



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of October 30, 2012  
Second Reading/Action Item for the City Council Meeting of November 13, 2012

**DATE:** October 1, 2012

**TO:** Ronald L. Olson, City Manager

**FROM:** Mark E. Van Vleck, P.E., Interim Director, Department of Development Services  
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**PUBLIC HEARING – CHANGE OF ZONING**  
**International Resistive Company Advanced Film Division (Case No. 0812-04)**  
**Change from “CG-2/SP” General Commercial District with a Special Permit**  
**To “IL” Light Industrial District**  
**Property Address: 4222 South Staples Street**

### **CAPTION:**

Case No. 0812-04 International Resistive Company Advanced Film Division: A change of zoning from the “CG-2/SP” General Commercial District with a Special Permit to the “IL” Light Industrial District, resulting in a change of future land use from commercial to light industrial. The property to be rezoned is described as South Staples Center, Lot B-4, located on the northeast corner of South Staples Street and Gollihar Road between Everhart Road and Caddo Street.

### **PURPOSE:**

The purpose of this item is to rezone the property to allow for the continued operation of a testing and manufacturing facility and to modify the property’s existing Special Permit conditions.

### **RECOMMENDATION:**

#### Planning Commission and Staff Recommendation (August 15, 2012):

Denial of the change of zoning from the “CG-2/SP” General Commercial District with a Special Permit to the “IL” Light Industrial District and, in lieu thereof, approval of the “CG-2/SP” General Commercial District with a modified Special Permit subject to the following eight conditions:

- 1.) ALLOWED USES: The only use authorized by the Owner under this Special Permit, other than the basic uses by right in the “CG-2” General Commercial District, is a resistor assembly plant.
- 2.) FLOOR AREA: The floor area of the facility and related offices and storage areas cannot exceed 110,000 square feet.
- 3.) ABOVEGROUND TANKS: Outdoor aboveground storage tanks may be utilized by the Owner for the storage of liquid nitrogen so long as the combined total storage capacity of

the tanks does not exceed 24,000 gallons. The tanks cannot be located closer than 60 feet from the northeast property line abutting the single-family neighborhood.

- 4.) **OUTSIDE STORAGE:** Outside storage, except for the aboveground storage tanks, is not allowed on the property. Any storage of hazardous materials by the Owner must be stored inside the existing facility and is subject, at all times, to the approval of the City's Fire Marshal and Building Official.
- 5.) **SCREENING FENCE:** A standard screening fence with a height of not less than six (6) feet must be installed and maintained by the Owner along the northeast property line abutting the single-family neighborhood. The fence must be installed within one (1) year from the date of this ordinance.
- 6.) **LANDSCAPING:** A landscaping strip with a width of not less than five (5) feet must be located along the South Staples Street, Gollihar Road, and Caddo Street public rights-of-way. The landscaping strip must contain ground cover and shrubs in accordance with the Unified Development Code's approved plant list. The Owner must ensure that all landscaping is kept in a healthy and growing condition at all times. Landscaping must be installed within one (1) year from the date of this ordinance.
- 7.) **ACCESS:** No driveways or direct access is permitted onto Everhart Road or Jacquelyn Drive.
- 8.) **TIME LIMIT:** This Special Permit expires one (1) year from the approval date of this ordinance unless the property is being used for the purpose outlined in Condition 1 and all other conditions are being met by the Owner.

#### **BACKGROUND AND FINDINGS:**

The applicant is requesting a change of zoning to modify the existing Special Permit conditions. The applicant is requesting an increase in the amount of liquid nitrogen storage from 12,000 gallons to 24,000 gallons and a minor increase in the floor area of the facility. The facility tests and manufactures resistors, sensors, and other resistive devices and uses liquid nitrogen to test electronic parts' viability at low temperatures. The Fire Department has no objection to the increased amount of liquid nitrogen for the facility. The applicant received its first Special Permit in 1975 at this location and has since been granted four modifications to the Special Permit conditions over the years.

North of the subject property is a low density, single-family subdivision that is zoned as the "RS-6" Single-Family 6 District. West of the subject property is a Stripes Gas Station which is zoned in the "CG-2" General Commercial District. South of the subject property are multiple car lots which are zoned in the "CI" Intensive Commercial District and the "CG-2" General Commercial District. East of the property, there are a few commercial uses including restaurants and a Montessori school, which are all zoned a "CG-2" District. There are also multifamily housing units (Lampighter Apartments) to the east of the property.

Staff does not recommend a change of the zoning district to the "IL" Light Industrial District because the subject property borders residential and commercial uses. Granting the facility a Special Permit will accommodate the facility's needs while protecting the surrounding area from future incompatible industrial uses. The applicant is in agreement with the Planning Commission and Staff recommendation of a Special Permit.

#### **ALTERNATIVES:**

1. Approve an intermediate zoning district or Special Permit; or
2. Grant the applicant's original request of the "IL" Light Industrial District; or
3. Deny the request.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

A change of zoning to the “IL” Light Industrial District is not consistent with the adopted Future Land Use Plan, which slates the property for commercial uses. Granting a Special Permit would retain the commercial designation of the property in the Future Land Use Plan rather than light industrial.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Planning, Legal, and Planning Commission

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2011-2012</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:**

1. Aerial Overview Map
2. Zoning Report with Exhibits
3. Ordinance with Exhibits