



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of March 10, 2015  
Second Reading for the City Council Meeting of March 24, 2015

**DATE:** February 19, 2015

**TO:** Ronald L. Olson, City Manager

**FROM:** Dan M. Grimsbo, P.E., Director, Development Services Department  
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**Rezoning from Farm Rural to Single-Family and Commercial  
For South Staples, LLC  
Property Address: 714 FM 2444**

**CAPTION:**

Case No. 0115-06 South Staples LLC: A change of zoning from the "FR" Farm Rural District to the "RS-15" Single-Family 15 District on Tract 1 and from the "FR" Farm Rural District to the "CN-1" Neighborhood Commercial District on Tract 2. Tract 1 is described as being an 8.57 acre tract out of a 78.76 acre parcel which is out of the East One-Half of the Northwest One-Quarter, Section Thirty, Laureles Farm Tracts. Tract 2 is described as being a 5.22 acre tract out of a 78.76 acre parcel which is out of the East One-Half of the Northwest One-Quarter, Section Thirty, Laureles Farm Tracts. The properties are located at the northwest corner of South Staples Street (FM 2444) and County Road 41A.

**PURPOSE:**

The purpose of this item is to rezone the property to allow development of single-family uses on Tract 1 and commercial uses on Tract 2.

**RECOMMENDATION:**

Planning Commission and Staff Recommendation (February 11, 2015):

**Tract 1:** Denial of the rezoning from the "FR" Farm Rural District to "RS-15" Single-Family 15 District and, in lieu thereof, approval of the "RS-22/SP" Single-Family 22 District with a Special Permit subject to a site plan and the following conditions:

1. Permitted Uses: The only use authorized by this Special Permit are those authorized by the "RS-22" Single-Family District and single-family detached dwellings on lots with a minimum size of 21,780 square feet.

2. Lot Width: The Property described as Tract 1 shall be developed in accordance with the setback/height/open space requirements of the “RS-22” District with the exception that Lots 2, 3, 58 and 59 are permitted to have a minimum lot width of 60 feet measured at the front yard setback and Lots 1 and 60 are permitted to have a minimum lot width of 90 feet measured at the front yard setback.
3. Time Limit: This Special Permit shall be deemed to have expired within 24 months of this ordinance unless a complete public improvement construction permit application has been submitted.

**Tract 2:** Approval of the rezoning from the “FR” Farm Rural District to “CN-1” Neighborhood Commercial District.

### **BACKGROUND AND FINDINGS:**

As detailed in the attached report, the applicant is requesting a change of zoning from the “FR” Farm Rural District to the “RS-15” Single-Family 15 District on Tract 1, which would allow with appropriate wastewater infrastructure the construction of single-family dwellings on lots with a minimum size of 15,000 square feet, and to the “CN-1” Neighborhood Commercial District on Tract 2 to allow neighborhood commercial type businesses. The applicant plans to develop half-acre (21,780 square foot) single-family lots because public wastewater lines are not available in the area and half-acre lots are required for septic systems. The applicant is requesting the “RS-15” District because he cannot meet the minimum lot size of 22,000 square feet required by the “RS-22” District. However, both staff and the Planning Commission have recommended a Special Permit to accommodate the applicant’s larger single-family lots, and the applicant is agreeable to the Special Permit.

### **ALTERNATIVES:**

1. Approve the Planning Commission and Staff recommendation.
2. Approve the “RS-15” Single-Family 15 District on Tract 1 and “CN-1” Neighborhood Commercial District on Tract 2.
3. Deny the request.

### **OTHER CONSIDERATIONS:**

Not Applicable

### **CONFORMITY TO CITY POLICY:**

The subject properties are within the boundaries of the London Area Development Plan (ADP). The proposed rezoning of Tract 1 is consistent with the adopted Future Land Use Plan, which slates the properties for low density residential uses. The proposed rezoning of Tract 2 is not strictly consistent with the Future Land Use Plan. However, the Urban Transportation Plan map calls for a collector street (County Road 41A) to extend along the east side of the entire development and the broader Future Land Use Plan calls for commercial uses at intersections of larger streets. Tract 2 will be located

at the corner of a collector and arterial roadway, making the location suitable for neighborhood commercial uses. Therefore, the proposed rezoning of Tract 2 is consistent with the Comprehensive Plan overall.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Legal and Planning Commission

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2014-2015</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

**Comments:** None

**LIST OF SUPPORTING DOCUMENTS:**

- Presentation - Aerial Map
- Ordinance (RS-22/SP & CN-1; Planning Commission & Staff Recommendation)
- Ordinance (RS-15 & CN-1)
- Planning Commission Final Report