



Legislation Text

File #: 18-2987, **Version:** 3

Ordinance -Third and Final Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for C-2 Uses with Additional Use for Campground or Recreational Vehicle Park on Approximately 12.938 Acres Known as Lot 1-R, Block 1, Eaton Estates Campground, Located at 1961 Lone Star Road; Craig Turner of Via Bayou, Inc. d.b.a. Texan RV Resort (ZC#18-028)

To consider the subject zoning change request.

The Planning and Zoning Commission held a public hearing on November 19, 2018, and voted 6-0 (Smithee absent) to approve with the condition that the applicant provide a masonry screening wall along Main Street, as well as evergreen trees and shrubs. The applicant has submitted revised plans showing a 6' masonry screening wall along Main Street and evergreen trees and shrubs. However, staff observes that a note on the development plan references crepe myrtle trees instead of evergreen trees and shrubs; this note will need to be corrected on the next submittal.

The subject property consists of 15.115± acres located on the west side of Main Street, the north side of Lone Star Road, and the east side of Flying L Lane. The applicant has operated a 12.938± acre portion of the property as a recreational vehicle (RV) park and has had a Specific Use Permit (SUP) in place for this portion of the property in order to allow this use in the C-2 zoning district. The 2.177± acres closest to Main Street is currently vacant land zoned C-2 without the SUP to allow an RV park.

Zoning Request

The applicant is seeking to expand the RV park into this 2.177± acre area and is proposing to improve this portion of the property to accommodate this use. The applicant is requesting a rezone the entire property to PD Planned Development District for C-2 uses with additional use for Campground or Recreational Vehicle Park. Since the applicant is seeking to increase the extent of the recreational vehicle park, they need to obtain approval to rezone the entire property to Planned Development (PD) in order to allow this expansion due to a change in the Zoning Ordinance that now only permits recreational vehicle parks in PD districts.

Development Plan

The applicant will improve the 2.177± acre vacant portion of the property with a crushed concrete driveway, 32 concrete pads to accommodate the RVs, and canopy structures for the recreational vehicles. To screen the property, the applicant will provide an 8' perimeter board-on-board cedar-stained wood fence. Along the Main Street frontage, the applicant will screen the property with a 6' masonry screening wall with evergreen trees and shrubs. Staff notes that a reference to crepe myrtle trees will need to be removed and replaced with evergreen trees and shrubs spaced every 3 to 5 feet as noted in the applicant's letter dated 11-28-18.

The property will continue to be accessed from Lone Star Road via the existing RV park driveway system to the south and west; a new connection point will connect the new developed portion of the property to the existing driveway system. In addition, new gated emergency access points will be provided from Main Street and Flying L Lane.

The applicant is requesting deviations from the City's Zoning Ordinance in order to allow 0' setbacks on the north and south sides of the property, to reduce the front setback along Main Street from 20 feet to 10 feet, and to allow canopies that deviate from the architectural requirements (i.e. cedar-wrapped posts to match the

fencing instead of masonry columns).

Rendering

The applicant has provided a rendering which illustrates the screening effect that will be provided by the masonry screening wall and the evergreen landscaping as seen from Main Street.

Summary

While the property is currently zoned C-2, staff notes that the property would likely not be ideal or feasible for traditional commercial uses of any significance due to its relatively small size, limited highway frontage, and physical restraints including existing development adjacent to the property. The property would allow an existing business the ability to expand, make productive use of vacant land and allow the desired land use over the entire property instead of just a portion, enhance landscaping and screening, and increase emergency access.

Staff recommends that any action taken by Council be conditioned on the applicant correcting the note on the development plan to eliminate any reference to crepe myrtle trees and instead specify evergreen trees and shrubs; the plantings shall be spaced every 3 to 5 feet.

2nd Reading

The City Council held a public hearing and first reading on December 10, 2018 and voted 4-3 to approve (Lewis, Moore and Newsom voting nay).

Councilmembers had a number of concerns as it related to screening, landscaping, expansion of the campground use at this location and possible variations between what was approved with the existing SUP and what has been developed on the property since then.

In the time since the first reading, staff discovered that the Site Plan that was approved for the 12.938+/- acre portion of the property as part of the Specific Use Permit (SUP) in 1999 varies significantly from what exists today and what the applicant has shown on the Development Plan. The SUP only allows a total of 136 camp sites on the 12.938+/- acres, however it appears there are somewhere between 150-155 camp sites today. Furthermore, aerial photography from 2018 shows that as many as 20 vehicles are being stored on the 2.177+/- acre portion that does not have a SUP or other form of zoning in place to allow this. In addition, the orientation of many of the rows of camp sites have changed, additional rows of camp sites have been added, and additional camp sites have been created in areas that had been set aside for open space. Furthermore, six cabins have been constructed that were not approved with the SUP, while a meeting hall and swimming pool were approved by staff as a minor modification. The SUP also provided for 10' landscape buffers along the perimeter of the property and these have since been encroached upon. The proposed Planned Development zoning and its associated Development Plan is generally reflective of the existing conditions. To staff's understanding, nearly all of the changes that have brought the property out of compliance with the SUP were made several years ago when the property was under different ownership. However, should the proposed planned development zoning not be approved, the zoning for the 12.938+/- acres falls back to the SUP, which the owner is currently substantially out of compliance with and could present a significant hardship for the owner to come into compliance with. In addition, the 2.177+/- acre portion would fall back to straight C-2 zoning, which would not allow the outside vehicle storage.

Staff has provided a timeline exhibit that summarizes what staff has discovered about the history of the property, in addition to the previously approved SUP exhibit.

The applicant has actively been working with staff to address the outstanding concerns and issues. In order to give the applicant more time to adequately address these concerns, they are requesting to table consideration of their case until January 28, 2019.

Second Reading Continuation

The City Council continued the public hearing and second reading on January 14, 2019, and voted 7-0 to table consideration of the case until January 28 to give the applicant more time to adequately address the concerns of staff and City Council.

The applicant has submitted a revised Development Plan. The changes include adding a few additional existing RV camp sites west of the pool area, specifying that the 32 new camp sites will include canopies, specifying that the new gate shall be a metal frame with wood slats, changing the landscaping along Main Street to two rows of Arizona Cypress trees planted on 5' centers, and adding detail for a typical new camp site (showing the concrete slab for the vehicle, two trees per lot, and a landscaped yard area with shrubs).

In addition, the applicant has provided three new renderings showing how the property will appear from Main Street: one with the trees at about 8 feet without vehicle canopies, one with the trees at about 8 feet with vehicle canopies, and one with the trees at 10-12 feet with vehicle canopies. The applicant has verbally communicated to staff that they are flexible on the inclusion of canopies for the RVs, but has mentioned that they are requesting to include them since they are desired by many of their customers.

Staff is in the process of conducting inspections of the property as it exists today, including the existing structures. Staff recommends that any action taken by City Council be conditioned on the applicant making any repairs and acquiring any permits that are found to be necessary to bring the property into compliance with building and fire codes. Furthermore, Staff recommends that the Development Plan be revised to add a deviation to allow non-masonry materials for the existing structures and to specify a maximum height of 14 feet for the vehicle canopies.

2nd Reading Continuation to February 11, 2019

The City Council continued the public hearing and second reading on January 28, 2019, and voted 7-0 to table consideration of the case until February 11 to give staff more time to prepare additional information for City Council.

Ahead of the meeting on January 28, the applicant submitted a revised Development Plan. The changes include adding a few additional existing RV camp sites west of the pool area, specifying that the 32 new camp sites will include canopies, specifying that the new gate shall be a metal frame with wood slats, changing the landscaping along Main Street to two rows of Arizona Cypress trees planted on 5' centers, and adding detail for a typical new camp site (showing the concrete slab for the vehicle, two trees per lot, and a landscaped yard area with shrubs).

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3rd Reading:

The City Council continued the public hearing and second reading on February 11, 2019 and voted 5-2 (Lewis and Moore voting nay) to approve the southwesternmost 12.938 acres for a Planned Development (PD) for C-

2 uses with additional use for Campground or Recreational Vehicle Park to replace the existing Specific Use Permit (SUP) in effect for this acreage. Due to the changes that have been made to this portion of the property since the SUP was approved in 1999, approval of a Planned Development for this acreage that is reflective of the existing conditions allows the property to be brought into zoning compliance. The City Council voted 4-3 (Broseh, Lewis, and Mayor Cook voting nay) to continue the second reading on the balance of the property (2.177 acres) until February 25; the 2.177 acres will now be considered as a separate case called ZC#18-028A. In accordance with the Council action, the applicant has prepared new exhibits for the two separate cases. The new Development Plan for ZC#18-028 includes a revised Development Plan that is reflective of the existing conditions on the southwesternmost 12.938 acres and does not include the improvements planned for the northeasternmost 2.177 acres. Staff recommends that any action taken on ZC#18-028 be conditioned on the following comments being addressed:

- Adjust the outline of the property boundaries to only include the southwesternmost 12.938 acres associated with the original SUP instead of the full 15.115 acres
- Restore the note that reads: "The proposed development plan will be in complete accordance with the provisions of the approved Planned Development District and that all Development Plans recorded hereunder shall be binding upon the applicant thereof, his successors and shall limit and control all building permits."
- Restore the deviation note as it pertains to landscape setbacks on the north and south sides of the property

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