

# STAFF REPORT

Case No. 0720-04  
 INFOR No. 20ZN1017

**Planning Commission Hearing Date:** July 22, 2020

<b>Applicant &amp; Legal Description</b>	<p><b>Owner:</b> Petra Dilley  <b>Applicant:</b> Petra Dilley  <b>Location Address:</b> 1014 Admiral Drive  <b>Legal Description:</b> Being 0.4741 Acre Tract of Land, comprising of a 0.3953 Acre Tract (previously surveyed) being the South One-Half of Lot 21, Block H, except the West 50' thereof and excepted 12.5 feet reserved off the north side for Street Purposes, Block H, Flour Bluff Estates, located along the west side of Admiral Drive, south of Melody Lane, and north of State Highway 358 (South Padre Island Drive).</p>			
<b>Zoning Request</b>	<p><b>From:</b> "RS-6" Single-Family 6 District  <b>To:</b> "CG-1" General Commercial District  <b>Area:</b> 0.47 acres  <b>Purpose of Request:</b> To allow for the construction of a drive-thru car wash.</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>	"RS-6" Single-Family 6	Vacant	Transition Aviation
	<i>North</i>	"RS-6" Single-Family 6	Low Density Residential	Transition Aviation
	<i>South</i>	"CG-2" General Commercial	Commercial	Transition Aviation and Commercial
	<i>East</i>	"CG-1" General Commercial	Vacant	Transition Aviation
	<i>West</i>	"CG-2" General Commercial	Vacant	Transition Aviation
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located within the boundaries of the Flour Bluff Area Development Plan and is planned for a Transition Aviation use. The proposed rezoning to the "CG-1" General Commercial District is consistent with the adopted Comprehensive Plan (Plan CC).  <b>Map No.:</b> 034032  <b>City Council District:</b> 4  <b>Zoning Violations:</b> None</p>			

<b>Transportation</b>	<b>Transportation and Circulation:</b> The subject property has approximately 160 feet of street frontage along Admiral Street which is designated as a “Local/Residential” Street. According to the Urban Transportation Plan, “Local / Residential” Streets can convey a capacity up to 500 Average Daily Trips (ADT).				
<b>Street R.O.W.</b>	<b>Street</b>	<b>Urban Transportation Plan Type</b>	<b>Proposed Section</b>	<b>Existing Section</b>	<b>Traffic Volume</b>
	<b>Admiral Street</b>	Local/Residential	50’ ROW 28’ paved	50’ ROW 20’ paved	N/A

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a rezoning from the “RS-6” Single-Family 6 District to the “CG-1” General Commercial District to allow for the construction of a drive-thru car wash.

**Development Plan:** The subject property is 0.47 acres in size. The proposed use is a drive-thru car wash.

**Existing Land Uses & Zoning:** The subject property is currently zoned “RS-6” Single-Family 6 District and consists of vacant property. The property was annexed in 1961. To the north is a single-family residential subdivision (Flour Bluff Estates; 1940) zoned “RS-6” Single-Family 6 District. To the south is an existing car wash (The Carwash Company) zoned “CG-2” General Commercial District. To the east are businesses (Treasure Bay Costal Furniture) and vacant properties zoned “CG-1” and “CG-2” General Commercial District. To the west are businesses (Treasure Bay Costal Furniture) and vacant properties zoned “CG-2” General Commercial District.

**AICUZ:** The subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ). However, the subject property is located approximately 1,600-feet to the southeast of an Accident Potential Zone (APZ-1).

**Plat Status:** The property is not platted.

**Utilities:**

**Water:** 6-inch C900 line located along Admiral Drive.

**Wastewater:** 8-inch VCP line located along Admiral Drive.

**Gas:** 2-inch Service Line located along Admiral Drive.

**Storm Water:** Roadside ditches located along Admiral Drive.

**Plan CC & Area Development Plan Consistency:** The subject property is located within the boundaries of the Flour Bluff Area Development Plan and is planned for a Transition Aviation use. The proposed rezoning to the “CG-1” General Commercial District is

consistent with the adopted Comprehensive Plan (Plan CC). The following policies should be considered:

- Encourage orderly growth of new residential, commercial, and industrial areas (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- 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).
- Promote interconnected neighborhoods with appropriate transitions between lower-intensity and higher-intensity land uses. (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Continue to consider the compatibility of proposed uses with military airfield operations when making decisions on rezoning requests. (Future Land Use, Zoning, and Urban Design Policy Statement 4).

**Department Comments:**

- The proposed rezoning is consistent with the adopted Comprehensive Plan (Plan CC), however it is not compatible with the surrounding uses, and has a negative impact upon adjacent properties if no mitigation measures are implemented.
- The “CG-1” General Commercial District was originally designed to implement the guidelines of the Air Installation Compatibility Use Zones (AICUZ). The “CG-1” District prohibits all residential uses, therefore promoting compatible land uses with flight operations.
- The “CG-1” District opens the possibility of more intense commercial uses such as Mini-Storage, Bars, and Night Clubs adjacent to single-family residences.
- The “CN-1” Neighborhood Commercial District is another zoning district that allows automatic car washes by-right. However, the “CN-1” District also allows multifamily developments at maximum density of 37 dwelling units per acre. Multifamily developments are inconsistent with AICUZ and land compatibility with military flight operations. Therefore, the “CN-1” District is not a viable option.
- An automated car wash with a single wash bay is a low impact commercial use. The limited hours of operation of 7 a.m. to 9 p.m. would reduce the chance of any potential negative impacts from occurring.
- If the “CG-1” District is approved, the proposed development will still need to abide by all requirements of the Unified Development Code (UDC). Specifically, a Type C Buffer Yard, consisting of 15-feet and 15-points, will be required along the northern property line shared with the “RS-6” Single-Family 6 District.

**Staff Recommendation:**

Denial of the change of zoning from the “RS-6” Single-Family 6 District to the “CG-1” General Commercial District, in lieu thereof, approval of the “RS-6/SP” Single-Family 6 District with a Special Permit (SP) with the following conditions.

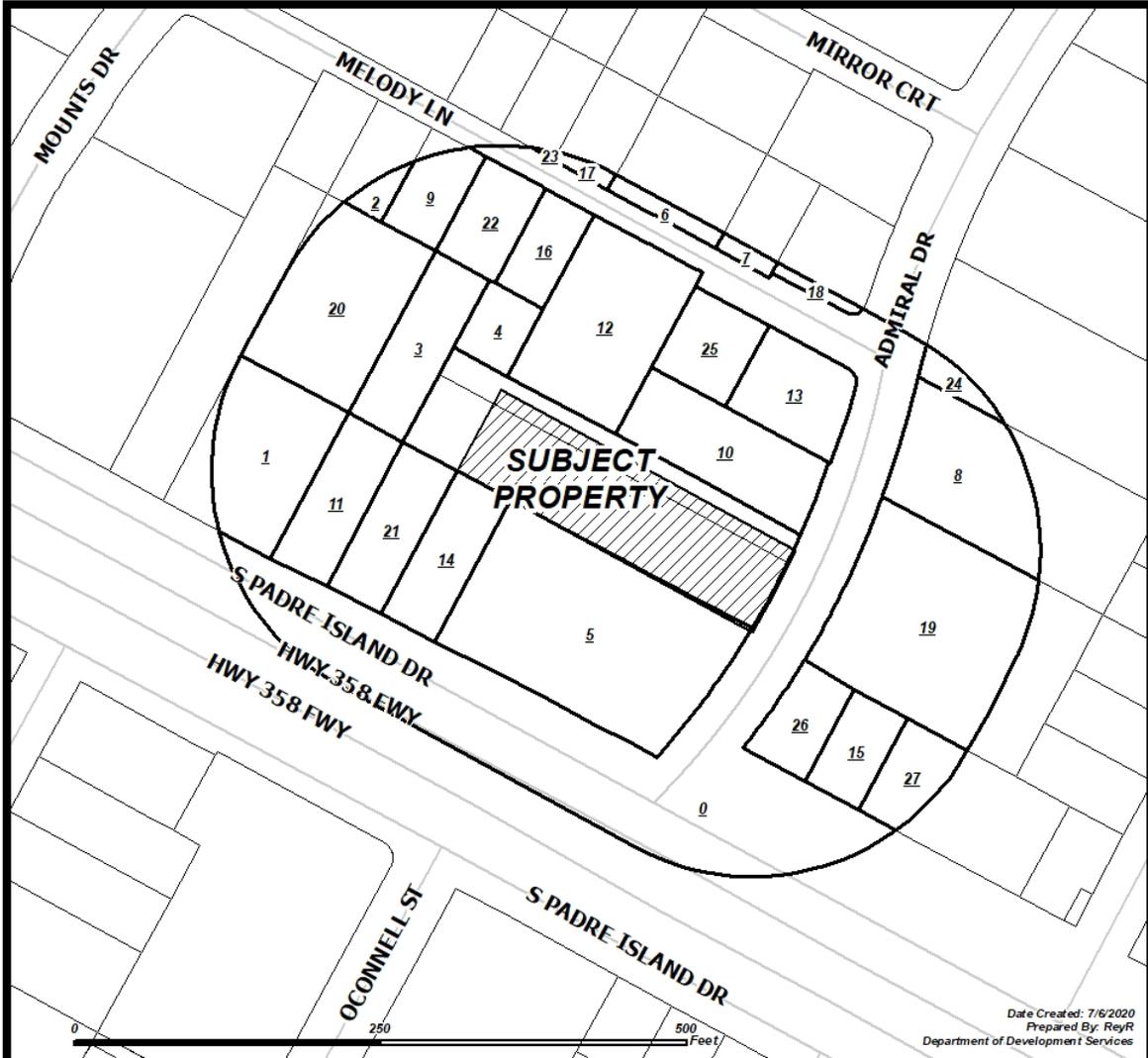
1. **Uses:** The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district is “Car Wash, automated” as defined by the Unified Development Code (UDC).

2. **Setback/Screening:** A setback at a minimum of 10 feet shall be maintained from the northern property line shared with the single-family residence. An 8-foot solid screening fence shall be built along the northern property line shared with the single-family residence.
3. **Hours of Operation:** The hours of operation shall be daily from 7:00 AM to 9:00 PM.
4. **Dumpster Screening:** Any dumpster located on the Property shall be effectively screened from view by means of a screening fence or landscaping.
5. **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.
6. **Noise:** Must not exceed sixty (60) dB at the property line where adjacent to residential properties.
7. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
8. **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 – 27 within 200-foot notification area 5 outside notification area
	<b><u>As of July 17, 2020:</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. Public Comments Received (if any)



Date Created: 7/6/2020  
Prepared By: ReyR  
Department of Development Services

**CASE: 0720-04**  
**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
- Owners within 200' listed on attached ownership table
- Owners in opposition

