



AGENDA MEMORANDUM

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

DATE: June 21, 2016

TO: Margie Rose, Interim City Manager

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

<p>Public Hearing and First Reading for Property at 1402 Agnes Street</p>
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CAPTION:

Case No. 0616-03 J.Z. Auto, LLC: A change of zoning from the "IL" Light Industrial District to the "CI" Intensive Commercial District. The property to be rezoned is described as Lots 15 and 16, Block 3, Chamberlin's Subdivision, located on the northwest corner of Agnes Street and 12th Street.

PURPOSE:

The purpose of this item is to reduce setback requirements in order to allow expansion of an existing auto repair and servicing shop.

RECOMMENDATION:

Denial of the rezoning from the "IL" Light Industrial District to the "CI" Commercial Intensive District and, in lieu thereof, approval of the "CI/SP" Intensive 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 "CI" Intensive Commercial base zoning district are the general repair of engines, transmissions, or radiators and the general repair or overhaul of air-conditioning systems, which are classified as "Vehicle Service, Heavy" uses.
2. **Limitations.** All vehicle service operations on the Property shall occur within an enclosed structure.
3. **Time Limit.** In accordance with the UDC, this Special Permit shall be deemed to have expired within 12 months of this ordinance unless a complete building permit

application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Vote Results:

For: Unanimous

Opposed: 0

Abstained: 0

Absent: 0

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant is requesting a rezoning from the “IL” Light Industrial District to the “CI” Intensive Commercial District to reduce setback requirements in order to allow installation of a new metal building for an existing vehicle service business.

The applicant is proposing to expand its existing building, but with the limited area available on the site, the expansion can only occur toward the rear of the property and would need a zero-foot rear and side yard setback allowance. The rezoning to the “CI” Intensive Commercial District, a zoning district often applied to properties in the Downtown Area, would eliminate the rear and side yard setback requirement and allow expansion of the existing building.

Some of the services offered are categorized by the City’s Unified Development Code (“UDC”) as Heavy Vehicle Services as opposed to Limited Vehicle Services. Heavy Vehicle Services are not allowed in the “CI” Intensive Commercial District but are allowed in the “IL” Light Industrial District. The proposed expansion of a vehicle service use that includes “Heavy” Vehicle Services, such as transmission, radiator, engine and air conditioning repair, is defined as a use requiring an “IL” Light Industrial District. A Special Permit to allow some of the “heavy” repair uses could be used to allow the use on the site and mitigate any negative effects that could occur to nearby commercial businesses and future residential uses.

While the rezoning does not match the designation for medium density on the City’s Comprehensive Plan, the rezoning to a less intensive district should be considered as beneficial to the long term transition to more residential or mixed-use development in this area near the downtown. Staff’s opinion is that the vehicle service use at this location with some limited Heavy Vehicle Services would not decrease the residential desirability of this neighborhood, which is one of the findings required of the Comprehensive Plan when deciding which commercial uses to allow within designated residential areas.

The applicant is in agreement with the Planning Commission and Staff recommendation for the “CI/SP” Intensive Commercial District with a Special Permit.

ALTERNATIVES:

1. Approve the rezoning to “CI/SP” Intensive Commercial District with a Special Permit as recommended by Staff and Planning Commission.
2. Approve the request to “CI” Intensive Commercial District. (requires $\frac{3}{4}$ vote)
3. Deny the request.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The subject property is located within the boundaries of the Central Business Development Plan. The proposed rezoning to the "CI" Intensive Commercial District may help to transition this area away from incompatible industrial uses toward uses that are medium density residential or uses that are supportive of residential uses.

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:

Ordinance for CI/SP

Ordinance for CI

Presentation - Aerial Map

Planning Commission Final Report