

# ZONING REPORT

**Case No.:** 0812-04

**HTE No.** 12-10000025

**Planning Commission Hearing Date:** August 15, 2012

<b>Applicant &amp; Legal Description</b>	<p><b>Applicant/Representative:</b> International Resistive Company Advanced Film Division  <b>Owner:</b> International Resistive Company of Texas, LLC  <b>Legal Description/Location:</b> South Staples Center, Lot B-4, located on the northeast corner of South Staples Street and Gollihar Road between Everhart Road and Caddo Street.</p>			
<b>Zoning Request</b>	<p><b>From:</b> "CG-2/SP" General Commercial District with a Special Permit  <b>To:</b> "IL" Light Industrial  <b>Area:</b> 8.03 acres  <b>Purpose of Request:</b> To allow the continued operation of an existing facility that manufactures and testing of resistors, sensors, and other resistive devices and to modify the subject property's existing Special Permit conditions.</p>			
<b>Existing Zoning and Land Uses</b>		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
	<i>Site</i>	"CG-2/SP" General Commercial with a Special Permit	Light Industrial	Commercial
	<i>North</i>	"RS-6" Single-Family 6 & "CN-2" Neighborhood Commercial	Low Density Residential	Low Density Residential
	<i>South</i>	"CG-2" General Commercial & "CI" Intensive Commercial	Commercial	Commercial
	<i>East</i>	"CG-2" General Commercial & "RS-6/SP" Single-Family 6 with a Special Permit	Commercial & Medium Density Residential	Commercial & Medium Density Residential
	<i>West</i>	"CG-2" General Commercial	Commercial	Commercial
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located in the Southeast Area Development Plan (ADP) and is planned for commercial uses. The proposed change of zoning to the "IL" Light Industrial District is not consistent with the adopted Future Land Use Plan.  <b>Map No.:</b> 043037  <b>Zoning Violations:</b> None</p>			
<b>Transportation</b>	<p><b>Transportation and Circulation:</b> The subject property has 544 feet of frontage on South Staples Street, which is an "A1" Minor Arterial Undivided Street, 268 feet of frontage on Gollihar Road, which is a "C3" Primary Collector Street, 20 feet of frontage on Everhart Road, which is an "A1" Minor Arterial Undivided Street, 142 feet of frontage on Caddo Street, which is a Local Residential Street, and has 277 feet of frontage on Jacquelyn Drive, which is a Local Residential Street.</p>			

	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
Street R.O.W.	S. Staples St.	"A1" Minor Arterial Undivided	95' ROW, 64' paved	100' ROW, 70' paved	19,479 (in 2009)
	Gollihar Rd.	"C3" Primary Collector	75' ROW, 50' paved	80' ROW, 64' paved	6,520 (in 2010)
	Everhart Rd.	"A1" Minor Arterial Undivided	95' ROW, 64' paved	84' ROW, 56' paved	15,979 (in 2009)
	Jacquelyn Dr.	Local Residential	50' ROW, 28' paved	50' ROW, 28' paved	Not Available
	Caddo St.	Local Residential	50' ROW, 28' paved	60' ROW, 40' paved	Not Available

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a change of zoning from the "CG-2/SP" General Commercial District with a Special Permit to the "IL" Light Industrial District to allow for the continued operation of a facility that manufactures and tests resistors, sensors, and other resistive devices and to expand the amount of liquid nitrogen the facility is permitted to store on-site from 12,000 gallons to 24,000 gallons and to increase the allowed floor area by 4,150 square feet. The facility was first granted a Special Permit in 1975 and over time has received several amendments to the Special Permit conditions. In 1984, the Special Permit was amended to permit one aboveground liquid nitrogen storage tank at the rear of the building. A 1987 amendment permitted the facility to expand its floor area. A 1987 amendment permitted the facility an additional 6,075 square feet of storage area. Lastly, in 1998, the Special Permit was amended permit two liquid nitrogen storage tanks each with a capacity of 6,000 gallons. Today, the applicant is seeking an amendment to the Special Permit conditions to allow for additional storage tanks for liquid nitrogen with a capacity not to exceed 24,000 gallons. See current Special Permit conditions in Attachment 2.

**Applicant's Development Plan:** The applicant recently remodeled its facility by converting existing storage space into work space to accommodate production levels. In conjunction with the additional workspace needed, the applicant needs additional quantities of liquid nitrogen on site to meet business demands. No increase in floor area is need at this time, but a minimal amount of additional space could be needed in the future, which is why the applicant is requesting the floor area limitation of the existing Special Permit be increased by 4,150 square feet. The applicant has met with the Fire Department which does not have any concern with liquid nitrogen tanks located on the subject property. Liquid nitrogen does not have explosive properties. Liquid nitrogen has freezing capabilities and the applicant uses the liquid nitrogen to test electronic parts' viability at low temperatures.

**Existing Land Uses & Zoning:** Located to the north of the subject property is a single-family subdivision, which is zoned as the "RS-6" Single-Family 6 District, and the Anthony Aveda Salon on Everhart Road in a "CN-2" Neighborhood Commercial District. Located to the west of the subject property is a Stripes Gas Station, which is zoned as the "CG-2" General Commercial District. To the south of the subject property are Frost Bank and multiple car sales lots, which are zoned as the "CI" Intensive Commercial District and the "CG-2" General Commercial

District. To the east of the subject property are a restaurant and Montessori school, which are zoned as the "CG-2" District. To the east across Caddo Street are the Lamplighter Condominiums.

**AICUZ:** The subject property is not located in one of the Navy's Air Installation Compatibility Use Zones (AICUZ).

**Comprehensive Plan & Area Development Plan (ADP) Consistency:** The proposed change of zoning to an industrial use is not consistent with the adopted Future Land Use Plan, which slates the subject property for commercial uses. Additionally, the following pertinent elements of the Comprehensive Plan and Southeast Area Development Plan (ADP) should be considered:

- Expansion of commercial uses into residential areas may be permitted only if the expansion maintains or improves the residential desirability of the impacted neighborhood. (Commercial Land Use Policy D)
- Commercial uses adjacent to existing or proposed residential areas should be buffered. Traffic from commercial areas should be routed away from residential areas. (Residential Land Use Policy C)
- Provide adequate and suitable-zoned land for both light and heavy industries (*Comprehensive Plan*, Industrial Land Use Policy A).
- An active program should be developed to retain and expand existing industry (*Comprehensive Plan*, Industrial Land Use Policy B).
- Residential areas should be protected from some of the more intensive commercial uses that are in the southeast area (Southeast Area Development Plan, Policy Statement B.12).

**Transportation & Access:** The subject property has sufficient access to an arterial-type street (South Staples Street). The facility has existing driveways on Gollihar Road, South Staples Street, and Caddo Street. Access to Everhart Road or Jacquelyn Drive is not permitted. The driveway on Caddo Street leads to the back of the facility.

**Plat Status:** The subject property is platted.

**Department Comments:**

- An "IL" Light Industrial District would not be appropriate for this location, which is surrounded by commercial and residential uses.
- A special permit can afford protection to the surrounding areas by specifying development or operational conditions that the applicant must abide by while allowing the applicant to continue operating on the subject property.
- The Fire Department has no objections to the increased quantities of liquid nitrogen stored in aboveground tanks. Therefore staff can support the request to modify the Special Permit.
- Granting a Special Permit overlay district and retaining the "CG-2" General Commercial as the subject property's base district would prevent future light industrial users from occupying this property if the resistor assembly facility were to relocate. Maintaining the "CG-2" District as the based district would be consistent with the Future Land Use Plan and would be more appropriate for the adjacent single-family and commercial uses.
- Traffic generated by the facility is not expected to traverse the adjacent single-family neighborhood.

- The establishment has been in this location since 1975 and does not appear to generate significant nuisances typical of other light industrial businesses. Special Permits are intended to help prevent nuisances.

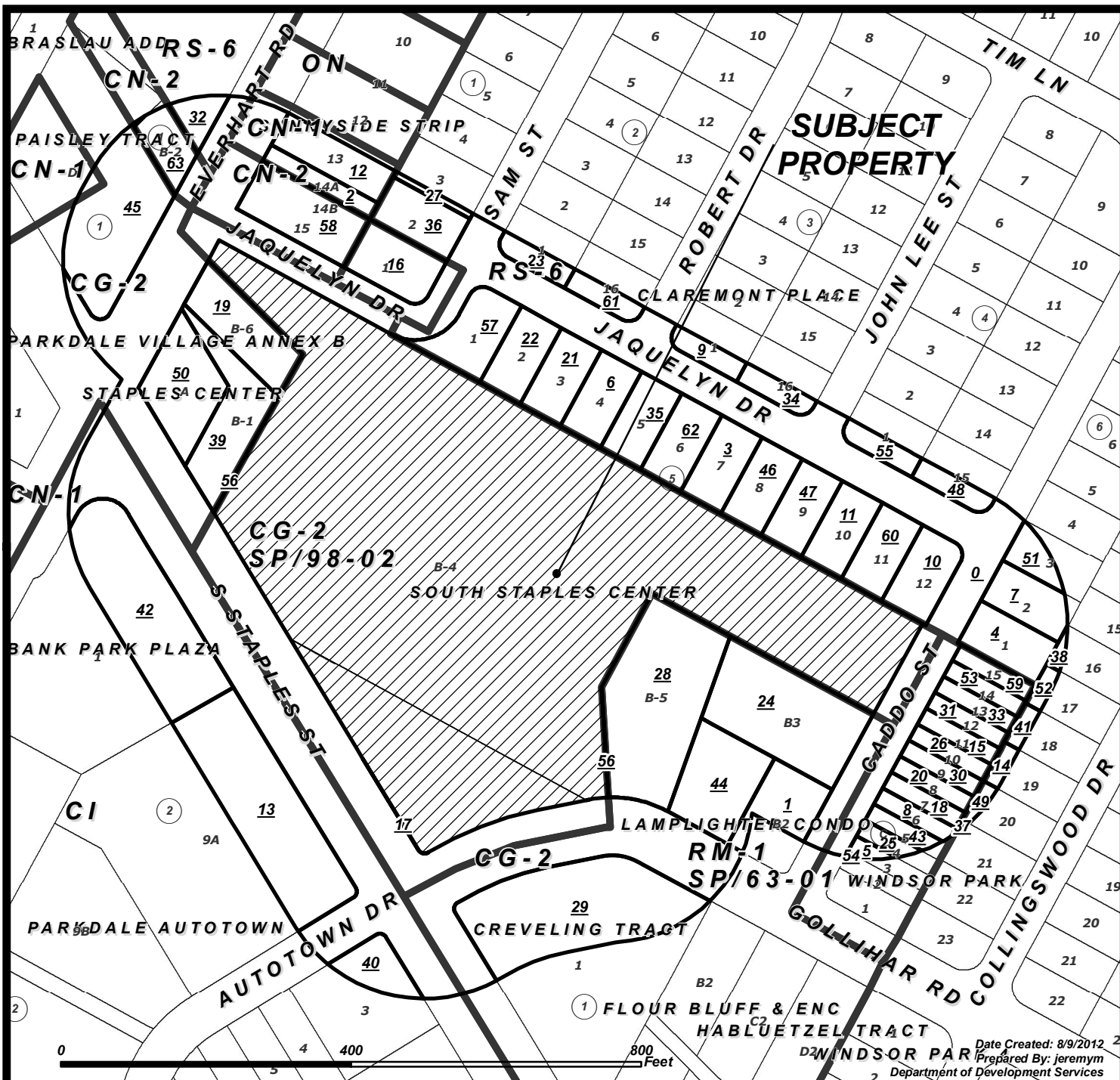
**Planning Commission and Staff Recommendation (August 15, 2012):**

Denial of the change of zoning from the “CG-2/SP” General Commercial District with a Special Permit to the “IL” Light Industrial District and, in lieu thereof, approval of the “CG-2” General Commercial District with a modified Special Permit subject to the following eight conditions:

1. **ALLOWED USES:** The only use authorized by the Owner under this Special Permit, other than the basic uses by right in the “CG-2” General Commercial District, is a resistor assembly plant.
2. **FLOOR AREA:** The floor area of the facility and related offices and storage areas cannot exceed 110,000 square feet.
3. **ABOVEGROUND TANKS:** Outdoor aboveground storage tanks may be utilized by the Owner for the storage of liquid nitrogen so long as the combined total storage capacity of the tanks does not exceed 24,000 gallons. The tanks cannot be located closer than 60 feet from the northeast property line abutting the single-family neighborhood.
4. **OUTSIDE STORAGE:** Outside storage, except for the aboveground storage tanks, is not allowed on the property. Any storage of hazardous materials by the Owner must be stored inside the existing facility and is subject, at all times, to the approval of the City’s Fire Marshal and Building Official.
5. **SCREENING FENCE:** A standard screening fence with a height of not less than six (6) feet must be installed and maintained by the Owner along the northeast property line abutting the single-family neighborhood. The fence must be installed within one (1) year from the date of this ordinance.
6. **LANDSCAPING:** A landscaping strip with a width of not less than five (5) feet must be located along the South Staples Street, Gollihar Road, and Caddo Street public rights-of-way. The landscaping strip must contain ground cover and shrubs in accordance with the Unified Development Code’s approved plant list. The Owner must ensure that all landscaping is kept in a healthy and growing condition at all times. Landscaping must be installed within one (1) year from the date of this ordinance.
7. **ACCESS:** No driveways or direct access is permitted onto Everhart Road or Jacquelyn Drive.
8. **TIME LIMIT:** This Special Permit expires one (1) year from the approval date of this ordinance unless the property is being used for the purpose outlined in Condition 1 and all other conditions are being met by the Owner.

<b>Public Notification</b>	Number of Notices Mailed – 63 within 200' notification area; 6 outside notification area
	<u>As of August 23, 2012:</u>
	In Favor – 4 (inside notification area); 0 (outside notification area)
	In Opposition – 0 (inside notification area); 0 (outside notification area)
For 0.00% in opposition.	

- Attachments:
1. Site Map (Existing Zoning & Notice Area)
  2. Existing Special Permit Ordinance
  3. Development Plan



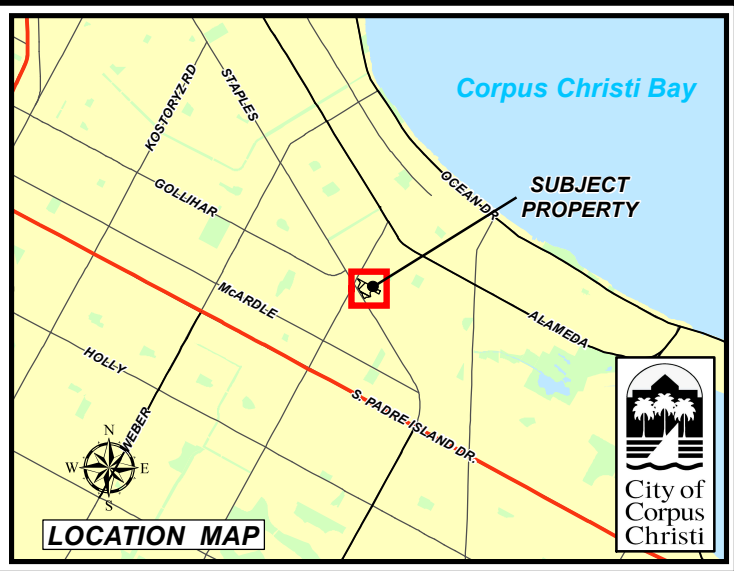
Date Created: 8/9/2012  
 Prepared By: jeremym  
 Department of Development Services

## CASE: 0812-04

### 2. SITE - EXISTING ZONING, NOTICE AREA & OWNERSHIP

RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF Two-Family
CR-1 Resort Commercial	RS-15 Single-Family 15
CR-2 Resort Commercial	RE Residential Estate
CG-1 General Commercial	RS-TH Townhouse
CG-2 General Commercial	SP Special Permit
CI Intensive Commercial	RV Recreational Vehicle Park
CBD Downtown Commercial	RMH Manufactured Home
CR-3 Resort Commercial	
FR Farm Rural	
H Historic Overlay	
BP Business Park	

-  Subject Property with 200' buffer
-  Owners in favor
-  4 Owners within 200' listed on attached ownership table
-  Owners in opposition



**AN ORDINANCE**

**AMENDING THE ZONING ORDINANCE UPON APPLICATION BY I.R.C.,  
BY GRANTING A SPECIAL PERMIT FOR A RESISTOR ASSEMBLY  
PLANT TO SOUTH STAPLES CENTER, ALL OF BLOCK A AND 5.91  
ACRES OUT OF LOT B-1; PROVIDING FOR PUBLICATION; AND  
DECLARING AN EMERGENCY.**

**WHEREAS**, the Planning Commission has forwarded to the City Council its reports and recommendations concerning the application of I.R.C., for amendment to the zoning map of the City of Corpus Christi;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, December 10, 1997, during a meeting of the Planning Commission, and on Tuesday, January 13, 1998, during a meeting of the City Council, in the Council Chambers, at City Hall, in the City of Corpus Christi, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the City Council has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Corpus Christi and its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:**

**SECTION 1.** That the Zoning Ordinance of the City of Corpus Christi, Texas, is amended and a Special Permit for a resistor assembly plant is granted to South Staples Center, all of Block A and 5.91 acres out of Lot B-1, located at bound by South Staples Street, Everhart Road, Jacquelyn Drive, Caddo Street and Gollihar Road. A metes and bounds description of the property is attached as Exhibit A.

**SECTION 2.** That the Special Permit granted in Section 1 of this Ordinance is subject to the following condition:

1. ALLOWED USES. The only use authorized by this Special Permit, other than the basic permitted uses in the "B-4" General Business District, is a resistor assembly plant.
2. FLOOR AREA: The floor area of the resistor assembly plant and related offices and storage areas, may not exceed 105,850 square feet.
3. ABOVEGROUND TANK: The property may contain two (2) aboveground storage tanks for liquid nitrogen. Each tank may not exceed a capacity of 6,000 gallons. The tanks may not be located less than 60 feet from the northeast property line.

4. **OUTSIDE STORAGE**: Outside storage, except for the aboveground storage tank, is not permitted on the property. Any storage of hazardous materials must be stored inside the existing structure.
5. **SCREENING FENCE**: A standard screening fence with a height of not less than six (6) feet must be installed and maintained along the northeast property line. The fence must be installed within one (1) year from the date of this ordinance.
6. **LANDSCAPING**: A landscaping strip with a width of not less than five (5) feet must be located along the S. Staples Street, Gollihar Road, and Caddo Street rights-of-way. The landscaping strip must contain ground cover and shrubs. All landscaping must be kept in a healthy and growing condition at all times. Landscaping must be installed within one (1) year from the date of this ordinance.
7. **ACCESS**: No direct access is permitted to Everhart Road and Jacquelyn Drive.
8. **TIME LIMIT**. This Special Permit expires one (1) year from the date of this ordinance unless the property is being used for the purpose outlined in Condition 1 and all other conditions have been complied with.

**SECTION 3.** That the official Zoning Map of the City of Corpus Christi, Texas, is amended to reflect the amendment to the Zoning Ordinance in Section 1 of this ordinance.

**SECTION 4.** That the Zoning Ordinance and Zoning Map of the City of Corpus Christi, Texas, approved on the 27th day of August, 1973, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 5.** That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 6.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

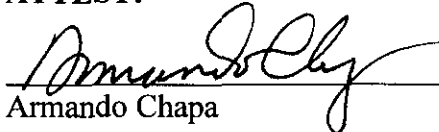
**SECTION 7.** Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

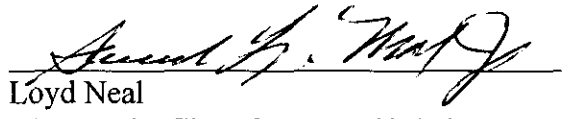
**SECTION 8.** That upon written request of the Mayor or five Council members, copy attached, to find and declare an emergency due to the need for immediate action necessary for the efficient and effective administration of City affairs, such finding of an emergency is made and declared requiring suspension of the Charter rule as to consideration and voting upon ordinances at two



regular meetings so that this ordinance is passed and shall take effect upon first reading as an emergency measure this the 13th day of January, 1998.

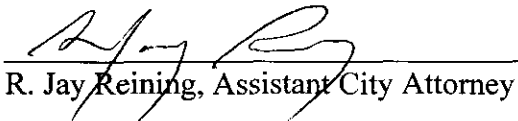
**ATTEST:**

  
Armando Chapa  
City Secretary

  
Loyd Neal  
Mayor, The City of Corpus Christi

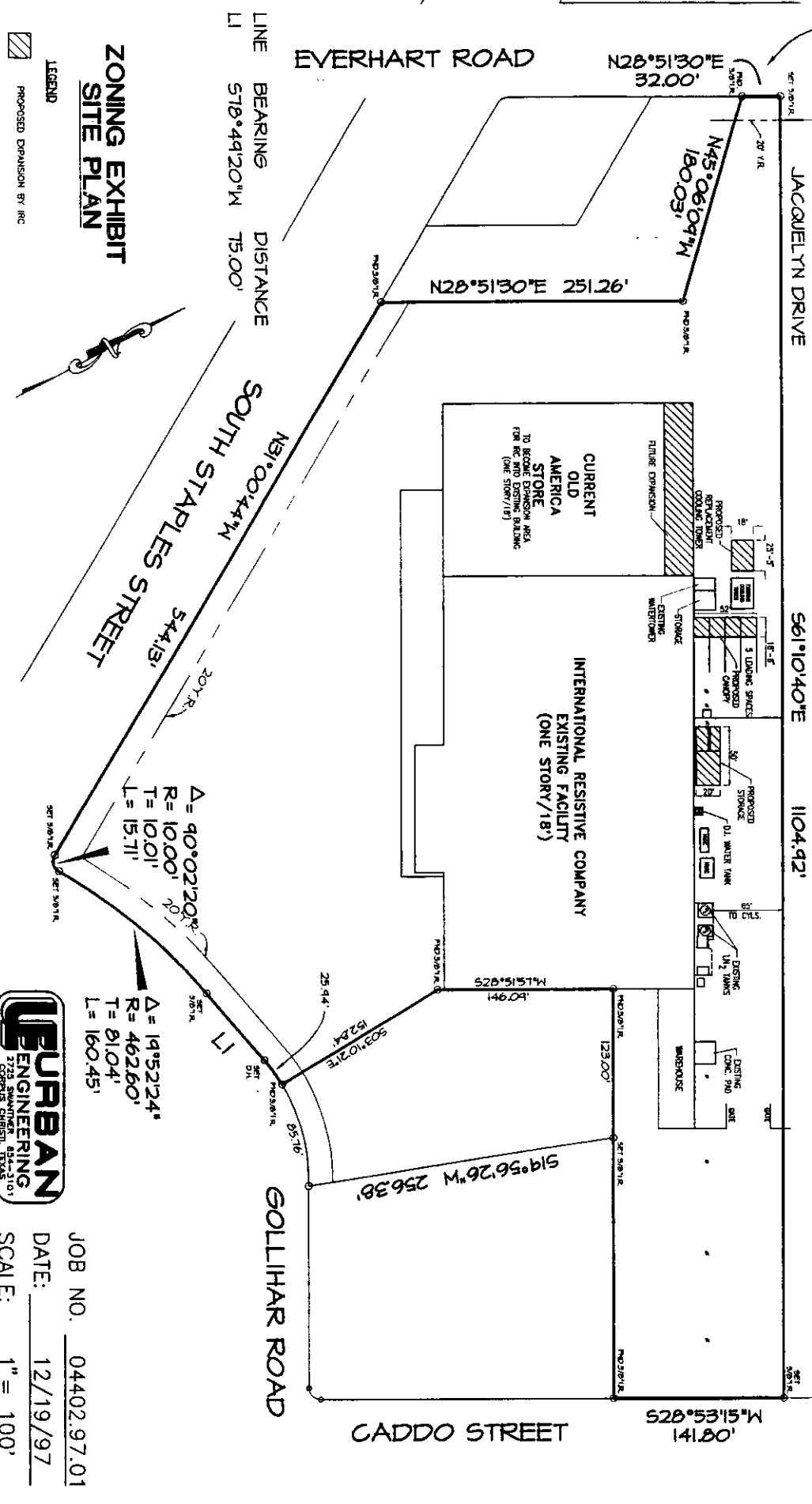
**APPROVED:** This 5<sup>th</sup> day of January, 1998.

James R. Bray, Jr., City Attorney

By:   
R. Jay Reining, Assistant City Attorney

NO ACCESS FROM JACQUELYN OR EVERHART TO BE PERMITTED

PROPOSED NEW SCREENING FENCE ON PROPERTY LINE



LINE	BEARING	DISTANCE
L1	$S78^{\circ}49'20''W$	75.00'

LINE	BEARING	DISTANCE
L2	$N81^{\circ}00'44''W$	544.13'

LINE	BEARING	DISTANCE
L3	$\Delta = 90^{\circ}02'22.04''$	$R = 10.00'$
L4	$T = 10.01'$	$L = 15.71'$

LINE	BEARING	DISTANCE
L5	$\Delta = 14^{\circ}52'22.4''$	$R = 462.60'$
L6	$T = 81.04'$	$L = 160.45'$

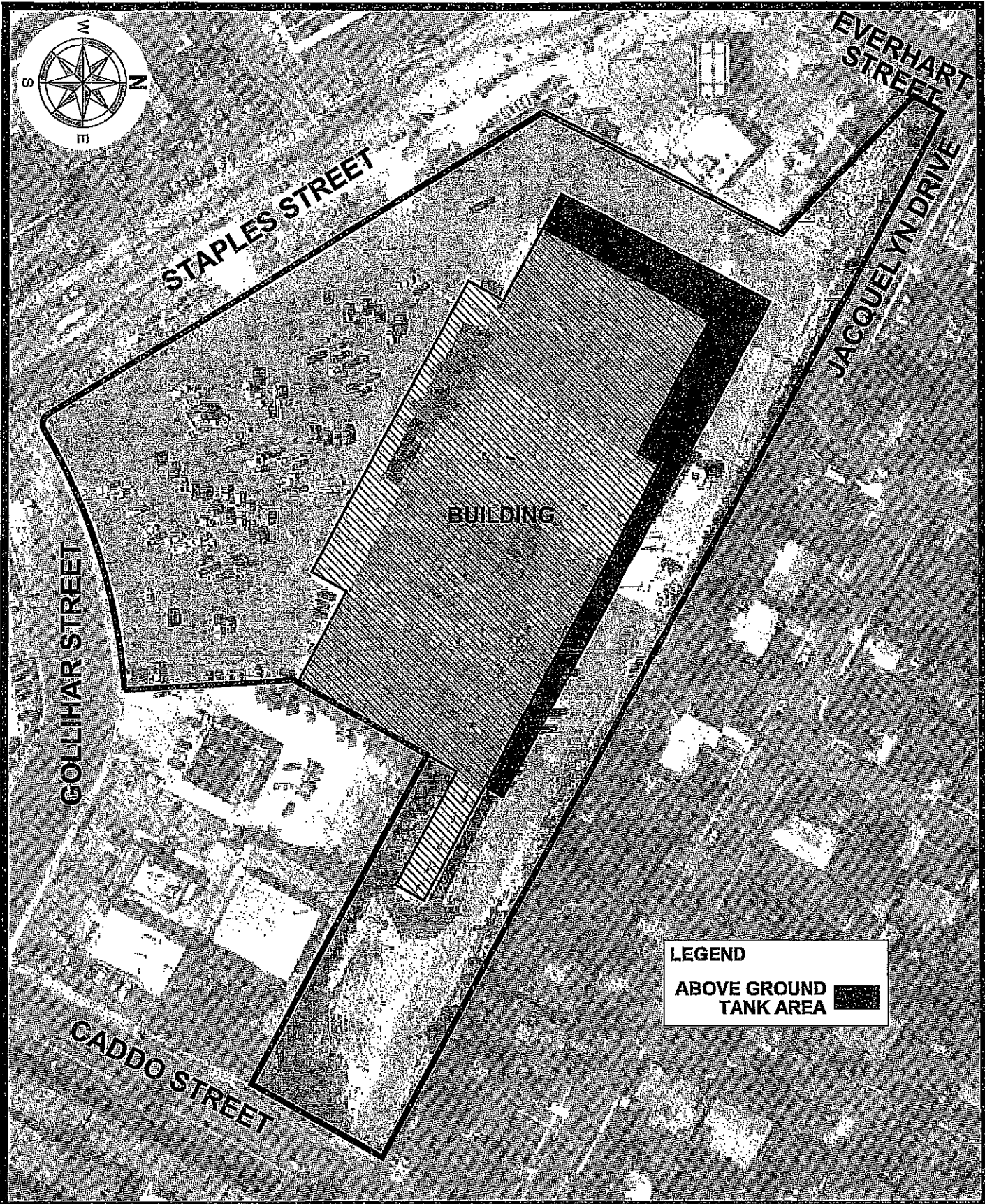
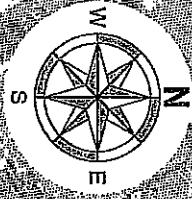
**URBAN ENGINEERING**  
 724 W. UNIVERSITY BLVD. SUITE 101  
 CORPUS CHRISTI, TEXAS

JOB NO. 04402.97.01  
 DATE: 12/19/97  
 SCALE: 1" = 100'


**LEGEND**  
 PROPOSED EXPANSION BY RIC

**ZONING EXHIBIT**  
**SITE PLAN**





**LEGEND**

ABOVE GROUND TANK AREA 

**NE** **NaismithEngineering, Inc**  
 ARCHITECTURE ■ ENGINEERING ■ ENVIRONMENTAL ■ SURVEYING  
TRAFFIC F-135593 ■ TDPER F-353 ■ TDPG F-50017 ■ TPLS F-100395-00  
 4501 GOLLIHAR ROAD, CORPUS CHRISTI, TX 78411  
 PH: 800-677-2831 ■ FAX: 361-814-9900 ■ FAX: 361-814-4401 ■ NAISMITH-ENGINEERING.COM

**EXHIBIT B**  
**EXTERIOR STORAGE TANK LOCATIONS**

DRAWN BY: TBT	CHECKED BY: TBT	APPROVED BY: TKO	SCALE: 1"=1,000'	DATE: 6/2012	PROJECT NUMBER: 8854	REVISION: -
FOR PERMIT PURPOSES ONLY, NOT FOR CONSTRUCTION OR BIDDING						

CORPUS CHRISTI, NUECES COUNTY, TEXAS

EXHIBIT  
**B**  
 SHEET OF 1