

STAFF REPORT

Case No. 0715-04

HTE No. 15-10000038

Planning Commission Hearing Date: July 29, 2015

Applicant & Legal Description	<p>Applicant/Representative: Jenifer Paz/Harrison French & Associates Owner: Peterson Properties, Ltd. Legal Description/Location: Being a 2.65 Acre tract being portions of Lot 10, Section 5, Range VIII, of the Gugenheim & Cohn's Farm Lots, Tract 1-B and Tract 6, M.M. Gabriel Land, and a 9.80 Acre tract of land being all of Tract No. One B (1-B), more or less, in the partition of the M.M. Gabriel Lands out of Lots Nos. Nine (9), Ten (10), Eleven (11), Fourteen (14), Fifteen (15), and Sixteen (16), Section No. Five(5), Range VIII (8), Gugenheim and Cohn Farm Lots, and a 2.083 Acre tract of land being a Portion of Tract 6 of the Partition of the M.M. Gabriel Land out of Lot 10, Section 5, Range VIII, Gugenheim and Cohn's Farm Lots, and approximately 0.446 acres of land situated in Nueces County, Texas, about 3 miles south 50 degrees west from the County Court House, being out of Lot 10 in Section 5, Range VIII, of the Gugenheim & Cohn Farm Lots, located on the southeast corner of Old Brownsville Road and North Padre Island Drive.</p>			
Zoning Request	<p>From: "CG-2" General Commercial District To: "IL" Light Industrial District Area: 2.4 acres Purpose of Request: To allow the development of a convenience store with truck stop and fueling.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"CG-2" General Commercial	Estate Residential and Vacant	Commercial
	<i>North</i>	"CG-2" General Commercial	Commercial	Light Industrial and Commercial
	<i>South</i>	"CG-2" General Commercial	Vacant	Commercial
	<i>East</i>	"CG-2" General Commercial	Vacant	Commercial
	<i>West</i>	"IL" Light Industrial	Light Industrial	Light Industrial
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Westside Area Development Plan and is planned for commercial uses. The proposed rezoning to the "IL" Light Industrial District is not consistent with the adopted Future Land Use Plan but with elements of the Westside Area Development Plan. Map No.: 051040 Zoning Violations: None</p>			

Transportation	Transportation and Circulation: The subject property has approximately 480 feet of street frontage along Old Brownsville Road, which is a “A3” Primary Arterial Divided street, and 500 feet of street frontage along North Padre Island Drive (SH 358), which is a freeway.				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2011)
	Old Brownsville Rd.	“A3” Primary Arterial Divided	130’ ROW 79’ paved	120’ ROW 85’ paved	N/A
	SH 358	Freeway	400’ ROW Varies	350’ ROW	3,200 ADT

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the “CG-2” General Commercial District to the “IL” Light Industrial District to allow the development of a convenience store with truck fueling.

Development Plan: The applicant is proposing a Stripes convenience store to include a 6,800-square-foot store to be open 24 hours a day, seven days a week. The retail store will include a Laredo Taco Company restaurant with seating. Fueling stations for trucks and cars will be available with both diesel and gasoline. Parking for heavy truck traffic will be on site. The site will have access to both Old Brownsville Road and North Padre Island Drive.

Existing Land Uses & Zoning: North of the subject property is zoned “CG-2” General Commercial and consists of a convenience store with fuel pumps. South and east of the subject property is vacant and is zoned “CG-2” General Commercial. West of the subject property is a light manufacturing company in the “IL” Light Industrial District.

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

Comprehensive Plan & Area Development Plan Consistency: The subject property is located within the boundaries of the Westside Area Development Plan (ADP). The proposed rezoning to the “IL” Light Industrial District is not consistent with the adopted Future Land Use Plan’s designation of the property as commercial. Additionally, the following are pertinent elements of the Comprehensive Plan and should be considered:

- High-intensity commercial and industrial areas should be buffered to provide transition from residential areas through the existence of: main roads, public and institutional buildings, open space, scale of design, landscaping and other transitional land uses. – **Westside Area Development Plan Land Use Statement C.5**

- Industrial properties should be required to minimize undesirable “spillover effects” into residential and commercial areas (this includes noise, air pollution, negligent visual blight, etc) by means of property layout and organization of activities by screening and maintaining buffer areas or zones for activities. – **Westside Area Development Plan Land Use Statement C.6**
- Complete trunk main system in Ayers Street, Old Brownsville Road, Saratoga Boulevard and portions of the Westside Plan Area south of Saratoga Boulevard – **Westside Area Development Plan Public Service Statement I.2**

Plat Status: The property will need to be re-platted.

Department Comments:

- The “IL” Light Industrial zoning is being requested because the fueling station will cater to heavy load vehicles for fueling, restrooms, restaurant uses, which is classified and defined as a “truck stop with overnight accommodations” in the city’s Unified Development Code.
- Wastewater infrastructure is not available along this stretch of Old Brownsville Road. The applicant is aware the development would require an extension of the city’s wastewater infrastructure to support the proposed use.
- It is staff’s opinion that allowing the requested zoning district would encourage the extension of the wastewater trunk system in this area, which is necessary to foster and encourage future development along this portion of Old Brownsville Road, which largely is vacant and lacks the necessary infrastructure.
- The property to be rezoned is suitable for uses permitted by the zoning district that would be applied by the proposed amendment.
- It is staff’s opinion that the proposed rezoning is compatible with the present zoning and conforming uses of nearby property and to the character of the surrounding area.
- The rezoning is consistent with elements of the city’s Comprehensive Plan.
- The rezoning is compatible with the adjacent neighborhood and land uses.
- The zoning map amendment does not have a negative impact on the surrounding neighborhood.

Staff Recommendation:

Approval of the change of zoning from the “CG-2” General Commercial District to the “IL” Light Industrial District.

Public Notification	Number of Notices Mailed – 5 within 200-foot notification area 5 outside notification area
	<u>As of July 22, 2015:</u>
	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:

1. Location Map (Existing Zoning & Notice Area)
2. Application