>As of May 13, 2015:</u>
	In Favor – 0 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)



**SUBJECT
PROPERTY**

Date Created: 5/6/2015
Prepared By: Jeremym
Department of Development Services

CASE: 0515-03
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

