



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of February 24, 2015
Second Reading for the City Council Meeting of March 10, 2015

DATE: February 2, 2015

TO: Ronald L. Olson, City Manager

FROM: Dan M. Grimsbo, P.E., Director, Development Services Department
DanG@cctexas.com
(361) 826-3595

**Rezoning from Commercial with a Special Permit to Light Industrial
For Hayden Partners LLC
Property Address: 10328 Interstate Highway 37 Access Road**

CAPTION:

Case No. 0115-05 Hayden Partners LLC: A change of zoning from the "CG-2/SP" General Commercial District with a Special Permit for a warehouse use to the "IL" Light Industrial District, resulting in a change to the Future Land Use Plan from commercial to industrial uses. The property is described as Lot 2, Block 3, River Square Unit 1, located along the north side of Interstate Highway 37 Access Road at the southeast corner of Turtle Creek Boulevard and River Run Boulevard.

PURPOSE:

To construct additional warehouse space.

RECOMMENDATION:

Planning Commission and Staff Recommendation (January 28, 2015): Denial of the change of zoning 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 a site plan and the following conditions:

1. **Permitted Uses:** The only uses authorized by this Special Permit other than those uses permitted by right in the "CG-2" General Commercial District are a warehouse area up to 6,500 square feet for Phase 2 and up to a total of 10,000 square feet of warehouse area for Phase 3 of the development.
2. **Architectural Standards:** Phase 1 warehouse buildings constructed on the lot shall have a masonry facade. Additional warehouse buildings located behind the six-foot screening fence are not required to comply with these architectural standards with a maximum eave height of 24 feet.

3. **Outside Storage:** The outside storage is allowed as an accessory use to the primary use located on the same premise and is limited to no more than 30 percent of the premise. All outside storage must be set back a minimum of 20 feet from any public right-of-way. No hazardous material will be stored in this area
4. **Location of Outdoor Storage:** Permitted outdoor storage shall not be located in the front yard or forward of any structure towards Interstate IH 37.
5. **Lighting:** All outside lighting will be directed away from surrounding properties.
6. **Hours of Operation:** Hours of operation will be limited to 7 a.m. to 7 p.m.
7. **Screening:** A solid wooden screening fence with a height of not less than six feet must be used to screen the outside storage from view from surrounding public rights-of-way and properties. The outside storage shall not extend above the height of the screening fence, except that this limitation does not include machinery equipment. A chain-link fence with slats shall not be considered to be a solid screening fence.
8. **Landscaping:** In addition to compliance with UDC Section 7.3, Landscaping, the subject property shall include 5- gallon oleanders every five feet on center between the outside storage screening fence and the public right-of-way. All landscaping must be kept in a healthy and growing condition at all times.
9. **Landscape Screening:** Additional screening of the storage area is to include oak trees planted every 50 feet.
10. **Time Limit:** This Special Permit for the warehouse square footage authorized for Phase 2 shall expire one year after approval of this Special Permit unless a complete building permit application has been submitted for Phase 2. The Special Permit for the warehouse square footage authorized for Phase 3 shall expire eight years after approval of this Special Permit unless a complete building permit application has been submitted for Phase 3.

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant is requesting a rezoning from the “CG-2/SP” General Commercial District with a Special Permit for a warehouse use to the “IL” Light Industrial District to construct additional warehouse space. The applicant proposes to maintain the existing business on the property, Hayden and Company. The company operates as a light industrial use by means of a Special permit approved by City Council in 2006.

The subject property is located within the boundaries of the Northwest Area Development Plan (ADP). The proposed rezoning to the “IL” Light Industrial District is not consistent with the Northwest ADP or the adopted Future Land Use Plan’s designation of the property as a commercial use. However, a Special Permit for the proposed expansion would be acceptable. The area is slated for commercial uses along the IH37 Access Road for this area. The business expansion will not change the type of services currently provided at the existing business. The subject property is approximately 1,600 feet from the major arterial Joe Fulton Corridor intersection. The existing business is surrounded by vacant lots to the north and west and northeast and

abuts an existing 10,000 square foot Texas Railroad Commission office area facility and a 5,600 square feet Bromley Gas Measurement Incorporated office area facility to the east. The subject property is suited for the proposed project and the Special Permit Review Criteria has been met and the applicant is in agreement with the Special Permit as recommended.

ALTERNATIVES:

1. Approve the Planning Commission/Staff recommendation “CG-2/SP” General Commercial District with a Special Permit subject to ten conditions (as recommended).
2. Approve the “IL” Light Industrial District
3. Deny the request altogether.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The subject property is located within the boundaries of the Northwest Area Development Plan and is planned for commercial uses. The proposed rezoning to the “IL” Light Industrial District is not consistent with the adopted Future Land Use Plan, but the “CG-2/SP” General Commercial District with a Special Permit is consistent with the Comprehensive Plan and Special Permit review criteria.

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-“CG/SP” as recommended
Ordinance-“IL”
Planning Commission Final Report