

PLANNING COMMISSION FINAL REPORT

Case No. 1213-06

HTE No. 13-10000044

Planning Commission Hearing Date: December 18, 2013

Applicant & Legal Description	<p>Applicant/Representative: Charles E. Butler Owner: CPAT LLC Legal Description/Location: 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.</p>			
Zoning Request	<p>From: "RS-6" Single-Family 6 District To: "CG-2" General Commercial District Area: 2.28 acres Purpose of Request: To allow the establishment of an equipment and tool rental business.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"RS-6" Single-Family 6	Vacant	Medium Density Residential
	<i>North</i>	"RM-1" Multifamily 1	Public/Semi-Public	Medium Density Residential
	<i>South</i>	"CG-2" General Commercial	Vacant & Commercial	Commercial
	<i>East</i>	"RM-1" Multifamily 1 & "RS-6" Single-Family 6	Vacant & Public/Semi-Public	Medium Density Residential
	<i>West</i>	"RM-1" Multifamily 1	Vacant & Medium Density Residential	Medium Density Residential
ADP, Map & Violations	<p>Area Development Plan: 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, which designates the property for medium-density residential uses Map No.: 040034 Zoning Violations: None</p>			

Transportation

Transportation and Circulation: The subject property by itself has no street access. When developed in conjunction with the 1.26 acres fronting South Padre Island Drive (SH 358), the subject property will have 165 feet of street frontage. South Padre Island Drive is an “F1” Freeway/Expressway.

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District to allow an equipment and tool rental business serving the general public and contractors. This use is a general commercial use.

Applicant’s Development Plan: The applicant plans to establish Butler Equipment and Tool Rental on the subject property being rezoned and the abutting 1.26 acres of commercially zoned property fronting on South Padre Island Drive (SH 358). 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 of the tools and equipment. 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 and also sell other items to the general public. They will have a concrete paved fenced yard around the property for storage of the rental equipment that does not need to be stored inside. The business will employ approximately six people and operate Monday through Friday, 7 a.m. to 6 p.m. and Saturday from 8 a.m. to 12 p.m.

Existing Land Uses & Zoning: North of the subject property is a place of worship zoned “RM-1” Multifamily 1 District and “RS-6” Single-Family 6 District. East of the subject property is a place a worship zoned “RM-1” Multifamily 1 District. South of the subject property is a commercial building zoned “CG-2” General Commercial District. West of the subject property is vacant property zoned “RM-1” Multifamily 1 District.

AICUZ: The subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ).

Comprehensive Plan & Area Development Plan Consistency: 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.

Plat Status: The majority of the subject property is currently platted. The remaining portion of Lot 5D-R is not platted or not in conformity with the City’s subdivision regulations.

Department Comments:

- The subject property is suitable for commercial uses.
- This rezoning is compatible with the present zoning and conforming uses of nearby properties and is not anticipated to have a negative impact on the surrounding neighbors.
- The property located south of the subject property is already developed with commercial uses, and this rezoning would expand the existing “CG-2” General Commercial District.
- A significant amount of multifamily uses already exist in this area, especially apartment complexes serving college students. A commercial use rather than a multifamily use on the subject property is a reasonable modification to the Future Land Use Plan.
- The Comprehensive Plan states commercial uses adjacent to existing or proposed residential areas should be buffered or use sensitive in design. Minimize the impact of commercial area on adjacent, existing or future residential area through the use of compact designs, screening fences, open space and landscaping. The Unified Development Code will require buffer yards to help increase compatibility between the proposed commercial uses and future surrounding apartment uses.

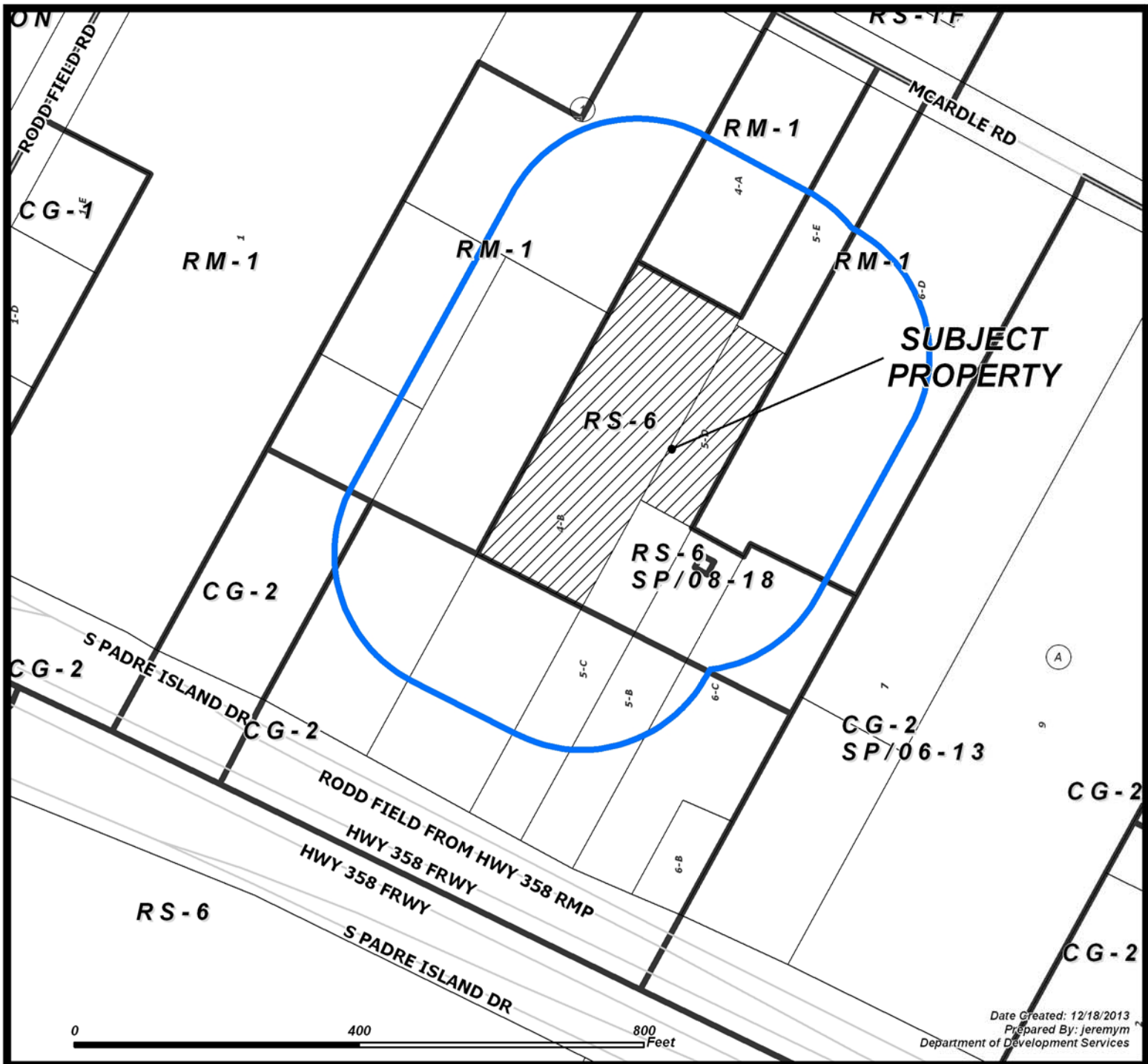
Planning Commission and Staff Recommendation (December 18, 2013):

Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District

Public Notification	Number of Notices Mailed – 11 within 200-foot notification area 5 outside notification area
	<u>As of December 30, 2013:</u>
	In Favor – 0 inside notification area – 1 outside notification area
	In Opposition – 1 inside notification area – 0 outside notification area
	<ul style="list-style-type: none"> • With one neighbor opposed, the opposition totals 20.95% of the land area within 200 feet of the subject property opposed to the rezoning. • Therefore, this case requires seven of the nine councilmembers to vote in favor to approve the rezoning
	<p>Summary:</p> <ul style="list-style-type: none"> • <i>Islamic Society of Southern Texas</i> – In Opposition; “This area will be next to our mosque and also next to a church. It should stay residential.” • <i>Woodlawn Elementary School</i> – In Favor; No comment.

Attachments:

- A. Location Map (Existing Zoning & Notice Area)
- B. Site Plan



Date Created: 12/18/2013
 Prepared By: Jeremym
 Department of Development Services

CASE: 1213-06 ZONING & NOTICE AREA

RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	IH	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev. Overlay
ON	Professional Office	RS-10	Single-Family 10
RM-AT	Multifamily AT	RS-6	Single-Family 6
CN-1	Neighborhood Commercial	RS-4.5	Single-Family 4.5
CN-2	Neighborhood Commercial	RS-TF	Two-Family
CR-1	Resort Commercial	RS-15	Single-Family 15
CR-2	Resort Commercial	RE	Residential Estate
CG-1	General Commercial	RS-TH	Townhouse
CG-2	General Commercial	SP	Special Permit
CI	Intensive Commercial	RV	Recreational Vehicle Park
CBD	Downtown Commercial	RMH	Manufactured Home
CR-3	Resort Commercial		
FR	Farm Rural		
H	Historic Overlay		
BP	Business Park		

Subject Property with 200' buffer

Owners in favor

Owners within 200' listed on attached ownership table

Owners in opposition



