



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of January 13, 2015
Second Reading for the City Council Meeting of January 20, 2015

DATE: December 23, 2014

TO: Ronald L. Olson, City Manager

FROM: Dan M. Grimsbo, P.E., Director, Development Services Department
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**Rezoning from Manufactured Home and Industrial
To Industrial with a Special Permit
For Isaias Franco
Property Addresses: 7585 Leopard Street and 1326 Rhew Road**

CAPTION:

Case No. 1214-02 Isaias Franco: A change of zoning from "RMH" Manufactured Home District and "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for Resource Extraction, not resulting in a change to the Future Land Use Plan. The property is described as being a 15.854-acre tract of land out of the Anthony C. Page Survey 591 and the A.M. French Survey 312, Abstract 1018 and a 20.00-acre tract of land out of a 202.16-acre tract out of Section 8, Range V, of the H.P.L. Kinney Sectionalized Lands, located on the south side of Leopard Street between Rhew Road and Cathead Road.

PURPOSE:

The purpose of this item is rezone the property to allow extraction of sand material.

RECOMMENDATION:

Planning Commission and Staff Recommendation (December 17, 2014): Approval of the "IL/SP" Light Industrial District with a Special Permit for Resource Extraction subject to the following conditions:

1. Use Regulation: The only use allowed other than those allowed by right in the "IL" Light Industrial District is Resource Extraction, which is a use that extracts sand, gravel, and dirt from land including stockpiling of sand, gravel, or dirt.
2. TCEQ Dust Control: Control dust in accordance with the TCEQ requirements.
3. Access: Vehicular access will be limited to Leopard Street only, which is an arterial street.

4. Hours of Operation: The hours of operation shall be limited to the hours between 7:30 AM and 6:00 PM.
5. Time Limit: The Special Permit will expire in one year from the date of the approved ordinance unless an excavation permit application has been applied for. After the excavation permit has been applied for, this Special Permit will terminate within five years or upon termination of the excavation permit

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant is proposing a resource extraction business on a 35.854-acre of land. All material removed is replaced with dirt fill material. This resource extraction business will serve construction related to the Eagle Ford Shale activities and will last no longer than five years at this site. The proposed use is appropriate at this location in the "IL" Light Industrial District. The use complements and is compatible with the surrounding uses and zoning patterns.

ALTERNATIVES:

1. Modify the conditions of the Special Permit; or
2. Deny the request.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The subject property is located within the boundaries of the Port/Airport/Violet Area Development Plan and is consistent with the adopted Future Land Use Plan, which slates the property for a light industrial use. The rezoning is consistent with the Comprehensive Plan.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal and Planning Commission

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

Fiscal Year: 2014-2015	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: None

LIST OF SUPPORTING DOCUMENTS:

Presentation - Aerial Map
Ordinance
Planning Commission Final Report