



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of April 23, 2013
Second Reading for the City Council Meeting of April 30, 2013

DATE: March 28, 2013

TO: Ronald L. Olson, City Manager

FROM: Mark E. Van Vleck, P.E., Director, Development Services Department
MarkVV@cctexas.com
(361) 826-3246

**Rezoning from Residential to Office for
Minerva V. Muro
Property Address: 2529 Nemec Street**

CAPTION:

Case No. 1212-01 Minerva V. Muro: A change of zoning from the "RS-6" Single-Family 6 District to the "ON" Office District, resulting in a change of future land use from medium density residential to professional office. The property to be rezoned is described as Nemec Addition, Block 2, Lot 5, located on the southwest corner of Nemec Street and Dodd Drive.

PURPOSE:

The purpose of this item is to rezone the property to allow office uses including, but not limited to, a commercial parking lot, medical facility, hotel, apartment, and government facility.

RECOMMENDATION:

Planning Commission and Staff Recommendation (March 27, 2013):

Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "ON" Office District and, in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit subject to a site plan and the following conditions:

1. **Uses:** An employee parking lot (to serve the adjacent vehicle sales and repair use) is the only use allowed on the Property other than those uses allowed by right in the "RS-6" Single-Family 6 District. Vehicle sales, vehicle service, and vehicle holding or preparation area are prohibited uses of the Property.
2. **Screening:** A six-foot tall solid wood screening fence must be constructed, maintained, and remain in place along Dodd Drive, Nemec Street, and the adjacent residence to screen the employee parking lot from public view, with the placement of the decorative side of the screening fence facing the public roadways and residence.

3. **Landscaping:** The Owner shall maintain a 20-foot wide buffer yard in front of the screening fence along Nemec Street and a five-foot wide buffer yard in front of the screening fence along Dodd Drive. The Owner shall plant and maintain canopy trees with a minimum of a 2.5-inch caliper every 30 feet on the center within the buffer yards and on the interior of the screening fence along the side property line adjacent to the single-family residence. The Owner shall plant and maintain minimum three-gallon shrubs along the exterior of the screening fence fronting Nemec Street.
4. **Lighting:** Any outdoor lighting shall be of the full cut-off type and placed below the height of the screening fence.
5. **Access:** The Property shall not have vehicular access to or from Dodd Drive and Nemec Street.
6. **Dumpsters:** No dumpsters shall be placed in or on the Property.
7. **Time Limit:** This Special Permit shall be deemed to have expired within 12 months of this ordinance unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

BACKGROUND AND FINDINGS:

As detailed in the attached Zoning Report, the applicant is requesting a change of zoning from the “RS-6” Single-Family 6 District to the “ON” Office District to allow construction of an employee parking lot for the adjacent vehicle sales and service business, All Star Mitsubishi, which fronts on South Padre Island Drive (SH 358). The subject property is bordered by single-family zoning and uses to the north, west, and east. To the south is commercial zoning and uses, which front on South Padre Island Drive (SH 358).

The Comprehensive Plan discourages incompatible commercial land use encroaching into residential areas and states that a commercial use should be allowed within a residential area only if it maintains or improves the residential desirability of the neighborhood. The proposed change of zoning to the “ON” Office District would allow commercial uses to encroach into the residential neighborhood north of the All Star Mitsubishi dealership and would not increase or maintain the residential desirability of the neighborhood. The Future Land Use Plan slates the property for a medium density residential use to serve as a transitional land use between the commercial uses on South Padre Island Drive and the single-family neighborhood to the north. Approving the “ON” Office District would not protect the neighborhood’s character. However, Staff finds that the proposed Special Permit with its limitations on the use of the property as an employee parking lot only and the proposed landscaping, screening, and buffering will accommodate the adjacent business’s needs while protecting the neighborhood from incompatible development allowed by the “ON” Office District. The applicant is agreeable to the proposed Special Permit.

ALTERNATIVES:

1. Approve the "ON" Office District;
2. Approve the "RS-6/SP" Single-Family 6 District with a Special Permit for an employee parking lot;
3. Modify the conditions of the proposed Special Permit; or
2. Deny the request.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The proposed change of zoning is not consistent with the Comprehensive Plan or the adopted Future Land Use Plan, which slates the property for a medium density residential use.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Planning, Legal, and Planning Commission

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not applicable

Fiscal Year: 2012-2013	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
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 for "RS-6/SP" District
Ordinance for "ON" District