

# PLANNING COMMISSION FINAL REPORT

Case No.: 0614-01  
 HTE No. 14-10000020

Planning Commission Hearing Date: June 4, 2014

<b>Applicant &amp; Legal Description</b>	<p><b>Applicant/Owner:</b> Dalia Ayala Holdings, LLC and Gonzalez Family Partnership, Ltd.  <b>Representative:</b> Willard Hammonds II (A.C.S.I.)</p> <p><b>Legal Description/Location:</b> 7.61 Acres out of Lots 17, 18, 31 and 32, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, located on the east side of South Staples Street approximately 300-feet north of Corsica Road.</p>			
<b>Zoning Request</b>	<p><b>Tract 1:</b>  <b>From:</b> "RS-6" Single-Family 6 District  <b>To:</b> "CG-2" General Commercial District</p> <p><b>Tract 2:</b>  <b>From:</b> "RS-6" Single-Family 6 District  <b>To:</b> "CN-1" Neighborhood Commercial District</p> <p><b>Area:</b> 7.61 acres  <b>Purpose of Request:</b> To develop the property with mixed commercial uses.</p>			
<b>Existing Zoning and Land Uses</b>		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
	<b>Site</b>	"RS-6" Single-Family 6	Vacant	<p><u>Tract1:</u>                      Medium Density Residential  <u>Tract2:</u>                      Low Density Residential</p>
	<b>North</b>	"CN-1" Neighborhood Commercial	Vacant	Commercial
	<b>South</b>	"CN-1" Neighborhood Commercial and "RS-6" Single-Family 6	Vacant	Commercial/Low Density Residential
	<b>East</b>	"RS-6" Single-Family 6	Vacant	Low Density Residential
	<b>West</b>	"CN-1" Neighborhood Commercial	Vacant	Commercial

<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located within the boundaries of the Southside Area Development Plan. The proposed rezoning of the property to “CG-2” General Commercial on Tract 1 and to “CN-1” Neighborhood Commercial District on Tract 2 is not consistent with the adopted Future Land Use Plan, which slates the property for residential uses.</p> <p><b>Map No.:</b> 044032</p> <p><b>Zoning Violations:</b> None</p>				
<b>Transportation</b>	<p><b>Transportation and Circulation:</b> The subject property has approximately 400 feet of frontage along South Staples Street, a TXDOT roadway, which is a designated “A3” Primary Arterial. Access to the development will be required to comply with TXDOT’s Traffic Access Management regulations.</p>				
<b>Street R.O.W.</b>	<b>Street</b>	<b>Urban Transportation Plan Type</b>	<b>Proposed Section</b>	<b>Existing Section</b>	<b>Traffic Volume (2014)</b>
	South Staples Street	A3 Primary Arterial	130’ ROW 79’ paved with median	100’ ROW 66’ paved	17,712 ADT

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a rezoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District on Tract 1 and to the “CN-1” Neighborhood Commercial District on Tract 2 for a mixed commercial development.

**Development Plan:** The development will consist of a restaurant use for the front portion of the property and a neighborhood commercial use for the rear portion of the property. The restaurant use will be in the proposed “CG-2” General Commercial District to allow unlimited square footage. The “CN-1” Neighborhood Commercial and “CN-2” Neighborhood Commercial limits restaurant square footage to 5,000 square feet and 3,000 square feet. The commercial uses allowed in the “CN-1” Neighborhood Commercial District are limited to Retail Sales and Service Uses, Overnight accommodation uses, Office uses and Indoor Recreation uses except bars, pubs and taverns. The retail uses are better suited for the nearby medium density residential and single family uses and will provide daily convenience retail needs of nearby residents.

**Existing Land Uses & Zoning:** The subject property, zoned “RS-6” Single-Family 6 District contains 7.61 acres of vacant land. North of the subject property is vacant property zoned “CN-1” Neighborhood Commercial. South of the subject property is vacant property zoned “CN-1” Neighborhood Commercial and “RS-6” Single-Family 6 District. East of the subject property is vacant land zoned “RS-6” Single-Family 6 District. West of the subject property, zoned “CN-1” Neighborhood Commercial District, is developed with an automotive service center.

**AICUZ:** The subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ).

**Plat Status:** The subject property will require platting with all infrastructure and public improvements in accordance with the Comprehensive Plan and all master plans.

**Comprehensive Plan & Area Development Plan (ADP) Consistency:** The subject property is located within the boundaries of the Southside Area Development Plan. The requested zoning is not consistent with the adopted Future Land Use Plan, which slates the property for residential use. A commercial use would be an acceptable use as an expansion of the commercial zoned properties north and south of the property. The Comprehensive Plan and Southside ADP both encourage the mixed commercial development at this location for infill development and to accommodate the existing zoning patterns. The rezoning meets the following polices of the Comprehensive Plan:

- Buffer requirements of the Unified Development Code will promote better protection to the residential district abutting the proposed “CN-1” Neighborhood Commercial. (Policy Statement B.5)
- The proposed land uses are buffered from a high intense commercial to the least intense commercial to provide a transition to the low-density residential areas. (Policy Statement B.6)
- Future development will adhere to TXDOT’s access management standards that support Policy Statement B.3 of the Southside ADP, which minimizes curb and median cuts along the arterial street.

**Department Comments:**

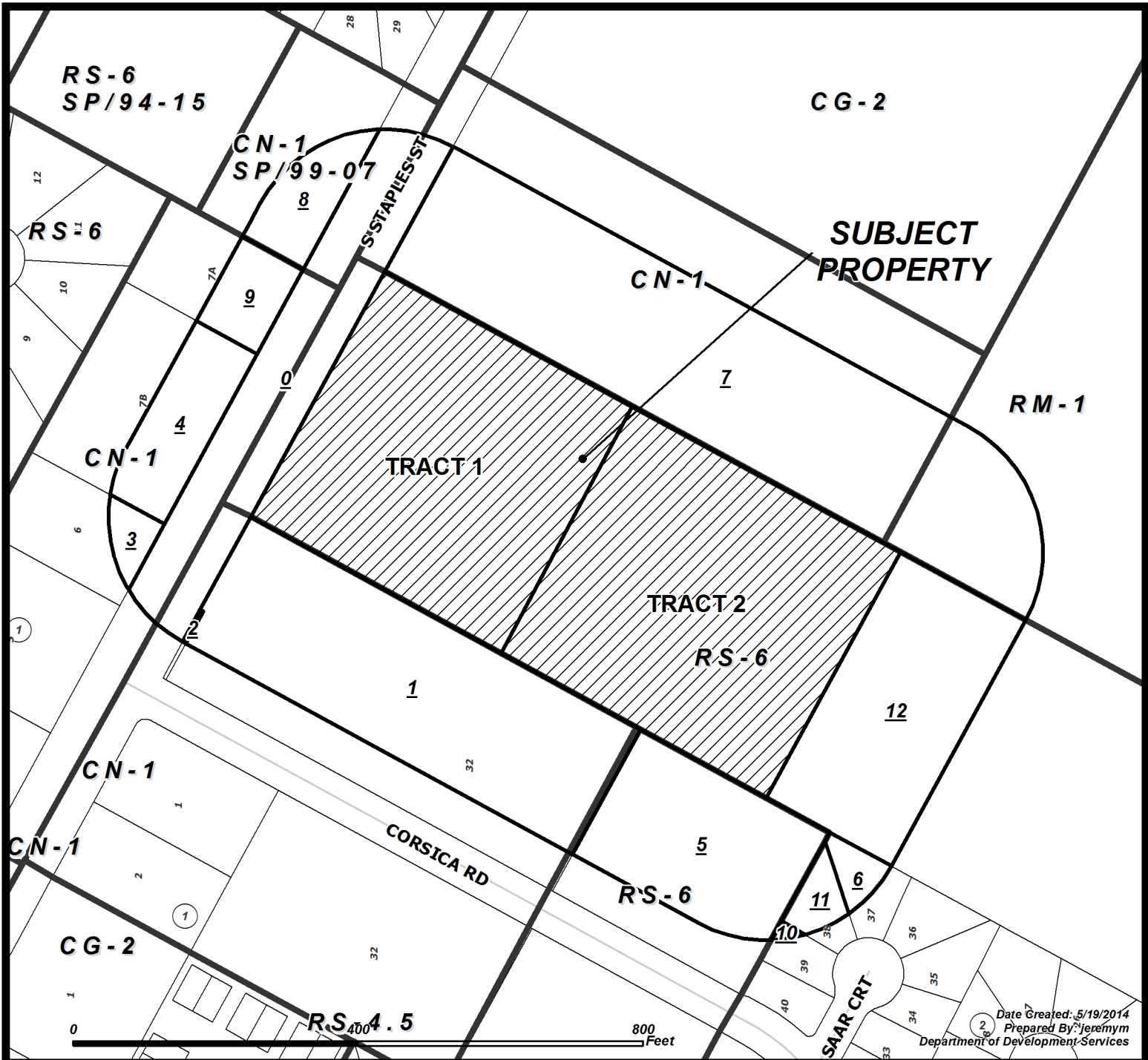
- Although the proposed rezoning is not consistent with the Future Land Use Plan and the Comprehensive Plan, the Southside ADP encourages commercial infill development in locations with managed access and high visibility.
- The proposed rezoning is compatible with the present zoning and conforming uses of nearby properties and to the character of the surrounding area.
- This rezoning does not have a negative impact upon the surrounding neighborhood.
- The subject property is suitable for the uses proposed by this rezoning.

**Planning Commission and Staff Recommendation (June 4, 2014):**

Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District on Tract 1 and to the “CN-1” Neighborhood Commercial District on Tract 2.

<b>Public Notification</b>	<p>Number of Notices Mailed – 11 within 200’ notification area; 9 outside notification area</p> <p>As of June 23, 2014:</p> <p>In Favor – 0 (inside notification area); 0 (outside notification area)</p> <p>In Opposition – 1 (inside notification area); 0 (outside notification area)</p> <p>For 12.86% in opposition.</p>
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Exhibits: A. Location Map (With Existing Zoning & Notice Area)  
B. Zoning Exhibit



## CASE: 0614-01 ZONING & NOTICE AREA

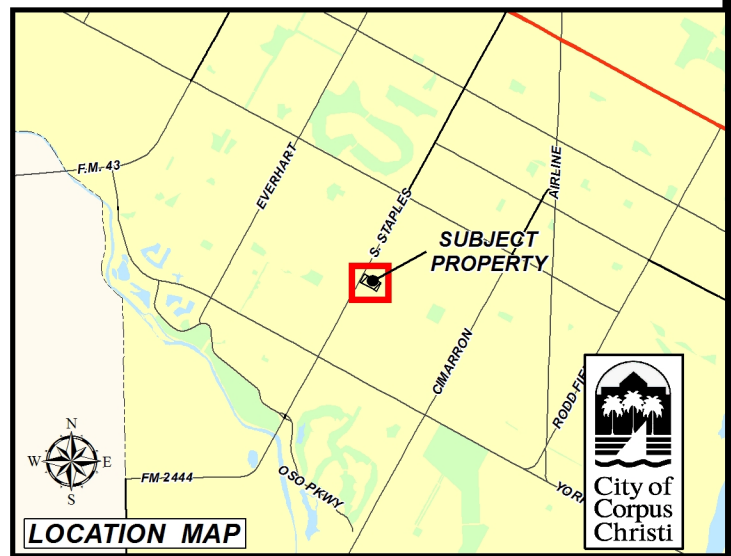
RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	IH	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev. Overlay
ON	Professional Office	RS-10	Single-Family 10
RM-AT	Multifamily AT	RS-6	Single-Family 6
CN-1	Neighborhood Commercial	RS-4.5	Single-Family 4.5
CN-2	Neighborhood Commercial	RS-TF	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

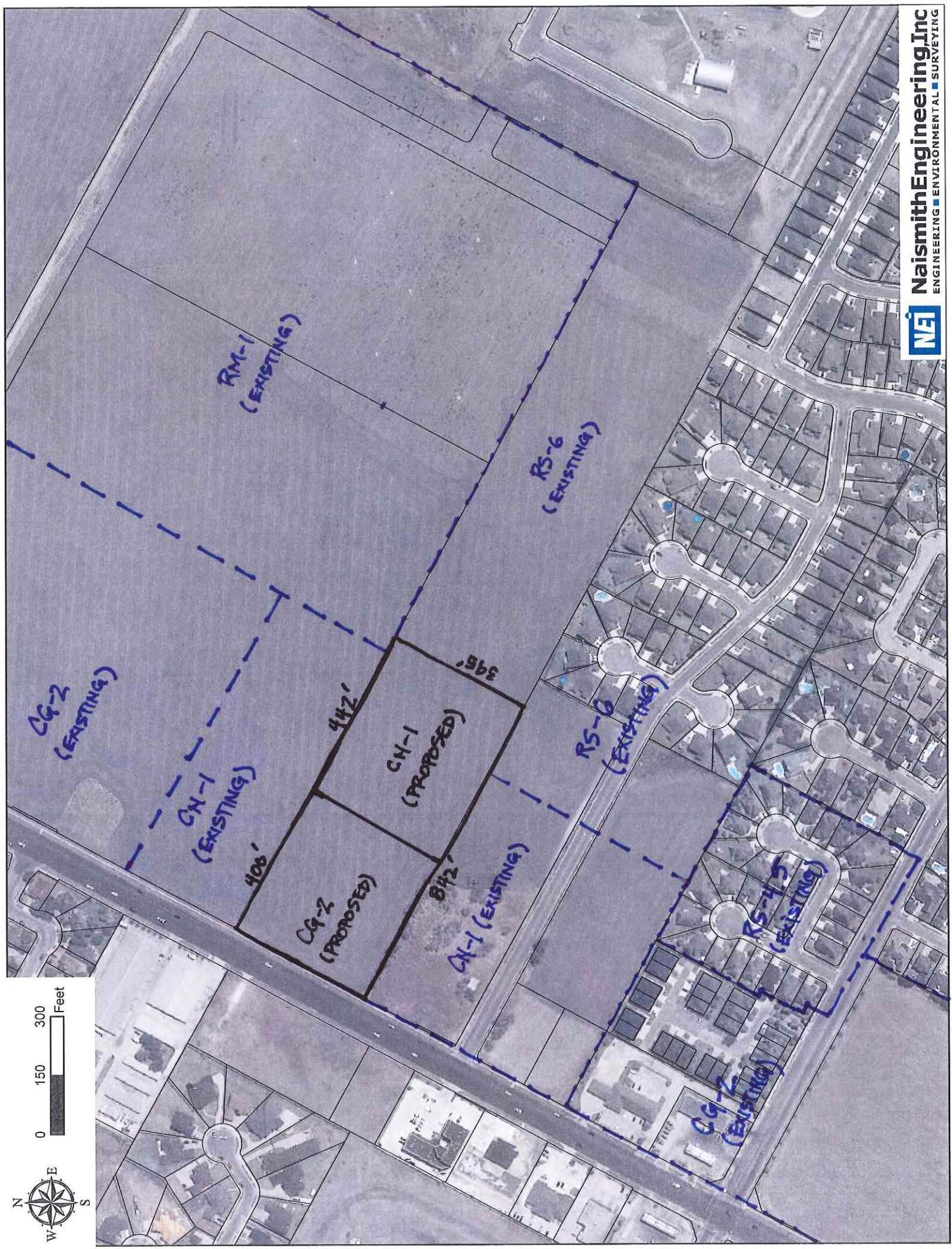
Owners in favor

Owners within 200' listed on attached ownership table

Owners in opposition







RM-1  
(EXISTING)

RS-6  
(EXISTING)

CG-2  
(EXISTING)

CN-1  
(EXISTING)

CG-2  
(PROPOSED)

CN-1  
(PROPOSED)

RS-6  
(EXISTING)

CN-1  
(EXISTING)

RS-4.5  
(EXISTING)

CG-2  
(EXISTING)

