



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of November 11, 2014
Second Reading for the City Council Meeting of November 18, 2014

DATE: September 30, 2014

TO: Ronald L. Olson, City Manager

FROM: Daniel M. Grimsbo, P.E., Director, Development Services Department
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**Rezoning from Neighborhood Commercial to General Commercial
For Patrick H. Nolan and Amy L. Nolan
Property Address: 6197 Dunbarton Oak Drive**

CAPTION:

Case No. 0914-01 Patrick H. Nolan and Amy L. Nolan: A change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District, not resulting in a change to the Future Land Use Plan. The property is described as being a 1.34 acre portion of Lot 1, Block 3, Cimarron Center, located on the southwest corner of Dunbarton Oak Drive and Cimarron Boulevard.

PURPOSE:

To rezone the property to allow additional self-storage units.

RECOMMENDATION:

Planning Commission and Staff Recommendation (September 24, 2014):

Denial of the "CG-2" General Commercial District and, in lieu thereof, approval of a Special Permit subject to a site plan and the following conditions.

1. **Use Regulation:** The only use allowed other than those allowed by right in the "CN-1" Neighborhood Commercial District is a self-service storage facility providing separate storage areas for personal or business use designed to allow private access by the tenant for storing personal property.
2. **Loading Doors:** Loading doors shall be allowed to face east only on building G. Emergency man doors, as required by City Building Code, may be located on any side of the building.
3. **Buffer Yard:** Fifteen-foot buffer yard with 15 buffer points shall be required on the west property line. Canopy trees of 2.5-inch caliper shall be planted every 30 feet on center along the west property line.

4. **Set Back**: Minimum 15-foot setback from residential properties.
5. **Building Height**: The maximum height of any structure on the Property shall not exceed 26 feet.
6. **Fence**: A solid screening fence of not less than 6-feet in height must be maintained along the south and west side of the property.
7. **Lighting**: No freestanding lights within 50 feet of a residentially zoned property. No light source shall exceed the roof height of the buildings or 15 feet, whichever is less. No light source on west side of building G, except as required by building code.
8. **Signage**: No additional freestanding sign is permitted. Any wall sign placed on the buildings shall not face the residential properties.
9. **Hours of Operation**: The hours of operation shall be limited to the hours between 9:00 AM and 6:00 PM.
10. **Time Limit**: The Special Permit will expire in one year from the date of the approved ordinance unless a building permit application has been submitted.

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant is requesting a rezoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District to allow the additional self-storage units. One pre-engineered metal building of approximately 24,000 square feet will be added.

The proposed rezoning is consistent with the adopted Future Land Use Plan, which designates the property for commercial uses. However, the proposed rezoning to the "CG-2" General Commercial District will negatively affect the neighborhood even though the property to be rezoned is considered to be suitable for commercial uses.

Approving the rezoning to the "CG-2" General Commercial District would allow incompatible uses to be developed on the property. Uses such as vehicle sales and service, bars, and night clubs are allowed in the "CG-2" District. These uses would not be compatible with the adjacent residentially zoned properties.

Therefore, staff and Planning Commission recommend denial of the "CG-2" General Commercial District and, in lieu thereof, approval of a Special Permit subject to a site plan and development conditions. The applicant is in agreement with the Special Permit and its conditions.

ALTERNATIVES:

1. Approve the Planning Commission/Staff recommendation.
2. Modify the proposed Special Permit Conditions.
3. Approve the "CG-2" General Commercial District
4. Deny the requested rezoning.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The proposed change of zoning to the "CG-2" General Commercial District is not consistent with the Comprehensive Plan though it is consistent with the adopted Future Land Use Plan, which slates the property for a commercial use. A rezoning to grant a Special Permit for the mini-storage subject to development conditions is more consistent with elements of the Comprehensive Plan such as:

- 1.) Commercial service areas designed to serve local neighborhoods should be conveniently located and in harmony with the surrounding neighborhood. (Comprehensive Plan, Commercial Policy Statement G).
- 2.) Infill should be encouraged on vacant tracts within developed areas (Comprehensive Plan, Residential Policy Statement H).
- 3.) Minimize the impact of commercial areas on adjacent, existing, or future residential areas through the use of compact designs, screening fences, open space, and landscaping (Comprehensive Plan, Commercial Policy Statement B).

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:

Aerial Overview of Map

Zoning Report with Attachments

Ordinance (For Special Permit - Planning Commission & Staff Recommendation)

Ordinance (For "CG-2" General Commercial)