



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of October 24, 2017
Second Reading for the City Council Meeting of October 31, 2017

DATE: September 29, 2017

TO: Margie C. Rose, City Manager

FROM: William J. Green, P.E., Interim Director,
Development Services Department
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<p style="text-align: center;">Rezoning Property located at 5842 Yorktown Boulevard (3/4 vote required)</p>
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CAPTION:

Case No. 0917-03 Mostaghasi Investment Trust: A change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District. The property is described as being Kings Point Unit 6, Block 1, Lot 1, located on the north side of Yorktown Boulevard, east of Gingerberry Drive and west of Lorie Boulevard.

PURPOSE:

The purpose of this item is to rezone the property for the construction of a retail shopping center.

RECOMMENDATION:

Planning Commission and Staff Recommendation (July 26, 2017):
Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District, in lieu thereof approval of the "CN-2" Neighborhood Commercial District.

Vote Results:

For: 4
Opposed: 1
Absent: 3
Abstained: 1

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant is requesting a rezoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District for construction of a retail shopping center. The proposed rezoning is compatible with the Future Land

Use Map, as well as PlanCC and the Southside Area Development Plan (ADP). The proposed rezoning is also compatible with neighboring properties and with the general character of the surrounding area. This rezoning does not have a negative impact upon the surrounding neighborhood.

During the Planning Commission hearing, discussion occurred due to public comment of the potentiality of constructing apartments. A representative of the owner reiterated that apartments would not be constructed and the development objective is a dialysis clinic and a retail shopping center. The "CN-2" District was mentioned as a potential compromise as the zoning district limits the number of apartments to 15 units per acre compared to the "CN-1" District which allows 37 units per acre. However, according to the Unified Development Code (UDC), if the property fronts upon a designated arterial street as it does upon Yorktown Boulevard, the density limitation is 36 units per acre. A representative of the owner is willing to accept the "CN-2" District as the district also allows medical clinics and retail shopping centers by-right. The Planning Commission has recommended the "CN-2" Neighborhood Commercial District. City staff is in agreement with the applicant and the Planning Commission, therefore we have amended our staff recommendation.

A previous zoning case requesting the "RM-1" Multifamily District was withdrawn by the applicant for the same site in January of 2015 for the purposes of constructing 128 apartments. Opposition within the notice area was 27%.

ALTERNATIVES:

1. Deny the request.
2. Approve the "CN-1" Neighborhood Commercial District. (Requires $\frac{3}{4}$ vote)

OTHER CONSIDERATIONS:

The case is considered controversial as we have received 27.75% opposition. Approval will require a super-majority vote.

CONFORMITY TO CITY POLICY:

The subject property is located within the boundaries the Southside Area Development Plan and is planned for commercial uses. The proposed rezoning to "CN-1" Neighborhood Commercial District is consistent with the adopted Future Land Use Map, PlanCC, and the Southside Area Development Plan.

The difference between the "CN-1" and "CN-2" Neighborhood Commercial Districts is minimal. The uses of a medical clinic or a retail shopping center are both allowed by-right in either district. Both district require increased rear yard setbacks due to adjacency to single-family homes. Additionally, both districts would be required to have a minimum 10 foot rear buffer yard along with a minimum of 10 points as per the Unified Development Code (UDC).

The few differences between the "CN-1" and "CN-2" districts are dwelling units per acre in residential applications and minimum open space requirements in commercial applications.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal and Planning Commission

FINANCIAL IMPACT:

☐ Operating

☐ Revenue

☐ Capital

☒ Not applicable

Fiscal Year: 2016-2017	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