



## **AGENDA MEMORANDUM**

Public Hearing and First Reading for the City Council Meeting of August 23, 2016  
Second Reading for the City Council Meeting of August 30, 2016

**DATE:** August 2, 2016

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

**FROM:** Daniel McGinn, Interim Director, Development Services Department  
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<p><b>Public Hearing and First Reading for Property at 1021 Agnes Street</b></p>
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### **CAPTION:**

Case No. 0716-07 V&M Equity Properties, LLC: A change of zoning from the "CI" Intensive Commercial District and "RM-3" Multifamily 3 District to the "CI/SP" Intensive Commercial District with a Special Permit for a warehouse facility. The property is described as Lot 10A, Block 10 Chamberlin's Subdivision, located on the south side of Agnes Street between South Staples Street and King Street.

### **PURPOSE:**

The purpose of this item is to rezone the property to allow construction of a warehouse for an existing restaurant supply business.

### **RECOMMENDATION:**

#### **Planning Commission and Staff Recommendation:**

Approval of the change of zoning from the "CI" Intensive Commercial District and the "RM-3" Multifamily 3 District to the "CI/SP" Intensive Commercial District with a Special Permit for a warehouse facility, subject to the Owner meeting the requirements of the Unified Development Code and the following additional conditions:

1. **Uses:** The only use authorized by this Special Permit other than uses permitted in the base zoning district is a warehouse for retail goods.
2. **Façade:** The portion of the building facing Agnes Street shall be made of similar architectural materials as the abutting retail building on South Staples Street, currently Jean's Restaurant Supply.
3. **Lighting:** New freestanding light poles on the Property shall not exceed 15 feet in height. The Owner shall comply with all other UDC lighting requirements. Any

nonconforming freestanding lights existing on the Property shall comply with these regulations upon being replaced in their entireties.

4. **Hours of Operation:** 7:30 am to 5:30 pm., Monday through Friday.
5. **Signage:** Off-premise advertising signage is not allowed on the property. Pole mounted signage shall not exceed 64 square feet in area and 20 feet in height.
6. **Dumpster Screening:** Any dumpster located on the Property shall be screened from view from public right-of-way, located behind the street yard and, located at least 35 feet from the southern property line.
7. **Driveways:** Upon development of the Property, one of the existing driveways shall be removed and the remaining driveway shall comply with the Unified Development Code, including maximum driveway width.
8. **Building Height:** The height of buildings on the Property shall not exceed 20 feet.
9. **Time Limit:** This Special Permit shall expire 18 months after approval unless a Certificate of Occupancy has been issued. The Special Permit shall expire if the special permit use is discontinued for more than six consecutive months.

**Vote Results:**

For: 8

Opposed: 0

Absent: 1

**BACKGROUND AND FINDINGS:**

As detailed in the attached report, the applicant is requesting a rezoning from the "CI" Intensive Commercial District and the "RM-3" Multifamily 3 District to the "CI/SP" Intensive Commercial District with a Special Permit to allow a 3,750 square foot warehouse, office and associated parking lot for Jean's Restaurant Supply. The "CI" Intensive Commercial District conditionally allows a warehouse use if approved through the special permit rezoning process. The applicant has indicated that the warehouse is likely to have five to 30 deliveries per week to customers and four to five warehouse supply shipments to the warehouse per week. The applicant has also indicated that the property will not have any outside storage uses and will contain an office for a warehouse employee.

Existing conditions imply an adjustment to the Future Land Use Map may be appropriate to designate the subject property for commercial uses. The property to be rezoned is suitable for uses permitted by the "CI/SP" zoning district and the Special Permit would further limit the property to acceptable uses. Commercial uses are appropriately located along an arterial roadway, such as Agnes Street. The proposed rezoning would not alter the character of the immediate vicinity and the proposed rezoning is not anticipated to negatively impact the surrounding properties. The Special Permit request meets all of the review criteria required by UDC Article 3.6.3

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 Central Business Development Plan (ADP). The proposed rezoning to the "CI/SP" Intensive Commercial District with a Special Permit is not consistent with the adopted Future Land Use Map's designation of the property as high density residential, however, approval of the change in zoning may further several goals and policies contained in the ADP and the Comprehensive Plan.

**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