



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of February 9, 2016
Second Reading for the City Council Meeting of February 16, 2016

DATE: January 19, 2016

TO: Ronald L. Olson, City Manager

FROM: Daniel McGinn, AICP CFM, Interim Director, Development Services Department
DanielMc@cctexas.com
(361) 826-3595

<p>Public Hearing and First Reading for Property at 11330 Leopard Street</p>

CAPTION:

Case No. 0116-03 Fantozzi, Ltd: A change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District. The property is described as Lot 4, Block 1, Wal-Mart Subdivision, located on the north side of Leopard Street between Violet Road and Hart Road.

PURPOSE:

The purpose of this item is to rezone the property to allow light industrial uses.

RECOMMENDATION:

Planning Commission and 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 for limited industrial uses, subject to a site plan and the following conditions:

1. **Uses.** All uses allowed in the "CG-2" General Commercial District, plus the following uses from the use categories "Warehouse and Freight Movement," "Wholesale Trade," and "Light Industrial Service Uses" are permitted within the existing building of approximately 57,000 square feet as shown in the site plan:
 - a. Household moving and general freight storage
 - b. Produce and storage warehouse
 - c. Warehouse used for storage of retail goods
 - d. Building materials storage and sales
 - e. Building, heating, plumbing or electrical contractor's shop or storage
 - f. Uses similar in nature and intensity to the uses listed as determined by the Director of Development Services.

2. **Screening:** A solid screening fence in accordance with UDC requirements shall be installed along the south property line of the adjacent property to the north.
3. **Outdoor Storage:** Outdoor storage shall be limited to five percent of the site and shall not be located within 200 feet of the Leopard Street right-of-way. Any outdoor storage shall be screened per UDC requirements except that chain link fencing with privacy slats shall not be considered an acceptable screen.
4. **Landscaping:** The Owner shall install landscaping to achieve 5,760 square feet of landscape area and 115 points. Included in such landscaping shall be a landscaped visual screen of the parking lot along the Leopard Street right-of-way per UDC Section 7.3.11. However, compliance with the installation of landscape islands in the parking lot is not required. The Owner shall submit a landscape plan in accordance with UDC Section 7.3.16 "Landscape Plan Submittal Requirements" for the City's review and approval and install such landscaping within one year from approval of a certificate of occupancy. The Owner must ensure that all landscaping is kept in a healthy and growing condition at all times.
5. **Noise:** All activities must be conducted in accordance with the City's Noise Ordinance.
6. **Hours of Operation:** 7 AM to 6 PM
7. **Ingress/Egress:** Infrastructure plans shall be submitted for review and approval to improve access points, in accordance with the City's adopted standards and specifications, to safely accommodate the traffic that may be generated by the proposed uses. Changes to existing access points may be required including possible closure of one access point if warranted to improve traffic movements onto and off the site.
8. **Time Limit:** The Special Permit shall expire in 24 months after approval of this ordinance unless a complete building permit application has been submitted, or if no building permit is required, a certificate of occupancy has been issued.
9. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, and Building and Fire Code Requirements.

For: 6

Against: 0

Absent: 3

BACKGROUND AND FINDINGS:

As detailed in the attached report, the subject property contains an unoccupied former Wal-Mart building and is zoned "CG-2" General Commercial District. The applicant is requesting a zoning change as interest in leasing the property has been limited to businesses classified under Unified Development Code (UDC) use categories 5.1.5.B Warehouse and Freight Movement and 5.1.5.D Wholesale Trade, which are uses not permitted in a "CG-2" General Commercial District.

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 Area Development Plan or the adopted Future Land Use Map's designation of the property as commercial.

A rezoning of the site, however, may further other goals of the Comprehensive Plan pertaining to redevelopment of existing sites and other pertinent policies pertaining to development. A change in zoning to the "IL" Light Industrial District is not the most appropriate action given existing land uses and potential impact on surrounding properties. Approval of a Special Permit in lieu of an industrial designation may facilitate a redevelopment of the site without altering the overall character of the area. Special Permit Review Criteria set forth in the UDC are applicable and have been reviewed. The rezoning of the property with a Special Permit is consistent with some elements of the Comprehensive Plan and the Northwest ADP. Special Permit conditions may ensure that proposed uses are compatible with existing and future land uses.

The applicant is in agreement with the proposed Special Permit.

ALTERNATIVES:

1. Approve the rezoning to "CG-2/SP" as recommended by Staff and Planning Commission.
2. Approve the request to "IL" Light Industrial District. (requires ¾ vote)
3. Deny the request.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

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 Area Development Plan or the adopted Future Land Use Map's designation of the property as commercial.

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 for CG-2/SP

Ordinance for IL

Planning Commission Final Report