



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of June 25, 2013
Second Reading for the City Council Meeting of July 9, 2013

DATE: May 23, 2013

TO: Ronald L. Olson, City Manager

FROM: Mark E. Van Vleck, P.E., Director, Development Services Department
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**Rezoning from Commercial and Residential to Light Industrial on Tract 1
And from Residential to Commercial on Tract 2
For Jubalee Properties, Ltd.
Property Addresses: 9801 South Padre Island Drive,
1130 Baywood Lane, and 1133 Baywood Lane.**

CAPTION:

Case No. 0413-05 Jubalee Properties, Ltd.: A change of zoning from the "CG-1" General Commercial and the "RS-6" Single-Family 6 District to the "IL" Light Industrial District on Tract 1 and from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District on Tract 2, resulting in a change to the Future Land Use Plan from commercial to industrial on Tract 1 and not resulting in a change to the Future Land Use Plan on Tract 2. Tract 1 is described as Lots 1 through 5, Block 2, Baywood Addition, and Tract 2 is described as being Lot 4 and the northeast 25 feet of Lot 5, Block 1, Baywood Addition, located south of South Padre Island Drive (SH 358) on Baywood Lane.

PURPOSE:

The purpose of this item is to rezone the property to allow a manufacturing facility for small fiberglass boats and trailers on Tract 1 and outdoor display/storage of completed boats on Tract 2.

RECOMMENDATION:

Planning Commission and Staff Recommendation (May 22, 2013):

Tract 1 – Denial of the change of zoning from the "CG-1" General Commercial District and "RS-6" Single-Family 6 District to the "IL" Light Industrial District and, in lieu thereof, approval of the "CG-1/SP" General Commercial District with a Special Permit, subject to the following nine conditions:

1. **Use:** A facility for the manufacturing of fiberglass boats that weigh less than five tons and the assembly of boat trailers are the only uses allowed on the Property other than those uses allowed by right in the “CG-1” General Commercial District. All stages of the manufacturing process and boat trailer assembly must occur indoors to reduce the potential impact of dust, noise, and odors on surrounding properties.
2. **Structure:** Expansion of the existing structures or construction of new structures for the uses authorized by Condition 1 shall maintain a 30-foot wide setback from the adjacent “RS-6” Single-Family 6 District to the south. Except for man-doors, openings in structures are prohibited from facing residential areas.
3. **Noise:** The use of machinery or equipment that produces offensive noise incompliant with City Code of Ordinances Chapter 31 on the Property is prohibited.
4. **Screening:** A six-foot tall solid masonry wall must be constructed, maintained, and remain in place around the perimeter of the facility. Screening is not required around the parking area located along South Padre Island Drive (SH 358) or around the outdoor retail display of finished boats.
5. **Landscaping:** The Owner shall plant and maintain canopy trees with a minimum of a 2.5-inch caliper every 30 feet on the center within the required 10-foot wide buffer yards and on the interior of the screening wall along the side and rear property lines adjacent to the single-family residences.
6. **Outside Storage:** Outside storage of materials and equipment is allowed on the Property as long as it is screened from view of the right-of-way and neighboring properties by means of a six-foot tall solid masonry wall.
7. **Hours of Operation:** The hours of operation for the manufacturing of fiberglass boats that weigh less than five tons and assembly of boat trailers shall be limited to Monday through Saturday, 7:00 a.m. to 7:00 p.m.
8. **Air Quality:** The Owner must comply with all applicable state and local air quality regulations.
9. **Time Limit:** This Special Permit shall be deemed to have expired within 12 months of this ordinance unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Tract 2 – Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “CG-1” General Commercial District.

BACKGROUND AND FINDINGS:

As detailed in the attached Zoning Report, the applicant is requesting a rezoning to allow a manufacturing facility for small fiberglass boats and assembly of boat trailers on Tract 1 and outdoor display/storage of completed boats on Tract 2. Although this rezoning on Tract 1 is not consistent with the adopted Future Land Use Plan, it is a

reasonable reuse of the existing structure and would not significantly impact the adjacent residential and commercial uses if conditions were imposed through a Special Permit to reduce negative impacts. Staff recommends denial of the "CG-1/SP" General Commercial District with a Special Permit on Tract 1. The applicant is in agreement with the proposed Special Permit.

Boat sales and storage is a common land use in the Flour Bluff area and is permitted in the "CG-1" General Commercial District. A buffer yard in accordance with the UDC would be required on Tract 2 to protect the adjacent single-family use.

ALTERNATIVES:

1. Approve an intermediate zoning district;
2. Grant a Special Permit subject to conditions in lieu of granting the requested zoning district; or
3. Deny the request.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The subject property is within the boundaries of the Flour Bluff Area Development Plan and is planned for commercial uses on both Tract 1 and 2. The proposed change of zoning to the "IL" Light Industrial District on Tract 1 is inconsistent with the Future Land Use Plan. A Special Permit on Tract 1 would impose conditions to make the proposed use more consistent with the Plan. The proposed change of zoning to the "CG-1" General Commercial District on Tract 2 is consistent with the Future Land Use Plan.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Planning/Environmental Services, Legal, and Planning Commission

FINANCIAL IMPACT:

- Operating Revenue Capital Not applicable

| Fiscal Year: 2012-2013 | 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:

Aerial Overview Map
Zoning Report with Attachments
Ordinance with Exhibit