

# PLANNING COMMISSION FINAL REPORT

Case No. 1214-02  
 HTE No. 14-10000046

Planning Commission Hearing Date: December 17, 2014

<b>Applicant &amp; Legal Description</b>	<p><b>Applicant/Owner:</b> Isaias Franco  <b>Legal Description/Location:</b> 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.</p>			
<b>Zoning Request</b>	<p><b>From:</b> "RMH" Manufactured Home District and "IL" Light Industrial District  <b>To:</b> "IL/SP" Light Industrial District with a Special Permit for Resource Extraction  <b>Area:</b> 35.854 acres  <b>Purpose of Request:</b> To allow extraction of sand material.</p>			
<b>Existing Zoning and Land Uses</b>		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
<i>Site</i>		"RMH" Manufactured Home District and "IL" Light Industrial District	Vacant	Light Industrial
<i>North</i>		"RMH" Manufactured Home District	Vacant	Light Industrial
<i>South</i>		"IL" Light Industrial District and "RMH" Manufactured Home District	Vacant	Light Industrial
<i>East</i>		"IL" Light Industrial District	Light Industrial and Vacant	Light Industrial
<i>West</i>		"IL" Light Industrial District	Vacant	Light Industrial
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located within the boundaries of the Port/Airport/Violet Area Development Plan and is planned for light industrial uses. The proposed rezoning to the "IL/SP" Light Industrial District with a Special Permit for Resource Extraction is consistent with the adopted Future Land Use Plan and the Port/Airport/Violet Area Development Plan.  <b>Map No.:</b> 055045  <b>Zoning Violations:</b> None</p>			

<b>Transportation</b>	<b>Transportation and Circulation:</b> Access to the two properties is a 50-foot wide road on the 15.854-acre tract of land fronting Rhew Road, which is designated as a C3 Primary Collector street by the Urban Transportation Plan. The north boundary of the 20-acre tract of land has 275 feet of frontage on Leopard, which is designated as an A2 Secondary Arterial Divided road, and the south boundary has 230 feet of frontage on Sedwick Road, which is designated as an A1 Minor Arterial Undivided road.				
<b>Street R.O.W.</b>	<b>Street</b>	<b>Urban Transportation Plan Type</b>	<b>Proposed Section</b>	<b>Existing Section</b>	<b>Traffic Volume (2011)</b>
	Rhew Road	C3 Primary Collector	75' ROW 50' paved	45' ROW 21' paved	Not Applicable
	Leopard Street	A2 Secondary Arterial Divided	100' ROW 54' Paved	150' ROW 92' Paved	Not Applicable
	Sedwick Road	A1 Minor Arterial Undivided	95' ROW 64' paved	55' ROW 20' paved	Not Applicable

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a rezoning from the “RMH” Manufactured Home District and “IL” Light Industrial District to the “IL/SP” Light Industrial District with a Special Permit for Resource Extraction. The combined rezoning request is 35.854-acres. 20-acres is currently zoned “RMH” Manufactured Home District and 15.854 acres is zoned “IL” Light Industrial District.

**Development Plan:** The applicant is proposing to continue his Resource Extraction Business by extending the area to excavate from his current 20-acre tract onto the additional 15.854-acre tract of land. All material removed is replaced with returned dirt fill material. This Resource Extraction will serve the Eagle Ford Development. Currently there are six employees and will remain the same.

**Existing Land Uses & Zoning:** North, south and west of the subject property is vacant land zoned “IL” Light Industrial District. Immediately to the west is a drainage basin. The property east of the subject property is also zoned “IL” Light Industrial and is a light industrial subdivision.

**AICUZ:** The subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ).

**Comprehensive Plan & Area Development Plan Consistency:** The subject property is located within the boundaries of the Port/Airport/Violet Area Development Plan (ADP). The proposed rezoning to the “IL/SP” Light Industrial District with a Special Permit for Resource Extraction is consistent with the Port/Airport/Violet ADP and the adopted Future Land Use Plan’s designation of the property as light industrial.

**Plat Status:** The subject property is not platted.

**Review Criteria:** Staff determined that the Special Permit meets the review criteria. In determining to approve with conditions, the following criteria was considered.

1. The use is consistent with the Comprehensive Plan.
2. The use complements and is compatible with the surrounding uses and community facilities.
3. The impact of the use on public infrastructure can be minimized without negatively impacting existing uses in the area and in the City.
4. The use contributes to, enhances or promotes the welfare of adjacent properties and the surrounding area.
5. The use does not affect adjacent and neighboring uses permitted.
6. The use does conform in all respect to regulations and standards in this Unified Development Code.
7. The development provides ample off-site parking and loading facilities.

**Department Comments:**

- Resource Extraction is a heavy industrial use that the Unified Development Code allows in the “IL” Light Industrial District by Special Permit. A Special Permit is subject to limitations.
- The proposed use is appropriate at this location in the “IL” Light Industrial District.
- Resource Extraction is a temporary use until the property can no longer be excavated.
- Roadway access would be limited to Leopard Street only, which is considered to be an arterial street.
- An Excavation permit was approved by the Planning Commission in November with only one comment from residents concerning the dust.
- The applicant must comply with the excavation permit by allowing monthly inspections.
- The applicant’s business will be meeting a demand from construction serving the Eagle Ford development.

**Planning Commission and Staff Recommendation:**

Approval of the “IL/SP” Light Industrial District with a Special Permit for Resource Extraction subject to conditions.

**Special Permit Conditions:**

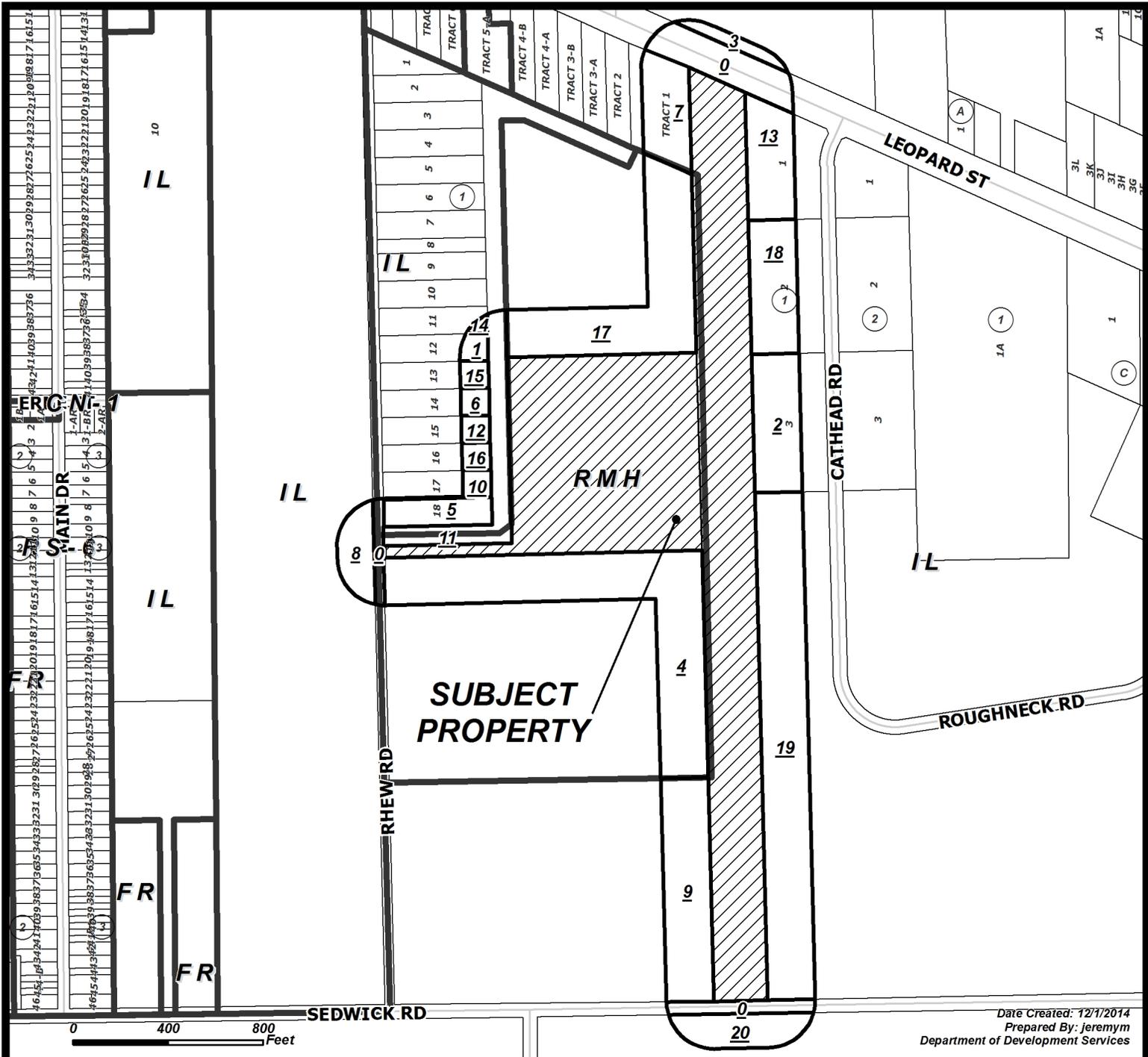
1. **Use Regulation:** The only use allowed other than those allowed by right in the “IL” Light Industrial District is Resource Extraction, which is a use that extracts sand, gravel, and dirt from land including stockpiling of sand, gravel, or dirt.
2. **TCEQ Dust Control:** Control dust in accordance 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.

<b>Public Notification</b>	Number of Notices Mailed – 20 within 200-foot notification area 2 outside notification area
	<b><u>As of December 23, 2014:</u></b>
	In Favor – 5 inside notification area – 0 outside notification area
	In Opposition – 5 inside notification area – 0 outside notification area
Totaling 5.662% of the land within the 200-foot notification area in opposition.	

**Attachments:**

1. Location Map with Notice Area
2. Site Plan

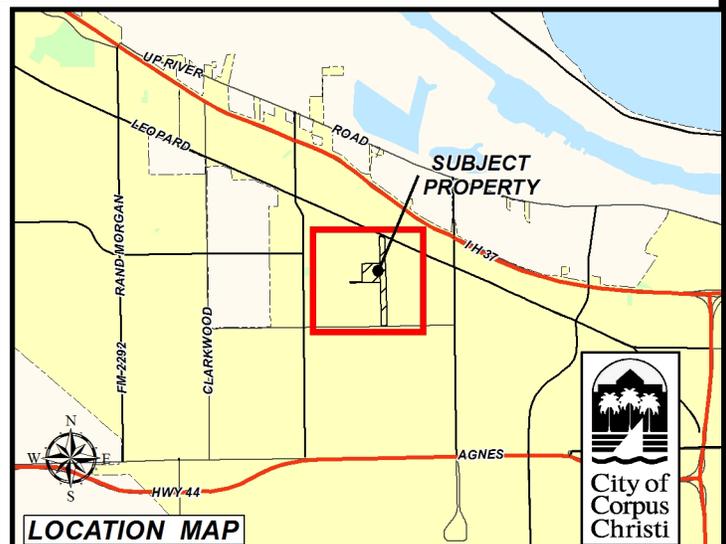


Date Created: 12/1/2014  
 Prepared By: Jeremym  
 Department of Development Services

## CASE: 1214-02 Zoning & Notice Area

RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF Two-Family
CR-1 Resort Commercial	RS-15 Single-Family 15
CR-2 Resort Commercial	RE Residential Estate
CG-1 General Commercial	RS-TH Townhouse
CG-2 General Commercial	SP Special Permit
CI Intensive Commercial	RV Recreational Vehicle Park
CBD Downtown Commercial	RMH Manufactured Home
CR-3 Resort Commercial	
FR Farm Rural	
H Historic Overlay	
BP Business Park	

- Subject Property with 200' buffer
- Owners in favor
- Owners within 200' listed on attached ownership table
- Owners in opposition





SCALE 1" = 200'

SURVEY OF TRACT I BEING 16.00 ACRES AND TRACT II BEING 15.84 ACRES, BOTH BEING OUT OF THE ANTHONY C. PAGE SURVEY 391 AND THE A. M. FRENCH SURVEY 312, ABSTRACT 3018, SAID 15.84 ACRE TRACT ALSO BEING OUT OF THE KINGBERG TRACT DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 90932, DEED RECORDS NUBERS COUNTY, TEXAS.

THIS SURVEY BEING WITHIN THE SCOPE OF A TITLE CURATIVE SURVEY.

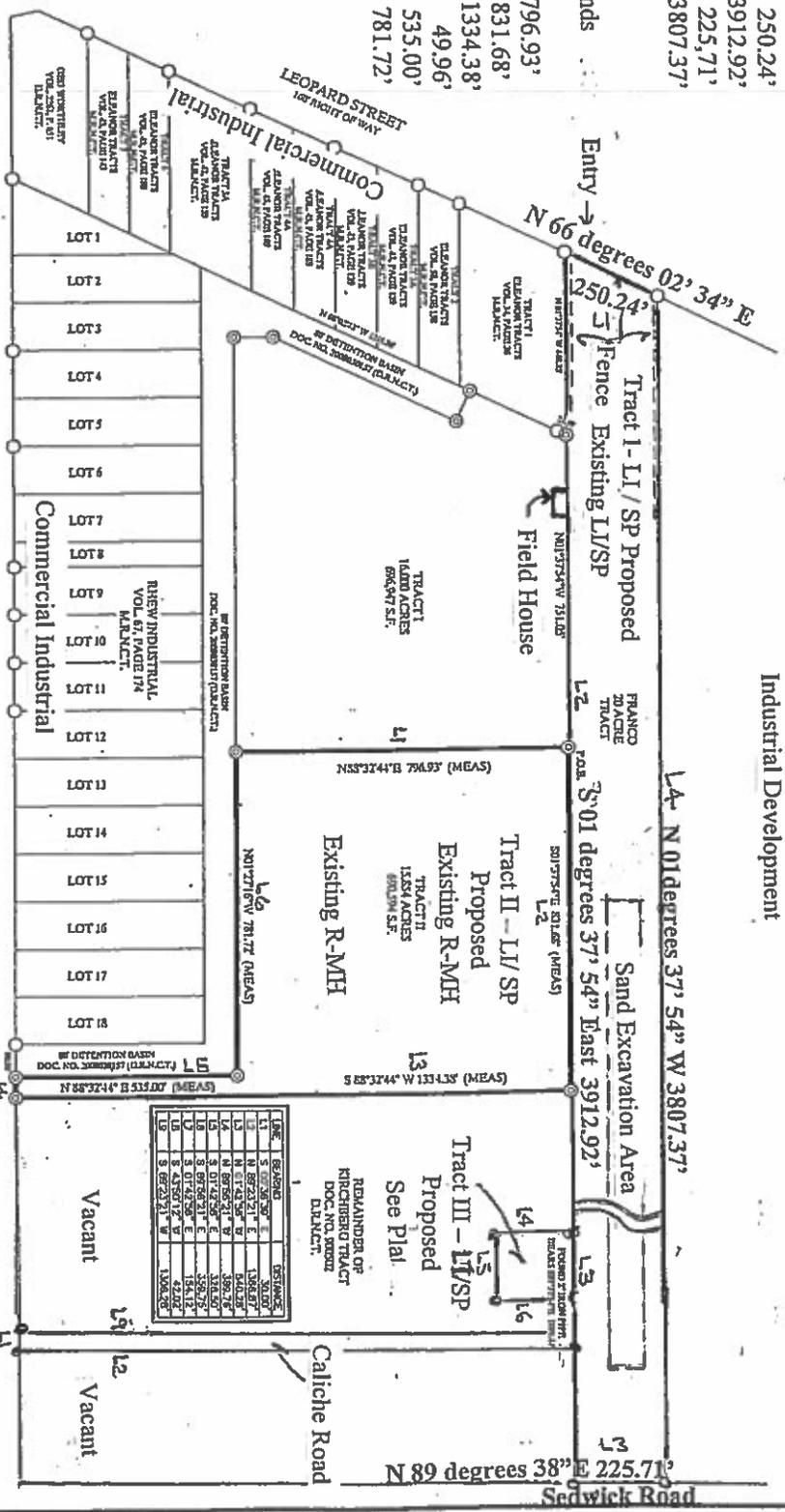
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### Tract I - Metes and Bounds

- L1 N 66 degrees 02' 34" E 250.24'
- L11 S 01 degrees 37' 54" E 3912.92'
- L111 N 89 degrees 0' 38" E 225.71'
- L1111 N 01 degrees 37' 54" W 3807.37'

### Tract II - Metes and Bounds

- L1 N 88 degrees 32' 44" E 796.93'
- L11 S 01 degrees 37' 54" E 831.68'
- L111 S 88 degrees 32' 44" W 1334.38'
- L1111 N 01 degrees 27' 16" W 49.96'
- L11111 N 88 degrees 32' 44" E 535.00'
- L111111 N 01 degrees 27' 16" W 781.72'



LINE	BEARING	DISTANCE
L1	S 89° 38' 30" W	300.00'
L2	N 89° 38' 30" E	300.00'
L3	N 89° 38' 30" E	300.00'
L4	S 89° 38' 30" W	300.00'
L5	S 01° 37' 54" E	3912.92'
L6	S 01° 37' 54" E	3912.92'
L7	S 01° 37' 54" E	3912.92'
L8	S 01° 37' 54" E	3912.92'
L9	S 01° 37' 54" E	3912.92'
L10	S 01° 37' 54" E	3912.92'
L11	S 01° 37' 54" E	3912.92'
L12	S 01° 37' 54" E	3912.92'
L13	S 01° 37' 54" E	3912.92'
L14	S 01° 37' 54" E	3912.92'
L15	S 01° 37' 54" E	3912.92'
L16	S 01° 37' 54" E	3912.92'
L17	S 01° 37' 54" E	3912.92'
L18	S 01° 37' 54" E	3912.92'

○ = FOUND 5/8" IRON ROD  
⊙ = SET 5/8" IRON ROD

NOTES:  
1. TOTAL SURVEYED AREA IS 15.84 ACRES.  
2. ALL BEING SURVEYED AREAS ARE BASED ON ORIGINAL SURVEY RECORDS.  
3. ALL METERS AND BOUNDS DESCRIBED IN THIS SURVEY ARE EQUAL DATE ACCOUNTS AND THIS SURVEY.



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NOVEMBER 1, 2011