



AGENDA MEMORANDUM

Public Hearing & First Reading Ordinance for the City Council Meeting 08/10/21
Second Reading Ordinance for the City Council Meeting 08/17/21

DATE: June 14, 2021
TO: Peter Zaroni, City Manager
FROM: Al Raymond, AIA, Director
Development Services Department
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Rezoning a property at or near 13845 Mizzen Street

CAPTION:

Zoning Case No. 0621-01, Joshua and Jasanía Morales.: (District 4) Ordinance rezoning property at or near 13845 Mizzen Street from the “RS-6” Single-Family 6 District to “RS-6/SP” Single-Family 6 District with a Special Permit.

SUMMARY:

The purpose of the rezoning request is to allow for the establishment of a Bed and Breakfast Home. (3/4 vote will be require).

If approved, the proposed Bed and Breakfast Home must always remain in compliance with Section 5.2.8 of the Unified Development Code (UDC).

UDC Section 5.2.8 Bed and Breakfast Home:

A Bed and breakfast home shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

- A. Sleeping accommodations shall not exceed five bedrooms and no more than 10 lodgers shall be accommodated at one time, not including the owner- occupied rooms. The Bed and Breakfast Home shall be owner-occupied at all times.
- B. Kitchen and dining facilities may be included to provide meals to guests only. No food preparation shall be permitted in guest bedrooms.
- C. Parking in the street yard of a bed and breakfast home shall be prohibited. All parking shall be screened from an adjacent residential use by an opaque fence or a hedge a minimum of 6 feet in height.
- D. In residential districts, no exterior evidence of the bed and breakfast home shall be allowed, except that one attached sign no larger than 1 square foot in area shall be permitted with

no additional advertising of any kind allowed on site. In nonresidential districts, the sign provisions of Section 7.5 shall apply.

- E. The operator shall keep a current request register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.
- F. A temporary use permit in accordance with Section 5.4 shall be required for any party, reception or similar special event that is anticipated to draw more than 10 total guests (including overnight guests) to the bed and breakfast home. Special events subject to the temporary use permit shall be limited to a total of six such functions per calendar year and shall be limited to between the hours of 7 a.m. and midnight. Such events shall be limited to the interior of the bed and breakfast home.
- G. The bed and breakfast home shall be no closer than 1,000 feet to any other bed and breakfast home.

BACKGROUND AND FINDINGS:

The subject property totals 0.1653 acres in size and is currently zoned “RS-6” Single-Family 6 District, consists of a single-family detached house, pool, and accessory uses. To the west are properties outside of the City Limits and consist of vacant undeveloped land. The area to the north, south, east, and west of the property is zoned “RS-6” Single-Family 6 District. The surrounding uses are all single-family homes.

Conformity to City Policy

The subject property is located within the boundaries of the Padre/Mustang Island (ADP), and is planned for Medium Density Residential use. The change of zoning from the “RS-6” Single-Family 6 District to the “RS-6/SP” Single-Family 6 District Special Permit is generally consistent with the adopted Comprehensive Plan (Plan CC). The current zoning allows for a single-family detached house, and all accessory uses but does not allow for the use Overnight Accommodation, which is the closest use to a “Short Term Rental.” Section 5.1.2.A. Residential Use – Household Living describes a prohibition of rentals for 30 or more days, “Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens,” which has prompted the need to request for a rezoning to a Bed and Breakfast Home.

Public Input Process

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

As of June 21, 2021:

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

Totaling 38.84% 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. Approval of the zoning from the “RS-6” Single-Family 6 District to the “RS-6/SP” Single-Family 6 District with a Special Permit.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION:

The Planning Commission recommended denial of the zoning to the “RS-6/SP” Single-Family 6 Special Permit on June 9, 2021.

Vote Count:

For:	8
Opposed:	0
Absent:	1
Abstained:	0

Staff recommends approval of the zoning request.
(3/4 vote will be required due to opposition by surrounding property owners).

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation - Aerial Map
Planning Commission Final Report