



## **AGENDA MEMORANDUM**

Public Hearing and First Reading for the City Council Meeting of April 12, 2016  
Second Reading for the City Council Meeting of April 19, 2016

**DATE:** March 22, 2016

**TO:** Ronald L. Olson, City Manager

**FROM:** Daniel McGinn, Interim Director, Development Services Department  
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<p><b>Public Hearing and First Reading for Property at 2918, 2922, 2926 and 2930 Highland Avenue</b></p>
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### **CAPTION:**

Case No. 0216-02 Julio C. and Minerva E. Reyna and Jose Luis Rodriguez and Maria Juliana Luna: A change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District. The property is described as being Lot Nos. 23-B, 24-B, 25-B and 25, Block 6, Montrose Park, located near the northeast corner of Highland Avenue and Duncan Street.

### **PURPOSE:**

The purpose of this item is to rezone the property to allow single-family uses.

### **RECOMMENDATION:**

#### **Planning Commission and Staff Recommendation:**

Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District.

#### **Vote Results:**

For: Unanimous

Against: 0

Absent: 3

### **BACKGROUND AND FINDINGS:**

As detailed in the attached report, the applicants are requesting a rezoning from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District to bring existing residential uses into conformity and to allow future single-family uses. The subject properties have been zoned "CN-1" Neighborhood Commercial District since prior to 1965. At the time the properties were zoned, residential uses were permitted in

the “CN-1” District. Upon adoption of the Unified Development Code in 2011, the residential uses became nonconforming as single-family uses are no longer permitted in the “CN-1” District.

It is staff’s opinion that changing the Future Land Use Map to reflect the existing land uses is appropriate and that the proposed rezoning would not negatively impact the surrounding properties. An “RS-6” Single-Family 6 District is compatible given the existing land uses and the longevity of those uses on the subject properties and the immediate vicinity. A rezoning to the “RS-6” Single-Family 6 District will not have a negative impact as it will establish the existing residential uses as permitted uses outright as opposed to existing as a nonconforming use subject to the constraints of a nonconforming use, such as not being able to reconstruct the dwelling if it is destroyed by natural causes.

**ALTERNATIVES:**

1. Deny the request.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

The subject property is located within the boundaries of the Westside Area Development Plan (ADP). The proposed rezoning to the “RS-6” Single-Family 6 District is not consistent with Future Land Use Map, however, consideration for changing the Future Land Use Map is warranted.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Legal and Planning Commission

**FINANCIAL IMPACT:**

☐ Operating      ☐ Revenue      ☐ Capital      ☒ Not applicable

<b>Fiscal Year: 2015-2016</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:**

Ordinance

Presentation - Aerial Map

Planning Commission Final Report