



Legislation Details (With Text)

**File #:** Ord. 2021-42(b)      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Individual Consideration

**File created:** 6/1/2021      **In control:** City Council

**On agenda:** 7/6/2021      **Final action:**

**Title:** Consider approval of Ordinance 2021-42, on the second of two readings, amending the official zoning map of the city in Case No. ZC-21-07 by rezoning approximately 9.66 acres of land, generally located 1,050 feet West of the of the Centerpoint Road and Centerpoint Court intersection, from “GC” General Commercial and “FD” Future Development Districts to “CD-5” Character District-5, or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.

**Sponsors:** Will Rugeley

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. ZC-21-07 Presentation, 3. ZC-21-07 Staff Report, 4. ZC-21-07 Maps, 5. ZC-21-07 Personal Notification Letter, 6. ZC-21-07 Code Comparison, 7. ZC-21-07 Comp Plan Checklist, 8. ZC-21-07 Application Documents, 9. ZC-21-07 Presentation by Applicant

Date	Ver.	Action By	Action	Result
7/6/2021	1	City Council		

**AGENDA CAPTION:**

Consider approval of Ordinance 2021-42, on the second of two readings, amending the official zoning map of the city in Case No. ZC-21-07 by rezoning approximately 9.66 acres of land, generally located 1,050 feet West of the of the Centerpoint Road and Centerpoint Court intersection, from “GC” General Commercial and “FD” Future Development Districts to “CD-5” Character District-5, or subject to consent of the owner, another less intense zoning district classification; including procedural provisions; and providing an effective date.

**Meeting date:** July 6, 2021

**Department:** Planning & Development Services

**Amount & Source of Funding**

**Funds Required:** N/A  
**Account Number:** N/A  
**Funds Available:** N/A  
**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** Council discussed concerns over the CD-5 Zoning District allowing up to 5-stories which resulted in a motion to approve the zoning request subject to the filing of restrictive covenants limiting

the number of stories to 3. The motion passed, 6-1, with Councilmember Scott dissenting.

During the meeting City Council discussed future property tax payments for the CD-5 area. At this time staff does not know the proposed layout, final use, or square footage for the development. Based on potentially similar developments and International Construction Code valuations the taxes assessed for this property may total approximately \$80,000.

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

Economic Development - Choose an item.

Environment & Resource Protection - Choose an item.

Land Use - Choose an item.

Neighborhoods & Housing - Diversified housing options to serve citizens with varying needs and interests

Parks, Public Spaces & Facilities - Choose an item.

Transportation - Choose an item.

Core Services

Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

**Background Information:**

ZC-21-07 is associated with Zoning Cases ZC-21-06 and ZC-21-08 of which all 3 cases seek to entitle a townhouse development pursuant to the CD-1, CD-4, and CD-5 Zoning District Regulations. The 9.66 acres associated with this zoning case is intended for future expansion of the townhouse development as no development of this specific area is currently contemplated. Its southern half is subject to annexation of which an application has been submitted and is scheduled for concurrent consideration.

**Council Committee, Board/Commission Action:**

Recommendation from the Planning and Zoning Commission meeting held May 11, 2021: A motion was made by Commissioner Moore, seconded by Commissioner Costilla, to approve ZC-21-07. The motion carried 8-0.

- **For:** (8) Chairperson Garber, Commissioner Agnew, Commissioner Costilla, Commissioner McCarty, Commissioner Moore, Commissioner Rand, Commissioner Sambrano, and Commissioner Spell.
- **Against:** (0)
- **Absent:** (1) Commissioner Kelsey

**Discussion Topics:** (a) Tree Preservation: The Commission noted the site possesses numerous trees and sought to understand the plan for preservation. The applicant noted that there's just one Cedar Elm and all others are mesquite trees. (b) Concept Plan: The Commission discussed that this area was not included within the concept plan and noted that the CD-5 district would authorize high intensity uses other than, as the applicant indicated, apartments. (c) CD-5 v CD-4 Zoning: The Commission requested information on the reasoning behind requesting CD-5 instead of CD-4 zoning, of which both districts allow for the requested apartment use. Staff explained that due to the dimensions of the subject lot, the apartment project could not meet the CD-5 lot dimensional standards nor would there be adequate space to provide required public utilities.

**Alternatives:**

[Click or tap here to enter text.](#)

**Recommendation:**

Staff provides this request to the Council for your consideration and recommends approval of the request for a zoning change from "FD" Future Development and "GC" General Commercial to "CD-5" Character District - 5.