



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of May 26, 2015  
Second Reading for the City Council Meeting of June 9, 2015

**DATE:** May 7, 2015

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

**FROM:** Dan M. Grimsbo, P.E., Director, Development Services Department  
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**Public Hearing and First Reading for Property at  
Property Address: 7321 South Staples Street (FM 2444)**

### **CAPTION:**

Case No. 0315-01 Doxa Enterprises, LP: A change of zoning from the “FR” Farm Rural District to the “CG-2” General Commercial District, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as 0.826 acres out of Lots 7 and 8, Section 6, Flour Bluff and Encinal Farm and Garden Tract, located west of South Staples Street (FM 2444) and south of Henderson Street.

### **PURPOSE:**

The purpose of this item is to rezone property to allow the commercial development of this property in conjunction with the property immediately to the north.

### **RECOMMENDATION:**

#### Staff Recommendation:

Approval of the rezoning to the “CG-2” General Commercial District.

#### Planning Commission Recommendation (March 25, 2015):

Denial of the rezoning to the “CG-2” General Commercial District and, in lieu thereof, approval of a rezoning to the “CN-1” Neighborhood Commercial District.

### **BACKGROUND AND FINDINGS:**

As detailed in the attached report, the applicant is requesting a rezoning from the “FR” Farm Rural District to the “CG-2” General Commercial District on 0.826 acres of vacant land. The applicant has no specific plans for development at this time but is rezoning this piece of land so that it can be developed at a later date in conjunction with the property immediately to the north. The rezoning is consistent with the Comprehensive Plan and the Southside Area Development Plan. The rezoning is compatible and maintains character with the adjacent uses to the north, south, east, and west, which

include residential and commercial uses. The rezoning does not have a negative impact on the surrounding neighborhood. The subject property is physically separated from the single-family lots to the south by an alley within the Buckingham Estates subdivision.

According to the applicant, the applicant met with members of the Buckingham Estates subdivision after the March 25<sup>th</sup> Planning Commission meeting. The neighborhood's concerns related to not wanting a dumpster within 50 feet of the residential property line, offensive lighting and signage. Staff understands that the applicant agreed to impose a deed restriction to limit the dumpster's location if the "CG-2" General Commercial District is approved. The applicant also discussed with the staff that the Unified Development Code limits the height of freestanding light poles to 15 feet if they are within 50 feet of a residential property and that the signage limitations do not differ between the "CG-2" General Commercial and "CN-1" Neighborhood Commercial zoning districts.

**ALTERNATIVES:**

1. Approve the "CG-2" General Commercial District.
2. Deny the requested "CG-2" General Commercial District and, in lieu thereof, approve the "CN-1" Neighborhood Commercial District.
3. Deny the request for a commercial zoning district altogether.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

The Comprehensive Plan and the Southside Area Development Plan (ADP) slate the subject property for commercial uses. The proposed change of zoning to the "CG-2" General Commercial District is consistent with the adopted Future Land Use Map, and meets the criteria of the Comprehensive Plan and ADP.

**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 for "CG-2" General Commercial District

Ordinance for "CN-1" Neighborhood Commercial District

Planning Commission Final Report