

PLANNING COMMISSION REPORT

Case No. 0616-06

HTE No. 16-10000014

Planning Commission Hearing Date: June 29, 2016

| | | | | |
|-------------------------------|---|--|--------------------------|------------------------|
| Applicant & Legal Description | Applicant/Owner: Isaias Franco Legal Description/Location: Tract 1 is described as a 4.00-acre tract and Tract 2 is described as a 25.003-acre tract, both tracts being out of the Anthony C. Page Survey 591, Abstract 1010 and the A.M. French Survey 312, Abstract 1018. | | | |
| Zoning Request | From: "R-MH" Manufactured Home To: "IL/SP" Light Industrial District with a Special Permit on Tract 1 for a concrete batching plant and to the "IL" Light Industrial District on Tract 2. Area: 29.003 acres Purpose of Request: To allow construction of a temporary concrete batch plant on Tract 1 and future light industrial uses on Tract 2. | | | |
| Existing Zoning and Land Uses | | Existing Zoning District | Existing Land Use | Future Land Use |
| | <i>Site</i> | "R-MH" Manufactured Home | Vacant | Light Industrial |
| | <i>North</i> | "IL/SP" Light Industrial with a Special Permit for Resource Extraction | Vacant | "IL/SP" Light |
| | <i>South</i> | "IL" Light Industrial | Vacant | Light Industrial |
| | <i>East</i> | "IL/SP" Light Industrial with a Special Permit for Resource Extraction | Vacant | Light Industrial |
| | <i>West</i> | "IL" Light Industrial | Vacant | Light Industrial |
| ADP, Map & Violations | Area Development Plan: The subject property is located within the boundaries of the Port/Airport/Violet (PAV) Area Development Plan and is planned for light industrial uses. The proposed rezoning to the "IL/SP" Light Industrial District with a Special Permit on Tract 1 for a concrete batching plant and to the "IL" Light Industrial District on Tract 2 is consistent with the adopted Future Land Use Map and the PAV Area Development Plan. Map No.: 056045 Zoning Violations: None | | | |

| | | | | | |
|-----------------------|---|---------------------------------------|-------------------------|-----------------------------|----------------------------|
| Transportation | Transportation and Circulation: Tract 1 has approximately 375 feet of street frontage along Rhew Road and Tract 2 has approximately 525 feet of frontage on Rhew Road. The Urban Transportation Plan designates Rhew Road as a proposed “C3” Primary Collector street. The maximum desirable average daily trips (ADT) for a designated “C3” is 4,000 to 8,500 daily trips. The subject property is located on the east side of Rhew Road approximately 1,000 feet north of Sedwick Road and 2,700 feet south of Leopard Street. Sedwick Road is designated as a proposed “A1” Minor Arterial Undivided street with a maximum ADT of 15,000 to 24,000 daily trips. Leopard Street is an existing “A2” Secondary Arterial Divided with a maximum ADT of 20,000 to 32,000 daily trips. | | | | |
| Street R.O.W. | Street | Urban Transportation Plan Type | Proposed Section | Existing Section | Traffic Volume |
| | Rhew Road | “C3” Primary Collector | 75’ ROW 50’ paved | 60’ ROW 20’ paved | N/A |
| | Sedwick Road | “A1” Minor Arterial Undivided | 95’ ROW 64’ paved | 60’ ROW 23’ paved | N/A |
| | Leopard Street | “A2” Secondary Arterial Divided | 100’ ROW 54’ paved | 150’ ROW 32’ – 38’ paved | 2012 W 3,807 E 4,251 |

Staff Summary:

Requested Zoning:

Tract 1: The applicant is requesting a rezoning from the “R-MH” Manufactured Home District to the “IL/SP” Light Industrial District with a Special Permit on Tract 1 to allow construction of a temporary concrete batching plant. A concrete batching plant is classified in the Unified Development Code (UDC) as “Minerals and Earths: quarrying, extracting, grinding, crushing, and processing,” which is a “heavy industrial use.” Heavy Industrial uses are allowed in the “IL” Light Industrial District only through a Special Permit.

Tract 2: The applicant is also requesting a rezoning from the “R-MH” Manufactured Home District to the “IL” Light Industrial District on Tract 2 for undetermined future light industrial uses.

Development Plan:

Tract 1: The applicant proposes to operate a concrete batch plant on Tract 1, which is four acres in area. 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.

Tract 2: Tract 2 totals approximately 25 acres in area. The applicant does not have plans for development of Tract 2 at this time. The applicant also owns approximately 32 acres zoned “IL” Light Industrial District immediately to the north and to the east of the subject property, where he currently operates a resource extraction business. The purpose of rezoning Tract 2 to the “IL” Light Industrial District is to eliminate the

residential zoning district, “R-MH” Manufactured Home District. Rezoning Tract 2 to the “IL” Light Industrial District would prevent incompatible uses, i.e. residential uses, from developing in an industrial area.

Existing Land Uses & Zoning:

The subject property is zoned “R-MH” Manufactured Home District and is vacant. North of the subject property is zoned “IL/SP” Light Industrial with a Special Permit for Resource Extraction, which is owned and operated by the applicant Isaias Franco, and also to the north are industrial lots zoned “IL” Light Industrial District. Many of these industrial lots are industrial yards. The property to the south and west is vacant and is zoned “IL” Light Industrial District. To the east is land zoned “IL/SP” Light Industrial with a Special Permit for Resource Extraction, which is owned and operated by the applicant, Isaias Franco.

Comprehensive Plan & Area Development Plan (ADP) 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.

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

Plat Status: The subject property is not platted.

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. The Special Permit option provides a means for developing certain uses in a manner in which the use will be compatible with adjacent property and consistent with the character of the neighborhood.
2. Allowing the proposed heavy industrial use by Special Permit is appropriate at this location given the industrial zoning and uses of the surrounding area and the planned industrial uses in the Future Land Use Plan.
3. The application is consistent with the Special Permit review criteria set forth in the Unified Development Code Section 3.6.3 B.
4. The proposed use will meet a demand that exists from various construction projects throughout the City.
5. Permits from The Texas Commission on Environmental Quality (TCEQ) will ensure operations are conducted in an environmentally sound manner.
6. The site plan submitted is consistent with the criteria set forth in the Unified Development Code.
7. Airport operations are protected through the Special Permit conditions on time limit, dust, and lighting.
8. The use of the land permitted through a Special Permit can be subject to a time limit to allow future review of the use and to ensure its compatibility with the neighborhood.

Planning Commission and Staff Recommendation:

Tract 1: 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 shall be controlled at both the operation of the batch plant and at 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. Lighting shall not be directed toward any of the airport approach/departure paths or towards the control tower.
4. **Access:** Vehicular access shall be allowed in accordance with the UDC.
5. **Screening and Buffering:** Screening and buffering shall be required in accordance with the UDC.

6. **Noise:** The applicant shall comply with the City's Noise Ordinance.
7. **Hours of Operation:** Operations of the concrete batch plant are limited between 6:00 A.M. and 6:00 P.M.
8. **Other Requirements:** The Special Permit conditions do not preclude compliance with all applicable UDC, Building Code, and State and/or Federal requirements.
9. **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.

Tract 2: Approval of the "IL" Light Industrial District.

Vote Results

For: 8

Against: 0

Absent: 1

| | | |
|----------------------------|---|---|
| Public Notification | Number of Notices Mailed – 4 within 200-foot notification area 1 outside notification area | |
| | <u>As of July 1, 2016:</u> | |
| | In Favor | – 2 inside notification area – 0 outside notification area |
| | In Opposition | – 1 inside notification area – 0 outside notification area |
| | Totaling 25.70% of the land within the 200-foot notification area in opposition. | |

Attachments:

1. Location Map (Existing Zoning & Notice Area)
2. Site Plan for Tract 1
3. Airport Hazard Map
4. Application
5. Public Comments Received (if any)

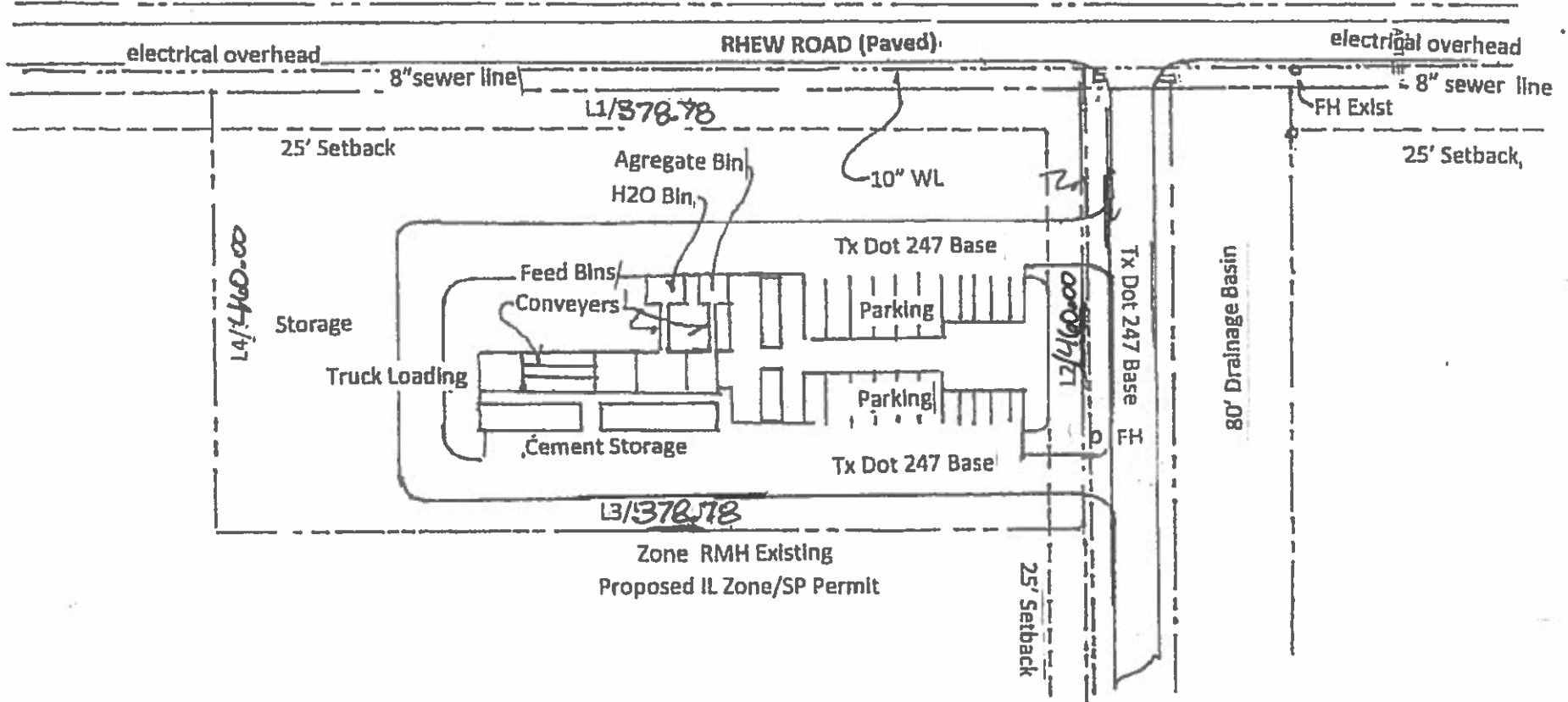
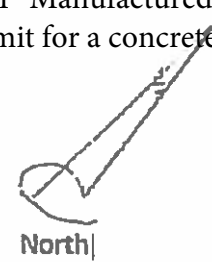
Project: Case # 16-10000014 Special Permit for a

Concrete Processing Plant -- Isaias Franco

The applicant proposes a change of zoning from "RMH" Manufactured Home District to the "IL/SP" Light Industrial District with a Special Permit for a concrete processing plant and temporary buildings.

| Length | Distance | Bearing |
|--------|----------|------------------------|
| L1 | 378.78 | N 01 degrees 27' 16" W |
| L2 | 460.00 | S 88 degrees 32' 44" W |
| L3 | 378.78 | S 91 degrees 27' 16" W |
| L4 | 460.00 | N 91 degrees 32' 44" E |

Vacant Land

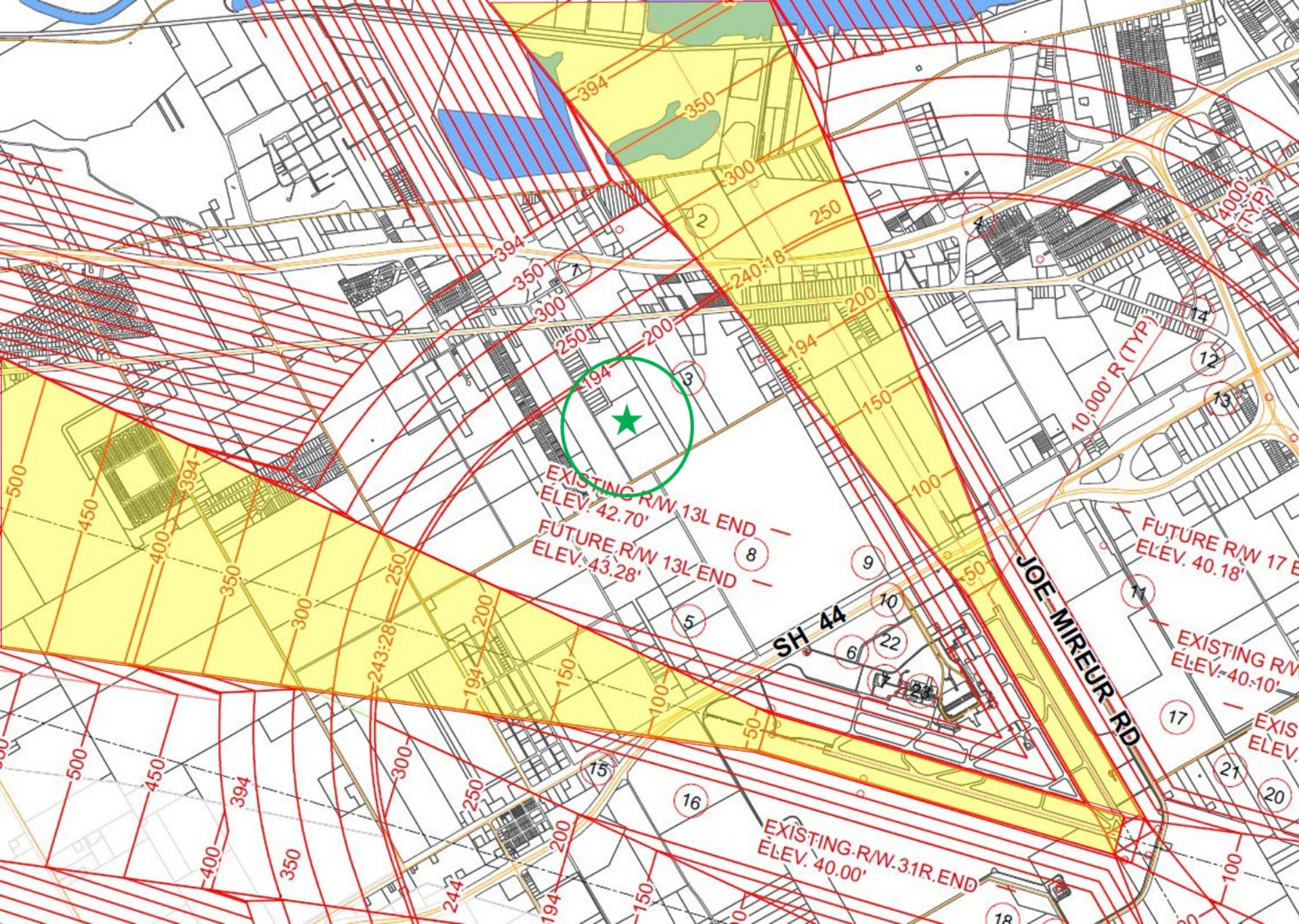


FOUR ACRE SITE PLAN

PROPOSED PORTABLE CONCRETE PROCESSING PLANT

SCALE 1" = 100'

2014.27.16



EXISTING R/W 13L END —
ELEV. 42.70'
FUTURE R/W 13L END —
ELEV. 43.28'

SH 44

JOE MIREUR RD

EXISTING R/W 31R END
ELEV. 40.00'

FUTURE R/W 17 E
ELEV. 40.18'

EXISTING R/W
ELEV. 40.10'

EXIS
ELEV.



Development Services Dept.
P.O. Box 9277
Corpus Christi, Texas 78469-9277
(361) 826-3240
Located at 2406 Leopard Street

REZONING APPLICATION

Office Use Only

Case No.: 0616-06 Map No.: 056045
PC Hearing Date: June 29, 2016 Proj. Mgr: Priscilla

Hearing Location: City Hall, Council Chambers, 1201 Leopard Street

Hearing Time: 5:30 p.m.

TRC Date: May 12, 2016

* A MAXIMUM OF FIVE REZONINGS CASES ARE SCHEDULED PER HEARING.
* INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

1. Applicant: Isaias Franco Contact Person: _____
Mailing Address: 7585 Leopard St.
City: Corpus Christi State: TX ZIP: 78409 Phone: (361) 510-2252
E-mail: _____ Cell: (____) _____

2. Property Owner(s): Isaias Franco Contact Person: _____
Mailing Address: 7585 Leopard St.
City: Corpus Christi State: TX ZIP: 78409 Phone: (361) 510-2252
E-mail: _____ Cell: (____) _____

3. Subject Property Address: 1322 RHEW Rd. Area of Request (SF/acres): 174,240 sq ft / 4 ACS.
Current Zoning & Use: RMH Proposed Zoning & Use: IL/SP-Batch Plant
12-Digit Nueces County Tax ID: 0272-0141-0403
Subdivision Name: _____ Block: _____ Lot(s): _____
Legal Description if not platted: Assessors Map 141 25.004 ACS out of TR 45

4. Submittal Requirements:

☐ Early Assistance Meeting: Date Held _____; with City Staff _____
☒ Land Use Statement ☒ Disclosure of Interest ☒ Copy of Warranty Deed

IF APPLICABLE:

☐ Peak Hour Trip Form (if request is inconsistent with Future Land Use Plan) ☒ Site Plan for PUD or Special Permit
☒ Metes & Bounds Description with exhibit if property includes un-platted land (sealed by RPLS) ☐ Lien Holder Authorization
☐ Appointment of Agent Form if landowner is not signing this form

I certify that I have provided the City of Corpus Christi with a complete application for review; that I am authorized to initiate this rezoning as or on behalf of the Property Owner(s); and the information provided is accurate.

Owner or Agent's Signature

Isaias Franco

Owner or Agent's Printed Name

Applicant's Signature

Isaias Franco

Applicant's Printed Name

Office Use Only: Date Received: 4-19-16 Received By: AD ADP: PAV
Rezoning Fee: 1692.50 + PUD Fee 0 + Sign Fee 10.00 = Total Fee 1702.50
No. Signs Required 1 @ \$10/sign Sign Posting Date: _____

LAND USE STATEMENT

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.

The purpose of this request is to change the use of Land from RMH to ILSP for the purpose of placing a concrete processing plant designed to produce concrete. An 4 acre tract of Land or 174,239 sf. is needed to sufficient operate, including temporary building. Hours of operation would be from 6 a.m. to 6 p.m. daily.

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

North - Light Industrial USE

South - VACANT LAND

East - Light Industrial USE

West - VACANT FARM LAND



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: Isaias Franco
STREET: 203 E. Liguistum CITY: Robstown, Tx ZIP: 78380
FIRM is: ☐ Corporation ☐ Partnership ☐ Sole Owner ☐ Association ☐ Other LLC

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>NA</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>NA</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>NA</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>NA</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.

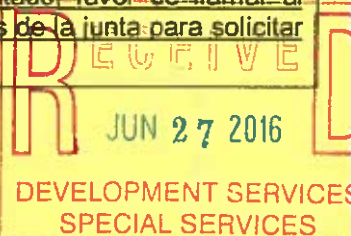
Certifying Person: Isaias Franco Title: Owner
(Print Name)

Signature of Certifying Person: [Signature] Date: 11/20/15

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 comisión 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. 0616-06**



Isaias Franco has petitioned the City of Corpus Christi to consider a change of zoning from the "R-MH" Manufactured Home District to the "IL/SP" Light Industrial District with a Special Permit on Tract 1 for a concrete batching plant and to the "IL" Light Industrial District on Tract 2. The subject property is located on the east side of Rhew Road between Leopard Street and Sedwick Road.

Tract 1 is described as a 4.00-acre and Tract 2 is described as a 25.003-acre tract, both tracts being out of the Anthony C. Page Survey 591, Abstract 1010 and the A.M. French Survey 312, Abstract 1018.

The Planning Commission may recommend to City Council approval or denial, or approval of an intermediate zoning classification and/or Special Permit. 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, June 29, 2016, 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: _____

Isaias Franco

Address: _____

City/State: _____

() IN FAVOR

☒ IN OPPOSITION

Phone: _____

REASON:

*appeal to use prop
in Adams project*

[Signature]

Signature

SEE MAP ON REVERSE SIDE

Property Owner ID: 3
HTE# 16-10000014

25.69%

Case No. 0616-06
Planner: Dolores Wood

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Printed Name: Isaias Franco

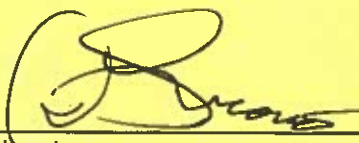
Address: 7585 Leopard St.

City/State: 78409 CTR

(☒) IN FAVOR () IN OPPOSITION

Phone: 361-510-2252

REASON:


Signature

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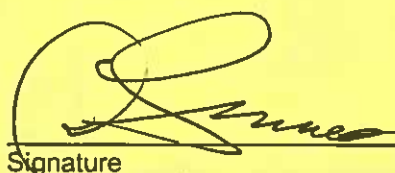
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Printed Name: Isaias Franco
Address: 203 E. Ligustrum Blvd. City/State: Robstown, TX 78380
(☒) IN FAVOR () IN OPPOSITION Phone: 361-510-2252

REASON:


Signature