

STAFF REPORT

Case No. 1115-01

HTE No. 15-10000052

Planning Commission Hearing Date: December 2, 2015

Applicant & Legal Description	<p>Applicant: Charlie Thomas' Courtesy Ford, Inc. Owner: Patrick and Amy Nolan Legal Description/Location: A 100 foot wide tract being 2.2763 acres of land (Tract 1) and a 9.8511 acre tract of land (Tract 2) in a portion of Lots 5 and 6, Block 1 of Dusty Hills, a subdivision in the City of Corpus Christi, Nueces County, Texas, according to the map or plat thereof recorded in Volume 64, Page 195-196, Map Records, Nueces County, Texas, located along the south side of McArdle Road between Prince Drive and Clare Drive.</p>			
Zoning Request	<p>From: "RM-1" Multifamily 1 District, "RM-AT" Multifamily AT District, "RM-3" Multifamily 3 District and the "CN-1" Neighborhood Commercial District To: "CN-1" Neighborhood District (Tract 1) and "CG-2" General Commercial District (Tract 2) Area: 12.1274 Purpose of Request: To develop additional vehicle storage for existing auto dealership.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"RM-1" Multifamily 1, "RM-AT" Multifamily AT, "RM-3" Multifamily 3 and "CN-1" Neighborhood Commercial	Vacant,	Medium Density Residential
	<i>North</i>	"RS-6" Single-Family 6 & "CN-1" Neighborhood Commercial	Low Density Residential, Public Semi-Public and Commercial	Low Density Residential & Commercial
	<i>South</i>	"CG-2" General Commercial	Commercial and Vacant	Commercial
	<i>East</i>	"CN-1" Neighborhood Commercial	Medium Density Residential and Vacant	Medium Density Residential and Commercial
	<i>West</i>	"CN-1" Neighborhood Commercial, "CG-2" General Commercial and "RS-6" Single-Family 6	Commercial	Commercial and Medium Density Residential

ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Southeast Area Development Plan and is predominantly designated as medium density residential with commercial uses designated on the northeast corner of the property. The proposed rezoning to the “CN-1” Neighborhood Commercial and “CG-2” General Commercial District is not consistent with the adopted Future Land Use Plan or the Southeast Area Development Plan where shown for medium density residential uses.</p> <p>Map No.: 041035</p> <p>Zoning Violations: None</p>				
Transportation	<p>Transportation and Circulation: The subject property has approximately 1,750 feet of street frontage along McArdle Road, which the Urban Transportation Plan designates as a C3 Primary Collector street. The maximum desirable average daily trips for a C3 Primary Collector street is 4,000 to 8,500.</p>				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2013)
	McArdle Road	C3 Primary Collector	75' ROW 50' paved	66' ROW 47' paved	17,222 ADT

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the “RM-1” Multifamily 1 District, “RM-AT” Multifamily AT District, “RM-3” Multifamily 3 District and the “CN-1” Neighborhood Commercial District to the “CN-1” Neighborhood District (Tract 1) and “CG-2” General Commercial District (Tract 2) to develop additional vehicle storage for an existing auto dealership and to create a 100 foot wide strip of “CN” Neighborhood District zoned property along McArdle Road.

Development Plan: The applicant is proposing to rezone for the purpose of creating additional vehicle storage for an existing automobile dealership. The applicant also indicates the possibility for the construction of a service building. No access points have been proposed to McArdle Road at this time.

Existing Land Uses & Zoning: North of the subject property, across McArdle Road, a single-family subdivision exists in the “RS-6” Single-Family 6 District and an AEP electrical substation and a convenience store exist in the “CN-1” Neighborhood Commercial District. To the south of the subject property is the Charlie Thomas Courtesy auto dealership (Auto Nation Ford) in the “CG-2” General Commercial District. The property to the east of the subject property is developed as the Towne Oaks Apartments as well as vacant land and a retail commercial use in the “CN-1” Neighborhood Commercial District. To the west of the subject property is vacant commercial land owned by the Fiat Dealership and zoned “CG-2” General Commercial, a single-family house zoned “RS-6” Single Family and property in the “CN” Neighborhood Commercial District developed as a barber shop and a sports pub.

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

Plat Status: The subject property is platted.

Comprehensive Plan & Area Development Plan Consistency: The subject property is located within the boundaries of the Southeast Area Development Plan (ADP). The proposed rezoning is not consistent with the Southeast ADP or the adopted Future Land Use Map's designation of the property as medium density residential. This designation exists for the majority of the subject property with the exception of the northeast corner of existing Lot 6, which is designated for commercial uses.

Additionally, the following pertinent policies of the Comprehensive Plan and the Southeast Area Development Plan warrant consideration:

- Expansion of commercial uses into or within residential areas may be permitted only if such expansion maintains or improves the residential desirability of the impacted neighborhood (Comprehensive Plan, Commercial Policy Statement D).
- Infill development should be encouraged on vacant tracts within developed areas (Comprehensive Plan, Residential Policy Statement H).

Department Comments:

- The proposed rezoning is consistent with some elements of the Comprehensive Plan and the Southeast Area Development Plan.
- The proposed rezoning is not consistent with the Future Land Use Map where the property is planned for medium density residential.
- It is staff's opinion that the proposed rezoning of Tract 1 may negatively impact the surrounding residential properties across McArdle Road.
- Staff does not object altogether to the expansion of the existing dealership as such may be appropriately categorized as infill development. Staff does find it necessary, however, to maintain the integrity of the Future Land Use Map by maintaining an area with a residential designation, which can serve as a suitable buffer for the existing residential development across McArdle Road.
- A Special Permit will permit parking associated with vehicle sales and service while mitigating the impacts on adjacent residential development.
 - Special Permit Review Criteria set forth in the UDC are applicable and have been reviewed.

Staff Recommendation:

Tract 2 - Approval of the “CG-2” General Commercial District

Tract 1 - Denial of the change to “CN-1” Neighborhood Commercial District and, in lieu thereof, approval of the “RM-1/SP” Multifamily 1 District with a Special Permit for vehicle parking associated with automobile sales and service, subject to a site plan and the following conditions:

1. **Uses:** All uses allowed in the “RM-1” Multifamily 1 District, plus the use of the property for parking of vehicles associated with automobile sales and service. Consequently, no commercial buildings are permitted on Tract 1.
2. **Buffer Yard:** A 20-foot buffer yard shall be required along McArdle Road and shall consist of trees, landscaping, and a screening fence.
3. **Landscaping:** The 20-foot required buffer yard shall include 2 ½-inch caliper canopy trees planted every 30 feet and 500 landscape points achieved by plantings other than trees.
4. **Screening:** A minimum six-foot tall solid screening fence (excluding metal) shall be installed, maintained, and remain in place along McArdle Road south of the required landscaping.
5. **Lighting:** All lighting shall be shielded and meet all requirements of the UDC. Lighting may not exceed 15 feet in height. No private freestanding light shall be installed within 20 feet of the McArdle Road right-of-way.
6. **Outdoor Intercom Systems:** Intercom systems may not exceed 60 decibels (dBA) at the property line along McArdle Road.
7. **Dumpsters:** Solid waste containers shall not be located within the 20-foot buffer yard.
8. **Hours of Operation:** 6:30 AM to 7:30 PM
9. **Ingress/Egress:** A maximum of one ingress/egress point shall be permitted along McArdle Road, which shall be aligned with Nancy Drive unless otherwise determined by Staff during the plan review process. Such access point shall be limited to emergency and employee use only and shall have a bar for the purpose of limiting access of delivery vehicles. McArdle Road shall not be used for deliveries.
10. **Time Limit:** This Special Permit shall expire if applicable site and building permits are not obtained within two years of the approval date of the ordinance or, unless the property is being used as outlined in Condition #1 and is in compliance with all other conditions.

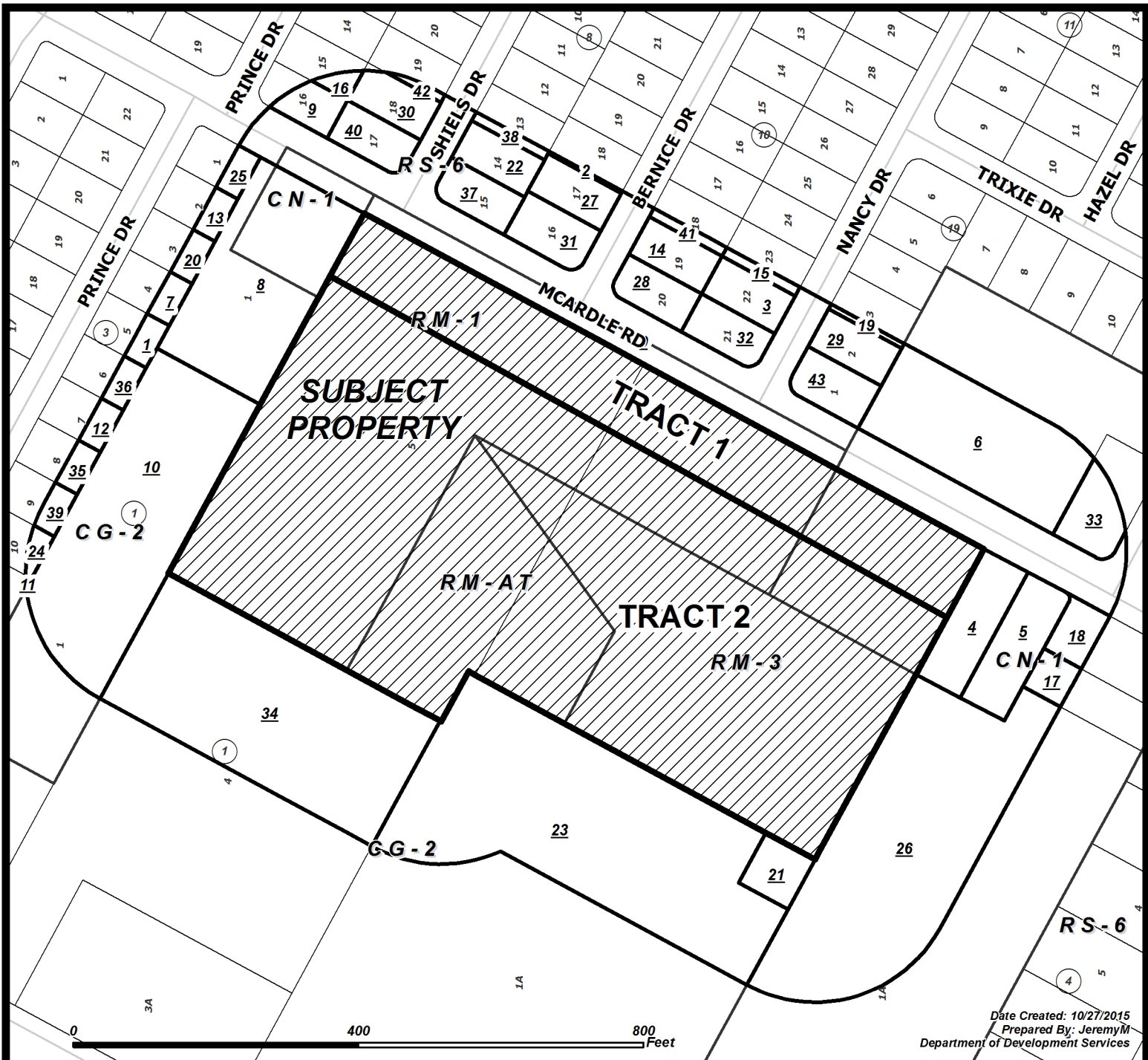
11. Other Requirements: The Special Permit conditions listed herein do not preclude compliance with other applicable UDC and Building Code Requirements.

Note: The applicant's input on the proposed Special Permit conditions is pending. Therefore, Staff may present modified conditions on December 2nd.

Public Notification	Number of Notices Mailed – 43 within 200-foot notification area 5 outside notification area
	<u>As of November 24, 2015:</u>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 2 inside notification area – 0 outside notification area
	Totaling 1.25% of the land within the 200-foot notification area in opposition.

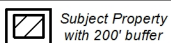
Attachments:

1. Location Map (Existing Zoning & Notice Area)
2. 2010 Ordinance for similar property



CASE: 1115-01 ZONING & NOTICE AREA

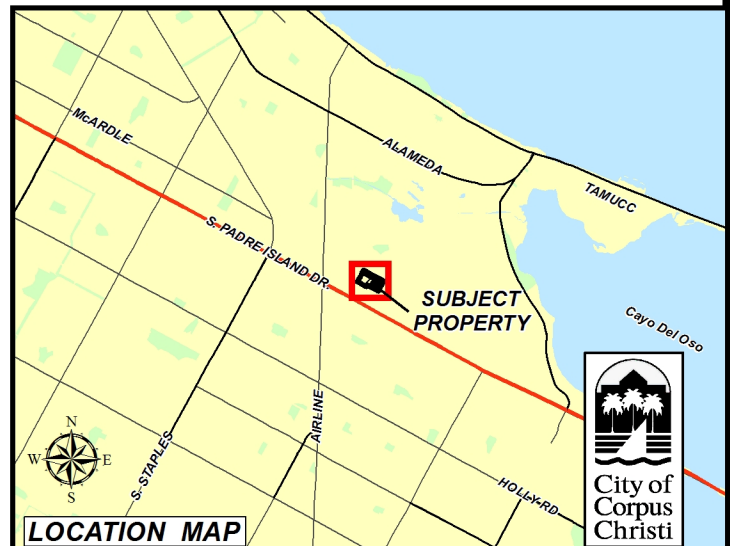
RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	IH	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev. Overlay
ON	Professional Office	RS-10	Single-Family 10
RM-AT	Multifamily AT	RS-6	Single-Family 6
CN-1	Neighborhood Commercial	RS-4.5	Single-Family 4.5
CN-2	Neighborhood Commercial	RS-TF	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		



4 Owners within 200' listed on attached ownership table

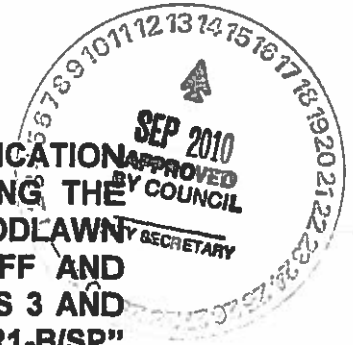


X Owners in opposition



ORDINANCE 028780

AMENDING THE ZONING ORDINANCE, UPON APPLICATION BY AN CORPUS CHRISTI CHEVROLET, LP, BY CHANGING THE ZONING MAP IN REFERENCE TO 6.87 ACRES OUT OF WOODLAWN ESTATES, BLOCK 1, LOTS 1 AND 2, AND FLOUR BLUFF AND ENCINAL FARM AND GARDEN TRACTS, SECTION 18, LOTS 3 AND 4, FROM "R-1B" ONE-FAMILY DWELLING DISTRICT TO "R1-B/SP" ONE-FAMILY DWELLING DISTRICT WITH A SPECIAL PERMIT, SUBJECT TO A SITE PLAN AND TEN (10) CONDITIONS; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; 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 AN Corpus Christi Chevrolet, LP, for amendment to the City of Corpus Christi Zoning Ordinance and Zoning Map;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, August 4, 2010, during a meeting of the Planning Commission, and on Tuesday, September 14, 2010, 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 by changing the zoning on 6.87 acres out of Woodlawn Estates, Block 1, Lots 1 and 2, and Flour Bluff and Encinal Farm and Garden Tracts, Section 18, Lots 3 and 4, approximately 1,300 feet northwest of the intersection of McArdle Road and Nile Drive, from "R1-B" One-Family Dwelling District to "R1-B/SP" One-Family Dwelling District with a Special Permit, subject to a site plan, attached, and ten (10) conditions. (Zoning Map 040035) (Exhibit A)

SECTION 2. That the Special Permit granted in Section 1 of this ordinance is subject to the following ten (10) conditions:

SP 10-11

1. **Uses:** All uses allowed in the "R1-B" One-Family Dwelling District, plus the use of the property as vehicular parking associated with automobile sales and service.
2. **Buildings:** No buildings are permitted.
3. **Landscaping:** Along McArdle Road, the addition of an approximately a 4-foot tall landscaped berm. Along residential adjacency, addition of canopy trees, as approved by City Staff during site development plan review, with a minimum of a 3-inch caliper trunk measured at 4-feet above grade planted at thirty (30) feet on center.
4. **Screening:** Repair/Replacement of the solid screening fence along McArdle Road with a minimum height of six (6) feet. An eight (8) foot tall, solid screening fence along residential adjacency.
5. **Lighting:** All overhead lighting shall not bleed into neighboring properties and shall be directed away from adjacent properties. Additionally, no private lighting poles shall be located within 25-feet of any adjacent residential lot.
6. **Outdoor paging systems/Intercom systems:** Must not exceed sixty (60) dB at the property line where adjacent to residential properties.
7. **Dumpsters:** Solid waste dumpsters shall not be located within 50-feet of a residential property and shall be screened with building materials consistent with the materials found on the façade of the main auto sales building(s).
8. **Hours of Operation:** 6:30 AM to 7:30 PM
9. **Ingress and Egress:** There shall be one point of access for ingress and egress along McArdle Road, which shall be placed directly across from Clarion Drive with a thirteen (13) foot height bar, which shall limit access of vehicles that are thirteen (13) foot in height or greater.
10. **Time Limit:** Such Special Permit shall be deemed to have expired within 12 months of the date of this ordinance, unless the property is being used as outlined in Condition #1 and in compliance with all other conditions.

SECTION 3. That the official Zoning Map of the City of Corpus Christi, Texas, is amended to reflect the amendment to the Zoning Ordinance made by 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, 1937, 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. A violation of this ordinance or requirements implemented under this ordinance constitutes an offense punishable under Section 35-3 of the Zoning Ordinance of the City of Corpus Christi.

SECTION 8. That 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 9. That upon written request of the Mayor or five Council members, copy attached, the City Council finds and declares an emergency due to the need for immediate action necessary for the efficient and effective administration of City affairs and suspends the Charter rule as to consideration and voting upon ordinances at two regular meetings so that this ordinance is passed upon first reading as an emergency measure on this ____ day of _____, 2010.

ATTEST:

CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Joe Adame
Mayor, City of Corpus Christi

APPROVED: 9/14, 2010



Deborah Walther Brown
Assistant City Attorney
For City Attorney

Corpus Christi, Texas

_____ day of _____, 2010

TO THE MEMBERS OF THE CITY COUNCIL

Corpus Christi, Texas

For the reasons set forth in the emergency clause of the foregoing ordinance, an emergency exists requiring suspension of the Charter rule as to consideration and voting upon ordinances at two regular meetings. I/we, therefore, request that you suspend said Charter rule and pass this ordinance finally on the date it is introduced, or at the present meeting of the City Council.

Respectfully,

Respectfully,

Joe Adame
Mayor, City of Corpus Christi

Council Members

The above ordinance was passed by the following vote:

Joe Adame	_____
Chris N. Adler	_____
Brent Chesney	_____
Larry Elizondo, Sr.	_____
Kevin Kieschnick	_____
Priscilla G. Leal	_____
John E. Marez	_____
Nelda Martinez	_____
Mark Scott	_____

EFFECTIVE DATE

09/20/10