

City of Texas City
Engineering & Planning
Memo

To: Zoning Commission – for meeting on 8/16/2022

From: Kim Golden, P.E

cc: Doug Kneupper, P.E.

Date: August 11, 2022

Re: Request to rezone 8510 FM 517 E from “A-1”(Single Family Residential) to “E” (General Business) for continued commercial use as The Last Pit Stop Restaurant and Bar

Background: Applicant, Gust George, together with his mother and siblings are beneficiaries of the trust which owns the subject location. The subject location has operated continuously since its construction in 1973 as a restaurant and bar. Operated by the applicant’s mother until approximately ten years ago when they began leasing the property for use as a restaurant and bar.

Existing conditions: The 12,382 sq ft lot has an existing structure which is leased for use as a restaurant and bar. It is unknown what portion of the current revenues are attributable to the sale of beverages containing alcohol, but when operated by applicant’s mother it would have been less than 50%. Most revenues at that time were derived from events such as dart tournaments and live music events, with the sale of alcohol being incidental to the restaurant.

Existing zoning: The subject location is currently zoned “A-1” (Single Family Residential). It is unknown how exactly the current zoning came to be not compliant with the existing use. Applicant desires to rezone to District “E” (General Business) so the existing use as a restaurant and bar will be compliant with the zoning. Applicant’s immediate purpose for rezoning is to allow the new tenant to obtain a certificate of occupancy. Long term purpose is to allow future upgrades to the building and expansion as a business use.

Most adjacent uses are also non-compliant with the existing residential zoning classifications as well. The site adjacent to the west side of the property operates as a self-storage facility and is shown as District A-1 on the current zoning map. The property owner tells the applicant that it was rezoned to a commercial use approximately 17 years ago.

The District E General Business classification requires 300 ft separation from any property zoned A, A-1, Z-2 or B-1. As noted, all adjacent properties appear to be zoned A-1, but in fact are operating as commercial uses. There is some questions whether the A-1 zoning is correct.

GATEWAY OVERLAY DISTRICT: The subject property is also subject to the requirements of Secs 160.065-160.069 Gateway Overlay District. This district requires 100% masonry construction, that all fences be masonry, that all utilities be underground, and a minimum of 15% landscaping, and other screening requirements.

LAND USE PLAN: The current land use plans show the subject area as developing within the guidelines of the "Activity Corridor" which include: "These uses are primarily region serving and include malls, commercial, and open display retailing, wholesale, distributing and warehousing operations, restricted light industry, business offices, hotels and motels, and higher density residential development."

Analysis: The requested rezoning to District E (General Business) will reconcile the zoning to the actual use and the historic uses of the area. It is also consistent with the Land Use Plan for future development. It is likely the adjacent District A-1 zoning classification will transition to District E or other commercial zoning classifications as the grandfathering safe harbor expires with changes in use or ownership. Although the rezoning to District E could be in conflict with the requirement for 300ft separation from a District A-1 zone, the actual adjacent use is not residential. Also, the adjacent property owner asserts the site has already been rezoned for the actual commercial use. It should be noted that no objections have been received from adjacent property owners, nor are there records of any complaints relating to the existing use.

The subject location may not be compliant with the requirements of the Gateway Overlay District in its existing condition, especially in regards to landscaping. However, applicant indicates an intent to renovate and upgrade the facility as means become available. Some amelioration should be required for the rezoning with an understanding that full compliance with the requirements of the Gateway Overlay District will be a condition for future development plan approvals.

Based upon the totality of the facts and recognizing the area is in transition, staff have no objection to the requested rezoning to District E (General Business).