



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of July 26, 2016  
Second Reading for the City Council Meeting of August 9, 2016

**DATE:** July 5, 2016

**TO:** Margie C. Rose, City Manager

**FROM:** Daniel McGinn, Interim Director, Development Services Department  
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**Public Hearing and First Reading for Property at  
1322 Rhew Road**

### **CAPTION:**

Case No. 0616-06 Isaias Franco: 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. **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. The subject property is located on the east side of Rhew Road between Leopard Street and Sedwick Road.

### **PURPOSE:**

The purpose of this item is to rezone the property to allow construction of a temporary concrete batch plant on Tract 1 and future light industrial uses on Tract 2.

### **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

Opposed: 0

Abstained: 0

Absent: 1

**BACKGROUND AND FINDINGS:**

As detailed in the attached report, the applicant is requesting a rezoning to allow construction of a temporary concrete batch plant on Tract 1 and future light industrial uses on Tract 2. 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 and the "IL" Light Industrial District 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. UDC Section 5.1.5.E. Heavy Industrial Uses classifies concrete batch plants as a heavy industrial use, and Table 4.6.2 Permitted Uses (Industrial districts) permits Heavy Industrial Uses in the "IL" Light Industrial District with a Special Permit.

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 Map. The application is consistent with the Special Permit review criteria set forth in the Unified Development Code Section 3.6.3 B. Permits from The Texas Commission on Environmental Quality (TCEQ) will ensure

operations are conducted in an environmentally sound manner. Airport operations are protected through the Special Permit conditions on time limit, dust, and lighting. 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.

The applicant is in agreement with the Staff and Planning Commission recommendation.

**ALTERNATIVES:**

1. Deny the request.
2. Modify the Special Permit Conditions

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

The subject property is located within the boundaries of the Port/Airport/Violet Area Development Plan (ADP). The proposed rezoning is consistent with the Port/Airport/Violet ADP and the adopted Future Land Use Map's designation of the property as light industrial uses.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Legal and Planning Commission

**FINANCIAL IMPACT:**

☐ Operating      ☐ Revenue      ☐ Capital      ☒ Not applicable

<b>Fiscal Year: 2015-2016</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

**Comments:** None

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance

Presentation - Aerial Map

Planning Commission Final Report