

ZONING REPORT

Case No.: 0313-02

HTE No. 12-10000040

Planning Commission Hearing Date: March 13, 2013

Applicant & Legal Description	Representative: Urban Engineering Applicant/Owner: HEB Grocery Company, LP Legal Description/Location: Being a 21.21-acre tract of land out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, located on the southeast corner of Timbergate Drive and South Staples Street (FM 2444).			
Zoning Request	From: "RS-6" Single-Family 6 District To: "CG-2" General Commercial District (Tract 1) and "CN-1" Neighborhood Commercial District (Tract 2) Area: 21.21 acres Purpose of Request: To allow commercial development.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"RS-6" Single-Family 6	Vacant	Low & Medium Density Residential
	<i>North</i>	"RM-1" Multifamily 1 & "CG-2" General Commercial	Vacant & Commercial	Commercial & Medium Density Residential
	<i>South</i>	"RS-6" Single-Family 6	Vacant	Low & Medium Density Residential
	<i>East</i>	"RM-1" Multifamily 1	Vacant	Medium Density Residential
	<i>West</i>	"RS-6" Single-Family 6 & "CN-1" Neighborhood Commercial	Public Semi-public, Low Density Residential & Commercial	Public Semi-public, Low Density Residential & Commercial
ADP, Map & Violations	Area Development Plan: The subject property is located in the Southside Area Development Plan (ADP) and is planned for low density residential and medium density residential uses. The proposed change of zoning to the "CG-2" General Commercial District and the "CN-1" Neighborhood Commercial District is not consistent with the adopted Future Land Use Plan. Map No.: 044032 & 044033 Zoning Violations: None			
Transportation	Transportation and Circulation: The subject property has approximately 1,145 feet of frontage along South Staples Street (FM 2444), which is an "A3" Major Arterial Divided street. The property also has approximately 770 feet of frontage along Timbergate Drive, which is a "C3" Primary Collector street. The applicant submitted a traffic generation comparison plan showing that the peak hour weekday trips would increase by 488 trips per day. The applicant was not required to submit a Traffic Impact Analysis because the increase in number of peak hour weekday trips did not exceed 500.			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	S. Staples St. (FM 2444)	"A3" Primary Arterial Divided	130' ROW 79' paved	104' ROW 66' paved	17,220 (2010)
	Timbergate Dr.	"C3" Primary Collector	75' ROW 50' paved	84' ROW 40' paved	Not Available

Staff Summary:

Requested Zoning: The applicant is requesting a change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on the northern 15.73 acres at the corner of South Staples Street (FM 2444) and Timbergate Drive (Tract 1) and the "CN-1" Neighborhood Commercial District on the 5.48 acres abutting the single-family district to the south (Tract 2) in order to allow future multifamily and commercial uses.

Development Plan: The owner plans to rezone the property to allow commercial uses and a multifamily development on the property. The western portion of the property along South Staples Street (FM 2444) will be used for commercial purposes and the eastern portion may be developed with an apartment complex. The property has deed restrictions limiting the type of commercial activity that can occur. Tract 2 is proposed for a less intense commercial district in order to protect future single-family uses south of the property from the incompatible commercial uses allowed in the "CG-2" General Commercial District, such as mini-storage, vehicle sales and service, and bars. The "CN-1" District also limits the height of commercial structures to 35 feet to make them more compatible with single-family structures. A portion of the property is planned for an apartment complex, the majority of which would be constructed within the 15 acres of "RM-1" Multifamily 1 District east of the subject property.

Existing Land Uses & Zoning: North of the subject property is a shopping center zoned "CG-2" General Commercial District and vacant land zoned "RM-1" Multifamily 1 District. East of the subject property is 15 acres of vacant land zoned "RM-1" Multifamily 1 District. West of the subject property across South Staples Street is a single-family subdivision and a church zoned "RS-6" Single-Family 6 District. There is also a self-service storage facility zoned "CN-1/SP" Neighborhood Commercial with a Special Permit. South of the subject property is vacant land zoned "RS-6" Single-Family 6 District.

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

Comprehensive Plan & Area Development Plan (ADP) Consistency: The proposed change of zoning is in the Southside Area Development Plan and is not consistent with the adopted Future Land Use Plan, which slates the property for a medium density residential use and a low density residential use. However, the proposed rezoning is

appropriate at this location due to its access to an arterial-type roadway and due to previous changes in the Future Land Use Map.

Department Comments:

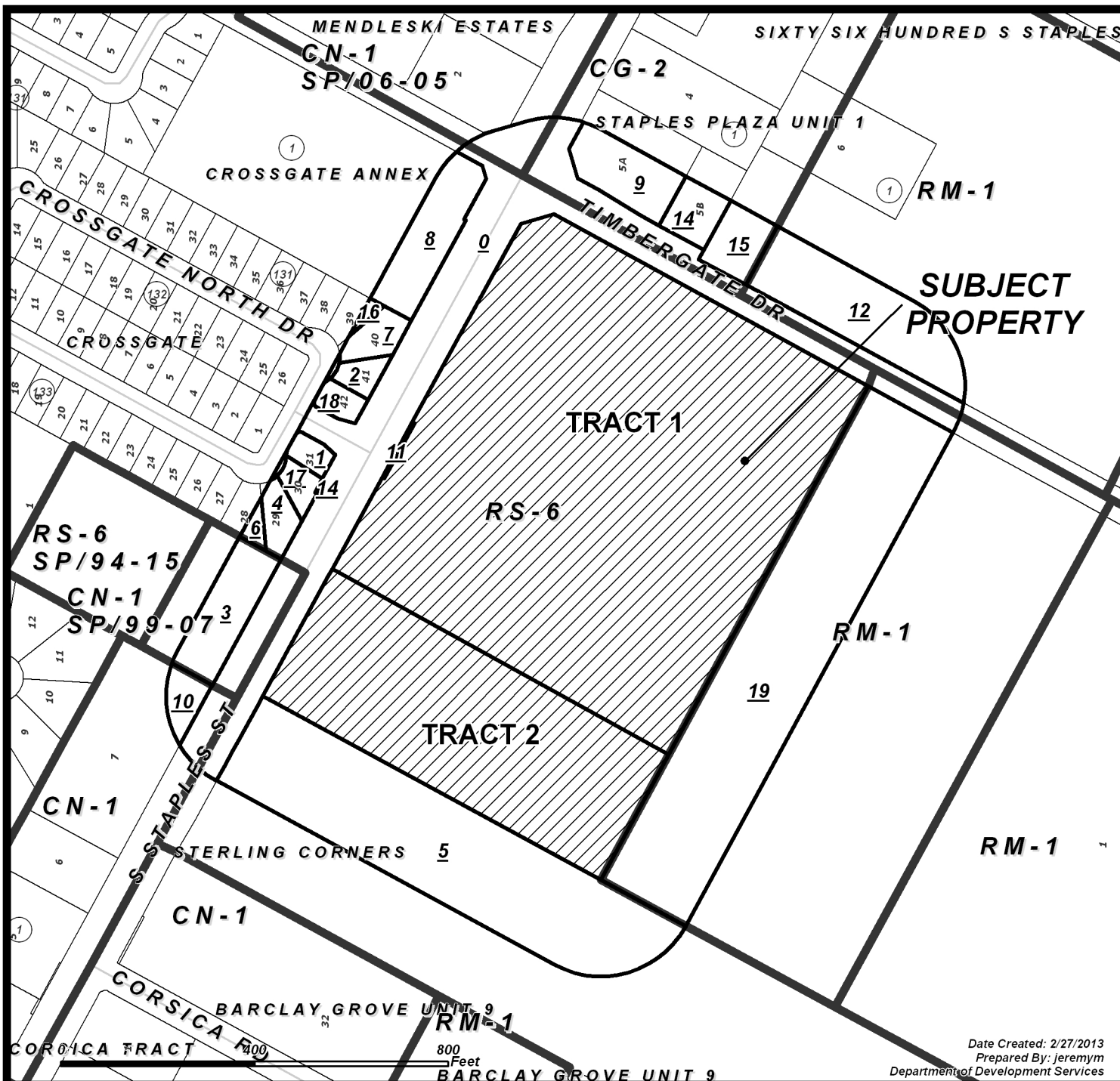
- Although inconsistent with the Future Land Use Plan, a commercial use is suitable for this location along South Staples Street. The Future Land Use Plan is outdated and inconsistent with the recent development and rezonings in this area.
- Medium density residential development should be located in areas with convenient access to arterial-type streets. The proposed apartment complex will have convenient access to South Staples Street, an arterial roadway, via Timbergate Drive.
- Commercial developments that generate large volumes of traffic should have direct access to arterial-type streets without having to traverse low density residential areas. The proposed commercial development will have direct access to South Staples Street, which is a Primary Arterial Divided street.
- The 300-foot wide “CN-1” District on Tract 2 will help protect future single-family uses located south of the subject property from more intense uses allowed in the “CG-2” District. The Neighborhood Commercial District allows commercial services that primarily benefit surrounding residential areas and provides more protection to surrounding residential areas by prohibiting higher intensity commercial uses and imposing a height restriction of 35 feet.
- The proposed rezoning is compatible with the present zoning and conforming uses of nearby properties and would not have a negative impact upon the surrounding neighborhoods.

Planning Commission and Staff Recommendation (March 13, 2013):

Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District on Tract 1 and the “CN-1” Neighborhood Commercial District on Tract 2.

Public Notification	Number of Notices Mailed – 19 within 200’ notification area; 8 outside notification area	
	<u>As of March 14, 2013:</u>	
	In Favor	– 1 (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: 2/27/2013
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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

4 Owners within 200' listed on
attached ownership table

Owners
in favor

X Owners
in opposition

