

# ZONING REPORT

Case # 0822-03

<b>Applicant &amp; Subject Property</b>			
<b>City Council District:</b> 1 <b>Owner:</b> Flint Hills Resources Corpus Christi LLC <b>Applicant:</b> Dlugosch 3 LLC <b>Address:</b> 2054 Tuloso Road <b>Location:</b> Along the west side of Tuloso Road, and north of Leopard Street <b>Legal Description:</b> 12.350 acres out of Tuloso Road Elementary <b>Acreege of Subject Property:</b> 12.350 acres <b>Pre-Submission/Early Assistance Meeting:</b> 2/22/2022			
<b>Zoning Request</b>			
<b>From:</b> "RS-6" Single-Family 6 District and the "ON" Neighborhood Office District <b>To:</b> "CG-2" General Commercial District <b>Purpose of Request:</b> The proposed use is a 15,830 square foot convenience store with fuel sales. The site will include passenger and commercial truck parking (approximately 70 spaces)			
<b>Land Development &amp; Surrounding Land Uses</b>			
	Zoning District	Existing Land Use	Future Land Use
<b>Site</b>	"RS-6" Single-Family 6, "ON" Neighborhood Office	Public/Semi-Public	Government
<b>North</b>	"RS-TF" Two-Family, "RS-4.5" Single-Family 4.5	Vacant	Light Industrial
<b>South</b>	"RS-6" Single-Family 6 "ON" Neighborhood Office	Public/Semi-Public, Vacant, Commercial	Government
<b>East</b>	"RS-6" Single-Family 6 "ON" Neighborhood Office	Low-Density Residential, Vacant, Public/Semi-Public	Low-Density Residential, Medium-Density Residential
<b>West</b>	"RS-6" Single-Family 6	Vacant, Light Industrial	Government
<b>Plat Status:</b> Property is not platted. <b>Air Installation Compatibility Use Zone (AICUZ):</b> No. <b>Code Violations:</b> None.			
<b>Transportation and Circulation FOR Tuloso Road (Reconstruction and widening completed as a part of Bond 2012)</b>			
	Designation-Urban Street	Section Proposed	Section Existing
<b>Tuloso Road</b>	"A2" Secondary Arterial	100' R.O.W.	2 Lanes 80 Feet
<b>Transit:</b> The Corpus Christi RTA provides transit services via <i>Bus Route 27 Leopard</i> with two bus stops near Tuloso Road and Leopard Street.			

<b>Utilities</b>	
<p><b>Gas:</b> 4-inch WS gas line along the east side of Tuloso Road.  <b>Stormwater:</b> 24-inch RCP along the west side of Tuloso Road.  <b>Wastewater:</b> 8-inch clay along the east side of Tuloso Road, and along the southern boundary of the subject property.  <b>Water:</b> 6-inch waterline along the west side of Tuloso Road, rerouted mid-way to the west side of the road.</p>	
<b>Corpus Christi Comprehensive Plan</b>	
<p><b>Plan CC:</b> Provides a vision, goals, and strategies, to guide, regulate, and manage future development and redevelopment within the corporate limits and extraterritorial jurisdiction (ETJ) was adopted in 2016.  <b>Area Development Plan (ADP):</b> According to Plan CC the subject property is located within the Port/Airport/Violet Area Development Plan (Adopted September 22, 1992)  <b>Water Master Plan, Wastewater Master Plan, Stormwater Master Plan:</b> Currently, there are no proposed improvements.</p>	
<b>Public Notification</b>	
Number of Notices Mailed	<ul style="list-style-type: none"> <li>• 37 within a 200-foot notification area</li> <li>• 0 outside 200-foot notification area</li> </ul>
In Favor	<ul style="list-style-type: none"> <li>• 15 inside notification area</li> <li>• 0 inside notification area</li> <li>• 39.32% in favor within the 200-foot notification area</li> </ul>
<b>Public Hearing Schedule</b>	
<p><b>Planning Commission Hearing Date:</b> October 05, 2022  <b>City Council 1<sup>st</sup> Reading/Public Hearing Date:</b> November 01, 2022  <b>City Council 2<sup>nd</sup> Reading Date:</b> November 15, 2022</p>	

**Background:**

The applicant is requesting a change in zoning for the northern portion of the remaining 24.74-Acre Tuloso Road Elementary lot, north of the existing Flint Hills Resource Center. The subject property is adjacent to medium-density residential developments to the north, east, and southeast. The site is located half a mile south of Interstate Highway 37 and approximately 1,000 Feet north of Leopard Street on Tuloso Road. Both Leopard Street and Tuloso Road are secondary arterials. The proposed development is a 15,830-square-foot convenience store with fuel sales. The site will include passenger and commercial truck parking (approximately 70 spaces for commercial trucks) that will operate during the daytime and nighttime year-round without any overnight accommodations. It will consist of a one-story (approximately 15,820 square feet) convenience store with 16 pumps. A total of 183 parking spaces for passenger cars and trucks will be provided to serve guests and about 20 employees per shift.

**Comprehensive Plan (Plan CC) Consistency:**

The proposed rezoning is inconsistent with the following Goals and Strategies for Decision Makers:

- Future Land Use, Zoning, and Urban Design
  - Encourage the protection and enhancement of residential neighborhoods.
  - 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.
  - Support the separation of high-volume traffic from residential areas or other noise-sensitive land uses.
  - Encourage the design of commercial centers in a manner that minimizes the impacts of automobile intrusion, noise, and a visual blight on surrounding areas.
- Transportation and Mobility
  - “Certain uses” that produce traffic congestion, noise, and road wear, should be properly located and designed to prevent conflicts with other land use activities.

**Future Land Use Map Consistency:**

The proposed rezoning for commercial uses is inconsistent with the Future Land Use Map (FLUM) and would require an amendment to the FLUM:

- Government use.

**Staff Analysis:**

“While the comprehensive plan is consulted when making decisions about rezoning. It does not justify the denial of a plat or the development of land.” (Plan CC). Staff reviewed the subject property’s background information and the applicant’s purpose for the rezoning request and conducted research into the property’s land development history to include platting, zoning, existing surrounding land uses, and potential code violations. Staff compared the proposed zoning’s consistency with the applicable elements of the comprehensive plan. As a result of the above analysis staff notes the following:

- The proposed rezoning is not consistent with the Future Land Use Map and many broader elements of the Comprehensive Plan.
- The proposed use is compatible with the adjacent uses and in keeping with the character of the neighborhood.
- The appropriate zoning for the scale of the proposed use is typically in an industrial district. However, the use is on the site of a former Elementary School.
- Industrial uses are typically located near major transportation routes such as highways; however, the property is adjacent to the north, west, and south are vacant, office, and a bus maintenance barn.
- The reconstruction of Tuloso Road, completed as a part of the City’s Bond 2012 program, widened Tuloso Road to three lanes. However, the widening to three lanes did not extend to the subject property. The widening decreases to two lanes the entire length of the subject property on Tuloso Road.
- Other sites more suitable for the proposed development are located along Interstate Highway 37.
- Operating will be non-stop throughout the year, with 20-50 employees on site, dependent on the time of day.

Additionally, a Traffic Impact Analysis (TIA) is required with this rezoning application and has been submitted as Attachment B (Executive Summary – Page 1, Conclusion and Recommendations – Page 20)

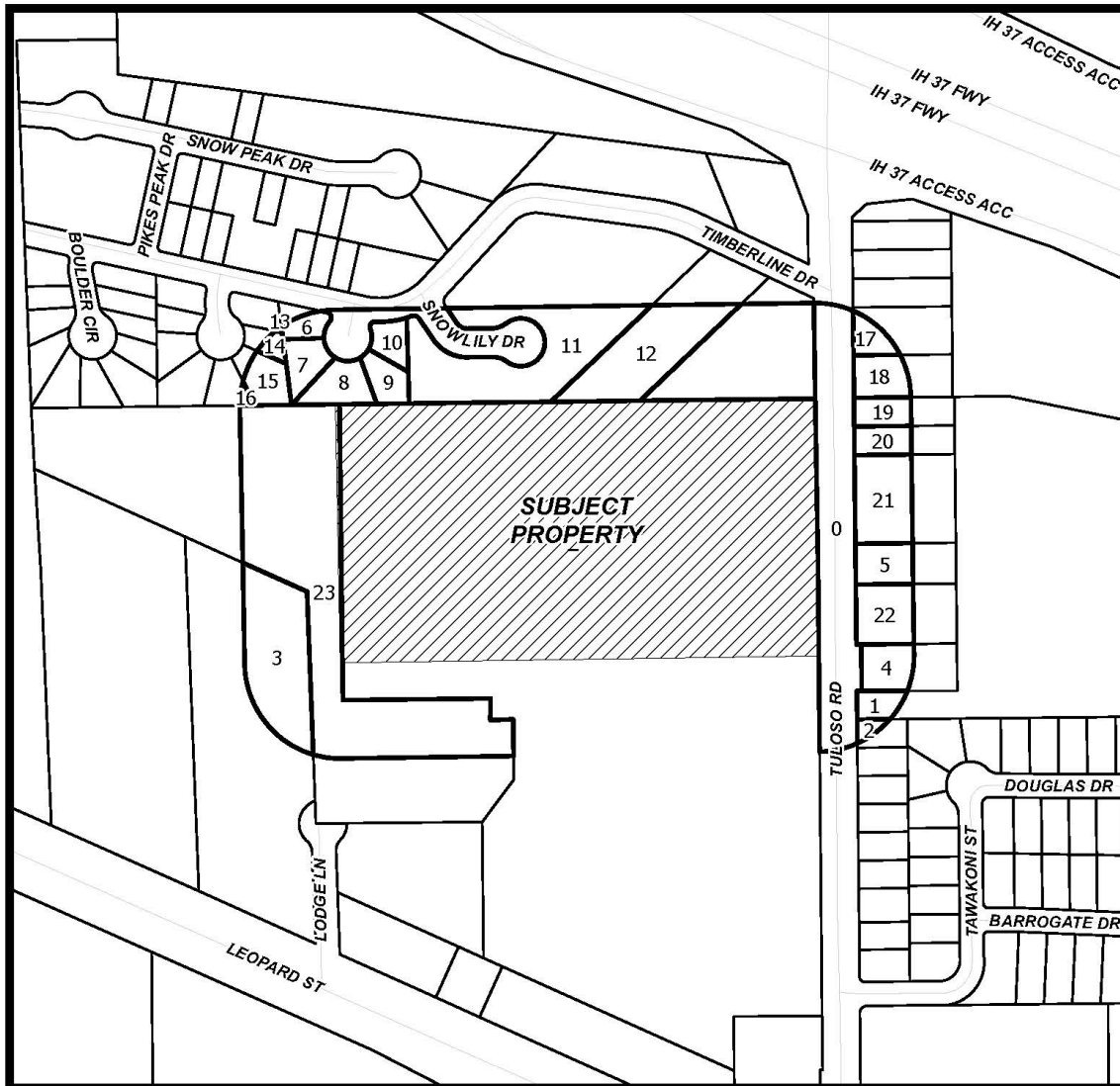
- The conclusions submitted as a part of the TIA propose the following mitigations:
  - Tuloso Road & Access A – Construct a southbound right-turn deceleration lane with a total of 190 feet including a 50-foot taper.
  - Tuloso Road & Access B – Construct a northbound left-turn deceleration lane with a total of 260 feet including a 50-foot taper.
- Tuloso Road, a two-lane arterial, is not designed to accommodate the load and volume of truck traffic associated with the proposed use.

After evaluation of case materials provided and subsequent staff analysis including land development, surrounding uses and zoning, transportation and circulation, utilities, Comprehensive Plan consistency, and considering public input, staff recommends denial of the change of zoning. However, Staff is recommending a Special Permit for the use that will allow the economic redevelopment of the area while limiting the impact of the commercial use.

**Planning Commission and Staff Recommendation (October 5, 2022):** Denial of the change of zoning from the “RS-6” Single-Family 6 District and “ON” Neighborhood Office District to the “CG-2” General Commercial District in lieu thereof approval of the “ON/SP” Neighborhood Office District with a Special Permit.

1. **Use:** The only use allowed on the subject property other than uses permitted in the base zoning districts is a convenience store (including showers and laundry facilities) with fuel sales and 74 commercial truck size parking spaces. All commercial truck size parking spaces must be located to the rear of the diesel fuel canopy and generally consistent with the submitted site plan.
2. **Lighting:** All freestanding lights located to the rear of the primary building shall be no greater than 50-feet in height and must be downward cast with full cut-off shielding. All other freestanding lights shall too be downward cast with full cut-off shielding and limited to a maximum height of 30-feet.
3. **Tuloso Road:** All mitigations listed within the Traffic Impact Analysis for the portion of the Tuloso Road from Timberline Drive to the subject property must be installed. Additional improvements to Tuloso Road shall consist of the reorientation of lane striping not including additional widening of the street pavement section from Interstate 37 to Timberline Drive. All improvements must be completed and approved by City prior to the issuance of a certificate of occupancy.
4. **Signage:** The proposed use will be allowed to have a freestanding sign up to a maximum of 65-feet in height and a maximum sign area of 350 square feet.
5. **Other Requirements:** The conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.
6. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within 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.

**ATTACHMENT A: EXISTING ZONING AND NOTICE AREA AND SITE PLAN**



**CASE: 0822-03**  
**Zoning and 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-16 Single-Family 16
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 in opposition  
 4 Owners within 200' listed on attached ownership table



Esri, HERE, LOCATION MAPS

