



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of December 9, 2014  
Second Reading for the City Council Meeting of December 16, 2014

**DATE:** November 7, 2014

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

**FROM:** Daniel M. Grimsbo, P.E., Director, Development Services Department  
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**Rezoning for Residential and Neighborhood Commercial uses  
For MVR Construction Company  
Property Address: 10125 Up River Road**

**CAPTION:**

Case No. 1114-01 MVR Construction Company: A change of zoning from the "CN-1" Neighborhood Commercial District, "RS-6" Single-Family 6 District, "RS-TF" Two-Family District to the "RS-4.5" Single-Family 4.5 District on Tract 1; and from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District on Tract 2. The property is described as Tract 1: Being 14.47 acres out of Tract 3, McKinzie Partition and a portion of Lot 2, Block 7, Maple Hills Subdivision Unit 2 and all of Lot 4, Block 7, Maple Hills Subdivision Unit 2; and Tract 2: Being 2.86 acres out of Tract 3, McKinzie Partition, located along the east side of Deer Run Drive and south of Up River Road.

**PURPOSE:**

The purpose of this item is to rezone the properties to allow the construction of a single-family home subdivision and neighborhood type commercial businesses.

**RECOMMENDATION:**

Planning Commission and Staff Recommendation (November 5, 2014):

Approval of the change of zoning from the "CN-1" Neighborhood Commercial District, "RS-6" Single-Family 6 District, "RS-TF" Two-Family District to the "RS-4.5" Single-Family 4.5 District on Tract 1; and from the "RS-6" Single-Family District to the "CN-1" Neighborhood Commercial District on Tract 2

**BACKGROUND AND FINDINGS:**

As detailed in the attached report, the applicant is requesting a rezoning from the "CN-1" Neighborhood Commercial District, "RS-6" Single-Family 6 District, "RS-TF" Two-Family District to the "RS-4.5" Single-Family 4.5 District on Tract 1; and from the "RS-6" Single-Family District to the "CN-1" Neighborhood Commercial District on Tract 2.

The applicant plans to develop the properties into a single-family subdivision and

neighborhood type commercial business.

The proposed rezoning would not negatively impact the surrounding residential properties and the property to be rezoned is suitable for low density residential and neighborhood commercial uses. The proposed rezoning is compatible with the present zoning and conforming uses of nearby properties and to the character of the surrounding area.

**ALTERNATIVES:**

Deny the request.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

The subject property is within the boundaries of the Northwest Area Development Plan and the proposed rezoning is not consistent with the adopted Future Land Use Plan, which slates the property for medium density residential uses. Although inconsistent with the Future Land Use Plan, the rezoning to a lower density residential use would be appropriate for this location and is consistent with the surrounding residential properties. Therefore, this rezoning is consistent with The Comprehensive Plan.

**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				
<b>BALANCE</b>				

Fund(s):

**Comments:** None

**LIST OF SUPPORTING DOCUMENTS:**

Presentation - Aerial Map  
Ordinance

Planning Commission Final Report