



## **AGENDA MEMORANDUM**

Public Hearing and First Reading for the City Council Meeting of October 11, 2016  
Second Reading for the City Council Meeting of October 18, 2016

**DATE:** September 19, 2016

**TO:** Margie C. Rose, City Manager

**FROM:** Daniel McGinn, Interim Director, Development Services Department  
DanielMc@cctexas.com  
(361) 826-3595

<p><b>Public Hearing and First Reading for Property at 600 Elizabeth Street</b></p>
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### **CAPTION:**

Case No. 0816-02 Christus Spohn Health System Corporation: A change of zoning from the "RM-3" Multifamily 3 District, "ON" Office District, "CR-1" Resort Commercial District, "CG-2" General Commercial District, "CG-2/SP" General Commercial District with a Special Permit for a helipad to the "CI" Intensive Commercial District. The property is described as being a 22.46-acre tract of land encompassing Blocks I, IX, X, and XI, Ocean View Subdivision, Lot 4, Block IIA, Ocean View Addition, and Blocks A and B, Bay Front Terrace Addition, and portions of abutting rights-of-way on Ocean Drive, Ayers Street, Santa Fe Street, Second Street, Third Street, Elizabeth Street, and Morgan Avenue, located between Ocean Drive and Santa Fe Street and between Morgan Avenue and Ayers Street.

### **PURPOSE:**

The purpose of this item is to bring existing building encroachments into compliance with zoning setbacks and to simplify the zoning into a single zoning district on the Christus Spohn Hospital Campus.

### **RECOMMENDATION:**

#### Planning Commission and Staff Recommendation:

Denial of the change of zoning from the "RM-3" Multifamily 3 District, "ON" Office District, "CR-1" Resort Commercial District, "CG-2" General Commercial District, "CG-2/SP" General Commercial District with a Special Permit for a helipad to the "CI" Intensive Commercial District and, in lieu thereof, approval of:

Tract 1: "CR-1/SP" Resort Commercial District with a Special Permit allowing a 10-foot minimum setback on Elizabeth Street and Ayers Street.

Tract 2: “CG-2/SP” General Commercial District with a Special Permit allowing a 15-foot setback on Santa Fe Street, a 10-foot minimum setback on Elizabeth Street and Ayers Street, and a zero-foot setback on Third Street.

Vote Results:        Yes – 8  
                             No – 0  
                             Absent - 1

### **BACKGROUND AND FINDINGS:**

The applicant’s development plan is to continue to develop the hospital campus as needed. Overtime, as Christus Spohn acquired property and incorporated the property into their campus, a number of zoning districts have come with those acquisitions. By rezoning the property, the applicant will bring existing buildings on Ayers Street, Elizabeth Street and Second Street with nonconforming setbacks into compliance with the Unified Development Code. Secondly, the applicant wishes to simplify the zoning on the property into one zoning district.

The “CI” Intensive Commercial District is the least restrictive commercial district in the Unified Development Code and contains a standard setback of zero-feet for front, side and rear yards, and will bring the existing nonconforming building encroachments into compliance. However, the “CI” District allows billboards, unlimited outside storage, and other uses that may not be ideal in the downtown area. Additionally, the “CI” District does not require a landscaped building setback which would offer less protection along Ocean Drive, a designated scenic corridor.

It is staff’s opinion that the proposed rezoning allows uses that are not consistent with the Comprehensive Plan. The requested rezoning could negatively impact the surrounding properties and alter the character of the immediate vicinity, especially the character of Ocean Drive.

### **ALTERNATIVES:**

1. Approve the “CR-1/SP” and “CG-2/SP” Districts as recommended
2. Approve the “CI” District (requires  $\frac{3}{4}$  vote)
3. Deny the request.

### **OTHER CONSIDERATIONS:**

Not Applicable

### **CONFORMITY TO CITY POLICY:**

The subject property is located within the boundaries of the Southeast Area Development Plan. The Future Land Use Map designates the subject property for Public/Semi-Public, Commercial and Office uses. The proposed rezoning to the “CI” Intensive Commercial District is not consistent with the adopted Future Land Use Map.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Legal and Planning Commission

**FINANCIAL IMPACT:**

☐ Operating

☐ Revenue

☐ Capital

☒ Not applicable

<b>Fiscal Year: 2016-2017</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/SP

Ordinance/CI

Presentation - Aerial Map

Planning Commission Final Report