

# ZONING REPORT

**Case No.:** 0213-02  
**HTE No.** 13-10000006

**Planning Commission Hearing Date:** February 13, 2013

<b>Applicant &amp; Legal Description</b>	<p><b>Applicant/Owner:</b> Carl and Sherry Badalich  <b>Legal Description/Location:</b> Sunrise Shores, Block 1, Lots 101-119, 122, 301-313, and 3B, located between State Highway 361 and the Gulf of Mexico, approximately one-half mile north of Sea Way Drive.</p>			
<b>Zoning Request</b>	<p><b>From:</b> "RM-AT/PUD" Multifamily AT District with a Planned Unit Development Overlay  <b>To:</b> "RM-AT/PUD" Multifamily AT District with a modified Planned Unit Development Overlay  <b>Area:</b> 3.72 acres  <b>Purpose of Request:</b> To allow construction of 31 single-family dwelling units, two townhouse units, and future multifamily structure(s).</p>			
<b>Existing Zoning and Land Uses</b>		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
	<i>Site</i>	"RM-AT/PUD" Multifamily AT with a Planned Unit Development Overlay	Vacant, Low Density Residential, & Conservation/ Preservation	Tourist & Conservation/ Preservation
	<i>North</i>	"RM-AT" Multifamily AT	Vacant & Low Density Residential	Tourist
	<i>South</i>	"RM-AT" Multifamily AT	Vacant	Tourist and Commercial
	<i>East</i>	"RS-6" Single-Family 6	Water	Water
	<i>West</i>	"FR" Farm Rural	Vacant	Low Density Residential and Commercial
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located in the Mustang-Padre Island Area Development Plan (ADP) and is planned for a tourist use. The proposed change of zoning to modify the Planned Unit Development Overlay is consistent with the adopted Future Land Use Plan for the area.  <b>Map No.:</b> 022037  <b>Zoning Violations:</b> None</p>			
<b>Transportation</b>	<p><b>Transportation and Circulation:</b> The subject property has 125 feet of frontage along State Highway 361, which is an "RA3" Primary Rural Arterial Divided street.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2011)
	SH 361	"RA3" Primary Rural Arterial Divided	250' ROW 76' paved	120' ROW 47' paved	8,325 (2010 ADT)

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a change of zoning to modify the existing Planned Unit Development Overlay (PUD) to allow construction of 31 single-family dwelling units, two townhouse units, and one or more multifamily structures. The original PUD was approved by Council in June 2010 for a 23-unit townhouse development. PUDs approved by Council cannot be significantly modified without Council approval. The applicant is requesting a rezoning for a new PUD because he wants to change the existing development plan.

**Applicant's Development Plan:** The proposed development of a residential subdivision will consist of 31 single-family units, two townhouse units, and one or more future multifamily structures on the lot nearest the beach. Phase 1 consists of 21 single-family dwelling units and Phase 2 consists of 10 single-family dwelling units, two townhouse units, and one or more multifamily structures. Due to dune protection laws, the multifamily structure(s) will have to be built within the footprint of the existing structure located on the lot nearest the beach so that the dunes are not further impacted. The front yard setback in Phase 1 will be eight feet and five feet in Phase 2. The side and rear yard setbacks in all phases, including the multifamily lot, will be five feet. Single-family and townhouse dwellings will not exceed a maximum of 45 feet in height of habitable space. A garage will be located on the first floor of each residence. The infrastructure for Phase 1 of the PUD was already constructed. For the multifamily development, parking, access, and other development requirements with the exception of the side and rear yard setbacks will be in accordance with the UDC.

**Existing Land Uses & Zoning:** North and south of the subject property is vacant land zoned "RM-AT" Multifamily AT District. West of the subject property is vacant land zoned "FR" Farm Rural District. East of the subject property is the Gulf of Mexico.

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

**Comprehensive Plan & Area Development Plan (ADP) Consistency:** The proposed change of zoning is consistent with elements of the Comprehensive Plan, Mustang/Padre Island Area Development Plan, and Future Land Use Plan.

**Plat Status:** The subject property is currently platted. A replat will be submitted to match the approved PUD.

**Department Comments:**

- Using a PUD would commit the developer to a site plan that could not be changed significantly without public hearing.
- This PUD utilizes decreased lot sizes and setbacks for individual lots, while maintaining the required amount of open space.

**Planning Commission and Staff Recommendation (February 13, 2013):**

Approval of the change of zoning from the “RM-AT/PUD” Multifamily AT District with a modified Planned Unit Development, subject to a Master Site Plan that complies with the following conditions:

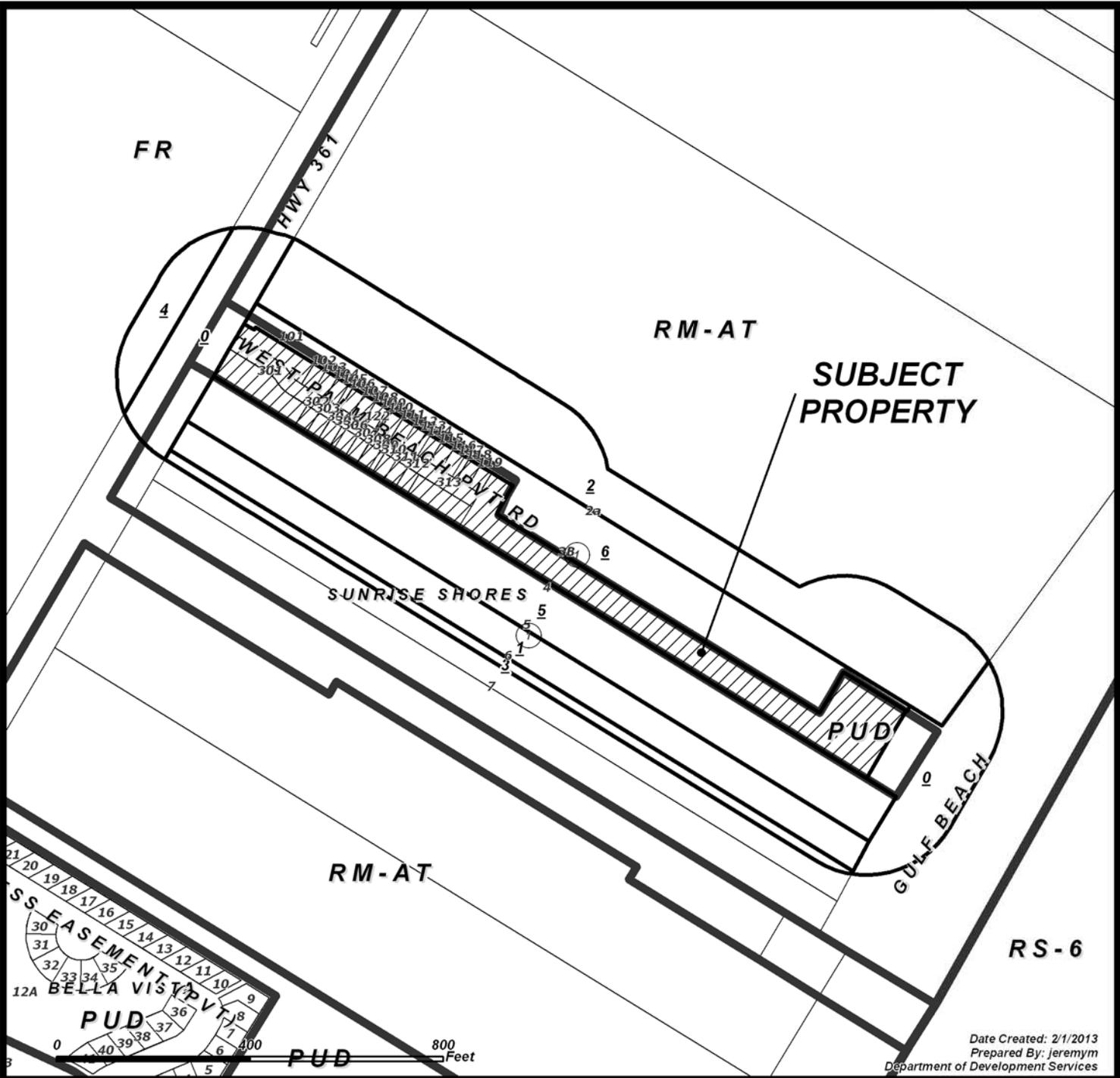
1. **Master Site Plan:** The Owners shall develop the Property in accordance with the Master Site Plan as shown in Exhibit B of the ordinance. The development of the Property is to consist of 31 single-family dwelling units, four townhouse units, and one or more multifamily structures. The development of the Property shall be constructed in two phases: Phase 1 consists of 21 single-family dwelling units and Phase 2 consists of 10 single-family dwelling units, four townhouse units, and one or more multifamily structures. The multifamily portion of the development is subject to specific requirements regarding multifamily structures as set out in the UDC.
2. **Dwelling Units per Acre:** The density of dwelling units on the Property cannot exceed 60 dwelling units per acre.
3. **Building Height:** The maximum height of the single-family dwelling units and townhouse units is three stories, with a maximum of 45 feet of habitable space. The height of the multifamily structures in the development must be in accordance with the provisions set out in the UDC.
4. **Parking:** Each dwelling unit must have two parking spaces within a private garage. Dwellings in Phase 1 must have an additional two guest parking spaces on a 20-foot long by 18-foot wide driveway located on each dwelling’s lot. Dwellings in Phase 2 must have a minimum of 7 parking spaces in a shared guest parking lot as identified in the Master Site Plan. Parking on the Property shall be designed and utilized not to impede access for fire apparatus.
5. **Setbacks:** Minimum eight-foot wide front yard setbacks shall be provided for each lot in Phase 1, and minimum five-foot wide front yard setbacks shall be provided in Phase 2. Minimum side and rear yard setbacks for all lots in both phases shall each be five feet. The Property shall provide a minimum open space requirement of 30%. Setbacks for the multifamily portion of the development shall be a minimum of five feet.
6. **Private Street Access:** Each lot shall have access to a private street with a paved width of not less than 24 feet in Phase 1 and 20 feet in Phase 2. The fire apparatus turn around shall be constructed in accordance with the approved Master Site Plan unless otherwise approved by the Fire Department. The private

street shall be striped to indicate “Fire Lane/No Parking.” Access and circulation for the multifamily portion of the development shall be in accordance with the provisions set out in the UDC.

7. **Pedestrian Access:** A minimum four-foot wide sidewalk is required to be constructed along the internal private street.
  
8. **Infrastructure:** The location of water and wastewater lines and easements is subject to the approval of the Nueces County Water Control and Improvement District #4. The location of electrical conduit and easements is subject to the approval of AEP-Texas.
  
9. **Time Limit:** Construction of the infrastructure for Phase 1 is complete. The Owners shall commence construction of the infrastructure for Phase 2 within 24 months from the date this Planned Unit Development ordinance is approved by the City Council. Construction of the multifamily portion of the development is not subject to an expiration date under this ordinance.

<b>Public Notification</b>	Number of Notices Mailed – 6 within 200’ notification area; 1 outside notification area
	<u>As of February 14, 2013:</u>
	In Favor – 2 (inside notification area); 0 (outside notification area)
	In Opposition – 0 (inside notification area); 0 (outside notification area)
For 0.00% in opposition.	

Attachments:           1. Location Map (Existing Zoning & Notice Area)



Date Created: 2/1/2013  
 Prepared By: Jeremym  
 Department of Development Services

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### 2. SITE - EXISTING ZONING, NOTICE AREA & OWNERSHIP

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
- 4** Owners within 200' listed on attached ownership table
- X** Owners in opposition

