



## **AGENDA MEMORANDUM**

Public Hearing and First Reading Ordinance for the City Council Meeting of January 28, 2014  
Second Reading Ordinance for the City Council Meeting of February 11, 2014

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**DATE:** December 30, 2013

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

**FROM:** Mark E. Van Vleck, P.E., Director, Development Services Department  
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<p style="text-align: center;"><b>Rezoning from Residential to Commercial</b> <b>By Charles E. Butler</b> <b>Property Address: 7314 South Padre Island Drive (SH 358)</b></p>
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### **CAPTION:**

Case No. 1213-06 Charles E. Butler: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District, resulting in a change to the Future Land Use Plan from medium density residential uses to commercial uses. The property to be rezoned is described as being a 2.28-acre tract of land out of a portion of Lot 4-B and Lot 5D-R, Block A, Joslin Tract, located on the north side of South Padre Island Drive (SH 358) and approximately 850 feet east of Rodd Field Road.

### **PURPOSE:**

The purpose of this item is to rezone the property to allow commercial uses.

### **RECOMMENDATION:**

Planning Commission and Staff Recommendation (December 18, 2013):  
Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District

### **BACKGROUND AND FINDINGS:**

As detailed in the attached report, the applicant is requesting a rezoning to allow the establishment of Butler Equipment and Tool Rental on the subject property, which is 2.28 acres of vacant land, and on the abutting 1.26 acres of commercially zoned land fronting on South Padre Island Drive (SH 358). Butler Equipment and Tool Rental rents items to the general public and contractors such as yard and garden equipment, trenchers, skid loaders, small backhoes, contractor type hand tools, generators, etc. They service and repair the items they rent. The applicant proposes to use the existing

1,680-square foot building that fronts South Padre Island Drive (SH 358) for its showroom and sales counter. The applicant also plans to add an additional 5,000 square feet of showroom/warehouse space directly behind the existing building for sales, storage, and repair area. The subject property is suited for a general commercial use such as Butler Equipment and Tool Rental.

One neighbor, the Islamic Society of Southern Texas, is opposed to this rezoning. This neighbor represents 20.95% of the land area within 200 feet of the subject property. Therefore, seven of the nine councilmembers would have to vote in favor of this rezoning in order to approve it.

The Islamic Society of Southern Texas' comment was, "This area will be next to our mosque and also next to a church. It should stay residential."

**ALTERNATIVES:**

Deny the request.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

The subject property is located within the boundaries of the Southeast Area Development Plan. The proposed rezoning to the "CG-2" General Commercial District is inconsistent with the adopted Future Land Use Plan's designation of the property as medium-density residential uses. However, a significant amount of multifamily uses already exist in the area. A general commercial use is acceptable for the subject property and is compatible with the surrounding zoning districts and developments.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Legal and Planning Commission

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2013-2014</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:**

Aerial Overview Map  
Report with Attachments  
Ordinance with Exhibits