



## **AGENDA MEMORANDUM**

Public Hearing and First Reading Ordinance for the City Council Meeting of July 22, 2014  
First Reading Ordinance for the City Council Meeting of September 9, 2014  
Second Reading Ordinance for the City Council Meeting of September 16, 2014

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**DATE:** August 19, 2014

**TO:** Ronald L. Olson, City Manager

**FROM:** Julio Dimas, Interim Assistant Director, Development Services Department  
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**Rezoning from Estate Residential to Commercial for Boat Storage  
By CCSemloh Partnership, Ltd.  
Property Address: 822 Graham Road**

### **CAPTION:**

Case No. 0614-03 CCSemloh Partnership, Ltd.: A change of zoning from the "RE" Residential Estate District to the "CG-2" General Commercial District. The property to be rezoned is described as a 10.861-acre tract of land out of Lot 10, Section 48, Flour Bluff and Encinal Farm and Garden Tracts, located along the south side of Compton Road between the intersections with First National Boulevard and Waldron Road.

### **PURPOSE:**

The purpose of this rezoning is to allow development of the property for a boat storage facility.

### **RECOMMENDATION:**

#### Staff Recommendation (July 29, 2014):

Denial of the change of zoning from the "RE" Residential Estate District to the "CG-2" General Commercial District and, in lieu thereof, approval of a Special Permit for a boat storage facility subject to 10 conditions.

#### Staff Recommendation (July 22, 2014):

Denial of the change of zoning from the "RE" Residential Estate District to the "CG-2" General Commercial District and, in lieu thereof, approval of a Special Permit for a boat storage facility subject to a site plan and nine conditions.

#### Planning Commission Recommendation (June 18, 2014):

Approval of the change of zoning from the "RE" Residential Estate District to the "CG-2" General Commercial District.

## **BACKGROUND AND FINDINGS:**

As detailed in the attached report, the applicant is requesting a rezoning to develop a boat storage facility comprising of ten storage buildings on 10.861 acres of property. The Unified Development Code allows this use by right in the “CG-2” General Commercial District with limited conditions pertaining to vehicle stacking at gated entrances, square footage limits, lighting, and the prohibiting of maintenance and purging of boats. The development will have to adhere to the buffer requirements of the UDC for the properties west and south that remain residential. The east boundary with the apartment complex does not require buffering, since the property is zoned commercial but will require construction of a 6-foot fence at the boundary as per UDC requirements. Commercial properties exist north and across Compton Road, which is a Minor Residential Collector street having an 80 foot existing right-of-way.

The second reading for the rezoning case was tabled on July 29<sup>th</sup>, in order to give the applicant additional time to consider the Special Permit approved on first reading (July 22<sup>nd</sup>) and zoning requirements for boat storage. After further investigating industry standards, the applicant has determined that larger storage unit square footages are no longer needed for his development and he would rather be granted the “CG-2” General Commercial District. The applicant does not want to pursue a Special Permit. Staff, however, maintains the same recommendation as of July 29<sup>th</sup>, for a Special Permit that gives flexibility in the site plan. On August 26<sup>th</sup>, City Council voted to rescind the Special Permit ordinance approved on first reading and to table the vote on the rezoning until the next meeting to pursue the “CG-2” General Commercial District as recommended by Planning Commission and requested by the applicant.

## **ALTERNATIVES:**

1. Approve the “CG-2” District recommended by the Planning Commission
2. Approve the Special Permit as recommended by staff.
3. Deny the request.

## **OTHER CONSIDERATIONS:**

Not Applicable

## **CONFORMITY TO CITY POLICY:**

The subject property is located within the boundaries of the Flour Bluff Area Development Plan but not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ). The rezoning is not consistent with the adopted Future Land Use Plan, which slates the property for estate residential uses.

Expansion of commercial uses into or within residential areas may be permitted only if such expansion maintains or improves the residential desirability of the impacted neighborhoods. Compared to Neighborhood Commercial uses, such as retail, that provide daily convenience needs of nearby residents a boat storage facility is not a compatible use with uses allowed in the abutting “RE” Residential Estate Districts to the south and west. The rezoning would also allow other incompatible uses to be developed on the property. On the contrary, the proposed rezoning is compatible with the current zoning and development patterns of the abutting properties to the north and east.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Legal and Planning Commission

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

| <b>Fiscal Year: 2013-2014</b> | <b>Project to Date Expenditures (CIP only)</b> | <b>Current Year</b> | <b>Future Years</b> | <b>TOTALS</b> |
|-------------------------------|--|---------------------|---------------------|---------------|
| Line Item Budget              |  |                     |                     |               |
| Encumbered / Expended Amount  |  |                     |                     |               |
| This item                     |  |                     |                     |               |
| BALANCE                       |  |                     |                     |               |

Fund(s):

**Comments:** None

**LIST OF SUPPORTING DOCUMENTS:**

CG-2 Ordinance  
Aerial Overview Map  
Report with Attachments