



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of October 20, 2105
Second Reading for the City Council Meeting of October 27, 2015

DATE: September 28, 2015

TO: Ronald L. Olson, City Manager

FROM: Dan M. Grimsbo, P.E., Director, Development Services Department
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<p>Public Hearing and First Reading for Property at 1528, 1536, 1548, and 1604 Rhew Road.</p>
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CAPTION:

Case No. 0915-02 D.L. Johnson: A change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit, not resulting in a change to the Future Land Use Map. The property is described as Lots 5, 6, 7 and 8, Block 1, Rhew Industrial Tracts Unit 1, located on the east side of Rhew Road approximately 1,000 feet south of Leopard Street.

PURPOSE:

The purpose of this item is to rezone the property to allow a concrete batching plant.

RECOMMENDATION:

Planning Commission and Staff Recommendation (September 9, 2015):

Approval of the change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit subject to the following nine conditions:

1. **Uses:** The only use permitted under this Special Permit, other than those allowed by right in the "IL" Industrial District, is a concrete batch plant consisting of portable equipment, and storage of materials and equipment necessary to conduct operations. The concrete batch plant shall not produce more than 600 cubic yards of concrete per day.
2. **Dust:** Dust control shall be in accordance with all City, State, and Federal requirements and specifications. Dust needs to be controlled at both the operation of the batch plant and the stockpile so that it does not drift across the approach to/from airport runways as indicated in the Airport Hazard Map attached.
3. **Lighting:** All light shall be directed downward and shielded. It is essential that lighting not be directed toward any of the airport approach/departure paths or towards the control tower.
4. **Access:** Vehicular access shall be allowed as per the UDC.
5. **Screening and Buffering:** Screening and buffering shall be as stipulated in the UDC.

6. Noise: The applicant shall comply with the City's Noise Ordinance.
7. Time Limit: Applicable permits shall be applied for within one year of approval of the Special Permit or the Special Permit shall expire in accordance with the UDC. Discontinuance of the use for a period of six (6) months shall cause the Special Permit to expire. The Special Permit shall expire in five years unless a time extension is approved by the City Council.
8. Hours of Operation: Operations of the concrete batch plant are limited between 4:00 A.M. and 6:00 P.M.
9. Other Requirements: The Special Permit conditions do not preclude compliance with all applicable UDC, Building Code, and State and/or Federal requirements.

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant is requesting a rezoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit to allow for a heavy industrial use. Heavy industrial uses are permitted in the "IL" Light Industrial district with a Special Permit. The Unified Development Code sets forth review criteria for special use permits and staff believes the proposed use is appropriate at this location given the "IL" Industrial District designation of the subject property. The property to be rezoned is suitable for uses permitted by the zoning district that would be applied by the proposed amendment and it is staff's opinion that the proposed rezoning is compatible with the present zoning and conforming uses of nearby property and to the character of the surrounding area. The rezoning is consistent with elements of the City's Comprehensive Plan, is compatible with the adjacent neighborhood and land uses and would not have a negative impact on the surrounding neighborhood.

ALTERNATIVES:

1. Deny the request.
2. Amend the conditions of the Special Permit.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The subject property is located within the boundaries of the Port/Airport/Violet Area Development Plan. The proposed rezoning to the "IL/SP" Light Industrial District with a Special Permit for a temporary concrete batch plant is consistent with the Port/Airport/Violet Area Development Plan and the adopted Future Land Use Map's designation of the property as light industrial.

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

Planning Commission Final Report