



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of September 23, 2014  
Second Reading for the City Council Meeting of September 30, 2014

**DATE:** August 22, 2014  
**TO:** Ronald L. Olson, City Manager  
**FROM:** Julio Dimas, Interim Assistant Director, Development Services Department  
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**Rezoning from Single-Family to Commercial and Multifamily  
For Gladys Mattie Smith Marital Trust, Patricia Peterson Nuss and  
Chris Ann Peterson Brown  
Property Address: 7901 South Padre Island Drive**

### **CAPTION:**

Case No. 0814-01 Gladys Mattie Smith Marital Trust, Patricia Peterson Nuss and Chris Ann Peterson Brown: A change of zoning from “RS-6” Single-Family 6 District to “CN-1” Neighborhood Commercial District on Tract 1 and “RM-3” Multifamily 3 District on Tract 2 resulting in a change to the Future Land Use Plan. The property is described as being 14.24 acres out of Lots 23 and 24, Section 28, Flour Bluff and Encinal Farm and Garden Tracts, located south of Williams Drive between Ennis Joslin Road and Paul Jones Avenue.

### **PURPOSE:**

To rezone property to allow apartment and retail uses.

### **RECOMMENDATION:**

Planning Commission and Staff Recommendation (August 13, 2014):

Approval of the rezoning from “RS-6” Single-Family 6 District to “CN-1” Neighborhood Commercial District on Tract 1 and to the “RM-3” Multifamily 3 District on Tract 2.

### **BACKGROUND AND FINDINGS:**

As detailed in the attached Zoning Report, the applicant is requesting a rezoning from the “RS-6” Single-Family 6 District to “CN-1” Neighborhood Commercial District on Tract 1 and “RM-3” Multifamily 3 District on Tract 2 to allow construction of a 336-unit student housing development on 10.80 acres, and a convenience store and retail strip center on 3.44 acres.

The property to be rezoned is suitable for uses permitted by the zoning district that would be applied by the proposed amendment. The Zoning Map amendment does not have a negative impact upon the surrounding neighborhood.

**ALTERNATIVES:**

Deny the request

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

The subject property is located within the boundaries of the Southside Area Development Plan (ADP) and is planned for a low density residential use. Although the proposed rezoning to the “CN-1” Neighborhood Commercial District on Tract 1 and “RM-3” Multifamily 3 District on Tract 2 is not consistent with the adopted Future Land Use Plan, which slates the property for a low density residential use, our staff finds the proposed student housing development, convenience store, and retail strip center will have direct access to a major collector and is compatible with the present zoning and conforming uses of nearby property.

**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  
 Zoning Report with Attachments  
 Ordinance with Exhibits