

Zoning Change 13-06 (352 N. Gulf Fwy.)

Request	Rezone approximately 2.07 acres of land from “CN” (Neighborhood Commercial) to “CM” (Mixed-Use Commercial).
Permitted Uses	<p>“CN” is intended for to provide for areas of smaller-scaled and pedestrian-oriented neighborhood-serving commercial and mixed use development. Permitted uses in “CN” range from restaurants and retail sales to bed and breakfast establishments and day care facilities.</p> <p>“CM” is intended to provide for areas of large-scale pedestrian and auto-oriented region-serving mixed use development that includes a mix of retail formats (both large and small), office and business services, etc. Permitted uses in “CM” range from schools, hospitals, and religious assembly to eating and drinking establishments, retail sales, small-scale recreation and entertainment, and self-storage facilities.</p>
Applicant	City of League City
Owner	Paul and Jacqueline Baliey
City Council	Public Hearing & First Reading – January 14, 2013; Second Reading – January 28, 2013
Location	Generally located on the southeast corner of I-45 and Wesley Drive with the address of 352 North Gulf Freeway
Citizen Response	15: Notices mailed to property owners within 500 feet 0: Letters of support received 0: Letter of opposition received
Attachments	1. Zoning map/ property owner notification map 2. Aerial map

The Commission should consider the following findings in its deliberation, which shall be utilized to substantiate its findings. To determine the extent to which the proposed zoning would be compatible with surrounding properties, the surrounding land uses and the performance impacts should be considered.

Background Prior to 2005, this property was zoned “CG” (General Commercial). When the zoning map was revised on February 22, 2005 (Ordinance 2005-24), the zoning was changed to “CN” (Neighborhood Commercial). The applicant for SUP 13-07 (AT&T Mobility), which is also on tonight’s agenda, has proposed installing a communication tower on the property. However, communication towers are prohibited in areas zoned “CN”. The City has initiated the rezoning process because the character of the area is more conducive to Mixed-Use Commercial than to Neighborhood Commercial, as it is located directly on the heavily traveled I-45 corridor.

Site and Surrounding Area Located on the site is a restaurant, Sudie’s Catfish & Seafood House. The site, which faces directly onto North Gulf Freeway, can be accessed off of both North Gulf Freeway and North Wesley Drive.

Below is an analysis of the surrounding zoning districts and land uses:

Direction	Surrounding Zoning	Surrounding Land Use
North	“CM-PUD”	Vacant Land, Riverbend PUD
South	“CM / CG”	Retail/ Commercial Shopping Center
East	“CM / RMF-1.2”	Restaurant (La Brisa Mexican Grill) and Residential Multi-Family (Riverbend Apartments)
West	“CO” & I-45	Vacant land on the other side of I-45

Land Use Analysis

The properties along the I-45 corridor are primarily General Commercial and Mixed-Use Commercial with one small pocket of Office Commercial located on the opposite side of the highway from the subject parcel. There are no other properties in League City with frontage on I-45 that are zoned Neighborhood Commercial.

The Future Land Use Plan identifies this area as “Urban Low,” which is intended to emphasize the relationship between buildings and pedestrians. Uses within areas identified as Urban Low are intended to meet a range of retail, office, civic, institutional, and residential needs. According to the Future Land Use Plan, Urban Low character is *“highly connected and the close proximity of structures, as well as incorporation of active common areas, encourages travel without an automobile.”*

When reviewing the different zoning districts that exist within the Zoning Ordinance, there are four commercial districts: Neighborhood Commercial (CN), Office Commercial (CO), Mix-Use Commercial (CM), and General Commercial (CG). Each are described below:

CN – Intended to provide areas of smaller-scaled and pedestrian-oriented neighborhood serving commercial and mixed use development (typically less than 10,000 sq ft).

CO – Intended to provide for areas of large scale integrated professional office development.

CM – Intended to provide for areas of large scale pedestrian and auto oriented region serving mixed-use development.

CG – Intended for larger scale auto oriented commercial development (typically larger than 10,000 sq ft) located on major arterial roads.

Additional Considerations:

Based on the May 1981 Texas Supreme Court Case of City of Pharr v. Tippitt, the court established a set of criteria to ensure the validity of granting the request. Those rules are as follows:

- 1. The duty of the existing law forbids municipal actions that disregard not only the pre-established zoning ordinance, but also long-range master plans and maps that been adopted by ordinance.**

The 2035 Comprehensive Plan, which was adopted by ordinance, included a Future Land Use Plan which identifies the subject property as Urban Low.

- 2. A comprehensive zoning ordinance is law that binds the municipal legislative body itself. The legislative body does not, on each rezoning hearing, re-determine as an original matter, the City’s policy of comprehensive zoning. The law demands that the**

approved zoning plan should be respected and not altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose.

The proposed zoning is consistent with the 2035 Comprehensive Plan. The future land use plan identifies the site as Urban Low, which is consistent with a Commercial-Mixed Use zoning designation.

- 3. The nature and degree of an adverse impact upon neighboring lands is important. Lots that are rezoned in a way that is substantially inconsistent with the zoning of the surrounding area, whether more or less restrictive are likely to be invalid.**

The proposed zoning change is in no way inconsistent with the zoning and character of the surrounding area. The majority of properties in this area are currently zoned "CM". The parcels immediately to the west and those to the north on the opposite side of North Wesley Drive are currently zoned "CM".

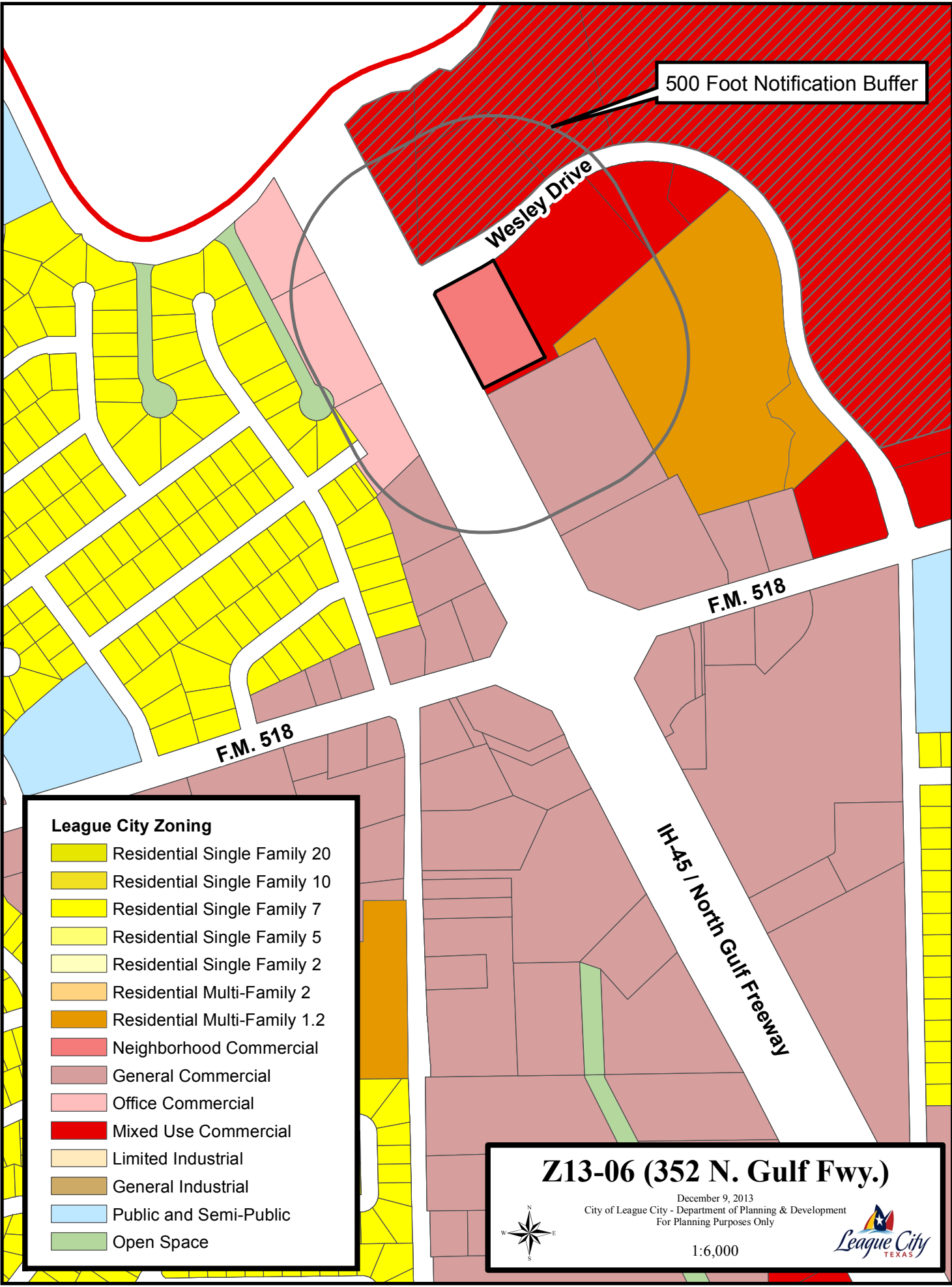
- 4. The suitability or unsuitability of the tract for the use as presently zoned is a factor. The size, shape, and location of a lot may render a tract unusable or even confiscatory as zoned. This factor, like others, must be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.**

The property is currently zoned "CN". There are no other properties in this vicinity that are zoned "CN", nor are there any other properties in League City with frontage on Gulf Freeway that are zoned "CN". Staff finds that Mixed-Use Commercial is a more appropriate zoning designation for this property given its location and adjacent land uses.

**Public Benefit
vs. Imposed
Hardship**

Based upon the information provided, the Commission will have to determine "the gain to public health, safety, welfare, due to denial of this application as compared to the hardship imposed upon the owner as a result of denial of the application."

For additional information, you may contact Wallis McMillin, Planner at (281) 554-1084 or at wallis.mcmillin@leaguecity.com.



500 Foot Notification Buffer

Wesley Drive

F.M. 518

F.M. 518

IH-45 / North Gulf Freeway

League City Zoning

	Residential Single Family 20
	Residential Single Family 10
	Residential Single Family 7
	Residential Single Family 5
	Residential Single Family 2
	Residential Multi-Family 2
	Residential Multi-Family 1.2
	Neighborhood Commercial
	General Commercial
	Office Commercial
	Mixed Use Commercial
	Limited Industrial
	General Industrial
	Public and Semi-Public
	Open Space

Z13-06 (352 N. Gulf Fwy.)

December 9, 2013
 City of League City - Department of Planning & Development
 For Planning Purposes Only

1:6,000

Zoning Change 13-06 (325 N. Gulf Fwy.)

Aerial Map

