



AGENDA MEMORANDUM

Public Hearing & First Reading Ordinance for the City Council Meeting 11/16/21
Second Reading Ordinance for the City Council Meeting 12/7/21

DATE: October 1, 2021
TO: Peter Zanoni, City Manager
FROM: Al Raymond, AIA, Director
Development Services Department
AlRaymond@cctexas.com
(361) 826-3575

Rezoning a property at or near 3942 Cimarron Boulevard

CAPTION:

Zoning Case No. 0921-01, Richard Jurach, Jerry Jurach, Patricia Hunt, and Paula Carter: (District 5) Ordinance rezoning property at or near 3942 Cimarron Boulevard from the "FR" Farm Rural District to the "RM-2" Multifamily District. (3/4 vote required to approve)

SUMMARY:

The purpose of the rezoning request is to allow for the construction of an apartment complex.

BACKGROUND AND FINDINGS:

The subject property totals 10 acres in size and is currently zoned "FR" Farm Rural District and consists of vacant land zoned "FR" Farm Rural in 1995 at the time of annexation. To the north is an apartment complex zoned in 2018 to the "RM-2" Multifamily District. Additionally, to the north are vacant tracts rezoned in 2015 to the "CN-1" Neighborhood Commercial District and to the "RM-2" Multifamily District. Located farther to the north across Lipes Boulevard is Veterans Memorial High School. To the south is the Cimarron Lake Estates Subdivision with a Homeowners Association (HOA). The subdivision was rezoned in 2004 to the "RS-6" Single-Family 6 District. To the east is Master Channel 31 which is a drainage right-of-way width of approximately 140 feet and a depth of 7.21 feet. Across the channel are vacant tracts zoned in 2018 to the "RM-1" Multifamily 1 District for potential apartment complexes. To the west is Cimarron Boulevard. Across Cimarron Boulevard are single-family residences (Yorktown Crossing Unit 2 Subdivision) zoned "RS-6" Single-Family 6 District. The applicant is proposing the construction of a 240-unit apartment complex. The units are projected to include 12 efficiency apartments, 116 one-bedroom apartments, 103 two-bedroom apartments, and 9 three-bedroom apartments. The development also will feature 20 direct-attached garages and 42 breezeway attached garages in addition to surface parking for tenants and guests. Additionally, the development will include an amenity center, pool, grille center and dog park.

Conformity to City Policy

The subject property is located within the boundaries of the Southside Area Development Plan and is planned for a medium density residential use. The proposed rezoning to the "RM-2"

Multifamily District is generally consistent with the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the Future Land Use Map. The proposed rezoning is generally consistent with the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the Future Land Use Map compatible with the adjoining properties. The proposed rezoning does not have a negative impact upon adjacent properties. Recent rezonings have occurred to the north in 2015 to the "CN-1" Neighborhood Commercial District and to the "RM-2" Multifamily 2 District in 2018. Most recently to the east rezonings occurred in 2018 to the "RM-1" Multifamily 1 District. Based on recent zoning changes and existing commercial zoning along Cimarron Boulevard (A1 Arterial Street) a trend towards commercial development is occurring. Such a trend is consistent with the goals and policies of the Comprehensive Plan. The "RM-2" Multifamily 2 District allows 30 dwelling units per acre by right. The proposed 240 apartment is compatible with the density requirements of the "RM-2" District.

Public Input Process

Number of Notices Mailed
38 within 200-foot notification area
4 outside notification area

As of September 15, 2021:

In Favor	In Opposition
0 inside notification area	6 inside notification area
0 outside notification area	0 outside notification area

Totaling 6.45% 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 from the "FR" Farm Rural District to the "RM-2" Multifamily District.
2. Approval of the rezoning from the "FR" Farm Rural District to the "RM-2" Multifamily District. (3/4 vote required)

FISCAL IMPACT: There is no fiscal impact associated with this item.

RECOMMENDATION:

The Planning Commission recommended denial of the zoning to the "FR" Farm Rural District to the "RM-2" Multifamily District but is recommending Approval of "RS-6/SP" Single-Family 6 District with a Special Permit with subject to conditions on September 15, 2021.

Proposed Special Permit conditions:

1. Uses: The only uses authorized by this Special Permit other than uses permitted in the base zoning district is a multifamily apartment complex with a density not to exceed 30 dwelling units per acre and consistent with the attached site plan.
2. Setbacks: No structure shall be greater than two stories in elevation within 80-feet of the southern property line. Any two-story buildings must have a pitched roof with the ridge extending at least 6 feet above the eave of the roof."
3. Buffer Yard: When adjacent to the "RS-6" Single-Family 6 District, the buffer yard requirement shall be 10-feet, with the required points and screening fence satisfied by

including a row of canopy trees with a minimum caliper size of 2.5 inches every 30 linear feet and a 7-foot-tall screening fence or a 6-foot-tall masonry wall.

4. Lighting: All lighting must adhere to the standards set in the Unified Development Code (UDC).
5. Dumpster: No dumpster shall be placed within 80-feet of the southern property line.
6. Other Requirements: The conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.
7. Time Limit: In accordance with the UDC, this Special Permit shall be deemed to have expired within 24 months of this ordinance unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Vote Count:

For:	7
Opposed:	0
Absent:	2
Abstained:	0

Staff recommends approval of the "RS-6/SP" Single-Family 6 District with a Special Permit.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation - Aerial Map
Planning Commission Final Report