



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of May 27, 2014
Second Reading for the City Council Meeting of June 10, 2014

DATE: May 5, 2014

TO: Ronald L. Olson, City Manager

FROM: Barney Williams, P.E., Interim Director, Development Services Department
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**Special Permit Time Extension Request
By Thomas Petroleum, LLC
Property Address: 8801 State Highway 44**

CAPTION:

Case No. 0313-01 Thomas Petroleum, LLC: A request for a Special Permit time extension for an additional two years. The property requiring the Special Permit time extension is described as Lot 1, Block 1, Thomas Petroleum Subdivision, located on the south side of State Highway 44, approximately 670 feet east of South Clarkwood Road.

PURPOSE:

The purpose of this item is to extend the expiration date of a zoning Special Permit for an additional two years.

RECOMMENDATION:

Planning Commission and Staff Recommendation (April 23, 2014):
Denial of the applicant's requested two-year time extension and approval of a one-year time extension.

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant and landowner, Thomas Petroleum, is requesting a two-year time extension for a Special Permit that will expire May 28, 2014 if a time extension is not granted. Council granted the Special Permit as part of rezoning in May 2013 to allow the aboveground wholesale storage and distribution of lubricants and fuel, which is classified as a Heavy Industrial use in the Unified Development Code. The proposed use is a tank farm with 31 aboveground fuel tanks: seven for fuel and the remaining tanks for other liquids such as lubricants and water.

The applicant was given one year from the Special Permit approval date to submit a complete building permit application to the City. The applicant has not been able to submit a complete building permit application as of today. If the Special Permit expires, the use allowed by the Special Permit will no longer be allowed on the subject property.

The applicant has completed the platting (land subdivision) process for the site but is not ready to submit a complete building permit application. Though the applicant is requesting a two-year time extension, staff and Planning Commission recommend a one-year time extension, which would require the applicant to request another one-year time extension should they not be able to submit a complete building permit application by May 28, 2015. It should be noted that an applicant may only request two Special Permit time extensions. Beyond two time extensions, the applicant would be required to initiate a new rezoning request again. Staff and Planning Commission believe an additional year should be a reasonable time frame for the applicant to submit a building permit application based on the following:

- The applicant has already completed the platting process.
- The time limit does not require that construction of the facility be completed by May 28, 2015; rather it only requires that a building permit application be submitted for staff review.

ALTERNATIVES:

1. Deny the requested Special Permit time extension; or
2. Approve more or less time than requested.

CONFORMITY TO CITY POLICY:

The proposed Special Permit time extension does not affect the Future Land Use Plan or the Comprehensive Plan.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Planning/Environmental Services, Legal, and Planning Commission

FINANCIAL IMPACT:

- Operating Revenue Capital Not applicable

Fiscal Year: 2013-2014	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:

- Ordinance for One-Year Time Extension
- Ordinance for Two-Year Time Extension
- Zoning Report with Attachments
- Aerial Maps & Site Plan