



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of October 14, 2025
Second Reading for the City Council Meeting of October 21, 2025

DATE: September 19, 2025

TO: Peter Zaroni, City Manager

FROM: Michael Dice, Development Services Department
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<p>Rezoning for a property at or near 4921 Kostoryz Road</p>

CAPTION:

Zoning Case No. ZN8853, Eduardo Gonzalez (District 3). Ordinance rezoning a property at or near 4921 Kostoryz Road from the “RS-6” Single-Family 6 District to the “CN-1/SP” Neighborhood Commercial District with a Special Permit; providing for a penalty not to exceed \$2,000 and publication. (Planning Commission and Staff recommend approval).

SUMMARY:

This item is to rezone the property to allow vehicle sales use.

BACKGROUND AND FINDINGS:

The subject property is a 0.22-acre, undeveloped tract near South Padre Island Drive, a freeway, and along Kostoryz Road, an A1 class arterial road, in the Bayside area.

The surrounding properties are zoned “RS-6” Single-Family 6 and “ON” Neighborhood Office District to the north, with a vacant property, and another with Medium-Density residential land use. The properties to the east of the subject parcel, abutting Kostoryz Road as well, are zoned “ON” Neighborhood Office and “RS-6” Single-Family 6, with Medium-Density Residential and Public/Semi-Public land uses. The properties to the south are zoned “RS-6” Single-Family 6 District with Low-Density Residential and Public/Semi-Public land use, also adjacent to Kostoryz Road. To the west of the subject parcel, properties are “RS-6” Single-Family 6 District, with Low-Density Residential land uses, and a vacant property.

The applicant is requesting a change in zoning to the “CN-1/SP” Neighborhood Commercial District with a Special Permit. The “CN-1” Neighborhood Commercial District permits office uses, multifamily dwellings, certain indoor recreation uses, retail sales and service uses, medical facility uses, overnight accommodation uses, and

restaurant uses less than 5,000 square feet in gross floor area. The proposed rezoning is consistent with the Bayside ADP; however, it is inconsistent with the future land use designation of medium-density residential.

During the permitting process, zoning reviews are conducted to ensure that development compatibility is achieved; through the prescription of Unified Development Code required buffer yard width and points (UDC §7.9.5, 7.9.6), increased setbacks due to height (UDC §4.2.8.D), limitations on hours of operations with certain site features (UDC §7.2.7.B.1.a), and visual barriers such as landscaping (UDC §7.3.10) and walls to buffer noise generators (UDC §7.9.8.B).

Public Input Process:

Number of Notices Mailed: 14 notices were mailed within the 200-foot notification area, and 6 outside the notification area.

As of September 12, 2025

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

A total of 0.00% of the 200-foot notification area is in opposition.

ALTERNATIVES:

None.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

FUNDING DETAIL:

Fund: N/A

Organization/Activity: N/A

Department: N/A

Project # (CIP Only): N/A

Account: N/A

Amount: N/A

RECOMMENDATION (September 3, 2025):

Planning Commission and Staff Recommend approval from the “RS-6” Single-Family 6 District to the “CN-1/SP” Neighborhood Commercial District with a Special Permit.

The Special Permit will be subject to the following conditions:

- 1. USE:** The only uses authorized by this Special Permit other than uses permitted in the base zoning district is vehicle sales. Expansion of the uses granted by this special permit is prohibited.
- 2. PARKING:** Parking shall be as per the UDC (Unified Development Code) Section 7.2 Off Street Parking, Loading, and Stacking.
- 3. LANDSCAPING:** Vehicular screening along Kostoryz Road shall be according to the landscaping as per UDC (Unified Development Code) Section 7.3 Landscaping.
- 4. DUMPSTER:** Refuse containers must be provided in a place accessible to collection vehicles and must be screened from street rights-of-way and views from adjacent residential properties. Screening must be composed of a solid or opaque material that matches or complements the building material.
- 5. BUFFER YARD:** A buffer yard consisting of at least 10 feet and 15 points shall be installed, maintained, and remain in place along the north and east property boundaries

as long as residential districts or uses are adjacent.

8. HOURS OF OPERATION: The hours of operation shall be limited from 08:00 AM to 07:00 PM. Customer access to the facility shall be prohibited after 7:00 PM.

9. TIME LIMIT: Per the UDC, this Special Permit shall be deemed to have expired within 12 months of this ordinance unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Vote Results

For: 7

Against: 0

Absent: 2

Abstained: 0

LIST OF SUPPORTING DOCUMENTS:

Ordinance

Presentation - Aerial Map

Planning Commission Final Report