

# STAFF REPORT

Case No.: 0414-04  
 HTE No. 14-10000012

Planning Commission Hearing Date: April 9, 2014

|  |  |                                 |                           |                            |
|--|--|---------------------------------|---------------------------|----------------------------|
| <b>Applicant &amp; Legal Description</b> | <p><b>Applicant:</b> Jeffrey Evan Dinger<br/> <b>Owners:</b> BCH Investment Group, LLC<br/> <b>Legal Description/Location:</b> Being a 8.080 acre tract of land out of Lots 23 and 24, Section 6, Flour Bluff and Encinal Farm and Garden Tracts, located along the west side of South Staples Street (FM 2444), approximately 400 feet south of Yorktown Boulevard.</p>                     |                                 |                           |                            |
| <b>Zoning Request</b>                    | <p><b>From:</b> "RM-2" Multifamily 2 District<br/> <b>To:</b> "CG-2" General Commercial District<br/> <b>Area:</b> 8.080 acres<br/> <b>Purpose of Request:</b> To allow for the development of a family entertainment venue.</p>   |                                 |                           |                            |
| <b>Existing Zoning and Land Uses</b>     |  | <b>Existing Zoning District</b> | <b>Existing Land Use</b>  | <b>Future Land Use</b>     |
|  | <i>Site</i>  | "RM-2" Multifamily 2            | Vacant                    | Medium Density Residential |
|  | <i>North</i>   | "CG-2" General Commercial       | Vacant/Public/Semi-Public | Commercial                 |
|  | <i>South</i>   | "CG-2" General Commercial       | Commercial/Vacant         | Commercial                 |
|  | <i>East</i>  | "CG-2" General Commercial       | Commercial                | Commercial                 |
|  | <i>West</i>  | "RS-4.5" Single-Family 4.5      | Low Density Residential   | Low Density Residential    |
| <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 (ADP) and is planned for Medium Density Residential uses. The proposed change of zoning to the "CG-2" General Commercial District is not consistent with the adopted Future Land Use Plan.<br/> <b>Map No.:</b> 045031<br/> <b>Zoning Violations:</b> None</p> |                                 |                           |                            |
| <b>Transportation</b>                    | <p><b>Transportation and Circulation:</b> The subject property has access to South Staples Street, which is an "A3" Primary Arterial street. Location of the access drive will require compliance with TXDOT Traffic Access Management Plan.</p>   |                                 |                           |                            |

| Street R.O.W. | Street               | Urban Transportation Plan Type | Proposed Section               | Existing Section               | Traffic Volume |
|---------------|----------------------|--------------------------------|--------------------------------|--------------------------------|----------------|
|               | South Staples Street | "A3" Primary Arterial          | 130' ROW<br>79' paved w/median | 100' ROW<br>65' paved w/median | (2010)<br>7651 |

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a change of zoning from the "RM-2" Multifamily 2 District to the "CG-2" General Commercial District to allow construction of a commercial venture.

**Development Plan:** The 8.08-acre tract would be used together with the frontage portion of land for development of a family entertainment venue. As shown on the site plan, the owner proposes to develop the property with a 13,000 seat movie-theater, an 8-lane bowling center, laser tag and arcade. The 73,146 square foot development will provide over 700 paved parking spaces with lighting. Lighting will require compliance to the Outdoor Lighting standards in the Unified Development Code. The "CG-2" District would require the rear and side yard setback to be a minimum of ten feet. Although the building is centrally located within the property, the building will have to meet the 2:1 ratio of vertical height to horizontal distance to the rear property line adjacent to the residential neighborhood. A Type C buffer, which consists of a 15-foot wide buffer yard and 15 buffer points, would be required along the west property boundary adjacent to the residential district.

**Existing Land Uses & Zoning:** The subject property is vacant and zoned "RM-2" Multifamily 2 District. North of the subject property is a church in the "CG-2" General Commercial District. South of the subject property is a self-storage facility zoned "CG-2" General Commercial District. West of the subject property is a single-family neighborhood zoned "RS-4.5" Single-Family 4.5 District. To the east of the subject property and across South Staples Street (FM 2444) is a shopping center zoned "CG-2" General Commercial District.

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

**Plat Status:** The subject property will require a replatting with all infrastructure and public improvements in accordance with the Comprehensive Plan and all applicable area development plans and master plans.

**Comprehensive Plan & Area Development Plan (ADP) Consistency:** The subject property is in the Southside Area Development Plan (ADP) and the proposed rezoning

is not consistent with the adopted Future Land Use Plan, which slates the property for commercial uses.

**Department Comments:**

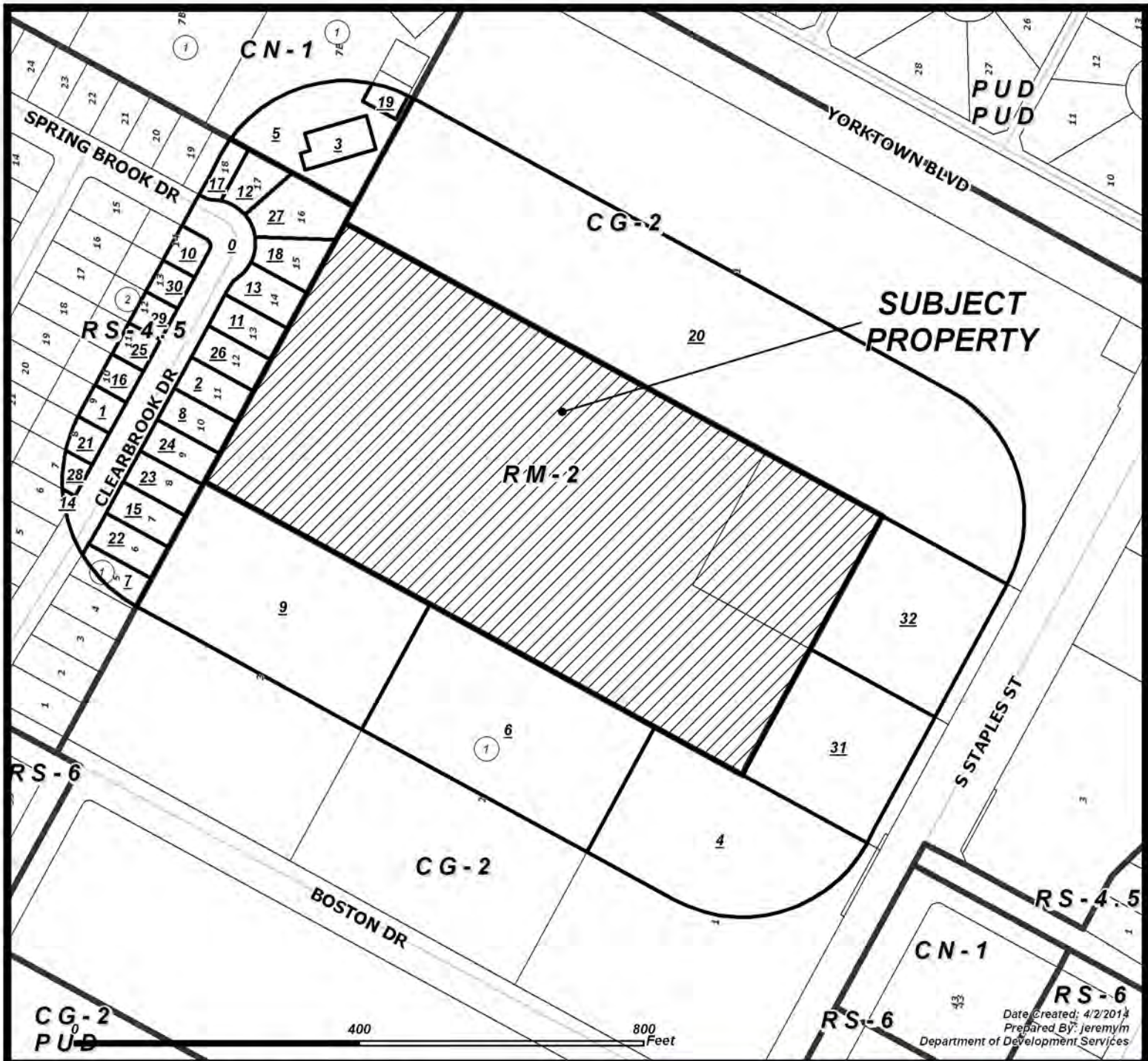
- The proposed rezoning is compatible with the current zoning and development patterns of the abutting properties to the north and south. The commercial development is an expansion of the commercial uses south and east of the subject property and the subject property was previously zoned commercial prior to 2004.
- The property to be rezoned is suitable for uses permitted by the zoning district that would be applied by the proposed development.
- The proposed rezoning would not negatively impact the surrounding properties and the property to be rezoned is suitable for commercial uses. The buffer yard, outdoor lighting standards, and the 2:1 ratio of height to setback will minimize the impact of commercial development on the adjacent single-family property.

**Staff Recommendation:**

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

|                                |   |
|--------------------------------|---|
| <b>Public<br/>Notification</b> | Number of Notices Mailed – 32 within 200-foot notification area;<br>4 outside notification area |
|                                | <b><u>As of April 8, 2014:</u></b>  |
|                                | In Favor – 0 inside notification area; 0 outside notification area                              |
|                                | In Opposition – 0 inside notification area; 0 outside notification area                         |
| For 0.0% in opposition.        |   |

Attachments:           Location Map (Existing Zoning & Notice Area)  
                                   Site Plan



## CASE: 0414-04 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             |                               |

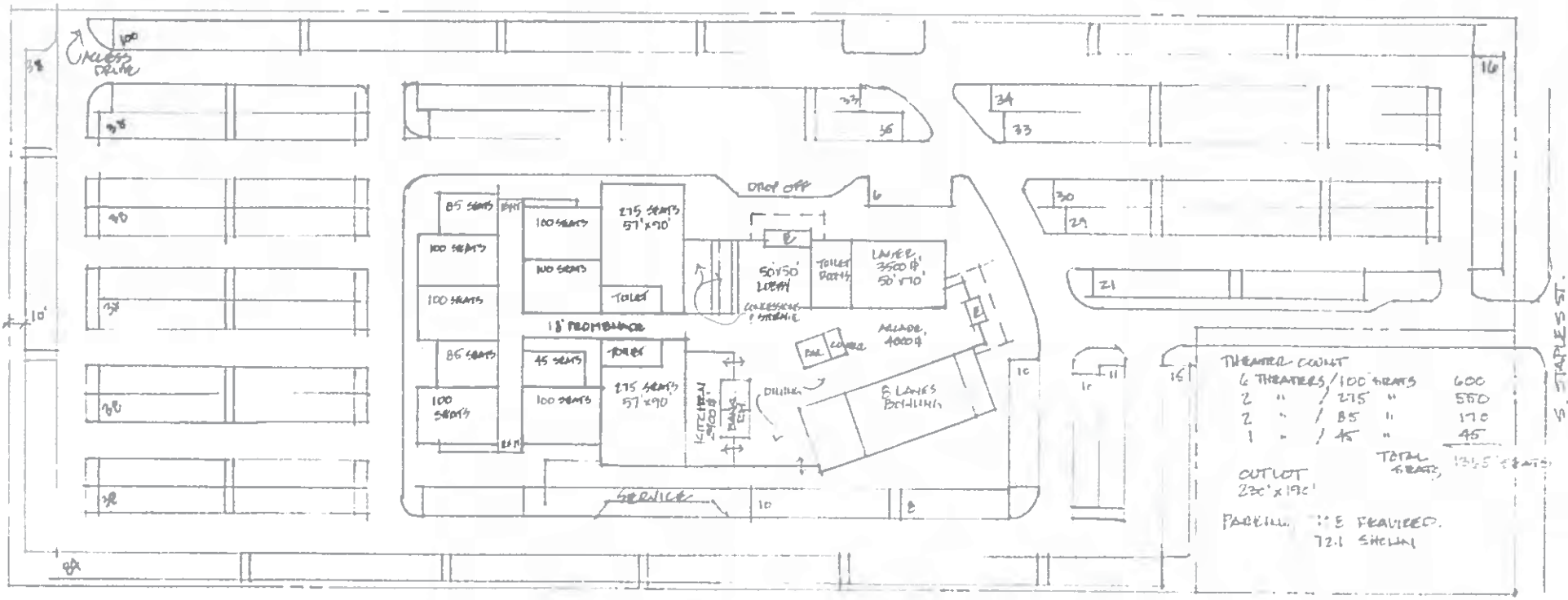
Subject Property with 200' buffer

Owners in favor

Owners within 200' listed on attached ownership table

Owners in opposition





| THEATER COUNT          |  |                                |
|------------------------|--|--------------------------------|
| 6 THEATERS / 100 SEATS |  | 600                            |
| 2 " / 275 "            |  | 550                            |
| 2 " / 85 "             |  | 170                            |
| 1 " / 45 "             |  | 45                             |
|                        |  | <b>TOTAL SEATS: 1365 SEATS</b> |

OUTLOT  
230' x 190'

PARKING: 11 E PARKED.  
72.1 SPACES

FAC. SCHEME B  
CADDY CHAMBER, TX

2.12.14



NORTH  
↑

TOTALS 63196 # LOWER LEVEL  
10000 # UPPER LEVEL  
73196 # TOTAL

*paradigm design*