



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of August 11, 2015
Second Reading for the City Council Meeting of August 18, 2015

DATE: July 21, 2015

TO: Ronald L. Olson, City Manager

FROM: Dan M. Grimsbo, P.E., Director, Development Services Department
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**Public Hearing and First Reading for a Property at
3313 Barthlome Street.**

CAPTION:

Case No. 0615-04 Jesus Mora: A change of zoning from the "CI" Intensive Commercial District to the "IL" Light Industrial District, resulting in a change to the Future Land Use Plan from Commercial to Light Industrial. The property to be rezoned is described as Lot 4-B, Barthlome Acre Tracts, located along the south side of Barthlome Street between Nueces Bay Boulevard and Lily Street.

PURPOSE:

The purpose of this item is to allow the warehouse storage of equipment and vehicles associated with a cable contractor.

RECOMMENDATION:

Planning Commission and Staff Recommendation (July 15, 2015): Denial of the change of zoning from the "CI" Intensive Commercial District to the "IL" Light Industrial District and, in lieu thereof, approval of the "CI/SP" Intensive Commercial District with a Special Permit with conditions.

1. **Use.** The only use permitted under this Special Permit, other than those permitted by right in the "CI" Intensive Commercial District, is the contractor's use which includes the storage of equipment and vehicles as described herein.
2. **Access.** Vehicular access shall be as per the site plan.
3. **Hours of operation.** Business hours shall be limited to the hours between 7:00 A.M. and 5:00 P.M.
4. **Time Limit:** This Special Permit shall expire in one (1) year if applicable permits are not applied for to bring the site into conformance.
5. **Setbacks and Buffer Yards.** Conformance includes, but is not limited to, the following:

- a. The removal or relocation of the carport structure at the rear of the property to ensure that a minimum rear and side yard setback of ten (10) feet is met.
 - b. Buffer yards as required by the Unified Development Code (U.D.C) shall be installed along the south and east property lines.
 - i. A Type C buffer yard shall be provided along the south property line; a ten (10) foot buffer yard and fifteen (15) points.
 - ii. A Type B buffer yard shall be required along the east property line; a five (5) foot buffer and ten (10) points.
6. **Lighting.** All lighting shall comply with U.D.C.requirements.
7. **Storage of materials.** All storage of materials (including but not limited to spools of cable) shall occur within an enclosed building or screened from view per U.D.C. requirements.
8. **Noise.** The applicant must comply with the City's Noise Ordinance.
9. **Other Requirements.** The Special Permit conditions listed herein do not preclude compliance with other applicable U.D.C. and Building Code requirements.

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant purchased the property as currently constructed. The existing buildings on the subject property were constructed without permits and the site is in violation of code with respect to setback, screening, and building code requirements. The applicant is a cable subcontractor that installs underground cable. The applicant employs three people. The buildings on the property are used to store company trucks, supplies, and tools. Special Permit conditions may ensure the existing use of a contractor's yard with storage of equipment and vehicles is compatible with existing and future land uses in the immediate vicinity. The Unified Development Code sets forth review criteria for Special Permits; Section 3.6.3. Review criteria applicable to this application (after conformance is achieved) are as follows:

1. The use is compatible with surrounding uses.
2. The use does not substantially adversely affect adjacent and neighboring uses permitted.
3. The use does conform in all other respects to regulations and standards in the Unified Development Code.
4. The physical appearance, hours of operation and conduct of the use does not generate excessive noise, or other forms of environmental or visual pollution or detrimentally affect the residential character.
5. The development provides ample off-street parking and loading facilities.

ALTERNATIVES:

1. Approve the "IL" requested zoning (requires $\frac{3}{4}$ vote).
2. Approve the Special Permit as recommended by staff.
3. Deny the request.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The proposed designation of "IL" Light Industrial District is not consistent with the Future Land Use Plan or the Westside Development Plan.

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:

Presentation - Aerial Map

Ordinance

Planning Commission Final Report