

ZONING REPORT

Case No.: 0312-02
 HTE No. 12-10000011

Planning Commission Hearing Date: March 28, 2012

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|--|--|--|---|--|--------------------|
| Applicant & Legal Description | <p>Applicant/Owner: Convent Academy of the Incarnate Word Representative: Peggy L. Sumner Legal Description/Location: Being 41.32 acres out of Lots 5, 6 and 7, Section 6, Flour Bluff and Encinal Farm and Garden Tracts, located approximately 200 feet to the west of S. Staples St. and along the south side of Lipps Blvd.</p> | | | | |
| Zoning Request | <p>From: "RS-4.5" Single-Family 4.5 District, "RS-6" Single-Family 6 District and "RM-1" Multifamily 1 District To: "RM-1" Multifamily 1 District Area: 41.32 acres Purpose of Request: To allow the property owner to construct a 40-resident convent and associated accessory uses, such as administrative offices and a chapel.</p> | | | | |
| Existing Zoning and Land Uses | | Existing Zoning District | Existing Land Use | Future Land Use | |
| <i>Site</i> | | "RS-4.5" Single-Family 4.5, "RS-6" Single-Family 6, and "RM-1" Multifamily 1 | Vacant | Low Density Residential | |
| <i>North</i> | | "RS-6" Single-Family 6 & "RS-TF" Two-Family District | Park; Low & Medium Density Residential | Park; Low & Medium Density Residential | |
| <i>South</i> | | "RS-6" Single-Family 6 | Vacant & Low Density Residential | Low Density Residential | |
| <i>East</i> | | "RM-1" Multifamily 1 | Medium Density Residential & Public Semi-Public | Medium Density Residential | |
| <i>West</i> | | "RS-6" Single-Family 6 | Low Density Residential | Low Density Residential | |
| ADP, Map & Violations | <p>Area Development Plan: The subject property is located in the Southside Area Development Plan (ADP) and is planned for low density residential uses. Although the proposed change in zoning to the "RM-1" Multifamily 1 District is not consistent with the adopted Future Land Use Plan, a modification to the plan with a medium density residential district such as an "RM-1" District could be acceptable. Map No.: 045032 Zoning Violations: None</p> | | | | |
| Transportation | <p>Transportation and Circulation: The subject property has approximately 1,900 feet of frontage along Lipps Blvd., a "C1" Residential Collector street. The nearest intersection is S. Staples St., which is an "A3" Primary Arterial Divided street. The subject property has limited access to Henderson St., which is a local residential street currently connecting to Staples St. and which will also connect to Graford Place, another local residential street, when the developer immediately to the south of the subject property constructs the extension of Graford Place to Henderson St. as part of a single-family residential development.</p> | | | | |
| Street R.O.W. | Street | Urban Transportation Plan | Proposed Section | Existing Section | 2011 Volume |
| | Lipps Blvd. | C1 Minor Residential Collector | 60' ROW, 40' paved | 60' ROW, 40' paved | N/A |
| | S. Staples St. | A3 Primary Arterial Divided | 130' ROW, 79' paved | 130' ROW, 65' paved | 17,220 ADT |

Staff's Summary:

Requested Zoning: The applicant is requesting a change of zoning from the "RS-4.5" and "RS-6" Single-Family districts to the "RM-1" Multifamily 1 District to allow for the development of a 40-resident convent and associated accessory uses, such as administrative offices and a chapel. The subject property is located approximately 200 feet to the west of Staples St. and has approximately 1,900 feet of frontage along the south side of Lipes Blvd.

Existing Zoning: The subject property is currently zoned with single-family districts ("RS-4.5" and "RS-6"), which does not allow for "group living" uses. A convent is classified as a "group living" use, which requires a minimum of the "RM-1" District. The "RM-1" District supports a maximum density of 22 dwelling units per acre compared to the "RS-6" District supporting 7.26 dwelling units per acre.

Applicant's Development Plan:

- The applicant owns the entire 41.32-acre tract of land, but only needs fifteen (15) acres for the construction of the convent facility. There are no development plans for the remaining 26.32 acres at this time. The convent, offices and chapel will all be located in the same building, which would vary from one to two stories high and have a floor area of approximately 60,000 square feet.
- Because of the nature of the convent, the applicant prefers to be located near lower intensity land uses, such as single-family residential, rather than commercial uses or high-density apartments. As such, the applicant prefers to construct the convent on the portion of the lot farthest away from S. Staples St. The convent is expected to employ eight to ten individuals. Construction is expected to be complete by mid-2013.

Existing Land Uses: Located to the north of the subject property are a public park, single-family houses, and a retirement community. Located to the east is a church and apartment complex. Located to the south is a vacant tract of land slated for single-family subdivision. Located to the west are single-family houses.

Buffer Yard: The development would be required to provide a physical buffer between the "RM-1" District and the "RS-6" District located on the south and west sides of the subject property. The potential relocation of the 50-foot-wide private drainage ditch to the south and west sides of the property would also provide a physical buffer from the low density residential uses.

Relationship to Smart Growth: The proposed change of zoning will allow for infill development on a large tract of vacant land that is hemmed in by existing single-family and multifamily residential and commercial developments. Existing public infrastructure is available to the subject property.

Comprehensive Plan & Area Development Plan (ADP) Consistency:

The Comprehensive Plan and the Southside Area Development Plan (ADP) slate the subject property for low density residential uses. The proposed change of zoning of the 41.32-acre tract of land to the "RM-1" Multifamily 1 District is not consistent with the adopted Future Land Use Map, but meets other criteria of the Comprehensive Plan and ADP, such as:

- Encouraging infill development on vacant tracts within developed areas (*Comprehensive Plan, Residential Policy Statement F*),

- Locating medium-density residential development along a collector street with convenient access to an arterial street (*Comprehensive Plan, Residential Policy Statement H*),
- Providing for a compatible configuration of activities with emphasis on accommodation of existing zoning patterns and the protection of low-density residential activities from incompatible activities (*Southside ADP Policy Statement B.1*),
- Buffering high-intensity commercial areas from low-density residential areas through the existence of roads, public/institutional buildings, open space, scale of designs, and transitional land uses (*Southside ADP Policy Statement B.6*), and
- Discouraging new high-intensity commercial developments from locating directly adjacent to low-intensity residential areas without an adequate transition or buffer (*Southside ADP Policy Statement B.7*).

Plat Status: Subject property is not platted.

Department Comments:

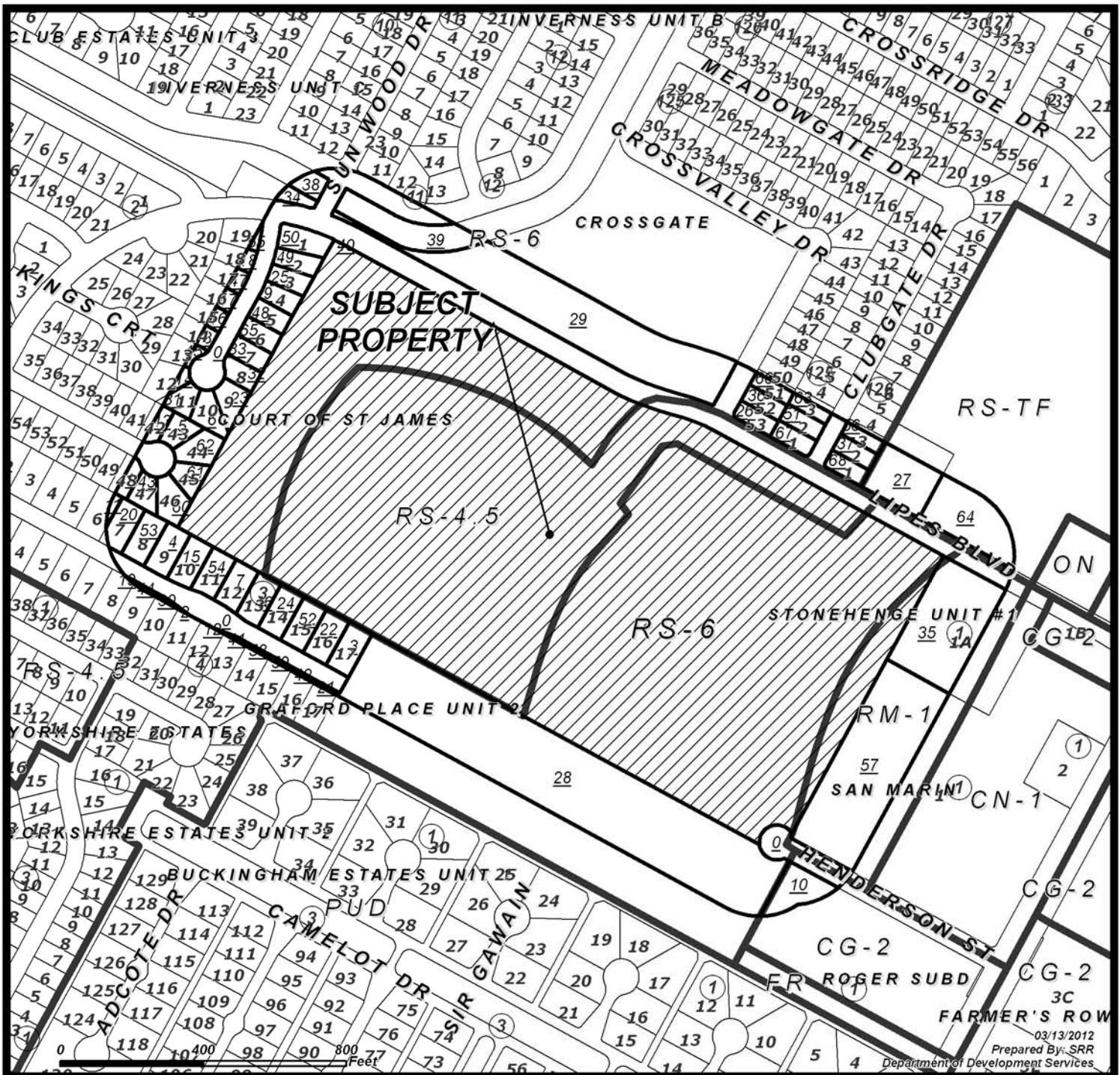
- A modified request to fifteen (15) acres of the “RM-1” Multifamily 1 District to allow for a convent is a supportable zoning change.
- Rezoning the remaining 26.32 acres to the “RS-6” Single-Family 6 District would be consistent with the Area Development Plan and would provide for one zoning district on the remaining acreage.
- The 40-unit convent facility would have lower densities and traffic generation than the standard single-family subdivision built on 15 acres.
- The applicant is in agreement with the modified request described above.
- The modified request would be more consistent with the Area Development Plan.

Planning Commission & Staff Recommendation (March 28, 2012):

Denial of the change of zoning to the “RM-1” Multifamily 1 District on the entire 41.32-acre tract and, in lieu thereof, approval of the “RM-1” Multifamily 1 District on the western fifteen (15) acres and “RS-6” Single-Family 6 District on the remaining eastern 26.32 acres.

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|--------------------------|--|
| Comments Received | Number of Notices Mailed – 64 within 200’ notification area; 3 outside notification area |
| | <u>As of May 18, 2012:</u> |
| | In Favor – 2 (inside notification area); 0 (outside notification area) |
| | In Opposition – 7 (inside notification area); 0 (outside notification area) |
| | For 3.23% in opposition. |

- Attachments: 1. Site Map – Existing Zoning, Notice Area, & Ownership Map
 2. Conceptual Development Plan



03/13/2012
Prepared By: SRR
Department of Development Services

CASE: 0312-02

2. SITE - EXISTING ZONING, NOTICE AREA & OWNERSHIP

| | | | |
|-------|-------------------------|--------|---------------------------|
| 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



Distances Are Approximations

645'

LIPES

PROPOSED DRAINAGE EASEMENT



915'

Site Plan
SCALE 1"=30'-0"
PARKING SPACES = 59
MARCH 9, 2012



PROPOSED DRAINAGE EASEMENT