

STAFF REPORT

Case No. 0115-05
 HTE No. 15-10000001

Planning Commission Hearing Date: January 28, 2015

Applicant & Legal Description	<p>Applicant/Owner: Hayden Partners, LLC Representatives: Austin Prather Legal Description/Location: 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.</p>			
Zoning Request	<p>From: "CG-2/SP" General Commercial District with a Special Permit for a warehouse use To: "IL" Light Industrial District Area: 1.45 acres Purpose of Request: To construct additional office and warehouse space.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
<i>Site</i>		"CG-2/SP" General Commercial District with a Special Permit	Commercial	Commercial
<i>North</i>		"CG-2" General Commercial	Medium Density Residential and Vacant	Commercial
<i>South</i>		"RS-6" Single-Family 6	Vacant	Commercial
<i>East</i>		"CG-2" General Commercial	Commercial and Public Semi-Public	Commercial
<i>West</i>		"CG-2" General Commercial	Vacant	Commercial
ADP, Map & Violations	<p>Area Development Plan: 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. Map No.: 060049 Zoning Violations: None</p>			
Transportation	<p>Transportation and Circulation: The subject property has approximately 200 feet of street frontage along Interstate Highway 37 Access Road, approximately 300 feet of street frontage along Turtle Creek Boulevard, and 200 feet of frontage along River Run Boulevard, all of which are designated as local streets by the Urban Transportation Plan.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2011)
	IH 37 Access Road	Local	60' ROW 40' paved	65' ROW 30' paved	N/A
	Turtle Creek Boulevard	Local	60' ROW 40' paved	80' ROW 55' paved	N/A
	River Run Boulevard	Local	60' ROW 40' paved	80' ROW 65' paved	N/A

Staff Summary:

Requested Zoning: 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.

Development Plan: The proposed rezoning is within the River Square Unit 1 Subdivision. The existing business, which is a supplier of industrial fire protection and safety equipment to the oil and gas market, is zoned “CG-2/SP” General Commercial District with a Special Permit for a warehouse use. City Council approved the Special Permit in 2006. The existing zoning allows for an office area up to 1,500 square feet and warehouse area use up to 3,500 square feet. The existing structure currently has 1,250 square feet office area and 2,500 square feet warehouse area. Due to a successful growing equipment supply business, the customer is proposing a new 2,700 square foot warehouse addition to the existing 3,750 square foot business structure, totaling 6,450 square feet. The existing Special Permit conditions will not allow for the business expansion. The customer is not interested in relocating his business and instead is requested a rezoning to Light Industrial to expand the company at the existing location. The business expansion will not change the type of services currently provided at the existing business. At a minimum, the Unified Development Code would require a 20-foot wide front yard on River Run Boulevard. The site is proposed to use the existing access on Turtle Creek Boulevard.

Existing Land Uses & Zoning: North of the subject property are multifamily dwellings and vacant land zoned “CG-2” General Commercial. South across the freeway from the subject property is vacant land zoned “RS-6” Single-Family 6. East of the subject property is zoned “CG-2” General Commercial with a commercial business and public semi-public use including the Texas Railroad Commission offices. West of the subject property is vacant land zoned “CG-2 General Commercial.

AICUZ: The subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ).

Comprehensive Plan & Area Development Plan Consistency: 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 commercial. The future land use plan calls for commercial uses along this particular area of IH 37 Access Road corridor. However, the Northwest ADP calls for commercial development of a small scale for convenience shopping and nodal commercial development is encouraged where commercial uses are concentrated at the major intersections for arterials and as the area develops, larger scale commercial uses may be necessary (Policy statement B.1.d). The subject property is approximately 1,600 feet from the major arterial Joe Fulton Corridor intersection. The subject property also abuts an existing 10,000 square foot office and shop area facility and a 5,600 square feet office area along the eastern boundary of the property and is surrounded by vacant lots to the north and west and northeast. The subject property area has a high potential of continued growth.

Plat Status: The subject property is platted.

Special Permit Review Criteria:

In determining whether to approve, approve with conditions or deny a special permit, the applicable review bodies shall consider the following criteria:

1. The use is consistent with the Comprehensive Plan.
2. The use complements and is compatible with the surrounding uses and community facilities.
3. The impact of the use on public infrastructure such as roads, natural gas, water, storm water and wastewater systems, and on public services such as police and fire protection and solid waste collection can be minimized without negatively impacting existing uses in the area and in the City.
4. The use contributes to, enhances or promotes the welfare of adjacent properties and the surrounding area.
5. The use does not substantially adversely affect adjacent and neighboring uses permitted in [Article 4](#).
6. The use does conform in all other respect to regulations and standards in this Unified Development Code.
7. If located within or adjacent to a residential area, the physical appearance, hours of operation and conduct of the use does not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution or otherwise detrimentally affect the residential character.
8. The development provides ample off-street parking and loading facilities.

Department Comments:

- The rezoning is not consistent with the Comprehensive Plan and the Northwest Area Development Plan, but 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 existing medium-density to the northwest contains an existing 20 foot street yard on River Run Boulevard, which allow for open space and distance between the medium-density use and light industrial use. The proposed development also provides about a 100-foot buffer yard on River Run Boulevard.
- The amendment is compatible with the present zoning and conforming uses of nearby property and to the character of the surrounding area.
- The property to be rezoned is suitable for uses permitted by the zoning district that would be applied by the proposed amendment.
- The proposed rezoning would not have a negative impact on the surrounding neighborhood.
- Staff finds that the Special Permit Review Criteria is met.

Staff Recommendation:

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 the following conditions:

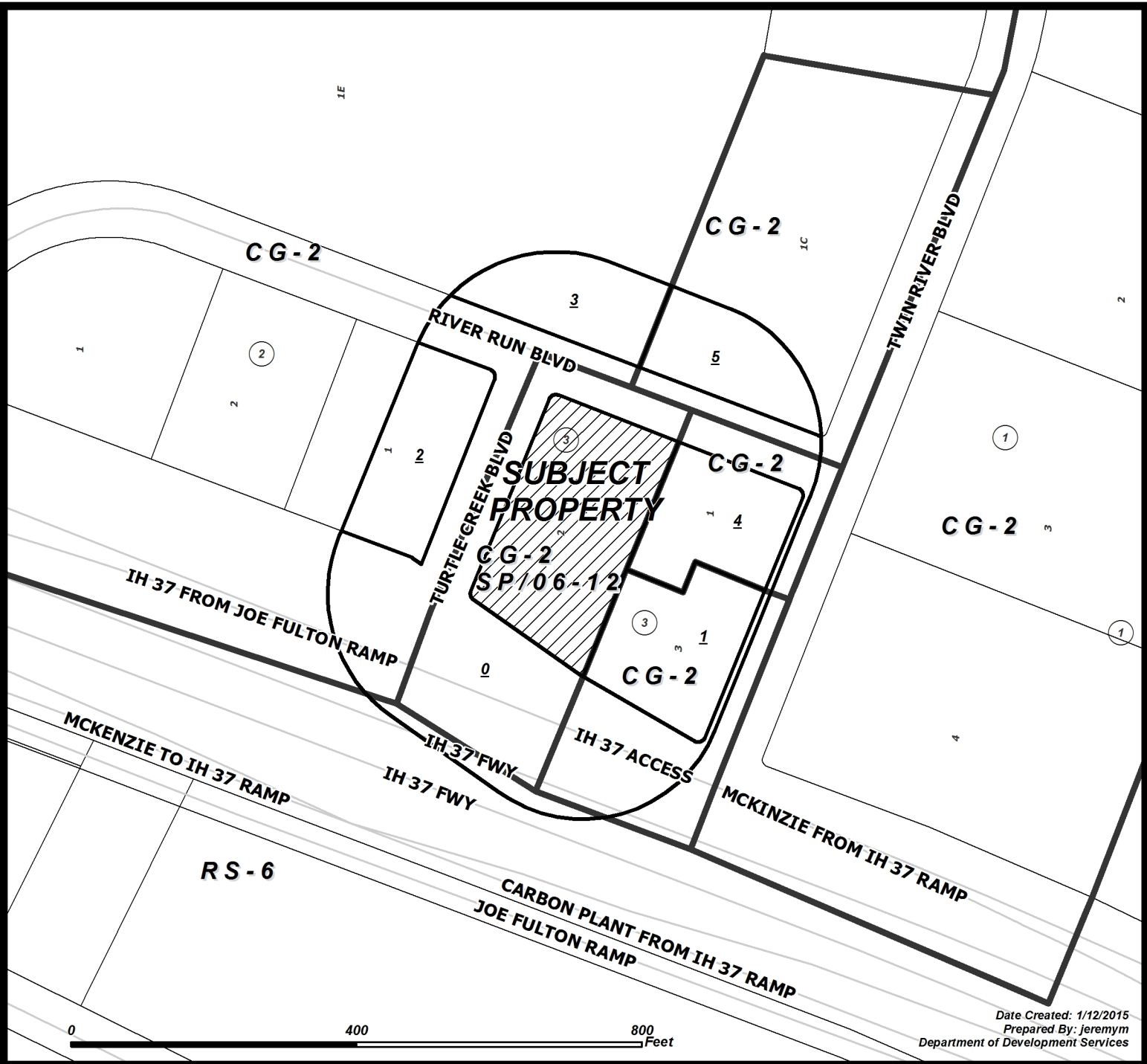
1. **Uses:** The only uses authorized by this Special Permit other than those uses permitted by right in the "CG-2" General Commercial District are office warehouse uses, with an office area up to 1,500 square feet and warehouse area up to 6,500 square feet with a maximum eave height of 24 feet.
2. **Architectural Standards:** Existing Office /warehouse buildings constructed on the lot shall have a masonry facade. Additional office/warehouse buildings located behind the six-foot screening fence are not required to comply with these architectural standards.
3. **Outside Storage:** The outside storage 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 1 - 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 rights –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 shall be deemed to have expired within two (2) years from the date of this ordinance unless the property is being used as outlined in condition # 1 and in compliance with all other conditions and City rules and regulations.

Public Notification	Number of Notices Mailed –	5 within 200-foot notification area 5 outside notification area
	<u>As of January 21, 2014:</u>	
	In Favor	– 0 inside notification area – 0 outside notification area
	In Opposition	– 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.	

Attachments:

1. Location Map (Existing Zoning & Notice Area)



Date Created: 1/12/2015
 Prepared By: Jeremym
 Department of Development Services

CASE: 0115-05 Zoning & Notice Area

RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF Two-Family
CR-1 Resort Commercial	RS-15 Single-Family 15
CR-2 Resort Commercial	RE Residential Estate
CG-1 General Commercial	RS-TH Townhouse
CG-2 General Commercial	SP Special Permit
CI Intensive Commercial	RV Recreational Vehicle Park
CBD Downtown Commercial	RMH Manufactured Home
CR-3 Resort Commercial	
FR Farm Rural	
H Historic Overlay	
BP Business Park	

- Subject Property with 200' buffer
- Owners in favor
- 4** Owners within 200' listed on attached ownership table
- Owners in opposition

