

PLANNING COMMISSION FINAL REPORT

Case No. 0915-02

HTE No. 15-10000047

Planning Commission Hearing Date: September 9, 2015

Applicant & Legal Description	Applicant/Property Owner: D.L. Johnson Legal Description/Location: 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.			
Zoning Request	From: "IL" Light Industrial District To: "IL/SP" Light Industrial District with a Special Permit Area: 4.23 acres Purpose of Request: To allow for a temporary concrete batch plant which is a heavy industrial use.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	Site	"IL" Light Industrial	Vacant	Light Industrial
	North	"IL" Light Industrial	Light Industrial	Light Industrial
	South	"IL" Light Industrial	Vacant	Light Industrial
	East	"IL" Light Industrial	Vacant	Light Industrial
	West	"IL" Light Industrial	Vacant	Light Industrial
ADP, Map & Violations	Area Development Plan: The proposed rezoning to the "IL/SP" Light Industrial District with a Special Permit remains consistent with the adopted Future Land Use Plan and the Port/Airport/Violet Area Development Plan. Map No.: 056046 Zoning Violations: None			
Transportation	Transportation and Circulation: The subject property has approximately 400 feet of frontage on Rhew Road, which is a "C3" Primary Collector street.			

Street R.O.W.	Street	Urban Transportatio n Plan Type	Proposed Section	Existing Section	Traffic Volume
	Rhew Road	"C3" Primary Collector	75' ROW 50' paved	45' ROW 20' paved	N/A

Staff Summary:

Requested Zoning: 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 concrete batch plant. A concrete batch plant is considered a heavy industrial use. Heavy industrial uses are permitted in the "IL" Light Industrial district with a Special Permit.

Development Plan: The applicant proposes to operate a concrete batch plant on the subject property. The equipment at the concrete batch plant is approximately 54 feet in height and is portable equipment. The amount of concrete expected to be produced in an eight-hour day is no more than 600 cubic yards with a total of 50 truck trips per day. The applicant indicates the normal hours of operation are from 6:00 A.M. to 4:00 P.M.

Existing Land Uses & Zoning: The properties in the immediate vicinity of the subject lots to the north, south, east, and west of the subject property are all zoned "IL" Light Industrial. All the properties are vacant with the exception of the property to the north, which is developed with light industrial uses.

AICUZ: The subject property is not located in one of the Navy's Air Installation Compatibility Use Zones (AICUZ). However, the site is near Corpus Christi International Airport runway approaches.

Plat Status: The subject property is comprised of four (4) platted lots

Comprehensive Plan & Area Development Plan Consistency: 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 Plan's designation of the property as light industrial.

The Unified Development Code: The UDC Table 4.6.2 Permitted Uses (Industrial districts) permits Heavy Industrial Uses with a Special Permit. UDC Section 5.1.5.E. Heavy Industrial Uses classifies concrete batch plants as a heavy industrial use.

Unified Development Code Special Permit Review Criteria: The Unified Development Code sets forth review criteria for special use permits. Review criteria applicable to this application are as follows:

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 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.
6. The use does conform in all other respect to regulations and standards in this Unified Development Code.
7. The development provides ample off-street parking and loading facilities.

Department Comments:

1. A concrete batch plant is a heavy industrial use that the Unified Development Code allows in the "IL" Light Industrial District by Special Permit. A Special Permit is subject to limitations as deemed appropriate by the City Council.
2. The proposed use is appropriate at this location given the "IL" Industrial District designation of the subject property.
3. Residential uses exist approximately 1,300 feet away from the subject property and should not be negatively impacted by the proposed use.
4. The application is consistent with the Special Permit review criteria set forth in the Unified Development Code Section 3.6.3 B.
5. The proposed use will meet a demand that exists from various construction projects throughout the City.
6. Permits from The Texas Commission on Environmental Quality (TCEQ) will ensure operations are conducted in an environmentally sound manner.
7. The site plan submitted is consistent with the criteria set forth in the Unified Development Code.
8. Airport operations are protected through the Special Permit conditions on time limit, dust, and lighting.

Planning Commission and Staff Recommendation:

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

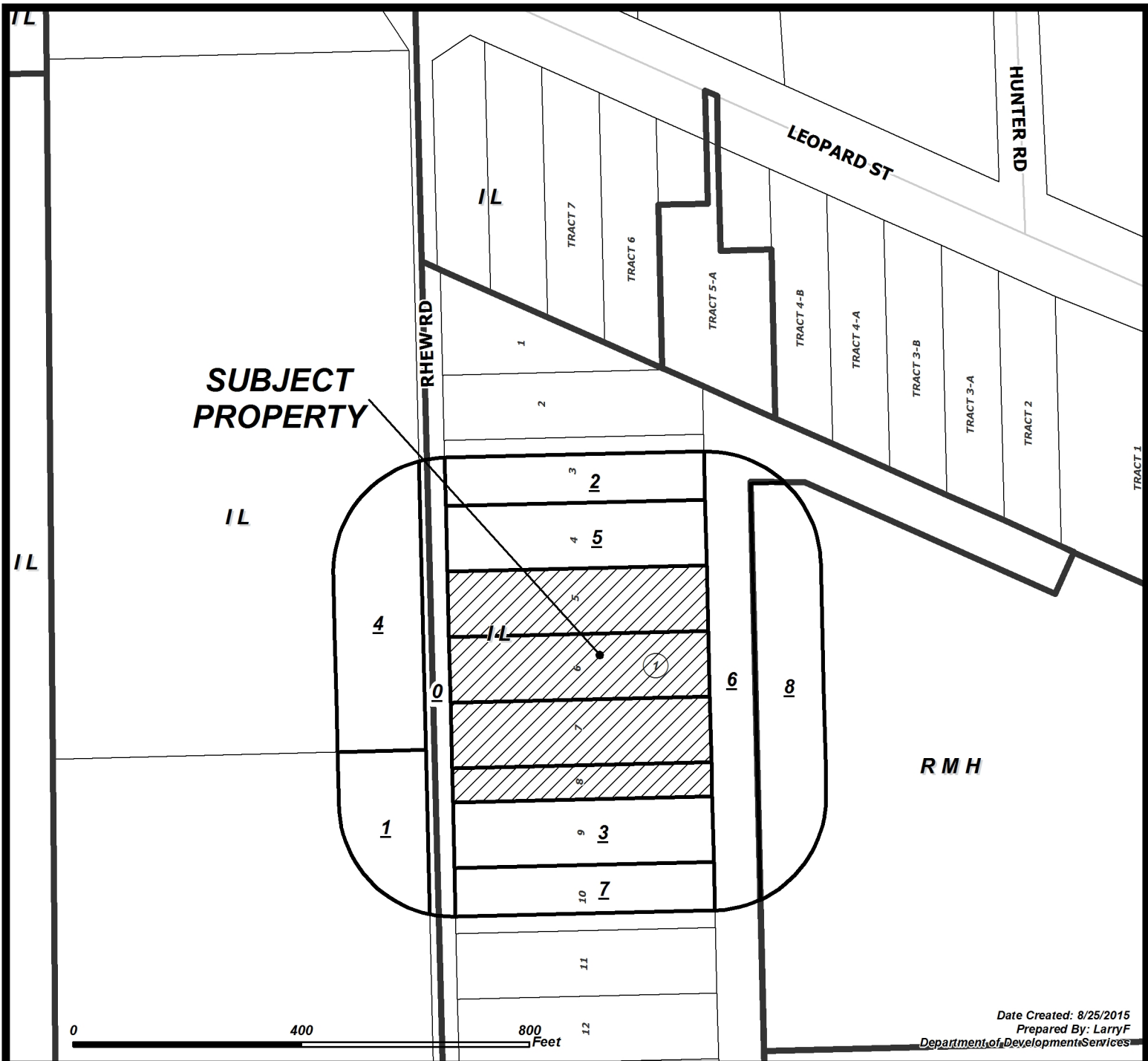
1. **Uses:** The only use permitted under this Special Permit, other than those allowed by right in the "IL" Industrial District, is a concrete batch plant consisting of portable equipment, and storage of materials and equipment necessary to conduct operations. The concrete batch plant shall not produce 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.

Public Notification	Number of Notices Mailed – 8 within 200-foot notification area 1 outside notification area
	<u>As of September 28, 2015:</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)
2. Proposed Site Plan Layout
3. Concrete Batch Plant Schematic
4. Airport Hazard Map
5. Application
6. Returned Notices

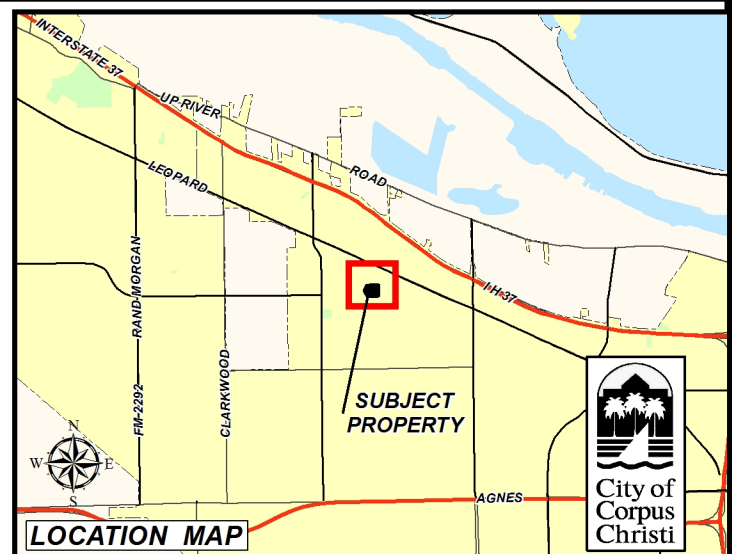


CASE: 0915-02

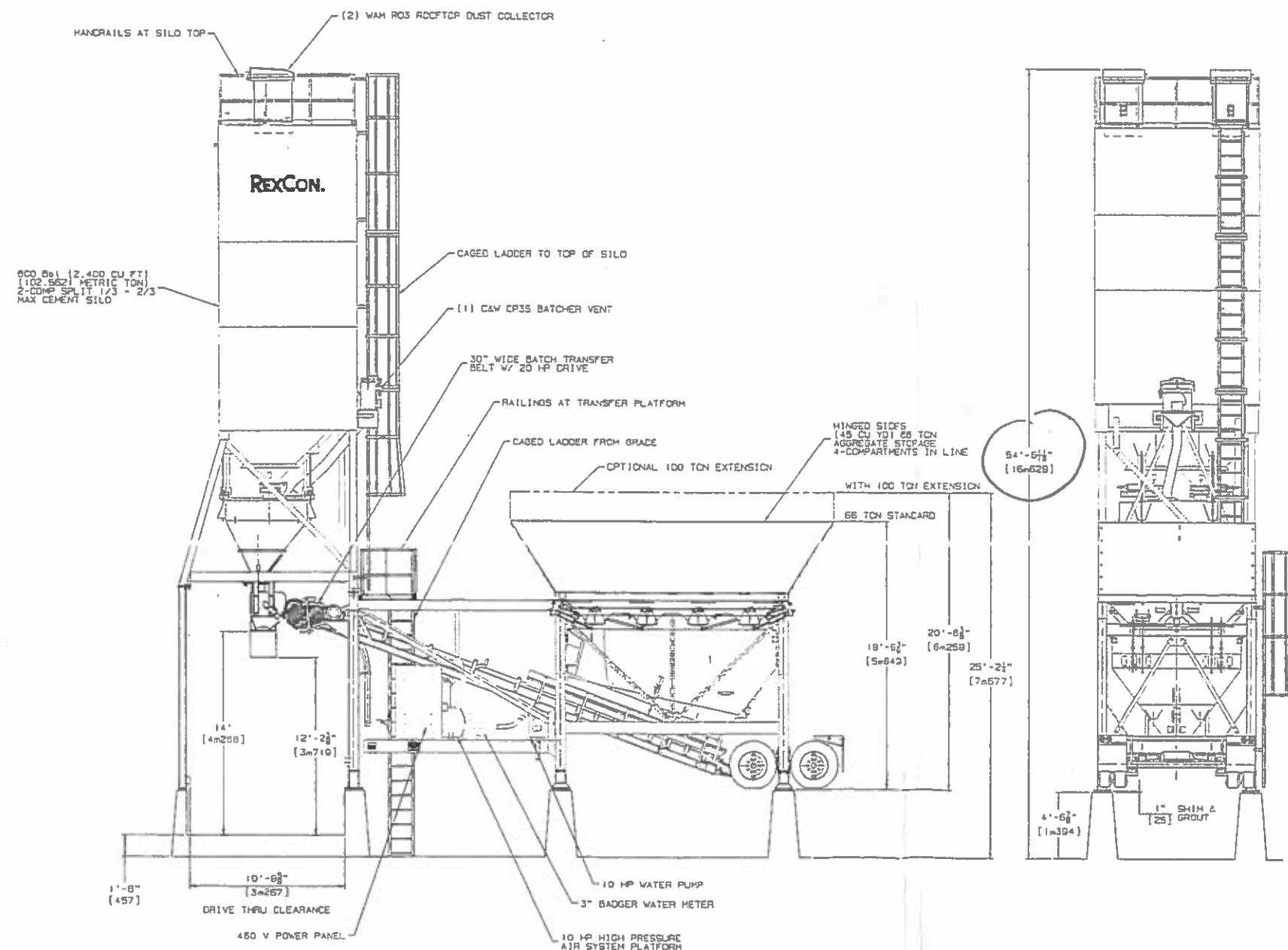
ZONING & NOTICE AREA

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	

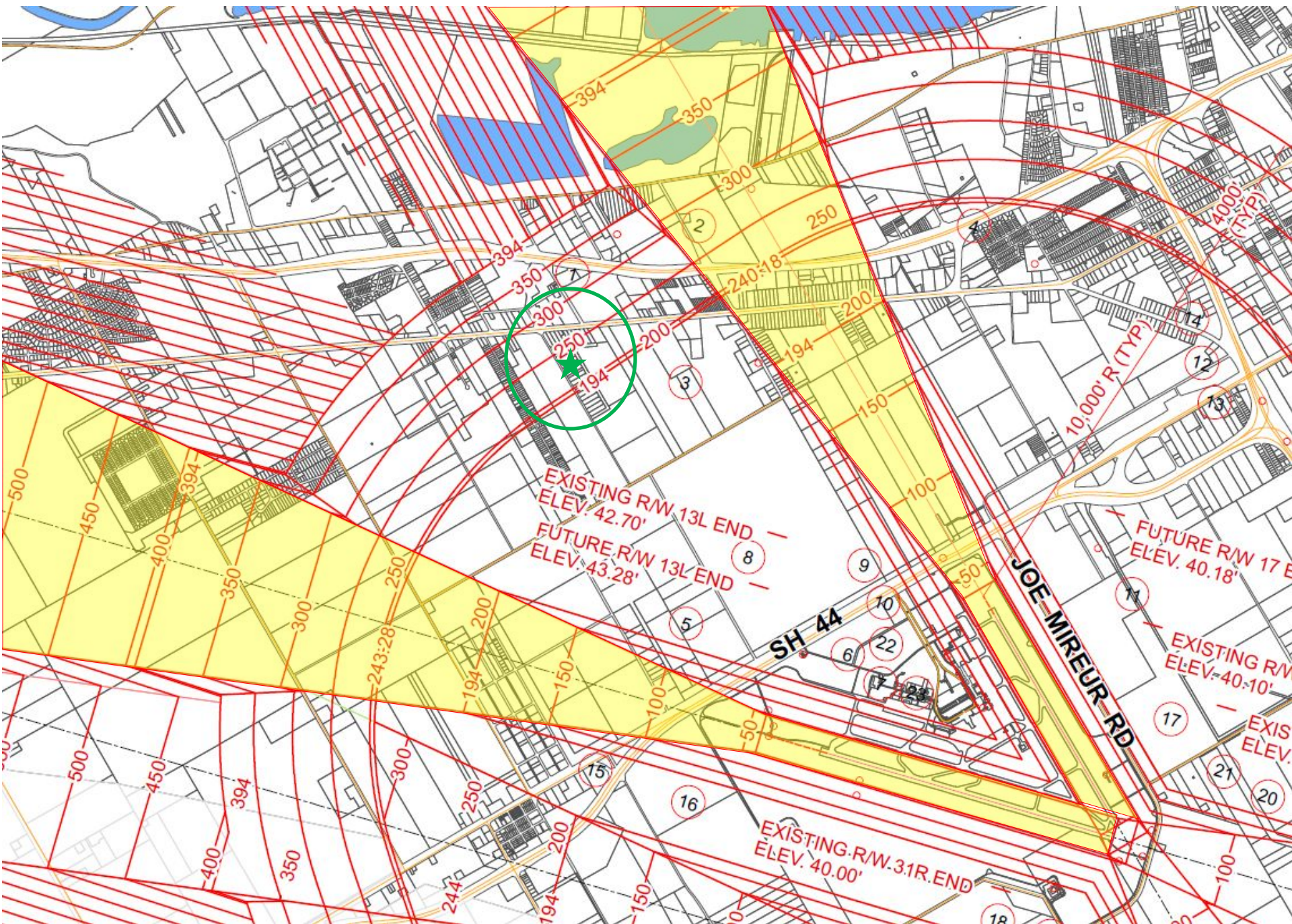
- Subject Property with 200' buffer
 Owners in favor
 Owners within 200' listed on attached ownership table
 Owners in opposition



1604 Rhew



					CONFIDENTIAL - ALL RIGHTS RESERVED - PROPERTY OF	
					REXCON L.L.C. BURLINGTON, WISCONSIN 53105	
					SCALE 5/16"=1'-0" DIMENSIONS IN INCHES IF NOT SPECIFIED DATE 3-18-14	
					GENERAL ASSEMBLY LOGO 10 600 BBL SILO	
CON NO.		CHANGE NO.	PROJECT LEAD BY	NO. DES.	SUPERSEDES	SUPERSEDED BY
						TAR
(P/N) DIMENSIONS CON NO.		MAT'L SPEC. DIM. STYL. NO.		UNLESS OTHERWISE SPECIFIED DIMENSIONS ARE IN INCHES UNLESS NOTED OTHERWISE FRACTIONS = 1/32 INCREMENTS + 1/8 INCH ALL DIMENSIONS ARE IN INCHES		
				PART OR PATTERN NO. DRAWING NO.		
				DZT-18-1796		





P.O. Box 9277
Corpus Christi, Texas 78469-9277
(361) 826-3240
Located at 2406 Leopard Street
(Corner of Leopard Street and Port Avenue)

APPLICATION FOR A CHANGE OF ZONING

Office Use Only

Case No.: 0915-02 Map No.: 056046

*Planning Commission Hearing Date: 9/9/15

Location: **City Hall Council Chambers, 1201 Leopard Street at 5:30 p.m.**
**A maximum of five applications are scheduled per hearing. Applications received after the five maximum will be scheduled to the next available meeting.*

1. Applicant/Representative: D L Johnson Telephone: (361) 883-6300
Address (City, State, Zip): 7775 Leopard Street, Corpus Christi, Texas
E-mail Address: [REDACTED] Cell Phone: (361) 883-6300

2. Property Owner(s): D L Johnson Telephone: (361) 883-6300
Address (City, State, Zip): 7775 Leopard Street, Corpus Christi, Texas
E-mail Address: [REDACTED] Cell Phone: (361) 883-6300
Ownership Type: ☒ Sole ☐ Partnership ☐ Corporation ☐ Other:

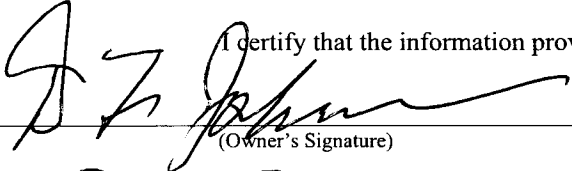
3. Current Zoning and Use: IL Proposed Zoning and Use: Special Permit
Project Address: 1528, 1536, 1548 & 1604 Rhew Road Area of Request (sq. ft./acres): 4.23
12-Digit Nueces County Tax ID: - - - - -
If platted, Subdivision Name: Rhew Industrial Tracts Unit 1 Block: Lot(s):
Legal description: Lots 5,6,7 & 8, Block 1, Rhew Industrial Tracts Unit 1

4. DOCUMENTS ATTACHED

REQUIRED: ☒ Land Use Statement ☒ Disclosure of Interest ☒ Copy of Warranty Deed

IF APPLICABLE: ☒ Executed Appointment of Agent

☐ Metes and bounds if request is for a portion of a platted lot or an unplatted lot


(Owner's Signature)
D.L. Johnson
(Owner's Printed Name)


(Applicant's Signature)
Reba Ann Johnson
(Applicant's Printed Name)

All signatures on this application shall be original signatures. No copied prints or faxed copies.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Application Fees (as of November 1, 2011):

0.00 - 0.99 acre	\$ 1,107.50
1.00 - 9.99 acres	\$ 1,692.50
10.00 - 24.99 acres	\$ 1,976.75
25 + acres	\$ 1,976.75 plus \$50.00 per acre over 25 acres

Notice Sign Fee \$10.00 per sign

Office Use Only

Date Received: 4/20/15 Received By:

Application Fee: 1692.50

No. Signs Required 1 X \$10 Sign Fee: 10.00

Total: 1702.50

Sign Posting Date: ADP: PV

Form Revised 8/24/12



P.O. Box 9277
Corpus Christi, TX 78469-9277
(361) 826-3240
Located at: 2406 Leopard St.

LAND USE STATEMENT

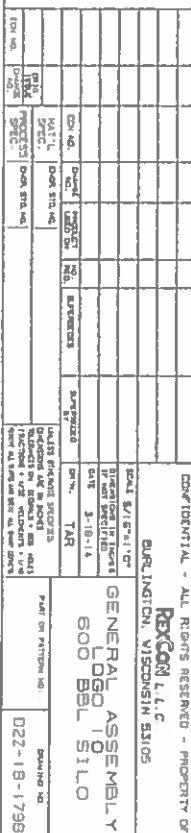
Complete land use statement form containing the following information:

1. State the purpose of the request and include applicable background information as to the development plan for the property, i.e., usage of property, number and square footage(s) of existing and/or proposed building(s)/unit(s), building(s)/unit(s) height, parking plans/spaces, phasing schedule of development, number of employee(s) associated with the office, business or industrial development, hours of operation, modification or demolition plans for existing structure(s), type, area and setback of signage, etc.

PURPOSE FOR LAND USE IS "HEAVY INDUSTRIAL" FOR THE CONSTRUCTION OF A TEMPORARY CONCRETE BATCH PLANT LOCATED ON LOTS 5,6,7 & 8, BLOCK 1, RHEW INDUSTRIAL TRACTS UNIT 1 WHICH ARE ZONED "IL" LIGHT INDUSTRIAL.

2. Identify the existing land uses adjoining the area of request:

North - COMMERCIAL BUILDING FOR HIGHWAY BARRICADES - LIGHT INDUSTRIAL
South - VACANT - LIGHT INDUSTRIAL
East - VACANT - LIGHT INDUSTRIAL
West - VACANT - LIGHT INDUSTRIAL



MUNOZ ENGINEERING

TBPE FIRM No. 12240

Practical Engineering Solutions

April 15, 2015

City of Corpus Christi – Development Services

2406 Leopard, Suite No 100

Corpus Christi, TX 78408

Attn: Steven Rhea, Project Manager

Re: Highway Barricades Zoning Change Authorized Agent

This letter is to confirm that Ramiro Munoz III, PE of Munoz Engineering is an Authorized Agent regarding the above mentioned project and site.

Ramiro Munoz III, PE will be our direct contact and will be answering and question regarding the said permit.

A handwritten signature in black ink, appearing to read 'DL Johnson', is written over a horizontal line. The signature is stylized and extends to the right.

DL Johnson, Sole Proprietor

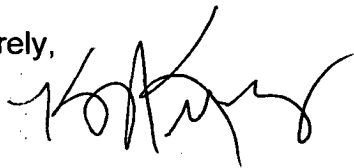
Subject property:

Lots 5,6,7 and 8, Rhew Industrial Tract Unit 1, Nueces County Texas, being approximately 4.2303 acres.

To Whom it may concern,

As the lien holder of the above mentioned property I have no issue with a zoning usage change.

Sincerely,

 7/30/15

Kathleen J Kirchberg
103 Duke Ln
Portland, Texas
78374-1331

Phone 361-633-7744



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Department of Development Services
P.O. Box 9277
Corpus Christi, Texas 78469-9277
(361) 826-3240
Located at: 2406 Leopard Street
(Corner of Leopard St. and Port Ave.)

DISCLOSURE OF INTERESTS

City of Corpus Christi Ordinance 17112, as amended, requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA".

NAME: D.L. Johnson
STREET: 7775 Leopard CITY: Corpus Christi ZIP: 78409
FIRM is: ☐ Corporation ☐ Partnership ☒ Sole Owner ☐ Association ☐ Other _____

DISCLOSURE QUESTIONS

If additional space is necessary, please use the reverse side of this page or attach separate sheet.

1. State the names of each "employee" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Job Title and City Department (if known)
<u>N/A</u>	<u>N/A</u>

2. State the names of each "official" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Title
<u>N/A</u>	<u>N/A</u>

3. State the names of each "board member" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Board, Commission, or Committee
<u>N/A</u>	<u>N/A</u>

4. State the names of each employee or officer of a "consultant" for the City of Corpus Christi who worked on any matter related to the subject of this contract and has an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name	Consultant
<u>N/A</u>	<u>N/A</u>

CERTIFICATE

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Corpus Christi, Texas as changes occur.

Certifying Person: D.L. Johnson Title: Owner
(Print)

Signature of Certifying Person: [Signature] Date: 4/15/15



City of Corpus Christi, Texas
Department of Development Services
P.O. Box 9277
Corpus Christi, Texas 78469-9277
(361) 826-3240
Located at: 2406 Leopard Street
(Corner of Leopard St. and Port Ave.)

DISCLOSURE OF INTERESTS

City of Corpus Christi Ordinance 17112, as amended, requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA". *Highway Barricadas + Services, LLC*

NAME: DBA Corpus Christi Ready Mix

STREET: 7775 Leopard St. CITY: Corpus Christi ZIP: 78409

FIRM is: ☐ Corporation ☐ Partnership ☐ Sole Owner ☐ Association ☒ Other LLC

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N/A

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N/A

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Name Board, Commission, or Committee

N/A

4. State the names of each employee or officer of a "consultant" for the City of Corpus Christi who worked on any matter related to the subject of this contract and has an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name Consultant

CERTIFICATE

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Corpus Christi, Texas as changes occur.

Certifying Person: Reba Ann Johnson Title: Managing Member
(Print)

Signature of Certifying Person: Reba Ann Johnson Date: 5/12/15

Persons with disabilities planning to attend this meeting, who may require special services, are requested to contact the Development Services Department at least 48 hours in advance at (361) 826-3240. Personas con incapacidades, que tienen la intención de asistir a esta junta y que requieren servicios especiales, se les suplica que den aviso 48 horas antes de la junta llamando al departamento de servicios de desarrollo, al número (361) 826-3240.

If you wish to address the Commission during the meeting and your English is limited, please call the Development Services Department at (361) 826-3240 at least 48 hours in advance to request an interpreter be present during the meeting. Si usted desea dirigirse a la commission durante la junta y su inglés es limitado, favor de llamar al departamento de servicios de desarrollo al número (361) 826-3240 al menos 48 horas antes de la junta para solicitar un intérprete ser presente durante la junta.

**CITY PLANNING COMMISSION
PUBLIC HEARING NOTICE
Rezoning Case No. 0915-02**



D. L. Johnson has petitioned the City of Corpus Christi to consider a change of zoning from the **"IL" Light Industrial District** to the **"IL/SP" Light Industrial District with a Special Permit for a Heavy Industrial use (concrete batch plant), not resulting in a change to the Future Land Use Map.** The property to be rezoned 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.

The Planning Commission may recommend to City Council approval or denial, or changes to the Special Permit conditions. Approval of a change of zoning, if inconsistent with the City's Comprehensive Plan, will also have the effect of amending the Comprehensive Plan to reflect the approved zoning.

The Planning Commission will conduct a public hearing for this rezoning request to discuss and formulate a recommendation to the City Council. The public hearing will be held on **Wednesday, September 9, 2015**, during one of the Planning Commission's regular meetings, which begins at **5:30 p.m.**, in the City Council Chambers, 1201 Leopard Street. You are invited to attend this public hearing to express your views on this rezoning request. For more information, please call (361) 826-3240.

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE DEVELOPMENT SERVICES DEPARTMENT, P. O. BOX 9277, CORPUS CHRISTI, TEXAS 78469-9277. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Planning Commission By-Laws, no discussion shall be held by a member or members of this Commission with an applicant or appellant concerning an application or appeal, either at home or office, or in person, by telephone call or by letter.

Printed Name: Kathleen Kirchberg
Address: 103 Duke City/State: Portland TX
☒ IN FAVOR ☐ IN OPPOSITION Phone: 361 633 7744
REASON:

Signature

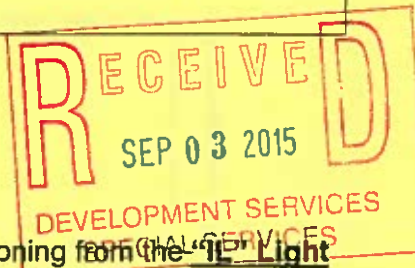
SEE MAP ON REVERSE SIDE
Property Owner ID: 12
HTE# 15-1000047

Case No. 0915-02
Project Manager: Dolores Wood

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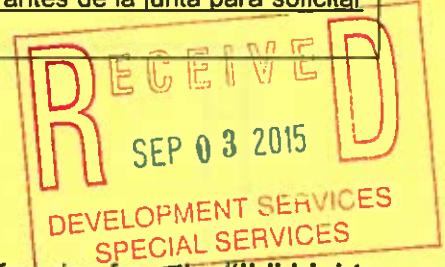
Printed Name: KATHLEEN Kiechberg
Address: 103 Duke City/State: PORTLAND TX
(☒) IN FAVOR (☐) IN OPPOSITION Phone: 361 433 7744
REASON:

Signature

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Printed Name: KATHLEEN KIRCHBERG

Address: 103 Duke City/State: Portland TX

☒ IN FAVOR () IN OPPOSITION Phone: 361 6337744

REASON:

Signature

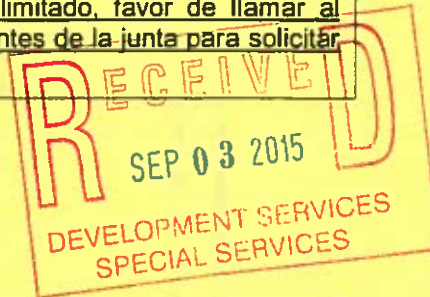
SEE MAP ON REVERSE SIDE
Property Owner ID: 5
HTE# 15-10000047

Case No. 0915-02
Project Manager: Dolores Wood

Persons with disabilities planning to attend this meeting, who may require special services, are requested to contact the Development Services Department at least 48 hours in advance at (361) 826-3240. Personas con incapacidades, que tienen la intención de asistir a esta junta y que requieren servicios especiales, se les suplica que den aviso 48 horas antes de la junta llamando al departamento de servicios de desarrollo, al número (361) 826-3240.

If you wish to address the Commission during the meeting and your English is limited, please call the Development Services Department at (361) 826-3240 at least 48 hours in advance to request an interpreter be present during the meeting. Si usted desea dirigirse a la commission durante la junta y su inglés es limitado, favor de llamar al departamento de servicios de desarrollo al número (361) 826-3240 al menos 48 horas antes de la junta para solicitar un intérprete ser presente durante la junta.

**CITY PLANNING COMMISSION
PUBLIC HEARING NOTICE
Rezoning Case No. 0915-02**



D. L. Johnson has petitioned the City of Corpus Christi to consider a change of zoning from the **"IL" Light Industrial District** to the **"IL/SP" Light Industrial District with a Special Permit for a Heavy Industrial use (concrete batch plant), not resulting in a change to the Future Land Use Map.** The property to be rezoned 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.

The Planning Commission may recommend to City Council approval or denial, or changes to the Special Permit conditions. Approval of a change of zoning, if inconsistent with the City's Comprehensive Plan, will also have the effect of amending the Comprehensive Plan to reflect the approved zoning.

The Planning Commission will conduct a public hearing for this rezoning request to discuss and formulate a recommendation to the City Council. The public hearing will be held on **Wednesday, September 9, 2015**, during one of the Planning Commission's regular meetings, which begins at **5:30 p.m.** in the City Council Chambers, 1201 Leopard Street. You are invited to attend this public hearing to express your views on this rezoning request. For more information, please call (361) 826-3240.

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE DEVELOPMENT SERVICES DEPARTMENT, P. O. BOX 9277, CORPUS CHRISTI, TEXAS 78469-9277. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Planning Commission By-Laws, no discussion shall be held by a member or members of this Commission with an applicant or appellant concerning an application or appeal, either at home or office, or in person, by telephone call or by letter.

Printed Name: Kathleen Kirchberg
Address: 103 Dulle City/State: Portland TX
(X) IN FAVOR () IN OPPOSITION Phone: 361 633 7744
REASON:

Signature