

# PLANNING COMMISSION FINAL REPORT

Case No.: 0414-01

HTE No. 14-10000008

Planning Commission Hearing Date: April 9, 2014

<b>Applicant &amp; Legal Description</b>	<p><b>Applicant/Owner:</b> Klatt Thomas, LLC  <b>Representative:</b> Richard Dungan  <b>Legal Description/Location:</b> Lot 22, River Forest Acres, located along the northwest side of Interstate Highway 69, between Teague Lane and Cornett Road.</p>				
<b>Zoning Request</b>	<p><b>From:</b> "RS-6" Single-Family 6 District  <b>To:</b> "ON" Office District  <b>Area:</b> 0.51 acres  <b>Purpose of Request:</b> To allow construction of two 3-unit multifamily structures.</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>		"RS-6" Single-Family 6	Vacant	Commercial & Medium Density Residential	
<i>North</i>		"RS-TF" Two-Family	Medium Density Residential	Medium Density Residential	
<i>South</i>		CG-2" General Commercial	Commercial	Commercial	
<i>East</i>		"RS-6" Single-Family 6	Low Density Residential	Commercial & Medium Density Residential	
<i>West</i>		"ON" Office	Medium Density Residential	Commercial & Medium Density Residential	
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located within the boundaries of the Northwest Area Development Plan (ADP) and is planned for commercial and medium density residential uses. The proposed change of zoning to the "ON" Office District is not consistent with the Future Land Use Plan.  <b>Map No.:</b> 066051  <b>Zoning Violations:</b> None</p>				
<b>Transportation</b>	<p><b>Transportation and Circulation:</b> The subject property has access to Interstate Highway 69, which is a Freeway/Expressway.</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</b>
	IH 69	Freeway/Expressway	400' ROW paved varies	275' ROW 240' paved	Not Available

## **Staff Summary:**

**Requested Zoning:** The applicant is requesting a change of zoning from the “RS-6” Single-Family 6 District to the “ON” Office District to allow construction of two 3-unit multifamily structures. The applicant is requesting the “ON” District because it is more compatible with the surrounding residential uses than a commercial district and the zoning district allows apartments, which is the applicant’s intent. The required side and rear yard setbacks of the “ON” District are also less restrictive than the multifamily zoning districts.

**Development Plan:** The applicant is proposing two 3-unit multifamily structures on the property. Each unit will be two-stories and total 1,121 square feet. A total of 16 parking spaces shall be provided on the site for resident and guest parking. The applicant is proposing 42% open space on the lot, which exceeds the minimum requirement of 30%. A Type B buffer, consisting of a 10-foot buffer yard and 10 points, shall be required on the north and east property lines adjacent to the “RS-6” Single-Family 6 District and the “RS-TF” Two-Family District. A turnaround will be provided on the site for fire truck access.

**Existing Land Uses & Zoning:** North of the subject property are townhomes zoned “RS-TF” Two-Family District. East of the subject property is a single-family dwelling zoned “RS-6” Single-Family 6 District. South of the subject property across Interstate Highway 69 is zoned “CG-2” General Commercial District. West of the subject property is a multifamily structure zoned “ON” Office District.

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

**Comprehensive Plan & Area Development Plan (ADP) Consistency:** The subject property is located within the boundaries of the Northwest ADP and the proposed rezoning is partially consistent with the adopted Future Land Use Plan, which slates the property for commercial and medium density residential uses. The “ON” District allows multifamily uses and less intense commercial uses than a commercial zoning district. The rezoning to the “ON” District would allow the Future Land Use Plan to be implemented. The proposed rezoning is consistent with pertinent elements of the Comprehensive Plan, such as:

1. Commercial uses adjacent to existing or proposed residential areas should be buffered or use sensitive design (Residential Policy Statement, C).
2. Medium-density residential development should be located with convenient arterial access (Residential Policy Statement, F).
3. Infill development should be encouraged on vacant tracts within developed areas (Residential Policy Statement, H).

**Department Comments:**

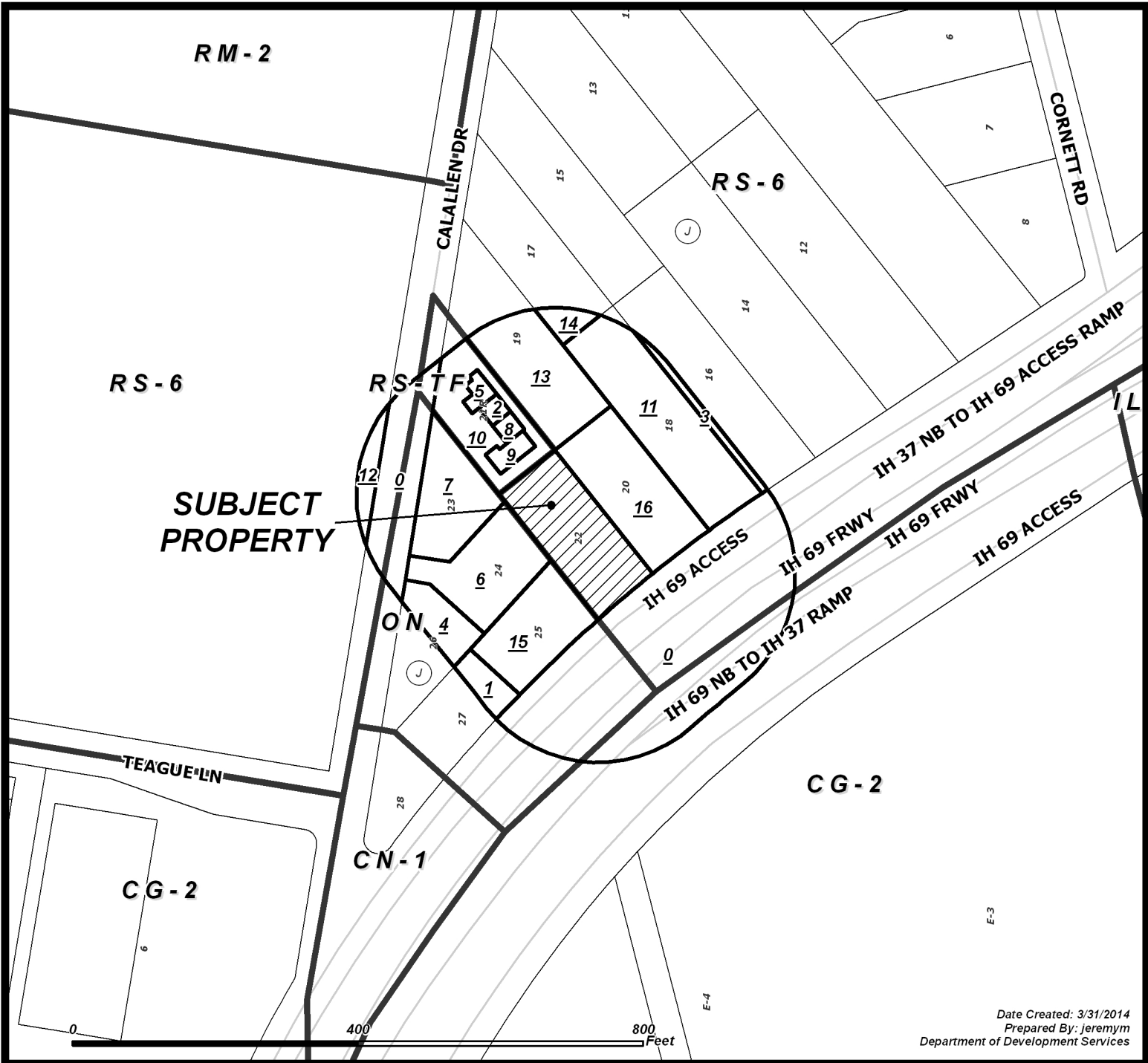
- The “ON” District would be an expansion of the office zoning district to the west and would not allow uses that are nuisances to the adjacent residential uses. A rezoning to the “ON” District would allow the Future Land Use Plan’s designation of the property of medium density residential to be implemented.
- The proposed rezoning would not negatively impact the surrounding properties, and the property to be rezoned is suitable for office or multifamily and office uses. A buffer yard would be required to minimize the impact of potential commercial development on the adjacent one- and two-family properties.
- The proposed rezoning is compatible with the present zoning and conforming uses of nearby properties and to the character of the surrounding area. The properties to the north and west are developed with multifamily uses.

**Planning Commission and Staff Recommendation (April 9, 2014):**

Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “ON” Office District.

<b>Public Notification</b>	Number of Notices Mailed – 16 within 200-foot notification area; 3 outside notification area
	<b><u>As of April 22, 2014:</u></b>
	In Favor – 1 inside notification area; 0 outside notification area
	In Opposition – 0 inside notification area; 0 outside notification area
For 0.00% in opposition.	

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

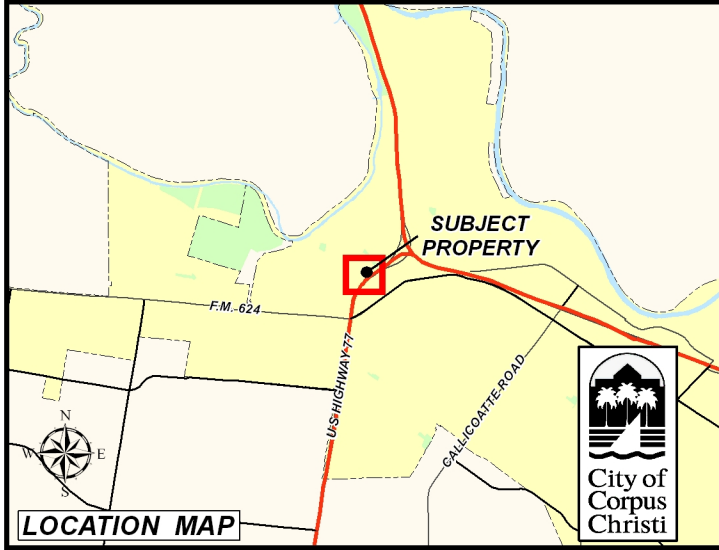


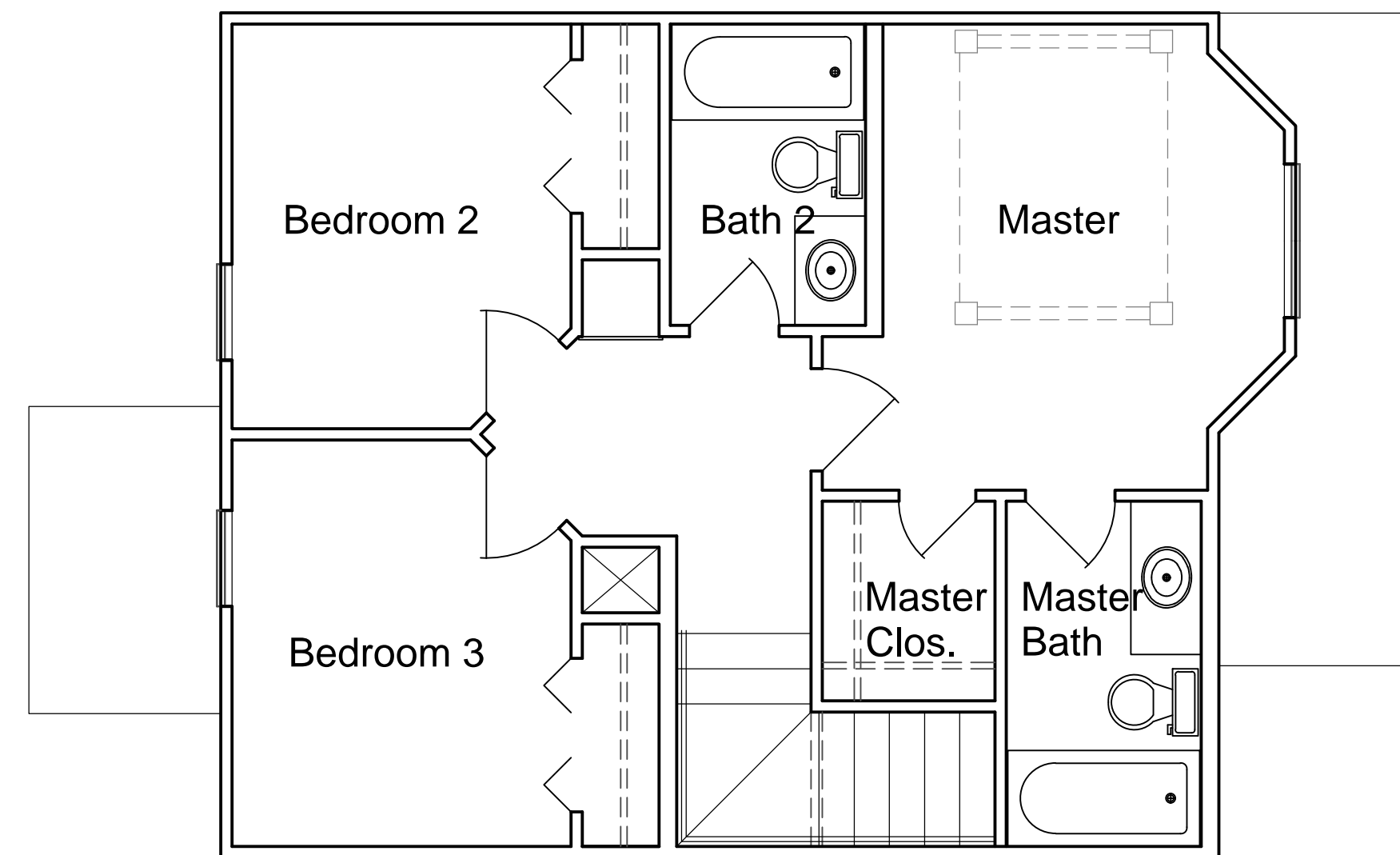
Date Created: 3/31/2014  
 Prepared By: jeremym  
 Department of Development Services

## CASE: 0414-01 ZONING & NOTICE AREA

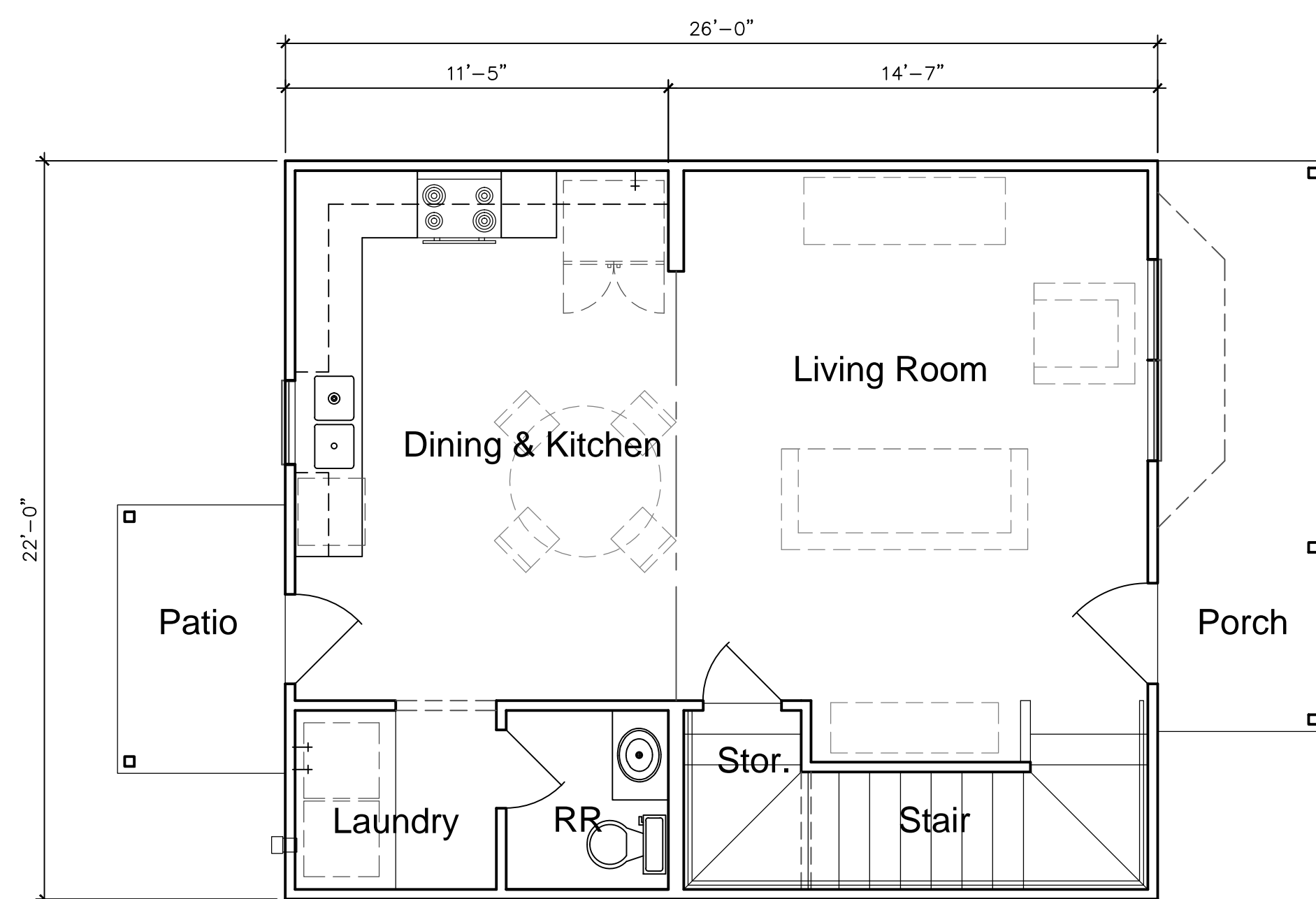
RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	IH	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev. Overlay
ON	Professional Office	RS-10	Single-Family 10
RM-AT	Multifamily AT	RS-6	Single-Family 6
CN-1	Neighborhood Commercial	RS-4.5	Single-Family 4.5
CN-2	Neighborhood Commercial	RS-TF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

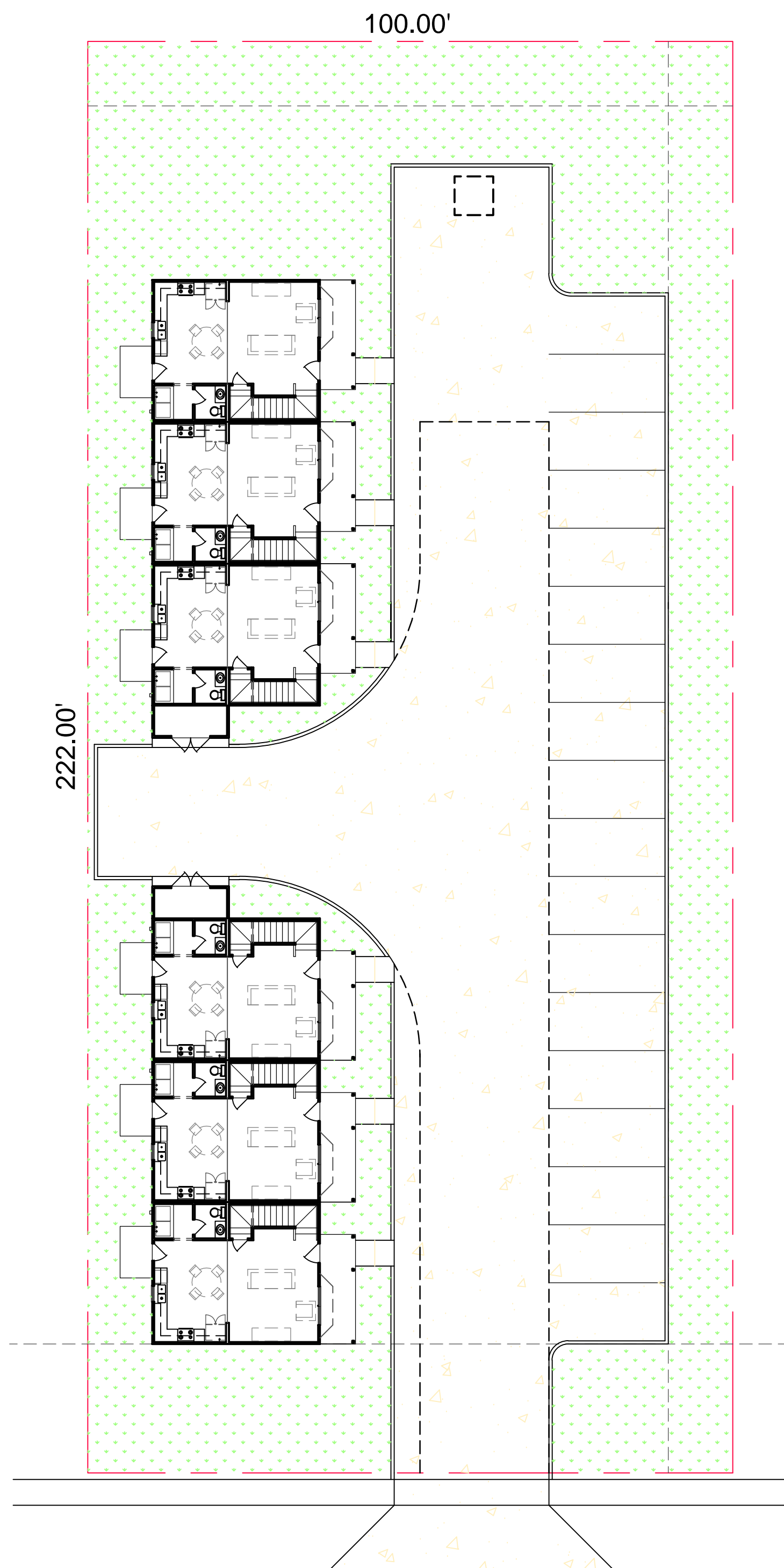




**SECOND FLOOR PLAN** Square Footage: 549  
SCALE: 1/4" = 1'-0"

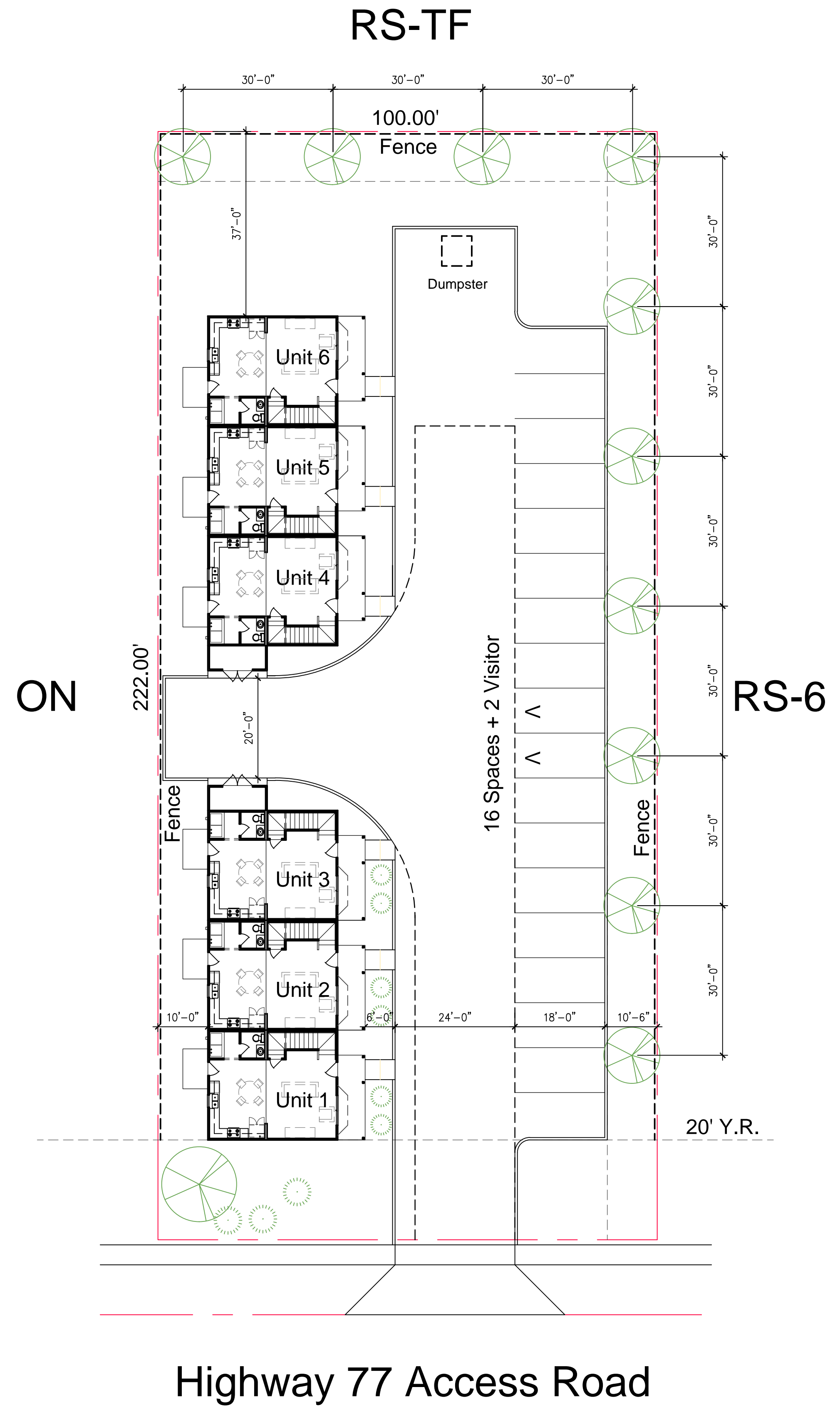


**GROUND FLOOR PLAN** Square Footage: 572  
SCALE: 1/4" = 1'-0"



**OPEN SPACE CALCULATION** SCALE: 1/16" = 1'-0"

Open Space:  
 Lot Area: 100' x 222' = 22,200 sf  
 Minimum 30% Open Space: (22,200 sf x 30%) = 6,660 sf  
 Total Open Space Shown: 8,526 sf  
 Exceeds Minimum Requirement by 1,866 sf



**A SITE PLAN - Concept A** SCALE: 1/16" = 1'-0"

Buffer Yard Requirements:  
 Type B Buffer Yard required between ON and RS-TF  
 Type B Buffer Yard required between ON and RS-6  
 Buffer Yards Shown: 10' wide PLUS 10 Points  
 (10 Points = 2-1/2" caliper trees at minimum 30'-0" o.c.)

Not For Construction  
 Building Permit or  
 Regulatory Approval

**LUDDEKE** ARCHITECTURAL DESIGN GROUP  
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NO.	REVISION / ISSUE / BY	DATE

**Schematic Design for  
 Ambrose Apartments**

Scale: as noted  
 Date: 03-20-14  
 Project No: XX

**SD-1**  
 Sheet: \_\_\_\_\_ of \_\_\_\_\_