



## Legislation Text

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**File #: 18-0307, Version: 1**

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Consider and take action on Ordinance No, 2018-08 amending Ordinance No. 2005-24, to rezone approximately 1.192 acres, MAP-18-0007 (Landscape Art), legally described as Lot 1, Lots 5-7 and Lots 11-12, Block 23 and Lots 5-6, Block 53, Dickinson Townsite, from “RSF-5” (Single-Family Residential with a minimum lot size of 5,000 square feet) to “CG” (General Commercial), generally located along the east side of Dickinson Avenue, between FM 646 and League City Parkway (SH 96) - Second Reading (Director of Planning & Development)

Planning and Zoning Commission recommended approval, 6-0-0 with 2 absent, on February 19, 2018.

Council approved first reading, 7-0-0, with 1 absent, on March 13, 2018.

Approval of this ordinance will rezone approximately 1.192 acres of land from “RSF-5” to “CG”.

### Project Timeline:

August 10, 1999 - The properties in the area were initially zoned as “IL (L-1)” or Light Industrial

August 30, 2005 - The properties in this request were zoned “RSF-5” as a result of a citywide Zoning Map and Text Amendment of 2005.

December 15, 2005 - The City approved a commercial remodel permit for Landscape Art, applicant, to be developed at 2303 Dickinson Avenue, of which is zoned “CG” General Commercial.

April 2017 - Code Compliance contacted the applicant about parking in the right-of-way and neighboring parcel. A citation was not issued as the owner voluntarily complied.

August 3, 2017 - Code Compliance opened a case for the unpermitted placement of four shipping containers in the fenced parking area at 2303 Dickinson Avenue.

August 17, 2017 - Applicant applied for a building permit to authorize the placement of the four shipping containers.

October 2017 - Applicant made initial contact to the Planning Department to seek a rezoning of five parcels for expansion of current business operations at 2303 Dickinson Avenue, which is zoned “CG” (General Commercial).

November 9, 2017 - The applicant held a neighborhood meeting for the proposed rezoning. The applicant provided documentation showing that four attendees had no objection to the proposed rezoning and zero objections were received.

January 22, 2018 - The applicant submitted the current request to rezone approximately 1.192 acres from “RSF-5” to “CG”.

January 26, 2018 - Planning staff sent out public hearing notices to the surrounding property owners and installed public hearing signs on the properties.

January 26, 2018 - Notice of public hearings published in the newspaper.

February 19, 2018 - Planning & Zoning Commission held a public hearing and made a recommendation of approval to City Council.

March 13, 2018 - City Council approved first reading.

### Project Summary:

The proposed zoning map amendment consists of five unplatted parcels that are currently zoned “RSF-5” (Residential Single-Family with a minimum lot size of 5,000 square feet). The applicant is requesting the rezoning for the expansion of his landscape business to accommodate the storage of materials and vehicles at the site. A rezoning to “CG” would permit a variety of commercial uses including offices, eating and drinking establishments (restaurants), retail sales, self-storage, and nurseries and garden supply stores and building material sales and services.

Currently, four of the parcels under consideration are being used for parking overflow and storage related to business

operations at 2303 Dickinson Avenue. The remaining parcel is vacant. Two of the parcels being used for parking are improved with an opaque fence and gate to screen the parking use from surrounding properties. Should this rezoning be approved, the applicant will be required to install a buffer yard where the property is adjacent to residential properties, replat the property, and install screening in conformance with Section 125-120 of the Zoning Ordinance for the existing shipping containers on-site.

The Future Land Use Plan, adopted by City Council in September 2017, identifies the properties in the Shellside subdivision as a Suburban Village (see attached Future Land Use Plan). Suburban Village focuses on limited density, intimate scale, and a well-connected mobility center. In this case, properties within the core of the subdivision are residential in nature and the properties outside of the core are transitioning to commercial uses. Multiple commercial developments have recently located along the perimeter of the Shellside neighborhood. Acrosport Children Center, two churches, a doctor's office, and a gym have recently been built or permitted along the perimeter of Shellside. The proposed rezoning is consistent with the transition to commercial uses along Dickinson Avenue and current development patterns along the perimeter of Shellside.

On February 19, 2018, the Planning and Zoning Commission held a public hearing and recommended approval of the rezoning request by a vote of 6-0-0 with two members absent. The Planning Department received four responses from surrounding property owners in favor of the zoning request. No opposition to the request has been received.

Council approved first reading, 7-0-0, with 1 absent, on March 13, 2018.

Staff Recommendation: Staff recommends approval of Zoning Change Application, MAP-18-0007 (Landscape Art), a request to rezone approximately 1.192 acres from "RSF-5" (Residential Single-Family 5) to "CG" (General Commercial).

Attachments:

1. Data Sheet
2. Ordinance 2018-08
3. Exhibit A

CONTRACT ORIGINATION:

Planning and Development

Applicant: J.H. Williams, Landscape Art, Inc.

Owners: Anita McCormick, Landscape Art, Inc.

FUNDING

{ x } NOT APPLICABLE

{ } Funds are available from Account # \_\_\_\_\_

{ } Requires Budget Amendment to transfer from Account # \_\_\_\_\_ to Account # \_\_\_\_\_