

New Business Item No. 2

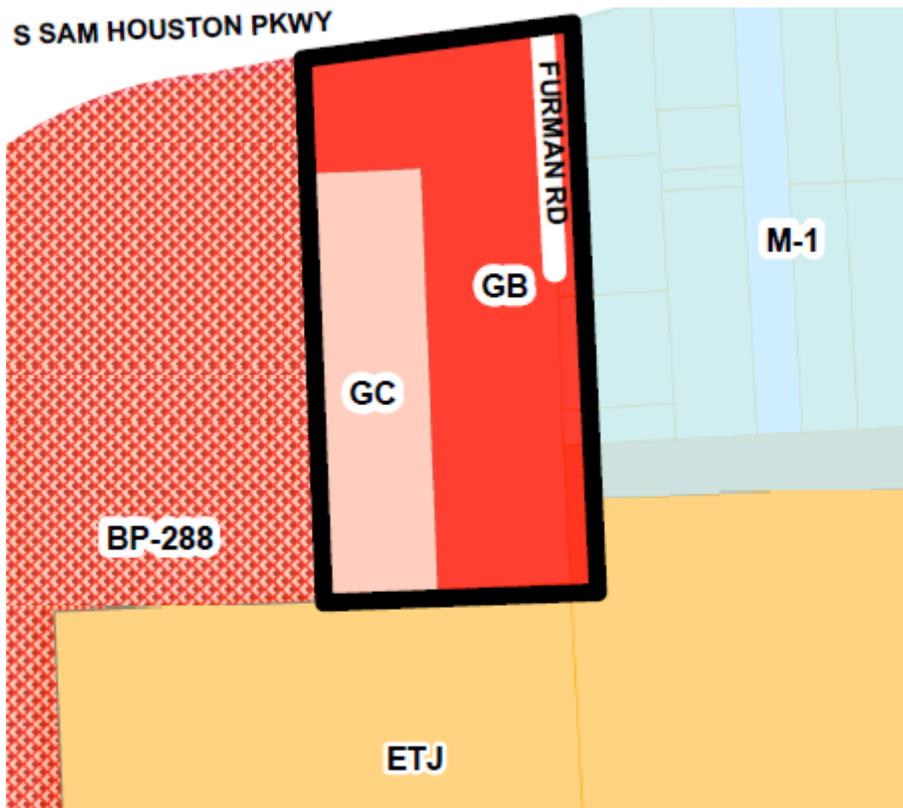
2. **CONSIDERATION AND POSSIBLE ACTION – FIRST READING OF ORDINANCE NO. 2000CUP-54** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR CERTAIN PROPERTY, BEING ALL OF THAT CERTAIN 19.995 ACRE TRACT SITUATED IN THE MINOR SUBDIVISION PLAT OF REC-TIME SUBDIVISION, BEING A PLAT OF PART OF LOT 12 AND ALL OF LOTS 13, 14, 15, AND 16 OF THE DOOLEY PARTITION, AS DEFINED IN THE DISTRICT COURT OF HARRIS COUNTY, TEXAS, CAUSE NO. 86647 AND BEING OUT OF THE JAMES HAMILTON SURVEY, ABSTRACT NO. 881, HARRIS COUNTY, TEXAS, AND RECORDED AS FILM CODE NO. 600053, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS LOCATED AT 2850 S. SAM HOUSTON PKWY, PEARLAND, TX (**CONDITIONAL USE PERMIT APPLICATION NO. CUP 2011-11**), TO ALLOW THE OPERATION OF A TRAVEL TRAILER/RV PARK/CAMPGROUND (LONG AND SHORT TERM), IN THE GENERAL COMMERCIAL (GC) DISTRICT AT THE REQUEST OF ED R. WEATHERALL, APPLICANT AND REC TIME RV, INC., OWNER, CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT. *Mr. Mike Hodge, Assistant City Manager.*

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: October 10, 2011	ITEM NO.: Ordinance No. 2000CUP-54
DATE SUBMITTED: September 28, 2011	DEPT. OF ORIGIN: Planning
PREPARED BY: Harold Ellis	PRESENTOR: Mike Hodge
REVIEWED BY: Mike Hodge	REVIEW DATE: September 30, 2011
SUBJECT: A request of Ed R. Weatherall, applicant, on behalf of Rec Time, Inc, owner, for approval of a Conditional Use Permit to allow for a Travel Trailer/RV Park/Campground (Long and Short Term) in the General Commercial (GC) District, located at 2850 S. Sam Houston Pkwy	
EXHIBITS: Ordinance No. 2000CUP-54 and Exhibits (Exhibit A - Application, and Applicant Packet; Exhibit B - Vicinity Map; Exhibit D - P&Z Recommendation Letter), Joint Public Hearing Staff Report, Maps and Related Documents	
EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A	AMOUNT BUDGETED: N/A PROJECT NO.: N/A
ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A	
To be completed by Department: <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

SUMMARY: Ed R. Weatherall, applicant, for Rec Time, Inc., owner, is requesting approval of a Conditional Use Permit to allow the operation of Travel Trailer/RV Park/Campground (Long and Short Term) at the above referenced location. This case is related to Zone Change 2011-09Z, which is a request to rezone the same site from two zoning districts, to one. The site is currently zoned General Commercial (GC) and General Business (GB), as illustrated on the zoning map excerpt, below:



The reason the Zone Change and Conditional Use Permit cases are related for this site is so that a partially non-conforming site can be brought into full compliance with the City's current Unified Development Code. The reason that the RV Park is currently non-conforming is because an RV Park is not currently an allowed use in the General Business (GB) zoning district. An RV Park is permitted with the approval of a Conditional Use Permit (CUP) in the General Commercial (GC) zoning district.

Rec-Time RV would like to expand their operations into the portion of the property shown above that is General Commercial (GC), where the use is allowed with the approval of a Conditional Use Permit (CUP).

The portion of the property that the existing business would be expanded onto with Phase II as illustrated above is zoned General Commercial (GC). If the CUP is approved, the portion of the business in the (GC) zoning district would be conforming.

To bring the entire site into compliance, including the portion currently operating in General Business (GB) where the use is not permitted, the applicant is requesting (at staff's recommendation) the entire property be rezoned to General Commercial (GC). Therefore, the CUP is being requested for the entire property.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit No. 2011-11 to allow the operation of Travel Trailer/RV Park/Campground (Long and Short Term) in the General Commercial (GC) district as proposed by the applicant and owner for the following reasons:

1. The proposed request should not have any significant negative impact on the surrounding properties and developments.
2. The proposed request would be in conformance with the Unified Development Code with the approval of a Conditional use Permit.
3. The proposed request is in conformance with the criteria of approval of a Conditional Use Permit listed in the Unified Development Code.
4. The existing business is currently in operation with no known negative impacts to surrounding properties or developments.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on September 19, 2011, there was brief discussion regarding layout of the proposed development. Following this discussion Commissioner Henry Fuertes made a motion to approve the Conditional Use Permit (CUP). The motion was seconded by Commissioner Neil West. The vote was 5-0 and the motion passed.

STAFF RECOMMENDATION TO COUNCIL: Consider the conditional use permit.

ORDINANCE NO. 2000CUP-54

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR CERTAIN PROPERTY, BEING ALL OF THAT CERTAIN 19.995 ACRE TRACT SITUATED IN THE MINOR SUBDIVISION PLAT OF REC-TIME SUBDIVISION, BEING A PLAT OF PART OF LOT 12 AND ALL OF LOTS 13, 14, 15, AND 16 OF THE DOOLEY PARTITION, AS DEFINED IN THE DISTRICT COURT OF HARRIS COUNTY, TEXAS, CAUSE NO. 86647 AND BEING OUT OF THE JAMES HAMILTON SURVEY, ABSTRACT NO. 881, HARRIS COUNTY, TEXAS, AND RECORDED AS FILM CODE NO. 600053, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS LOCATED AT 2850 S. SAM HOUSTON PKWY, PEARLAND, TX **(CONDITIONAL USE PERMIT APPLICATION NO. CUP 2011-11)**, TO ALLOW THE OPERATION OF A TRAVEL TRAILER/RV PARK/CAMPGROUND (LONG AND SHORT TERM), IN THE GENERAL COMMERCIAL (GC) DISTRICT AT THE REQUEST OF ED R. WEATHERALL, APPLICANT AND REC TIME RV, INC., OWNER, CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS Ed R. Weatherall, applicant, on behalf of Rec Time RV, Inc., owner, filed an application for a Conditional Use Permit to allow the operation of a Travel Trailer/RV Park/Campground (Long and Short Term), on certain property, said property being legally described in the original applications for amendment attached hereto and made a part hereof for all purposes as Exhibit "A", and more graphically depicted in the location map attached hereto and made a part hereof for all purposes as Exhibit "B"; and

WHEREAS, on the 19th day of September 2011, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

ORDINANCE NO. 2000CUP-54

WHEREAS, on the 19th day of September, 2011, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the proposed Conditional Use Permit application for Ed R. Weatherall, applicant, on behalf of Rec Time RV, Inc., owner, whereby the Commission recommended approval of the Conditional Use Permit, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D"; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, the City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meeting(s) on October 10, 2011 and October 24, 2011; and

WHEREAS, the City Council, having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Ed. R. Weatherall, applicant, on behalf of Rec Time RV, Inc., owner, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section I. The following described property located within the corporate limits of the City of Pearland, Texas, and presently classified as General Commercial (GC), is hereby granted a Conditional Use Permit to allow for the operation of a Travel Trailer/RV Park/Campground (Long and Short Term) in said zoning district; such property being more particularly described as:

ORDINANCE NO. 2000CUP-54

All of that certain 19.995 acre tract situated in the Minor Subdivision Plat of Rec-Time Subdivision, being a plat of part of lot 12 and all of lots 13, 14, 15, and 16 of the Dooley partition, as defined in the District Court of Harris County, Texas, Cause No. 86647 and being out of the James Hamilton Survey, Abstract No. 881, Harris County, Texas, and recorded as Film Code No. 600053, of the map records of Harris County, Texas

Located at 2850 S. Sam Houston Pkwy

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the approval herein granted promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section V. All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

ORDINANCE NO. 2000CUP-54

Section VI. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 10th day of October, 2011.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 24th day of October, 2011.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: 333 RECREATIONAL VEHICLE SITES
(list proposed use from the Table of Uses of the UDC)
AT R/V RESORT - ADD ADDITIONAL SITES TO PARK

Current Zoning District: GENERAL COMMERCIAL

Property Information:

Address or General Location of Property: 2850 S. SAM HOUSTON PKWY E
HOUSTON, TX 77047 HARRIS COUNTY

Tax Account No. HARRIS CO 128118001001, PEARLAND 0800-3000-031

Subdivision: RECTIME 5D Lot: ONE Block: ONE

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME RECTIME INC
 ADDRESS 2850 S. SAM HOUSTON PKWY E
 CITY HOUSTON STATE TX ZIP 77047
 PHONE (713) 433-6950
 FAX (713) 433-6902
 E-MAIL ADDRESS eweatherall@comcast.net

APPLICANT/AGENT INFORMATION:

NAME ED R WEATHERALL, PRES
 ADDRESS 2850 S SAM HOUSTON PKWY E
 CITY HOUSTON STATE TX ZIP 77047
 PHONE (281) 808-3000
 FAX (713) 433-6902
 E-MAIL ADDRESS eweatherall@comcast.net

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

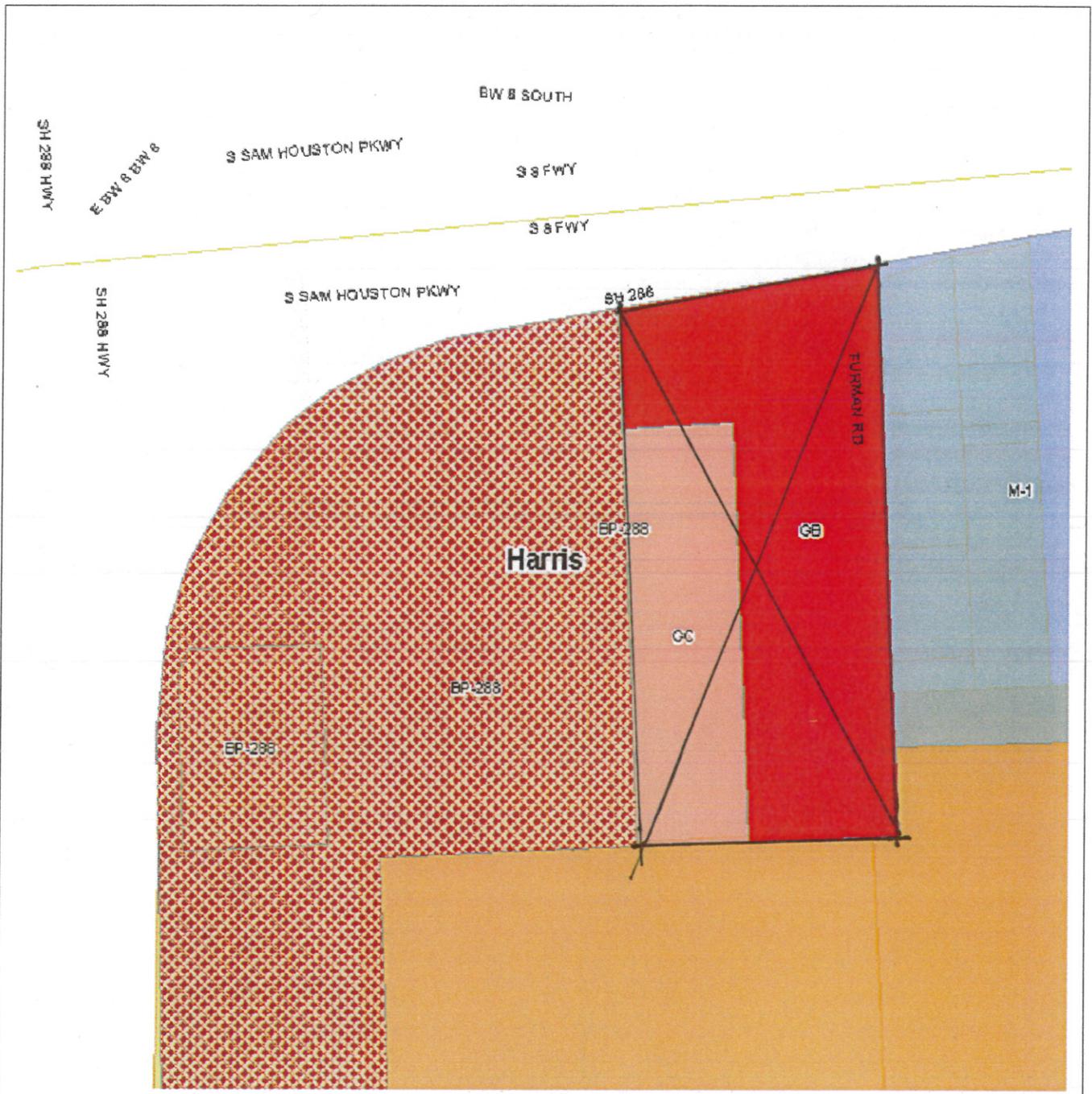
Owner's Signature: Ed R Weatherall, Pres Date: 7-28-11

Agent's/
 Applicant's Signature: Ed R Weatherall Date: 7-28-11

OFFICE USE ONLY:

FEES PAID: <u>250.00</u>	DATE PAID: <u>7/28/11</u>	RECEIVED BY: <u>HE</u>	RECEIPT NUMBER: <u>276964</u>
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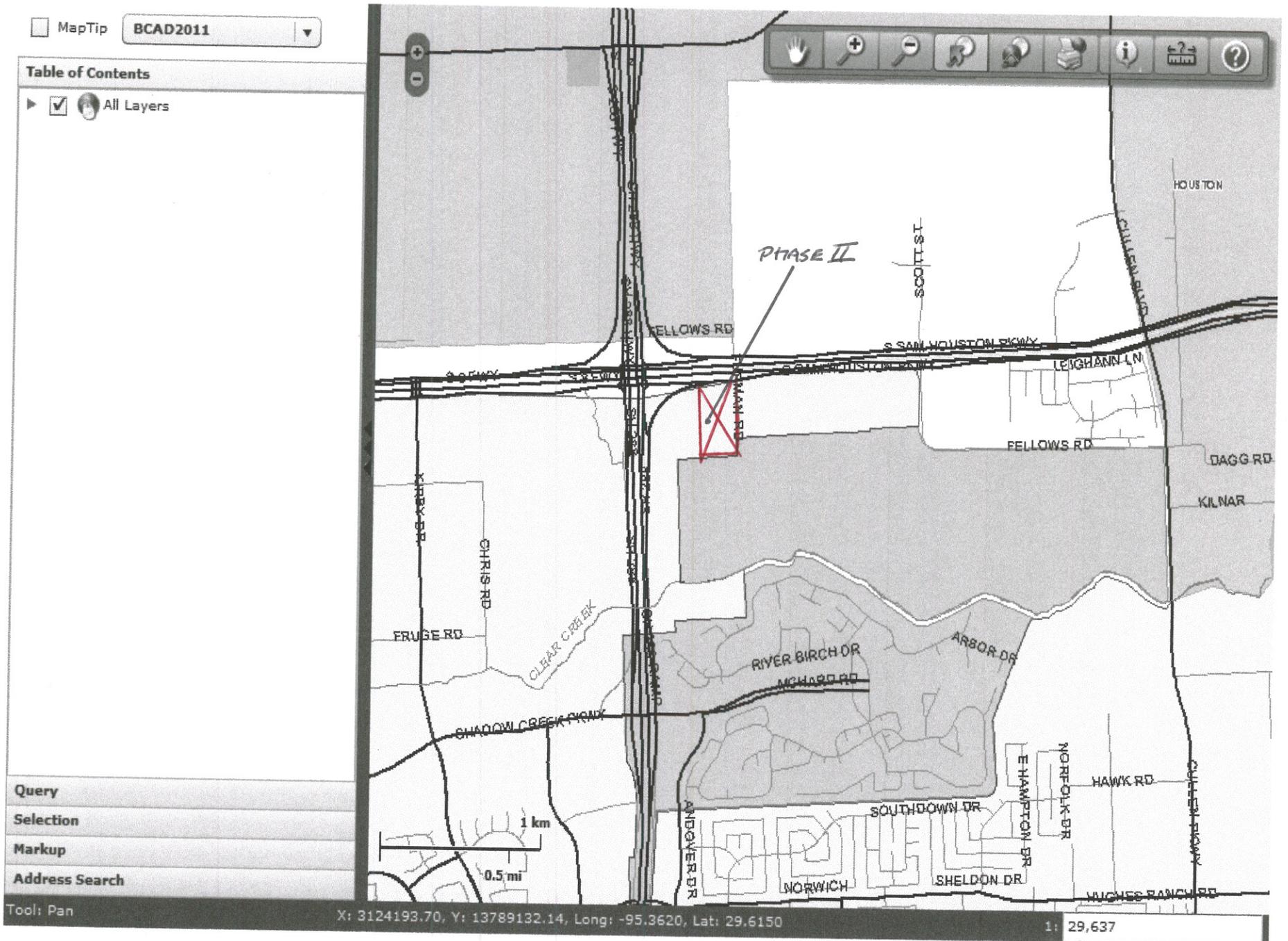
Application No. 2011-11 CUP



Vicinity Map - Pearland, TX



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



PHASE II

The image displays a GIS Mapping Interface with a central map of Pearland City Limit. A shaded rectangular area is drawn on the map, labeled "PHASE II". The map shows major roads including the Sam Houston Tollway, Broadway St, and Manvel Rd. A vertical line labeled "PEARLAND CITY LIMIT" runs through the center. A vertical line labeled "BULLEN PKWY" is also visible. The interface includes a toolbar on the left with categories: Navigation, Draw, Query/Info, Lat/Long, Selection, and System. The "Draw" category is expanded, showing tools like Draw Polygon, Draw Polygon Freehand, Draw Polyline, Draw Polyline Freehand, Draw Rectangle, Draw Ellipse, Draw Point, Draw Text, Delete All Markups, Load Markups, Save Markups, Markup Properties, and Draw Callouts. Below the map, there are fields for "Lat / Long", "Geocoding", and "Overview Map". At the bottom, a status bar shows "Tool: Draw Rectangle", coordinates "X: 3128164.41, Y: 13785666.75, Longitude: -95.3499, Latitude: 29.6051", and a scale "1: 31,241".

RecTime, Inc
Db a Advanced RV Resort

2850 S Sam Houston Pkwy E
Houston, TX 77047

July 27, 2011

**City of Pearland
Community Development
3523 Liberty Dr
Pearland, Texas 77581**

Dear Sir or Madam:

Please review the enclosed information for the completion of the RV Resort Phase II. This Phase includes 48 RV Sites , a 1400 sq ft activity building and 450 sq ft bath house/laundry .

All of the engineering, site drainage and detention was completed for Phase I thru Phase IV, when Phase I permits were issued.

Sincerely,



Ed R Weatherall, Pres.

Rectime, Inc.

CITY OF PEARLAND

R E P R I N T

*** CUSTOMER RECEIPT ***

Oper: WWILSON Type: CC Drawer: 1
Date: 7/28/11 01 Receipt no: 276964

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS	
	1.00	\$250.00
Trans number:		3425999

VARIANCE ZONE #BA
2805 SAN HOUSTON PKWY
ED WEATHERALL
REC TIME, INC
CUP
HAROLD

Tender detail		
CK CHECK	2622	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 7/28/11 Time: 11:17:05

R. HENRY LUCAS
3RD TRACT
HARRIS COUNTY CLERK'S
FILE NO. 0688357

Activity Bldg

BATH HOUSE
LAUNDRY

NORTH 1,290.25'

Detention Pond
(79,591 Sq. Ft.)

PHASE II
128,034 Sq. Ft.

PHASE III
88,330 Sq. Ft.

PHASE I
59,757 Sq. Ft.

19.995 ACRES

PHASE IV
64,750 Sq. Ft.

SAM HOUSTON PARKWAY EAST
(BETWEEN 8 FEEDER)

N 89°15'44" E 664.04'

1/2" IRF

480.25'

5/8" IRF W/Cap
"COTTON SURV."

5/8" IRF W/Cap
"COTTON SURV."

5/8" IRF

Chisled "X"
Sot

TOM BASS
REGIONAL PARK

H. T. BROWN, ET AL
TO HARRIS COUNTY
67,9041 ACRES
HARRIS COUNTY CLERK'S
FILE NO. 0706207

S 89°13'15" W 660.04'

A-881
A-1181
5/8" IRF

S 00°45'50" E 339.17'

1/2" IRF

S 00°13'28" W 1,020.05'

JOSEPH S. BENEKE, ET UX
TO HARRIS COUNTY
147.8431 ACRES
HARRIS COUNTY CLERK'S
FILE NO. 0072388

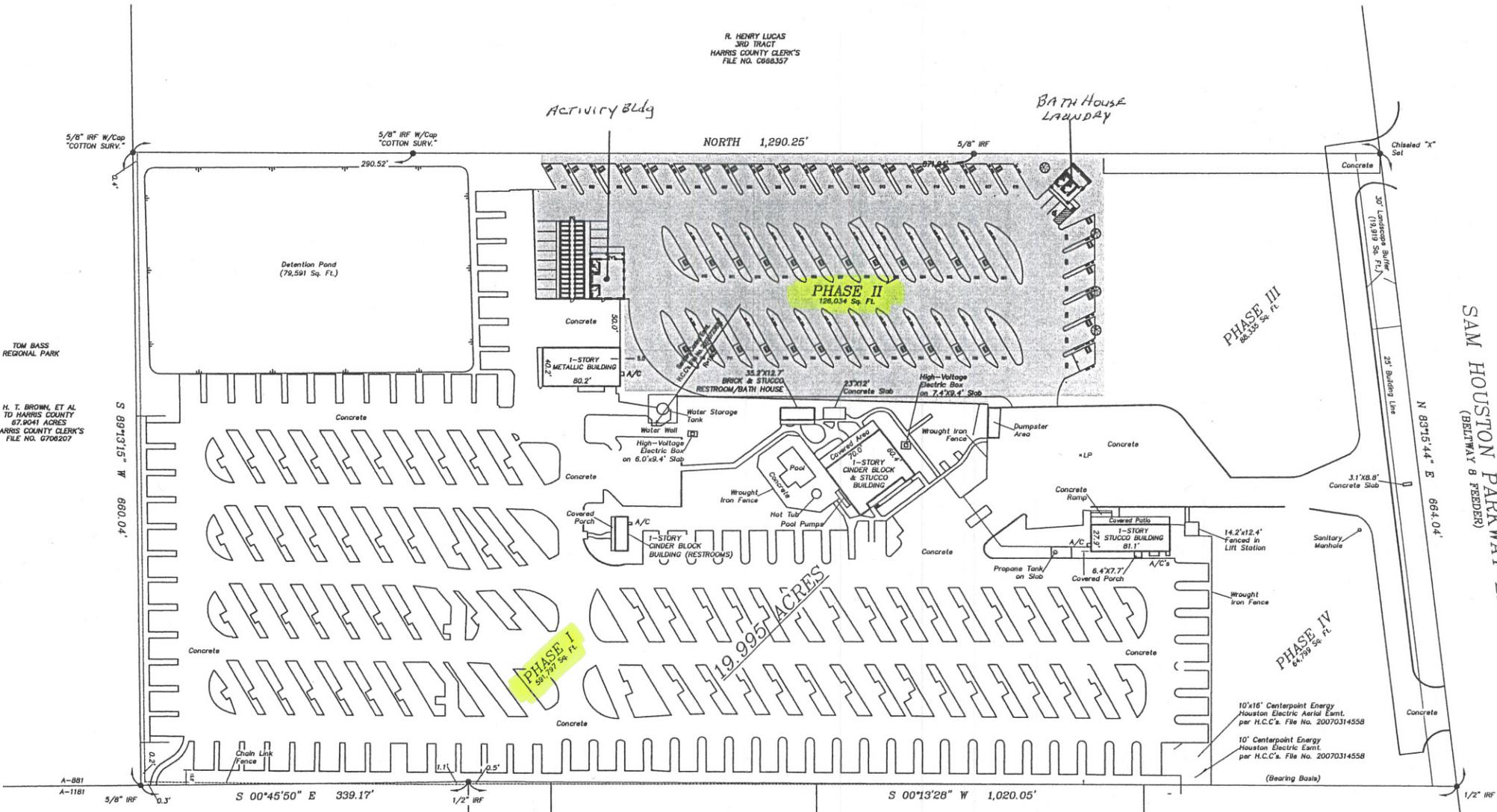
JEAN A. HARRIS
HARRIS COUNTY CLERK'S
FILE NO. 8422316

JEAN A. HARRIS
HARRIS COUNTY CLERK'S
FILE NO. 11388608

JEAN A. HARRIS
HARRIS COUNTY CLERK'S
FILE NO. 1412830

JEAN A. HARRIS
HARRIS COUNTY CLERK'S
FILE NO. E50477W

REC TIME, INC
2850 S SAM HOUSTON PKWY E
HOUSTON, TX 77047



REV
1. 5
2. PK

APPLICATION CHECKLIST FOR THE FOLLOWING Conditional Use Permits (CUP)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that contain the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

CUP
7-28-11

OFFICIAL TAX RECEIPT

ROVIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Account No: 1281-1800-10001
Certified Owner: REC TIME INC
2010 VALUE: 3,500,000

FIRST CLASS
U.S POSTAGE PAID
PERMIT NO. 4
ANGLETON TX

LT 1 BLK 1
REC-TIME

Jr	Year	Levy Paid
96	2010	23,278.50

P&I Parcel Address: 2850 S SAM HOUSTON PKY
0.00 Legal Acres: 19.9950
Appr No: 1281180010001
Deposit No: 013100C3
Paid Date: 01/31/2011
Total Paid: \$23,278.50
Check No: 00002819
Exemption(s): NONE

REC TIME INC
2850 S SAM HOUSTON PKWY E
HOUSTON, TX 77047



S 8 FWY

S 8 FWY

S SAM HOUSTON PKWY

FURMAN RD

M-1

GB

GC

BP-288

ETJ

SH 288



Vicinity and Zoning Map

CUP 2011-11

2850 S. Sam Houston
Parkway

0 75150 300 Feet



N





Planning & Zoning Commission

Recommendation Letter

September 28, 2011

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on CUP 2011-11

Honorable Mayor and City Council Members:

At their meeting on September 19, 2011, the Planning and Zoning Commission considered the following:

A request of Ed R. Weatherall, applicant, on behalf of Rec Time, Inc, owner, for approval of a Conditional Use Permit to allow for a Travel Trailer/RV Park/Campground (Long and Short Term) in the General Commercial (GC) District, on the following described property:

LEGAL DESCRIPTION: Minor Subdivision Plat of Rec-Time Subdivision, being a plat of part of lot 12 and all of lots 13, 14, 15, and 16 of the Dooley partition, as defined in the District Court of Harris County, Texas, Cause No. 86647 and being out of the James Hamilton Survey, Abstract No. 881, Harris County, Texas, and recorded as Film Code No. 600053, of the map records of Harris County.

GENERAL LOCATION: 2850 S. Sam Houston Pkwy
Approximate Southeast corner of SH288 and Beltway 8
known as Advanced RV Resort Houston-Pearland

After staff presentation there was a brief discussion regarding layout of the proposed development. Following this discussion Commissioner Henry Fuytes made a motion to approve the Conditional Use Permit (CUP). The motion was seconded by Commissioner Neil West. The vote was 5-0 and the motion passed.

Sincerely,

Harold Ellis, Senior Planner
On behalf of the Planning and Zoning Commission



JOINT PUBLIC HEARING AGENDA ITEM MEETING OF SEPTEMBER 19, 2011

Conditional Use Permit No. CUP 2011-11

A request of Ed R. Weatherall, applicant, on behalf of Rec Time, Inc, owner, for approval of a Conditional Use Permit to allow for a Travel Trailer/RV Park/Campground (Long and Short Term) in the General Commercial (GC) District, on the following described property, to wit:

Legal Description: Minor Subdivision Plat of Rec-Time Subdivision, being a plat of part of lot 12 and all of lots 13, 14, 15, and 16 of the Dooley partition, as defined in the District Court of Harris County, Texas, Cause No. 86647 and being out of the James Hamilton Survey, Abstract No. 881, Harris County, Texas, and recorded as Film Code No. 600053, of the map records of Harris County

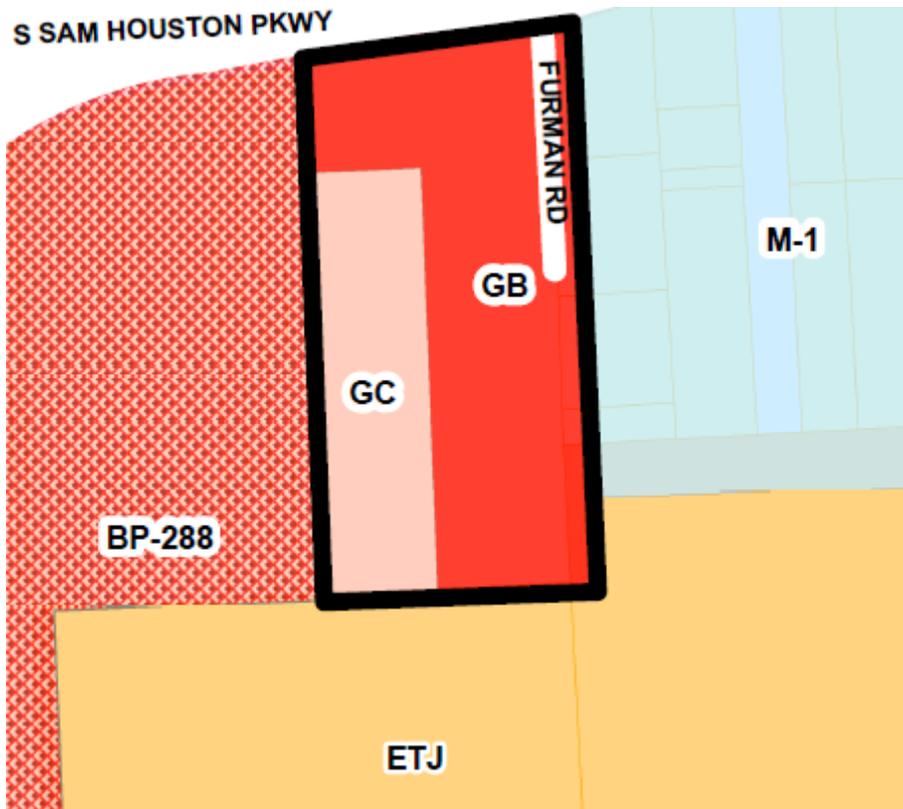
General Location: 2850 S. Sam Houston Pkwy
Approximate Southeast corner of SH288 and Beltway 8,
known as Advanced RV Resort Houston-Pearland

APPROVAL PROCESS: After this Joint Public Hearing, the requested Conditional Use Permit application will be considered as follows:

Planning and Zoning Commission: September 19, 2011*
City Council for First Reading: October 10, 2011*
City Council for Second Reading: October 24, 2011*

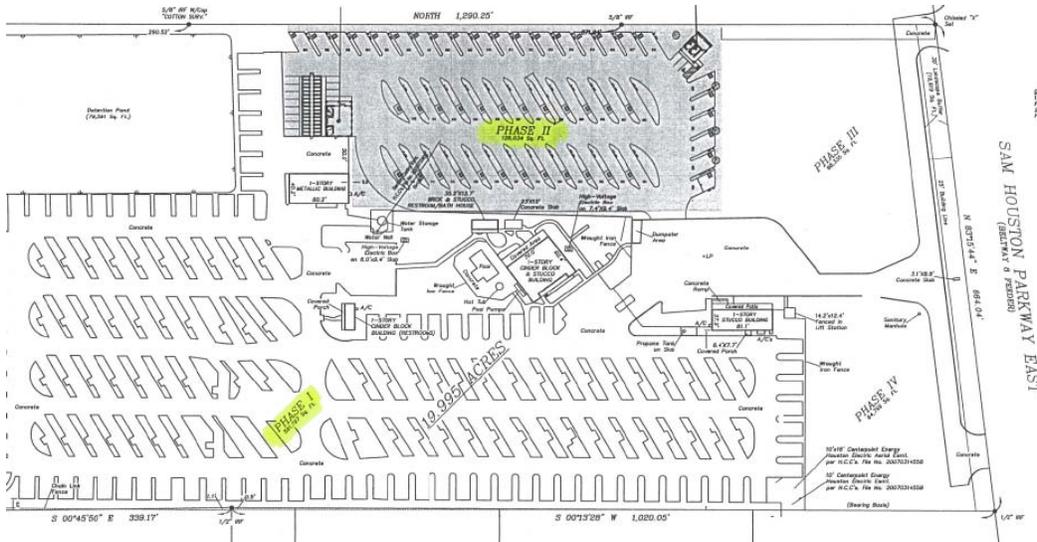
(*dates subject to change)

SUMMARY: Ed R. Weatherall, applicant, for Rec Time, Inc., owner, is requesting approval of a Conditional Use Permit to allow the operation of Travel Trailer/RV Park/Campground (Long and Short Term) at the above referenced location. This case is related to Zone Change 2011-09Z, which is a request to rezone the same site from two zoning districts, to one. The site is currently zoned General Commercial (GC) and General Business (GB), as illustrated on the zoning map excerpt, below:



The reason the Zone Change and Conditional Use Permit cases are related for this site is so that a partially non-conforming site can be brought into full compliance with the City's current Unified Development Code. The reason that the RV Park is currently non-conforming is because an RV Park is not currently an allowed use in the General Business (GB) zoning district. An RV Park is permitted with the approval of a Conditional Use Permit (CUP) in the General Commercial (GC) zoning district.

Rec-Time RV would like to expand their operations into the portion of the property shown above that is General Commercial (GC), where the use is allowed with the approval of a Conditional Use Permit (CUP). This is also illustrated on an excerpt of the proposed site plan for the operations, shown below:



The portion of the property that the existing business would be expanded onto with Phase II as illustrated above is zoned General Commercial (GC). If the CUP is approved, the portion of the business in the (GC) zoning district would be conforming.

To bring the entire site into compliance, including the portion currently operating in General Business (GB) where the use is not permitted, the applicant is requesting (at staff's recommendation) the entire property be rezoned to General Commercial (GC). Therefore, the CUP is being requested for the entire property.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	N/A (Not in City)	Commercial (Across Sam Houston)
South	N/A (Not in City – ETJ)	Regional Park
East	Light Industrial (M-1)	Vacant
West	Business Park-288 (BP-288)	Vacant

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): As previously mentioned, the property is currently zoned General Business (GB) and General Commercial (GC). As the property is currently being requested to be rezoned to General Commercial (GC), a breakdown between those requirements and the site current configuration is provided below:

	<u>General Commercial</u>	<u>Existing Site</u>
Lot Size:	22,500 sq ft	870,982 sq ft
Lot Width:	150'	660'
Lot Depth:	125'	1,290'
Front Setback:	25'	~210' (site operations)
Rear Setback:	25'	15' (site operations)
Side Setback:	10'	15' (site operations)

As previously mentioned, the property is currently being used as an RV Park. The existing site does not meet the side and rear setback requirements, and is considered to be non-conforming. The expansion of the use for Phase II will be required to meet all bulk requirements of the Unified Development Code.

PLATTING STATUS: The property is currently platted as Minor Subdivision Plat of Rec-Time Subdivision.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current Comprehensive Plan (latest update in July 2004) indicates *Business Park* for the subject property. The existing use, an RV Park, is not a permitted use in the Business Park zoning district. Therefore, as the subject property is currently zoned General Business (GB), and proposed to be changed to General Commercial (GC) the proposed use and zoning are not in compliance with the current Comprehensive Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on S. Sam Houston Parkway frontage road, a major thoroughfare, with a minimum of 120' right-of-way.

AVAILABILITY OF UTILITIES: The subject parcel does have access to public water and public sewer.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: As this development already exists with no known negative impacts, the proposed expansion is not anticipated to have any negative impacts on existing surrounding or future developments.

A Traffic Impact Analysis (TIA) may be required at the time of site plan review by the City's Engineering department to determine if there are any potentially negative traffic impacts anticipated as a result of the proposed expansion. If a TIA is required, and mitigation measures are deemed necessary as a result, the applicant would be responsible for implementing those measures.

ADDITIONAL COMMENTS: This request has been reviewed by the City's Development Review Committee and there are no additional comments from other departments at the time of this report.

SITE PLAN CONSIDERATIONS: A conceptual site plan for was submitted with the Conditional Use Permit application. The plan shows the existing operations and area of proposed expansion.

PUBLIC NOTIFICATION: Public notice, comment forms, and a vicinity map were mailed to property owners within 200 feet of the subject property under consideration for the Conditional Use Permit. A legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed Conditional Use Permit request.

CRITERIA FOR APPROVAL: When considering an application for a Conditional Use Permit, the Planning and Zoning Commission and City Council shall evaluate the impact of the proposed use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- (5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- (7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

Conditions: The City Council may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the City Council deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. At this time, Staff has not identified any negative impacts which need to be mitigated with a condition of approval. Should City Council identify impacts which it feels should be mitigated, conditions and modifications may be placed on the approval of the Conditional Use Permit.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit No. 2011-11 to allow the operation of Travel Trailer/RV Park/Campground (Long and Short Term) in the General Commercial (GC) district as proposed by the applicant and owner for the following reasons:

1. The proposed request should not have any significant negative impact on the surrounding properties and developments.
2. The proposed request would be in conformance with the Unified Development Code with the approval of a Conditional use Permit.
3. The proposed request is in conformance with the criteria of approval of a Conditional Use Permit listed in the Unified Development Code.
4. The existing business is currently in operation with no known negative impacts to surrounding properties or developments.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Property Ownership Map
- Property Owner Notification List
- Future Land Use Plan
- Aerial Photograph
- Zone Change Application and applicant packet
- Related Documents

S 8 FWY

S 8 FWY

S SAM HOUSTON PKWY

SH 288

ETJ



Abutter Map

CUP 2011-11

**2850 S. Sam Houston
Parkway**

0 75150 300 Feet



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S 8 FWY

S 8 FWY

S SAM HOUSTON PKWY

Parks

Business Park

ETJ

Parks

SH 288

Mixed Use Business Park



FLUP Map

CUP 2011-11

2850 S. Sam Houston
Parkway

0 75150 300 Feet





S 8 FWY

S 8 FWY

S SAM HOUSTON PKWY

FURMAN RD

SH 288



Aerial Map

CUP 2011-11

**2850 S. Sam Houston
Parkway**

0 75150 300 Feet
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