

PLANNING COMMISSION FINAL REPORT

Case No. 0116-03

HTE No. 15-10000062

Planning Commission Hearing Date: January 13, 2016

Applicant & Legal Description	Applicant: David Petrick Owner: Fantozzi, Ltd. Legal Description/Location: Lot 4, Block 1, Wal-Mart Subdivision, located on the north side of Leopard Street between Violet Road and Hart Road.			
Zoning Request	From: "CG-2" General Commercial District To: "IL" Light Industrial District Area: 7 acres Purpose of Request: To allow light industrial uses.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	Site	"CG-2" General Commercial District	Commercial	Commercial
	North	"RM-1" Multifamily 1 District	Medium Density Residential and Vacant	Medium Density Residential
	South	"CG-2" General Commercial District	Commercial	Low Density Residential and Commercial
	East	"CG-2" General Commercial District	Commercial and Vacant	Commercial
	West	"RS-6" Single-Family 6 District	Public/Semi-Public (Cemetery and County office)	Medium Density Residential and Public/Semi-Public
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Northwest 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 Map or the Northwest Area Development Plan with respect to land use. Map No.: 062050 Zoning Violations: None			
Transportation	Transportation and Circulation: The subject property has approximately 384 feet of street frontage along Leopard Street, which is designated by the Urban Transportation Plan as an A2 Secondary Arterial Divided street. The maximum desirable average daily trips for an A2 street is 20,000 to 32,000 trips.			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume 2012
	Leopard Street	A2 Secondary Arterial Divided	100' ROW 54' paved	175' ROW 105 paved	15,513 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 light industrial uses.

Development Plan: The applicant is requesting a zoning change as interest in leasing the property has been limited to businesses classified under Unified Development Code (UDC) use categories 5.1.5.B Warehouse and Freight Movement and 5.1.5.D Wholesale Trade; uses that are not permitted in a “CG-2” General Commercial District.

The property consists of seven acres of land and the existing building is approximately 57,000 square feet. The original tenant was Walmart. The property was used after Walmart vacated the site as a flea market. The applicant indicates the subject site has been vacant for approximately five years.

The applicant anticipates that traffic from potential users would be similar or less than the traffic associated with Walmart (the prior tenant).

Existing Land Uses & Zoning: The subject property contains an unoccupied former Wal-Mart building and is zoned “CG-2” General Commercial District. The property to the east and south of the subject property is zoned “CG-2” General Commercial District with some of the property developed as retail and some vacant. Property to the north is zoned “RM-1” Multifamily 1 District and is developed with an apartment complex with vacant land to the northwest. The property to the west is zoned “RS-6” Single-Family 6 District and is developed with a Justice of the Peace office and a cemetery.

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 and comprised of seven acres.

Comprehensive Plan & Area Development Plan Consistency: The subject property is located within the boundaries of the Northwest Area Development Plan (ADP). The proposed rezoning to the “IL” Light Industrial District is not consistent with the Northwest Area Development Plan or the adopted Future Land Use Map’s designation of the property as commercial.

A rezoning of the site, however, may further other goals of the Comprehensive Plan pertaining to redevelopment of existing sites and other pertinent policies pertaining to development.

Department Comments

- A change in zoning to the “IL” Light Industrial District is not the most appropriate action given existing land uses and potential impact on surrounding properties.
- Approval of a Special Permit in lieu of an industrial designation may facilitate a redevelopment of the site without altering the overall character of the area.
 - Special Permit Review Criteria set forth in the UDC are applicable and have been reviewed.
- The rezoning of the property with a Special Permit is consistent with some elements of the Comprehensive Plan and the Northwest ADP.
- Special Permit conditions may ensure that proposed uses are compatible with existing and future land uses

Planning Commission and Staff Recommendation:

Denial of the change of zoning to the “IL” Light Industrial District, and in lieu thereof, approval of the “CG-2/SP” General Commercial District with a Special Permit for limited industrial uses, subject to a site plan and the following conditions.

1. **Uses.** All uses allowed in the “CG-2” General Commercial District, plus the following uses from the use categories “Warehouse and Freight Movement,” “Wholesale Trade,” and “Light Industrial Service Uses” are permitted within the existing building of approximately 57,000 square feet in its existing footprint, including loading/unloading dock areas:
 - a. Household moving and general freight storage
 - b. Produce and storage warehouse
 - c. Warehouse used for storage of retail goods
 - d. Building materials storage and sales
 - e. Building, heating, plumbing or electrical contractor’s shop or storage
 - f. Uses similar in nature and intensity to the uses listed as determined by the Director of Development Services.
2. **Screening:** A solid screening fence in accordance with UDC requirements shall be installed along the south property line of the adjacent property to the north.
3. **Outdoor Storage:** Outdoor storage shall be limited to five percent of the site and shall not be located within 200 feet of the Leopard Street right-of-way. Any outdoor storage shall be screened per UDC requirements except that chain link fencing with privacy slats shall not be considered an acceptable screen.
4. **Landscaping:** The Owner shall install landscaping to achieve 5,760 square feet of landscape area and 115 points. Included in such landscaping shall be a landscaped visual screen of the parking lot along the Leopard Street right-of-way per UDC Section 7.3.11. However, compliance with the installation of landscape islands in the parking lot is not required. The Owner shall submit a landscape plan in accordance with UDC Section 7.3.16 “Landscape Plan Submittal Requirements” for the City’s review and approval and install such landscaping within one year from approval of a certificate of occupancy. The Owner must ensure that all landscaping is kept in a healthy and growing condition at all times.

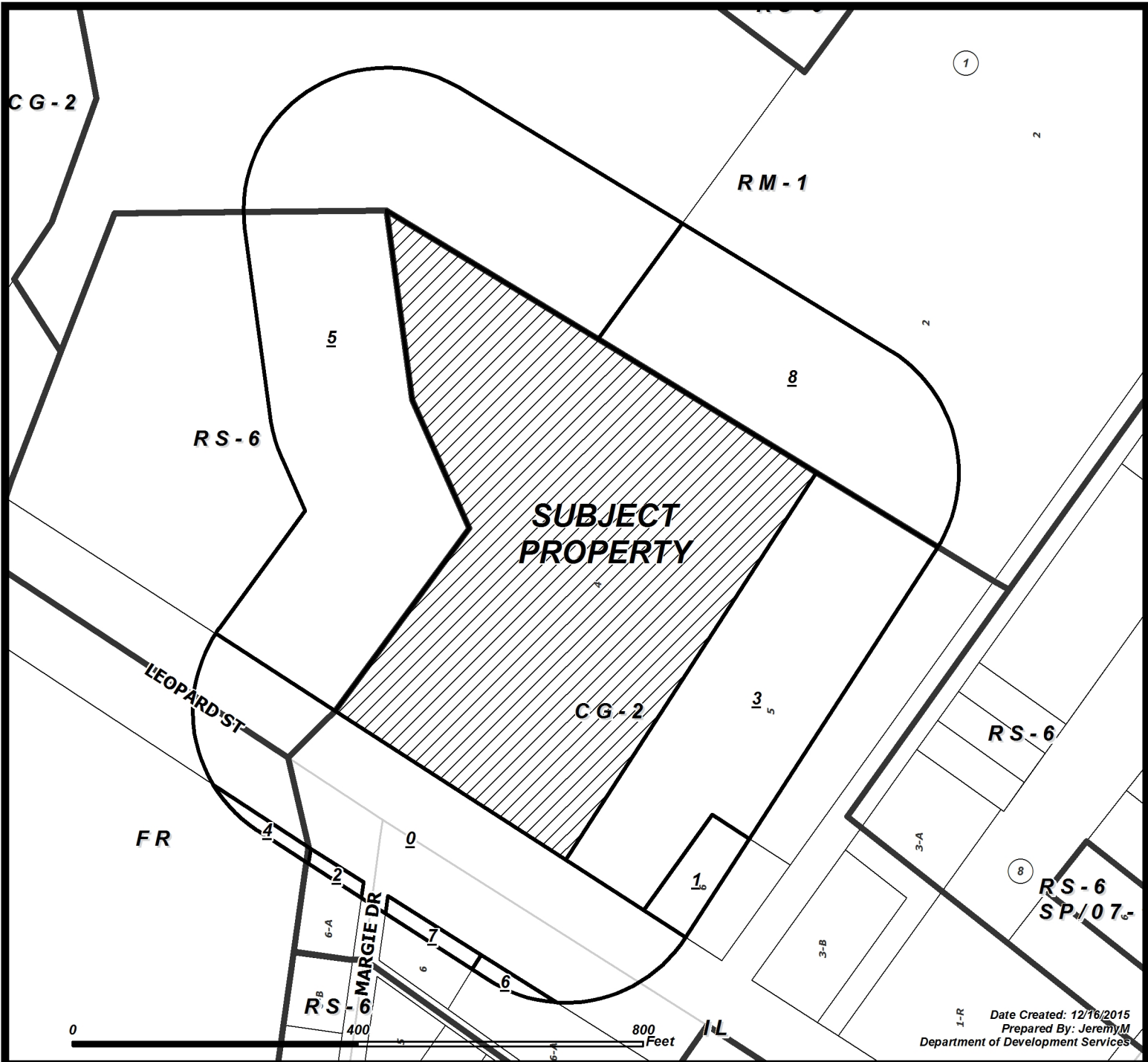
5. **Noise:** All activities must be conducted in accordance with the City's Noise Ordinance.
6. **Hours of Operation:** 7 AM to 6 PM
7. **Ingress/Egress:** Infrastructure plans shall be submitted for review and approval to improve access points, in accordance with the City's adopted standards and specifications, to safely accommodate the traffic that may be generated by the proposed uses. Changes to existing access points may be required including possible closure of one access point if warranted to improve traffic movements onto and off the site.
8. **Time Limit:** The Special Permit shall expire in 24 months after approval of this ordinance unless a complete building permit application has been submitted, or if no building permit is required, a certificate of occupancy has been issued.
9. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, and Building and Fire Code Requirements.

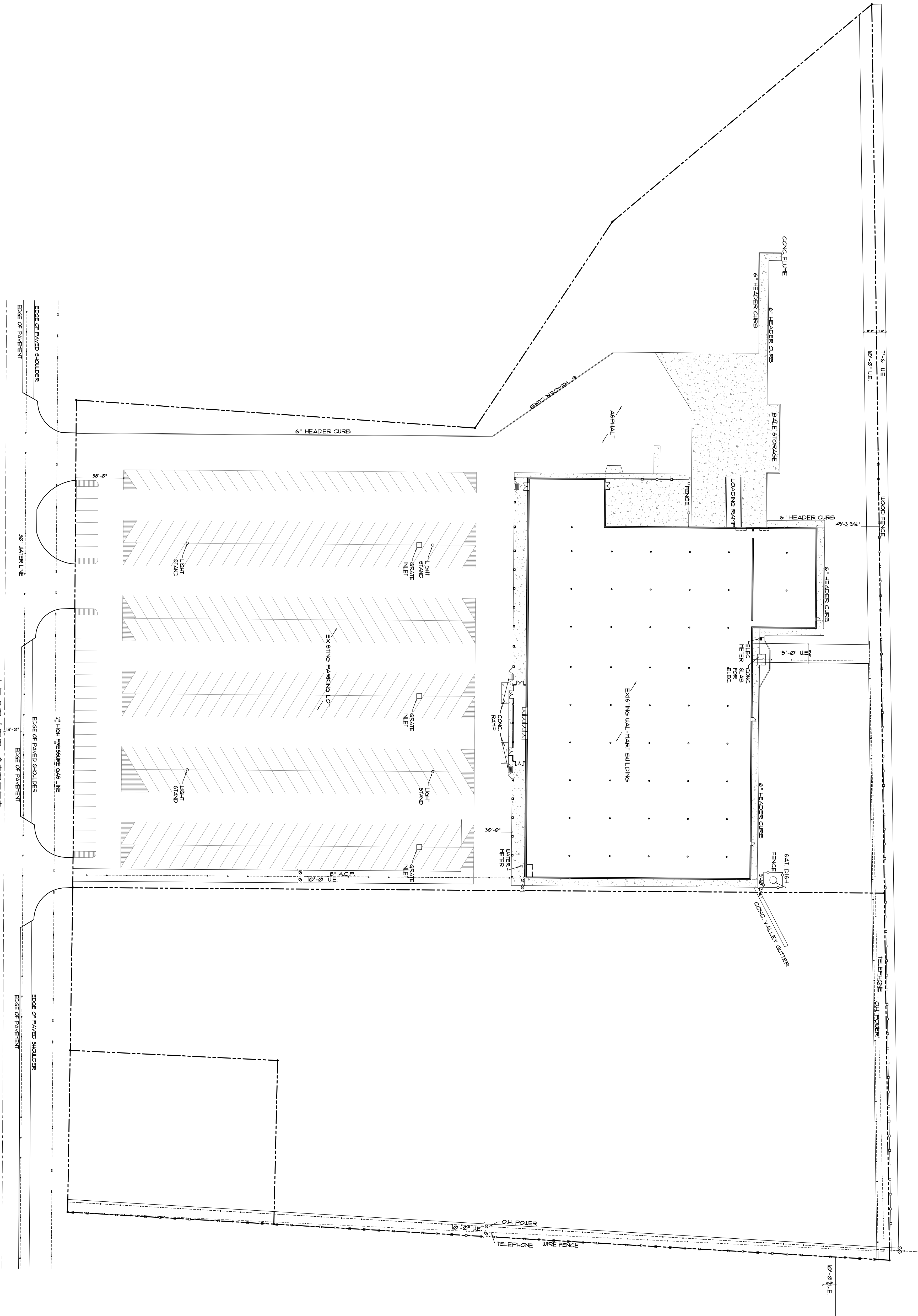
For: 6
Against: 0
Absent: 3

Public Notification	Number of Notices Mailed – 9 within 200-foot notification area 3 outside notification area
	<u>As of January 19, 2016:</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. Site Plan
3. Application
4. Public Comments Received (if any)





LEOPARD STREET

EXISTING SITE PLAN

1 SCALE: 1" = 40'

WAL-MART EXISTING BUILDING
XXXX
XXXX
XXXX, TEXAS 7XXXX

cornerstone architects
7000 BEE CAVES RD, SUITE 200 AUSTIN TX 78746 (512) 329 0007 WWW.CORNERSTONEARCHITECTSLLP.NET
EXISTING SITE PLAN

COPYRIGHT © 2015. ALL RIGHTS RESERVED.
THESE DESIGNS, DRAWINGS AND THE SCALE
HEREIN ARE THE PROPERTY OF CORNERSTONE
ARCHITECTS AND MAY NOT BE REPRODUCED
OR TRANSMITTED IN ANY FORM OR BY ANY
METHOD, FOR ANY PURPOSE, WITHOUT
THE WRITTEN PERMISSION OF CORNERSTONE
ARCHITECTS.

REVISION:

NOT FOR
REGULATORY
APPROVAL,
PERMITTING OR
CONSTRUCTION

THESE DRAWINGS ARE THE PROPERTY OF CORNERSTONE
ARCHITECTS AND MAY NOT BE REPRODUCED
OR TRANSMITTED IN ANY FORM OR BY ANY
METHOD, FOR ANY PURPOSE, WITHOUT
THE WRITTEN PERMISSION OF CORNERSTONE
ARCHITECTS.

DESIGN DEVELOPMENT
XXXX

AXX

PROJECT NO. 15XXX
DRAWN BY: KM
DATE: 07 MAY 2015
CHECKED BY: MC
PROJECT MGR: XX

15-10000062



CITY OF CORPUS CHRISTI
DEVELOPMENT SERVICES
P.O. Box 9277
Corpus Christi, Texas 78469-9277
(361) 826-3240
Located at 2406 Leopard Street
(Corner of Leopard Street and Port Avenue)

Office Use Only

APPLICATION FOR A CHANGE OF ZONING

Case No.: _____ Map No.: _____

*Planning Commission Hearing Date: _____

Location: City Hall Council Chambers, 1201 Leopard Street at 5:30 p.m.
*A maximum of five applications are scheduled per hearing. Applications received after the five maximum will be scheduled to the next available meeting.

1. Applicant/Representative: David Petrick Telephone: (512) 418-1900
Address (City, State, Zip): 4131 Spicewood Springs Rd. Suite N-1 Austin, Texas 78759
E-mail Address: [REDACTED] Cell Phone: (512) 699-2927

2. Property Owner(s): Fantozzi, Ltd Telephone: (512) 418-1900
Address (City, State, Zip): 4131 Spicewood Springs Rd. Suite N-1 Austin, Texas 78759
E-mail Address: [REDACTED] Cell Phone: (512) 699-2927
Ownership Type: ☐ Sole ☒ Partnership ☐ Corporation ☐ Other: _____

3. Current Zoning and Use: CG-2 Proposed Zoning and Use: CG/2 SP IL PL
Project Address: 11330 Leopard Street Area of Request (sq. ft./acres): 7 acres
12-Digit Nueces County Tax ID: 9217 - 0001 - 0040
If platted, Subdivision Name: Wal-Mart Subd-Annaville Block: 1 Lot(s): 4
Legal description: Lot 4 Block 1 Wal-Mart Subdivision-Annaville

4. DOCUMENTS ATTACHED

REQUIRED: ☒ Land Use Statement ☒ Disclosure of Interest ☒ Copy of Warranty Deed

IF APPLICABLE: ☐ Executed Appointment of Agent

☐ Metes and bounds if request is for a portion of a platted lot or an unplatted lot

Need site plan (pdf)

I certify that the information provided is accurate, correct and signed by all owners.

[Signature]
(Owner's Signature)

[Signature]
(Applicant's Signature)

David Petrick

(Owner's Printed Name)

David Petrick

(Applicant's Printed Name)

All signatures on this application shall be original signatures. No copied prints or faxed copies.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Application Fees (as of November 1, 2011):

0.00 - 0.99 acre	\$ 1,107.50
1.00 - 9.99 acres	\$ 1,692.50
10.00 - 24.99 acres	\$ 1,976.75
25 + acres	\$ 1,976.75 plus \$50.00 per acre over 25 acres

Notice Sign Fee \$10.00 per sign

Office Use Only

Date Received: 11/2/15 Received By: Annikay
Application Fee: \$1,692.50
No. Signs Required 1 X \$10 Sign Fee: 10.00
Total: 1,702.50
Sign Posting Date: _____ ADP: _____

Form Revised 8/24/12

check + 10.00 cash

EA

DAVID PETRICK COMPANY, INC.

COMMERCIAL INVESTMENT REAL ESTATE
4131 SPICEWOOD SPRINGS ROAD, SUITE N-1
AUSTIN, TEXAS 78759

October 31, 2015

Ms. Annika Gunning and Ms. Dolores Wood
City of Corpus Christi
2406 Leopard Street
Corpus Christi, TX 78408

RE: 11330 Leopard Street in Corpus Christi, Nueces County, Texas (Land Use Statement)

Dear Ms. Gunning and Ms. Wood:

My name is David Petrick. I am the General Partner for Fantozzi, Ltd., the owner of 11330 Leopard Street in Corpus Christi, Nueces County, Texas. I purchased the property on January 30, 2015. The property consist of seven (7) acres of land with a 57,000 square foot cinder block and brick building that has an approximate clear height of sixteen (16) feet. The structure is supported by steel frame construction and there is a fire sprinkler system. The property has two (2) overhead doors. One is grade level and the other is dock high. There are approximately 330 parking spaces. The property has been vacant for approximately five (5) years. The previous uses were a Wal-Mart Store and a Flea Market. The property was vandalized before I purchased the property. All of the copper wiring was taken and the interior was destroyed by the vandals. During the time I had the property under contract a homeless person broke into the property, brought in a mattress to sleep on, was smoking on the mattress, and started a fire in the building. Upon my purchase I gutted the building and removed the floor tile that has asbestos glue and painted the exterior.

During my ownership I have not had any success of finding an occupant that complies with CG-2. What I have found is that there are many requirements for light warehousing and or the storage of and distribution of dry good products. I would like to request a special use permit that will allow the following categories outline in the Uniform Development Code (UDC): **5.1.5B Warehouse and Freight Movement** and **5.1.5.D Wholesale Trade**. The truck traffic will be limited to the similar traffic of a Wal-Mart Store, no loud manufacturing noises, and no outdoor storage unless it is surrounded by a seven (7) foot fence and located in the rear of the property adjacent to the overhead doors.


I do not have a specific use at this time but would like to proceed with the special use permit process because it is difficult to locate a prospect and tell them I cannot lease the building to them until we go through the three (3) month process of attaining the city approvals. I believe this change will bring the property back into the community and make it a useful structure that will support the City of Corpus Christi.

The existing land uses adjoining the property are as follows:

North: Apartment Complex and northwest is vacant land
West: County office and cemetery
East: Taco Bell and vacant land
South: Vacant building and retail

Thank you for your review and consideration of my request.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Petrick", with a stylized, cursive script.

David Petrick
President
Carsetta, LLC
General Partner for
Fantozzi, Ltd.