

STAFF REPORT

Case No. 0621-01

INFOR No.

Planning Commission Hearing Date: June 9, 2021

Applicant & Legal Description	Owner: Joshua and Jasania Morales Applicant: Joshua and Jasania Morales Location Address: 13845 Mizzen Street Legal Description: Lot 27, Block 9, Barataria Bay Number 4, located Lot 1, Block 1, Carmelite Home Tract, located along the south side of Mizzen Street, west of Aquarius Street, and north of a canal (navigation channel).			
Zoning Request	Request: "RS-6" Single-Family 6 to "RS-6/SP" Single-Family 6 Special Permit Area: .1653 acres Purpose of Request: To allow for a Bed and Breakfast Home use as in accordance with section 5.2.8 of the UDC.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
	<i>North</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
	<i>South</i>	"RS-6" Single-Family 6	Water and Low Density Residential	Water and Medium Density Residential
	<i>East</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
	<i>West</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Padre/Mustang Island (ADP), and is planned for Medium Density Residential use. The current zoning is generally consistent with the adopted Comprehensive Plan (Plan CC). Map No.: 030026 Council District: 4 Zoning Violations: None			
Transportation	Transportation and Circulation: The subject property has approximately 65 feet of street frontage along Mizzen Street which is designated as a Local Residential Street which can convey a capacity of up to 500 Average Daily Trips (ADT).			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Mizzen Street	Residential Street	50' ROW 28' paved	50' ROW 28' paved	Not Available

Staff Summary:

Current Zoning and Special Permit:

The applicant is requesting a special permit to allow for a Bed and breakfast home. The current zoning is "RS-6" Singly-Family 6 and allows for a Special Permit request for a Bed and Breakfast home. Unified Development Code Section (UDC) 5.2.8 Bed and Breakfast Home allows for a bed and breakfast home as long as certain standards are met.

Section 5.2.8 Bed and Breakfast Home:

A Bed and breakfast home shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

- A. Sleeping accommodations shall not exceed five bedrooms and no more than 10 lodgers shall be accommodated at one time, not including the owner- occupied rooms.
- B. Kitchen and dining facilities may be included to provide meals to guests only. No food preparation shall be permitted in guest bedrooms.
- C. Parking in the street yard of a bed and breakfast home shall be prohibited. All parking shall be screened from an adjacent residential use by an opaque fence or a hedge a minimum of 6 feet in height.
- D. In residential districts, no exterior evidence of the bed and breakfast home shall be allowed, except that one attached sign no larger than 1 square foot in area shall be permitted with no additional advertising of any kind allowed on site. In nonresidential districts, the sign provisions of Section 7.5 shall apply.
- E. The operator shall keep a current request register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.
- F. A temporary use permit in accordance with Section 5.4 shall be required for any party, reception or similar special event that is anticipated to draw more than 10 total guests (including overnight guests) to the bed and breakfast home. Special events subject to the temporary use permit shall be limited to a total of six such functions per calendar year and shall be limited to between the hours of 7 a.m. and midnight. Such events shall be limited to the interior of the bed and breakfast home.

- G. The bed and breakfast home shall be not closer than 1,000 feet to any other bed and breakfast home.

Development Plan:

The subject property is .1653 acres in size. The owner is proposing to establish a bed and breakfast home at this site. The home will have three bedrooms available for lodgers, and four parking spaces. The bed and breakfast and its parking spaces are planned to be screened from the Right of Way with landscaping in accordance section 5.2.8 of the UDC. The property has been a single-family residence since the homes construction in 1981.

Existing Land Uses & Zoning:

The subject property is currently zoned “RS-6” Single-Family 6 District and consists of a single-family detached house, pool, and accessory uses. The house was built in 1981 and is approximately 2,375 square feet. The subject property was platted in 1968 and annexed in 1981. The home is found in a platted development that consists of four “fingerlings” that end with a cul-de-sac surrounded on three sides by a canal. The area to the north, south, east, and west of the property is zoned “RS-6” Single-Family 6 District. The surrounding uses are all single-family homes.

AICUZ:

The subject property is **not** located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ).

Plat Status:

The property is platted.

Utilities:

Water: 6-inch PVC line located along the north side of Mizzen Street.

Wastewater: 8-inch VCP line located along the south side of Mizzen Street.

Gas: 2-inch Service Line located along the north side of Mizzen Street.

Storm Water: Inlets are found on both sides of Mizzen Street approximately 75’ and 80’ away from the subject property that lead to 30-inch RCP under Mizzen Street.

Plan CC & Area Development Plan Consistency: The subject property is located within the boundaries of the Padre/Mustang Island (ADP), and is planned for Medium Density Residential use. The change of zoning from “RS-6” Single-Family 6 to “RS-6/SP” Single-Family 6 Special Permit is generally consistent with the adopted Comprehensive Plan (Plan CC). The following policies should be considered:

- Encourage orderly growth of new residential, commercial, and industrial areas (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Promote a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses based on compatibility, locational needs, and characteristics of each use (Future Land Use, Zoning, and Urban Design Policy Statement 1).

Department Comments:

- The proposed special permit request is consistent with the adopted Comprehensive Plan (Plan CC) and does not warrant an amendment to the Future Land Use Map.
- The proposed special permit request is compatible with neighboring properties and with the general character of the surrounding area. This special permit request should not have a negative impact upon the surrounding neighborhood.
- Staff believes that Section 5.2.8 of the UDC's Bed and Breakfast Home requirements and restrictions are adequate to allow for the use to blend into the character of the residential area. It is a legitimate alternative to undocumented or illegal overnight accommodations also known as "short-term rentals."
- All UDC Requirements for 5.2.8 have been met, or have been communicated by the applicant will be met through a submitted site plan or by application. Requirements such as Section 5.2.8.E "The operator shall keep a current request register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guest," can be enforced at a later time.

Staff Recommendation:

Approval of the special permit "RS-6/SP" Single-Family 6 District with a Special Permit request to allow for a Bed and Breakfast home.

Public Notification	Number of Notices Mailed – 20 within 200-foot notification area 1 outside notification area	
	<u>As of June 4, 2021:</u>	
	In Favor	– 0 inside notification area – 0 outside notification area
	In Opposition	– 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.	
	*Created by calculating the area of land immediately adjoining the subject property and extending 200-foot therefrom. The opposition is totaled by the total area of land that each individual property owner owns converted into a percentage of the total 200-foot notification area. Notified property owner's land in square feet / Total square footage of all property in the notification area = Percentage of public opposition	

Attachments:

- Location Map (Existing Zoning & Notice Area)
- Public Comments Received (if any)
- Applicant Submitted Site Plan



CASE: 0621-01
SUBJECT PROPERTY WITH ZONING



RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-8 Single-Family 8
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF Two-Family
CR-1 Resort Commercial	RS-16 Single-Family 16
CR-2 Resort Commercial	RE Residential Estate
CO-1 General Commercial	RS-TH Townhouse
CO-2 General Commercial	SP Special Permit
CI Intensive Commercial	RV Recreational Vehicle Park
CBD Downtown Commercial	RMH Manufactured Home
CR-3 Resort Commercial	
FR Farm Rural	
H Historic Overlay	
BP Business Park	



13845 Mizzen Proposed Site Plan




Possible buffer plants





Above, with sago palms




Above, with oleander bushes

 Parking space, each a size of 12 ft x 14 ft

 Landscaping buffer of large agave, oleander, or similar sized shrub

 Available rooms (3)

 Drive aisle to parking spots