



AGENDA MEMORANDUM

Public Hearing & First Reading Ordinance for the City Council Meeting 12/07/21
Second Reading Ordinance for the City Council Meeting 12/14/21

DATE: October 8, 2021
TO: Peter Zanoni, City Manager
FROM: Al Raymond, AIA, Director Development Services Department
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Rezoning a property at or near 8902 State Highway 44

CAPTION:

Zoning Case No. 1021-02, BHHN, LLC.: (District 3) Ordinance rezoning property at or near 8902 State Highway 44 from the "RS-6" Single-Family 6 District to the "IC" Industrial Compatible District. (3/4 vote to approve)

SUMMARY:

The purpose of the rezoning request is to allow for the construction of a warehouse.

BACKGROUND AND FINDINGS:

The subject property totals 3.31 acres in size and is currently zoned "RS-6" Single-Family 6 District and consists of a vacant tract and was annexed in 1962. To the north are vacant properties and a few single-family homes zoned "RS-6" Single-Family 6 District. To the south and across State Highway 44 are vacant industrial properties recently rezoned to "IL" Light Industrial District and "IC" Industrial Compatible District. To the east are vacant properties zoned "RS-6" Single-Family 6 District, "FR" Farm Rural District, and "IL" Light Industrial District. To the west vacant and industrial properties zoned "RS-6" Single-Family 6 District and "IL" Light Industrial District.

Conformity to City Policy

The subject property is located within the boundaries of the Northwest Area Development Plan and is planned for an agricultural use. The proposed rezoning is generally consistent with the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the Future Land Use Map. The property is designated with a future land use of Agriculture/ Rural Enterprise. As per Plan CC, this land is intended to be used for single-family homes on very large lots or associated with rural enterprise uses, agricultural uses, vacant land that has not previously been developed, and small business clusters that serve a rural population.

The proposed warehouse use is compatible with the adjoining properties and does not have a negative impact upon adjacent properties. The requested use of Warehousing within the "IC" District is compatible in a one-to-one ratio with the FAR requirements in the "IC" District. However, there are other uses allowed in the "IC" District that are incompatible with the AICUZ Overlay. Incompatible uses include Waste-Related Services, Truck stop with overnight accommodations,

Fairgrounds, and a Vocational, trade or business school. By-products of some of these uses that are a priority to be aware of as listed in the Joint Land Use Study (JLUS) are vibration, dust, smoke, steam, air quality, etc. The AICUZ Overlay over the subject property has been established to protect the proposed runways that were included in the Corpus Christi International Airport Masterplan (adopted 2007). The subject property is in the path of a proposed runway. The proposed runway does not have a timeline for construction, and much of the land is still under private ownership.

Public Input Process

Number of Notices Mailed
23 within 200-foot notification area
6 outside notification area

As of October 14, 2021:

In Favor	In Opposition
0 inside notification area	1 inside notification area
1 outside notification area	0 outside notification area

Totaling 4.42% of the 200-foot notification area* is in opposition.

*Created by calculating the area of land immediately adjoining the subject property and extending 200-foot therefrom. The opposition is totaled by the total area of land that each individual property owner owns converted into a percentage of the total 200-foot notification area.

Notified property owner's land in square feet / Total square footage of all property in the notification area = Percentage of public opposition

ALTERNATIVES:

1. Denial of the zoning from the "RS-6" Single-Family 6 District to the "IC" Industrial Compatible District.
2. Approval of the rezoning from the "RS-6" Single-Family 6 District to the "IC" Industrial Compatible District. (3/4 vote required)

FISCAL IMPACT: There is no fiscal impact associated with this item.

RECOMMENDATION:

The Planning Commission recommended denial of the zoning to the "RS-6" Single-Family 6 District to the "IC" Industrial Compatible District in lieu thereof Approval of the "CC/SP" Commercial Compatible District with a Special Permit and subject to conditions on October 13, 2021.

Denial of the "IC" District in lieu of "CC/SP" District with Special Permit

1. **Uses:** The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district are as defined by UDC in Section 5.1.5.B "Warehouse and Freight Movement" and regulated per Section 4.8.2 "Permitted Uses" of the UDC. Additionally, outdoor storage is prohibited.
2. **Setback:** A setback at a minimum of 20 feet shall be maintained from any residential property. No buildings, dumpsters, and/or compactors shall be allowed within the setback.
3. **Buffer Yard:** When adjacent to the "RS-6" Single-Family 6 District, the buffer yard requirement shall be 15-feet and 15 points as per Section 7.9.5 of the UDC.
4. **Lighting:** All lighting must be shielded and directed away from abutting residences and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line.
5. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.

6. **Hours of Operation:** The hours of operation shall be daily from 6:00 AM to 9:00 PM.
7. **Other Requirements:** The conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.
8. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within 24 months of this ordinance unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months

Vote Count:

For: 8
Opposed: 0
Absent: 1
Abstained: 0

Staff recommends approval of the "RS-6/SP" Single-Family 6 District with a Special Permit.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation - Aerial Map
Planning Commission Final Report