

# STAFF REPORT

Case No. 0917-05

INFOR No. 17ZN1034

**Planning Commission Hearing Date:** October 4, 2017

<b>Applicant &amp; Legal Description</b>	<b>Owner:</b> AN Corpus Christi Chevrolet, LP. <b>Applicant:</b> MULTATECH Architects & Engineers <b>Location Address:</b> 6686 South Padre Island Drive <b>Legal Description:</b> Being 3.17 acres out of Lot 1-R, Block 2, Woodlawn Estates Unit 3, located on the north side of South Padre Island Drive (SH 358), east of Airline Road, and west of Nile Drive.			
<b>Zoning Request</b>	<b>From:</b> "CG-1" General Commercial District <b>To:</b> "IL" Light Industrial District <b>Area:</b> 3.17 acres <b>Purpose of Request:</b> To allow for a vehicle repair facility including a paint and body shop accessory to a vehicle sales establishment.			
<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-1" General Commercial	Commercial	Commercial
	<i>North</i>	"RS-6/SP" Single-Family 6 District with a Special Permit	Commercial	Commercial
	<i>South</i>	"CG-2" General Commercial	Commercial	Commercial
	<i>East</i>	"RS-6/SP" Single-Family 6 District with a Special Permit	Commercial	Commercial
	<i>West</i>	"CG-1" General Commercial	Commercial	Commercial
<b>ADP, Map &amp; Violations</b>	<b>Area Development Plan:</b> The subject property is located within the boundaries of the Southeast Area Development Plan (ADP) and is planned for mixed uses. The proposed rezoning to the "IL" Light Industrial District is <u>inconsistent</u> with the adopted Future Land Use Map which calls for mixed uses. However, the proposed use is consistent with the Southeast Area Development Plan (ADP) and PlanCC. <b>Map No.:</b> 040035 <b>Zoning Violations:</b> None			
<b>Transportation</b>	<b>Transportation and Circulation:</b> The subject property due to rezoning by metes and bounds does not front upon a street. However, the platted lot has approximately 474 feet of frontage along Daly Drive which is designated as a Local/Residential Street and approximately 663 feet of frontage along South Padre Island Drive (SH 358) which is designated as a "F1" Freeway/Expressway.			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Daly Drive	Local/Residential	50' ROW 28' paved	50' ROW 25' paved	N/A
	South Padre Island Drive	"F1" Freeway/Expressway	400' ROW Varies paved	268' ROW 228' paved	11,295 ADT (2013)

### **Staff Summary:**

**Requested Zoning:** The applicant is requesting a rezoning from the "CG-1" General Commercial District to the "IL" Light Industrial District to allow for a vehicle repair facility including a paint and body shop accessory to a vehicle sales establishment.

**Development Plan:** The subject property is 3.17 acres in size. The applicant proposes to enclose an existing carport. The structure is on the property line and the "IL" Light Industrial District does not permit zero lot line standards. The applicant has submitted the following statement, "This site currently operates several AutoNation sales centers (which include maintenance shops) in the previously zoned B-4 and both a Collision Center (which includes body work and painting) and sales in the previously zoned B-3. In 2011, when Corpus Christi adopted the Unified Development Code (UDC) it re-established the zoning as CG-1 and CG-2, respectively, which only allows "Vehicle Service, Limited" or minor repairs. The Collision Center was classified as "existing, non-conforming." Body work and painting is now classified as "Vehicle Service, Heavy" and is only allowed in Industrial zoning. The existing Collision Center is for customer vehicles that have been in an accident, the proposed Recon Center, located on the same lot and in the same CG-1 zoning, is for used cars obtained through trade-ins that are to be reconditioned and resold. The Recon Center has already been approved and permitted (#C38734), but AutoNation would like to add heavy engine work and painting to their current services, similar to the Collision Center. AutoNation would like to change the zoning to Light Industrial (IL) which would allow this work to be added to the new facility."

**Existing Land Uses & Zoning:** The subject property is currently zoned "CG-1" General Commercial and consists of a large multi-brand vehicle sales and service complex. The subject property was rezoned from "RS-6" Single-Family 6 District to "CG-1" General Commercial in 1996 for a multi-brand vehicle sales establishment with a service department. To the north and east is zoned "RS-6/SP" Single-Family 6 District with a Special Permit. The property to the north was rezoned from "RS-6" Single-Family 6 District to "RS-6/SP" Single-Family 6 District with a Special Permit in 2010. The Special Permit conditions does not allow for any structures, requires landscaping, screening, and is only to be used as vehicle parking. The property is designed to act as a buffer between the vehicle sales complex and the residential neighborhood to the east (Meadowland & Meadowland). To the west is parking for the vehicle sales complex and a collision center. Across Daly Drive, is a multifamily apartment complex rezoned to "RM-1" Multifamily 1 District in 2013. To the south of the subject property is South Padre Island Drive (SH 358).

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

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

**PlanCC & Area Development Plan Consistency:** The subject property is located within the boundaries of the Central Business Area Development Plan (ADP). The proposed rezoning to the "IL" Light Industrial District is inconsistent with the Future Land Use Map. However, the proposed use is consistent with the Southeast Area Development Plan (ADP) and PlanCC and consistent with the following policies of the Central Business ADP and PlanCC:

- Promote a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses based on compatibility, locational needs, and characteristics of each use. (Future Land Use, Zoning, and Urban Design Policy Statement 1)
- Encourage the design of commercial centers in a manner that minimizes the impacts of automobile intrusion, noise and visual blight on surrounding areas. (Future Land Use, Zoning, and Urban Design Policy Statement 3)
- Screening fences, open space or landscaping can provide an essential buffer between shopping and residential areas. (Future Land Use, Zoning, and Urban Design Policy Statement 3)
- Steps should be taken to prevent negative impacts and promote sensitive design. Lighting from non-residential uses should be directed away from residential areas; Noise impacts from non-residential uses should be reduced by creating a buffer open space between the two areas. Such spaces may be landscaped areas, a street, a screening fence, larger setbacks, etc. These methods can be used singularly but are usually most effective when applied in combination to provide the desired effect; Placing low intensity activities next to single family uses; and because non-residential areas are considered most suitable next to higher level roads, "also acceptable" uses will need to be buffered from negative traffic noise impacts if they are located immediately next to the highway. (Policy Statement B.2)
- Industrial zoned areas in the Southeast should not be expanded more than shown in the Future Land Use Plan. (Policy Statement B.5).

**Department Comments:**

- The proposed rezoning is inconsistent with the Future Land Use Map. However, the proposed use is consistent with the Southeast Area Development Plan (ADP) and PlanCC. The proposed rezoning is also compatible with neighboring properties and with the general character of the surrounding area. The proposed use does not have a negative impact upon the surrounding neighborhood.
- The proposed rezoning is incompatible with the present zoning and conforming uses of nearby properties and to the character of the surrounding area. The potential rezoning would have a negative impact upon the surrounding neighborhood as it would allow all uses allowed by right in the "IL" District. The rezoning to the "IL" District for the purposes of an ancillary auto repair shop with paint and body capabilities would be better suited to be granted by Special Permit (SP).

- The subject property is suitable for the uses proposed by this rezoning, as the property is currently a multi-brand vehicle sales establishment with a collision auto repair facility.
- According to the former Corpus Christi Zoning Ordinance, under the “B-3” Business District (“CG-1” General Commercial District), “Automobile service, painting and body work are permitted as an accessory use within an enclosed building when associated with auto sales establishment.”
- The multi-brand vehicle sales establishment has remained in conformance with the Unified Development Code (UDC) and the Special Permit conditions set in 2010.
- The addition of the paint and body shop of the vehicle repair facility would not have an adverse impact as it will always remain a secondary and ancillary use to the multi-brand vehicle sales establishment.
- An SP would provide the use requested by the applicant while protecting the integrity of surrounding uses including the nearby single-family neighborhood.
- All uses will be subject to the City’s noise ordinance to prevent a nuisance from occurring.
- The applicant is requesting a reconditioning center to operate as an ancillary vehicle repair shop. The paint and body use, as well as, the proposed vehicle repair is defined by the Unified Development Code (UDC) as “Vehicle Service, Heavy.” However, the previous dealership did not operate any paint and body repair uses. The Unified Development Code (UDC) defines vehicle services as:

Vehicle Service, Limited: Minor repair or replacement of parts, tires, tubes, or batteries, diagnostic services; minor motor services such as grease, oil, spark plug, or filter changing; tune-ups; emergency road services; replacement of starters, alternators, hoses, belts, and points; brake or muffler repair, wheel alignment, automobile washing, automobile upholstery, window-tinting, state inspections and associated minor repairs; routine servicing of air-conditioning systems, or other similar minor repair services. Minor repairs do not include uses listed under “vehicle service, heavy.”

Vehicle Service, Heavy: General repair or overhaul of engines, air-conditioning systems, transmissions, or radiators for motor vehicles; Repair of bodies, frames, or fenders, painting, undercoating, or rust-proofing; repair of heavy load vehicles such as, tractor trailers, commercial dump trucks, or transit vehicles; customizing; vehicle steam cleaning; and other similar uses. Major repairs do not include uses listed under “vehicle service, limited.”

**Staff Recommendation:**

Denial of the change of zoning from the “CG-1” General Commercial District to the “IL” Light Industrial District, in lieu thereof approval of the “CG-1” General Commercial District with a Special Permit (SP) with the following conditions.

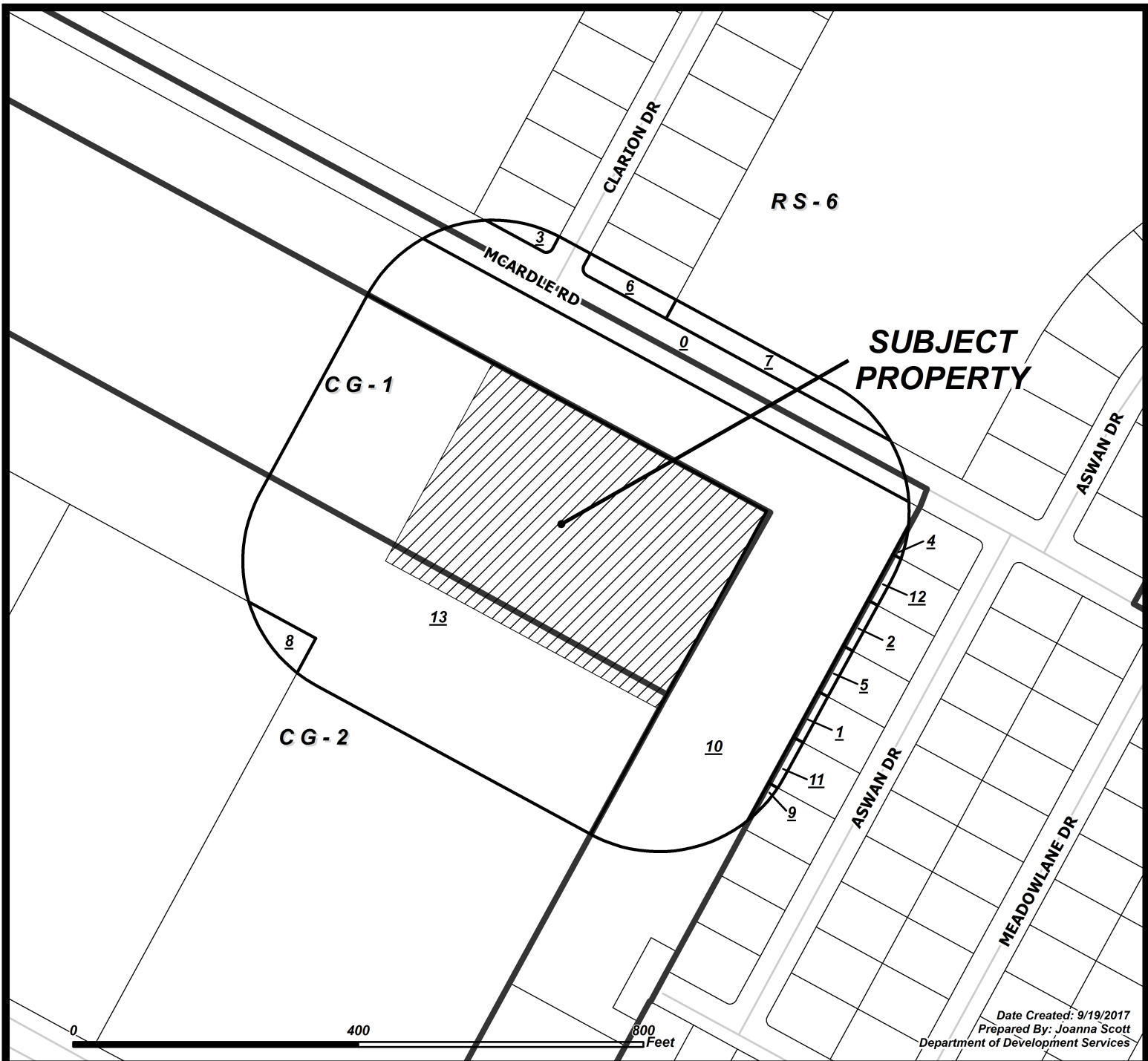
1. **Uses:** The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district is “Vehicle Service, Heavy” as defined by the Unified Development Code (UDC). All vehicle service and repairs must be done within an enclosed building and must follow all federal, state, local regulations.

2. **Hours of Operation:** The hours of operation shall be the same as the business hours of operation from 7:00 AM to 7:00 PM Monday through Saturday.
3. **Lighting:** All security 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 near all public roadways and residential development.
4. **Dumpster Screening:** Any dumpster located on the Property shall be effectively screened from view by means of a screening fence or landscaping.
5. **Outdoor Paging Systems/Intercom Systems:** Must not exceed sixty (60) dB at the property line where adjacent to residential properties.
6. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
7. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within twelve (12) 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.

<b>Public Notification</b>	Number of Notices Mailed – 13 within 200-foot notification area 5 outside notification area
	<b><u>As of September 29, 2017:</u></b>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.

**Attachments:**

- A. Location Map (Existing Zoning & Notice Area)
- B. Site Plan
- C. Public Comments Received (if any)



## CASE: 0917-05 ZONING & NOTICE AREA

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

X

Owners  
in opposition

