



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of August 23, 2016
Second Reading for the City Council Meeting of August 30, 2016

DATE: August 2, 2016

TO: Margie C. Rose, City Manager

FROM: Daniel McGinn, AICP, Interim Director, Development Services Department
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**Public Hearing and First Reading for Property at
14101 Commodores Drive**

CAPTION:

Case No. 0716-05 Oceanic B.C., LLC: A change of zoning from the "RS-TH/PUD" Townhouse District with a Planned Unit Development Overlay to the "RS-TH/PUD" Townhouse District with a revised Planned Unit Development Overlay. The property is described as Lot 21, Block 34, Island Fairway Estates, located west of South Padre Island Drive (Park Road 22) on the southern corner of Commodores Drive and Aquarius Street.

PURPOSE:

The purpose of this item is to rezone the property to allow a townhouse development that deviates from the typical standards.

RECOMMENDATION:

Planning Commission and Staff Recommendation (July 27, 2016):

Approval of the change of zoning from the "RS-TH/PUD" Townhouse District with a Planned Unit Development Overlay to the "RS-TH/PUD" Townhouse District with a revised Planned Unit Development Overlay subject to the following ten conditions:

1. **Master Site Plan:** The Owners shall develop the Property in accordance with the guidelines of the "Cape Commodore Planned Unit Development." The development of the Property is to consist of 20 townhouse units and 3 common areas and shall be constructed in one phase. The PUD on this property would allow for daily rental townhomes.
2. **Density:** The number of dwelling units on the Property shall not exceed 20.
3. **Building Height:** The maximum height of any structure on the Property is 45 feet.

4. **Parking:** The Property must have a minimum of 63 standard parking spaces, including shared spaces and those within garages. Parking is prohibited along the private street and pedestrian walkways.
5. **Setbacks and Lot Width:** Minimum setbacks shall be as set forth in the PUD: front yard requirement shall be a minimum of 15 feet to the building and 20 feet to the garage; corner street yard shall be a minimum of 20 feet; side yard shall be 0 feet; and the rear yard shall be a minimum of 10 feet. The minimum building separation is 10 feet. The minimum lot width shall be 22 feet.
6. **Open Space:** The Property must maintain a minimum of 30% open space. Any surfaces constructed within the required open space must be constructed of pervious material.
7. **Private Street Access:** The Property shall provide the lots with access to a two-way private street with a width of not less than 20 feet with one-foot wide ribbon curbs on each side and a six-foot wide sidewalk on one side. The private streets shall be striped to indicate "Fire Lane/No Parking". The private street shall have access onto Commodores Drive only for emergency vehicles, and the driveway onto Commodores Drive shall be gated at all times and comply with Fire Department requirements to allow access.
8. **Pedestrian Access:** A minimum six-foot wide sidewalk shall be constructed along one side of the private street and the Owner shall construct a pedestrian access path from the parking areas to the pedestrian access.
9. **Dumpster Screening:** A minimum six-foot tall screening fence shall be constructed, maintained, and remain in place around a dumpster if placed in the street yard.
10. **Time Limit:** Construction of the development shall commence within 24 months from the date this modified Planned Unit Development ordinance is approved by the City Council.

Vote Results

For: 8

Against: 0

Absent: 1

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant is requesting a rezoning from the "RS-TH/PUD" Townhouse District with a Planned Unit Development Overlay to the "RS-TH/PUD" Townhouse District with a revised Planned Unit Development Overlay to allow the construction of a 20-unit townhouse community. Lots 1-20 on the site plan are the residential lots while Lots 21-23 are common area lots. The three common area lots may contain improvements including decks, a pool, porch, pavement, fencing, landscaping, utilities and similar community structures. The common areas will be maintained by the Home Owners Association.

Planned Unit Developments (PUDs) allow for reasonable deviations from required development standards and allow increased flexibility in project design. The proposed PUD for a townhouse development will deviate from development standards with regards to lot size, lot width, open space, street width, curb type, and sidewalk design. This PUD will allow daily, weekly and monthly rental of the individual units.

The proposed rezoning is consistent with the Comprehensive Plan and will not have a negative impact upon the surrounding neighborhood. The proposed rezoning is compatible with the present zoning and conforming uses of nearby properties and to the character of the surrounding area. The subject property is suitable for the uses proposed by this rezoning.

ALTERNATIVES:

1. Modify the conditions of the Planned Unit Development;
2. Deny the request.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The subject property is located within the boundaries of the Mustang-Padre Island ADP and the proposed rezoning is consistent with the adopted Future Land Use Plan, which slates the property for Tourist uses.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal and Planning Commission

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not applicable

Fiscal Year: 2015-2016	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:

Ordinance

Presentation - Aerial Map

Planning Commission Final Report