



AGENDA MEMORANDUM

Public Hearing & First Reading Ordinance for the City Council Meeting 06/08/21
Second Reading Ordinance for the City Council Meeting 06/15/21

DATE: May 5, 2021
TO: Peter Zaroni, City Manager
FROM: Al Raymond, AIA, Director
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Rezoning a property at or near 1402 Flour Bluff Drive

CAPTION:

Zoning Case No. 0321-02, The Estate of Hart F. Smith and Juliana Dunn Smith (District 1) Ordinance rezoning property at or near 1402 Flour Bluff Drive from the "RE" Residential Estate District to the "CG-2" General Commercial District and "RM-2" Multifamily District. (3/4 vote needed to approve).

SUMMARY:

The purpose of the rezoning request is for commercial development and for the construction of 500-600 apartment units. The rezoning case was originally heard and tabled by the Planning Commission on March 17th. The applicant proposed an alternative rezoning request to the Planning Commission on April 14th which subsequently received an approval recommendation.

The original request by the applicant would result in a maximum potential build-out of approximately 1,100 dwelling units. The first alternative proposal that was subsequently received an approval recommendation by the Planning Commission reduced the number of units to 615. Since Planning Commission, further discussions have occurred between the Navy, City staff, and the applicant. A second alternative proposal was presented to reduce the overall density of the entire site to no more than approximately 250 units. A special permit was drafted to limit the density and to apply the design requirements established within the Unified Development Code (UDC) for townhome developments. The Navy, City staff, and the applicant have agreed upon the second alternative rezoning proposal.

BACKGROUND AND FINDINGS:

The subject property is 35 acres in size and is currently zoned "RE" Residential Estate District consists of vacant property and has remained undeveloped since annexation in 1961. The developer of the property is requesting a change of zoning for the subject property to accommodate a commercial use "CG-2" General Commercial District for the front 4.12 acres and multifamily "RM-2" Multifamily District for the rear 35.80 acres. The "CG-2" District portion anticipates 4 retail sites and the "RM-2" District portion anticipates between 500 and 600 Apartment Units. To the north are various commercial development including a hotel, mini-storage

complex, and a Wal-Mart zoned “CG-1” General Commercial District. To the south are large tract single-family residences zoned “RE” Residential Estate District. To the east is a church zoned “CG-1” General Commercial District and a single-family residential subdivision (Oak Terrace Unit 1) zoned “RE” Residential Estate District. To the west is Oso Bay.

Conformity to City Policy

- The subject property is located within the boundaries of the Flour Bluff Area Development Plan and is planned for a commercial use. The proposed rezoning is inconsistent with the adopted Comprehensive Plan (Plan CC). The proposed rezoning is also incompatible with the future land use map which indicates the areas as low density residential and planned Development. The proposed rezoning may have a negative impact upon the adjacent properties.
- While the subject property is not located within the AICUZ Overlay, the uses will still be impacted by potential danger of aircraft crashes and the daily impact of aircraft noise.
- Due to the immediate proximity of the AICUZ, the applicant should consider the “CG-1” General Commercial District instead of the “CG-2” District as the retail and office uses will still be allowed. However, the residential aspect of “CG-2” will not be allowed. Additionally, the applicant should consider the “RS-22” Single-family 22 District instead of “RM-2” District as the “RS-22” District is compatible with surrounding uses, the future land use map, and the recommendations of the adjacent APZ.
- 1,074 dwelling units is the maximum possible buildout based on the proposed 35.80 acres of the “RM-2” Multifamily District.
- As previously mentioned, the applicant has supplied an alternative proposal covering multiple zoning districts (attached as Exhibit B). Based on the alternative proposal’s net buildable acreage, the number of dwelling units would be as follows:
 - “RM-2” Multifamily District: 300 Units @ 30 du/ac
 - “RM-1” Multifamily District: 308 Units @ 22 du/ac
 - “RS-TH” Townhome District: Dependent on design
 - “RS-22” Single-Family 22 District: 7 units @ 2 du/ac
 - *Total: 615 dwelling units*
- Officials with Naval Air Station-Corpus Christi (NAS-CC) have commented, “Due to the close proximity of the Accident Potential Zone (APZ) and flight track that overflies this parcel (transition from Naval Outlying Landing Field (NOLF) Waldron to NAS-CC) the density level of the proposed site is not recommended.”

Public Input Process

Number of Notices Mailed
34 within 200-foot notification area
1 outside notification area

As of May 5, 2021:

In Favor	In Opposition
2 inside notification area	2 inside notification area
0 outside notification area	8 outside notification area

Totaling 2.44% of the 200-foot notification area* is in opposition.

*Created by calculating the area of land immediately adjoining the subject property and extending 200-foot therefrom. The opposition is totaled by the total area of land that each individual property owner owns converted into a percentage of the total 200-foot notification area.

Notified property owner’s land in square feet / Total square footage of all property in the notification area = Percentage of public opposition

ALTERNATIVES:

1. Denial of the zoning to the “CG-2” General Commercial District and “RM-2” Multifamily District.
2. Approval of the zoning to the “CG-2” General Commercial District and “RM-2” Multifamily District. (3/4 vote needed to approve)
3. Approval of the alternative zoning proposal consisting of the “CG-1” General Commercial District, “RM-2” Multifamily District, “RM-1” Multifamily District, “RS-TH” Townhouse District, and the “RS-22” Single-Family 22 District.
4. Approval of the alternative zoning proposal consisting of the “CG-1” General Commercial District, “RS-6/SP” Single-Family 6 District with a Special Permit, “RS-6” Single-Family 6 District, and the “RS-22” Single-Family 22 District.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION:

Commission Recommendation

Planning Commission recommended approval of an alternative zoning proposal consisting of the “CG-1” General Commercial District, “RM-2” Multifamily District, “RM-1” Multifamily District, “RS-TH” Townhouse District, and the “RS-22” Single-Family 22 District on April 14, 2021.

Vote Count:

For: 6
Opposed: 3
Absent: 0
Abstained: 0

Staff recommends denial of the original rezoning request, in lieu thereof approval of the proposed alternative rezoning request including a Special Permit discussed between the Navy, applicant, and City staff.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation - Aerial Map
Planning Commission Final Report