



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of January 12, 2016
Second Reading for the City Council Meeting of January 19, 2016

DATE: December 22, 2015

TO: Ronald L. Olson, City Manager

FROM: Dan McGinn, AICP CFM, Interim Director, Development Services Department
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<p>Public Hearing and First Reading for Rezoning Property at 6201 and 6301 McArdle Road</p>
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CAPTION:

Case No. 1115-01 Charlie Thomas' Courtesy Ford, Inc.: A change of zoning from the "RM-1" Multifamily 1 District, "RM-AT" Multifamily AT District, "RM-3" Multifamily 3 District and the "CN-1" Neighborhood Commercial District to the "CN-1" Neighborhood District (Tract 1) and "CG-2" General Commercial District (Tract 2), resulting in a change to the Future Land Use Map from medium density residential to commercial uses. The property is described as a 100 foot wide tract being 2.2763 acres of land (Tract 1) and a 9.8511 acre tract of land (Tract 2) in a portion of Lots 5 and 6, Block 1, Dusty Hills, located along the south side of McArdle Road between Prince Drive and Clare Drive.

PURPOSE:

The purpose of this item is to rezone the property to develop additional vehicle storage for existing auto dealership.

RECOMMENDATION:

Planning Commission and Staff Recommendation (December 2, 2015):

Tract 2 - Approval of the "CG-2" General Commercial District.

Tract 1 - Denial of the change to "CN-1" Neighborhood Commercial District and, in lieu thereof, approval of the "RM-1/SP" Multifamily 1 District with a Special Permit subject to eleven conditions:

1. **Uses:** All uses allowed in the "RM-1" Multifamily 1 District, plus the use of the property for parking of vehicles associated with automobile sales and service. Consequently, no commercial buildings are permitted on Tract 1.
2. **Buffer Yard:** A 20-foot buffer yard shall be required along McArdle Road and shall consist of trees, landscaping, and a screening fence.

3. **Landscaping:** The 20-foot required buffer yard shall include 2 ½-inch caliper canopy trees planted every 30 feet and 500 landscape points achieved by plantings other than trees.
4. **Screening:** A minimum six-foot tall solid screening fence (excluding metal) shall be installed, maintained, and remain in place along McArdle Road south of the required landscaping.
5. **Lighting:** All lighting shall be shielded and meet all requirements of the UDC. Lighting may not exceed 15 feet in height. No private freestanding light shall be installed within 20 feet of the McArdle Road right-of-way.
6. **Outdoor Intercom Systems:** Intercom systems may not exceed 60 decibels (dBA) at the property line along McArdle Road.
7. **Dumpsters:** Solid waste containers shall not be located within the 20-foot buffer yard.
8. **Hours of Operation:** 6:30 AM to 7:30 PM
9. **Ingress/Egress:** A maximum of one ingress/egress point shall be permitted along McArdle Road, which shall be aligned with Nancy Drive unless otherwise determined by Staff during the plan review process. Such access point shall be limited to emergency and employee use only and shall have a bar for the purpose of limiting access of delivery vehicles. McArdle Road shall not be used for deliveries.
10. **Time Limit:** This Special Permit shall expire if applicable site and building permits for the buffer yard, landscaping and screening fence are not obtained within three years of the approval date of the ordinance.
11. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC and Building Code Requirements.

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant is requesting a rezoning to the “CN-1” Neighborhood District on Tract 1 and “CG-2” General Commercial District on Tract 2 to develop additional vehicle storage for an existing auto dealership and to create a 100 foot wide strip of “CN” Neighborhood District zoned property along McArdle Road as a buffer to the neighborhood.

The proposed rezoning is consistent with some elements of the Comprehensive Plan and the Southeast Area Development Plan, but is not consistent with the Future Land Use Map where the property is planned for medium density residential. It is staff’s opinion that the proposed rezoning of Tract 1 may negatively impact the surrounding residential properties across McArdle Road. Staff does not object altogether to the expansion of the existing dealership as such may be appropriately categorized as infill development. Precedent exists throughout the City for requiring buffer areas to mitigate impacts from nonresidential development on residential development. Such precedent exists approximately 1,400 feet to the east of the subject property for the same use. Staff finds it appropriate to apply the same or similar zoning to the subject property.

The applicant is in agreement with the Staff and Planning Commission recommendation, which includes a Special Permit and its conditions.

ALTERNATIVES:

1. Approve the rezoning to “RM-1/SP” on Tract 1 and “CG-2” on Tract 2 as recommended by Staff and Planning Commission.
2. Approve the request to “CN-1” Neighborhood District on Tract 1 and “CG-2” General Commercial District on Tract 2.
3. Deny the request.

OTHER CONSIDERATIONS: Not Applicable

CONFORMITY TO CITY POLICY:

The subject property is located within the boundaries of the Southeast Area Development Plan (ADP). The proposed rezoning is not consistent with the Southeast ADP or the adopted Future Land Use Map’s designation of the property as medium density residential.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal and Planning Commission

FINANCIAL IMPACT:

☐ Operating ☐ Revenue ☐ Capital ☒ Not applicable

Fiscal Year: 2015-2016	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 (PC) – “RM-1/SP” and “CG-2”

Ordinance – Alternative to approve the applicant’s original request “CN-1” and “CG-2”

Planning Commission Final Zoning Report