



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of July 9, 2013  
Second Reading for the City Council Meeting of July 16, 2013

**DATE:** May 15, 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 to Industrial for  
Avalon Corpus Christi Transitional Center, LLC  
Property Address: 1515 North Tanchua Street**

### **CAPTION:**

Case No. 0413-03 Avalon Corpus Christi Transitional Center, LLC: A change of zoning from the "CG-2" General Commercial District and the "IH" Heavy Industrial District to the "IL" Light Industrial District, resulting in a change to the Future Land Use Plan from commercial to light industrial. The property is described as being a tract of land comprised of Lots 1 - 6, Block 58, Beach Portion of the City of Corpus Christi, a portion of Fitzgerald Street closed by Ordinance No. 024009, and the northmost 10 feet of Lot 16, Block 48, Beach Portion, located on the southwest corner of North Tanchua Street and Resaca Street.

### **PURPOSE:**

The purpose of this item is to rezone the property to allow a light industrial use.

### **RECOMMENDATION:**

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

Denial of the change of zoning from the "CG-2" General Commercial District and the "IH" Heavy Industrial District to the "IL" Light Industrial District and, in lieu thereof, approval of the "CG-2/SP" General Commercial District with a Special Permit, subject to two conditions:

- 1. USE:** The only use allowed on the property other than a use allowed by right in the "CG-2" General Commercial District is a social service use.
- 2. 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.

## **BACKGROUND AND FINDINGS:**

As detailed in the attached Zoning Report, the applicant is requesting a change of zoning from the "CG-2" General Commercial and "IH" Heavy Industrial Districts in order to allow the expansion of the existing nonconforming facility. The subject property was rezoned in 1998 to the "CG-2" General Commercial District (formerly "B-4" General Business District) to allow Reality Ranch, which is a post-incarceration and rehabilitation facility. This type of use is classified as a "social service" use. When the UDC was adopted, social service uses were no longer allowed in the "CG-2" District. The use is considered nonconforming and expansion of nonconforming uses is prohibited. Therefore, the applicant is requesting a rezoning in order to expand the facility.

The proposed rezoning is not consistent with the Future Land Use Plan, which slates the property for a commercial use. An industrial zoning district would allow incompatible uses on the property should the facility no longer be in operation. Staff recommends approval of a Special Permit that would retain the commercial zoning district. The applicant is in agreement with the conditions listed in the proposed Special Permit.

## **ALTERNATIVES:**

1. Approve an intermediate zoning district;
2. Approval of a special permit; or
3. Deny the request.

## **OTHER CONSIDERATIONS:**

Not Applicable

## **CONFORMITY TO CITY POLICY:**

The proposed rezoning is not consistent with the Future Land Use Plan, which slates the property for a commercial use.

## **EMERGENCY / NON-EMERGENCY:**

Non-Emergency

## **DEPARTMENTAL CLEARANCES:**

Planning/Environmental Services, Legal, and Planning Commission

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2012-2013</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
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 Exhibits