

PLANNING COMMISSION FINAL REPORT

Case No. 0117-06
 INFOR No. 17ZN1010

Planning Commission Hearing Date: January 25, 2017

Applicant & Legal Description	<p>Owner: Port City Pontiac-GMC, Inc. Applicant/Representative: MULTATECH Architects & Engineers Legal Description/Location: Boulevard Acres Lots E2, G, and F2, located on the south side of South Padre Island Drive (State Highway 358) between Larcade Drive and Kostoryz Road.</p>			
Zoning Request	<p>From: "CG-2" General Commercial District To: "IL" Light Industrial District Area: 5.46 acres Purpose of Request: To allow for a vehicle sales dealership with an ancillary vehicle repair facility including a paint and body shop.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
<i>Site</i>		"CG-2" General Commercial	Commercial	Commercial
<i>North</i>		"CG-2" General Commercial	Commercial	Commercial
<i>South</i>		"RS-6" Single-Family and "RM-1" Multi-family	Low Density Residential and Medium Density Residential	Low Density Residential and Medium Density Residential
<i>East</i>		"CG-2/SP" General Commercial with a Special Permit	Commercial	Commercial
<i>West</i>		"CG-2" General Commercial	Commercial	Commercial
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Southside Area Development Plan and is planned for Commercial uses. The proposed rezoning to the "IL" Light Industrial is inconsistent with the adopted Future Land Use Map and the Southside Area Development Plan. Map No.: 047038 Zoning Violations: None</p>			
Transportation	<p>Transportation and Circulation: The subject property has approximately 348 feet of street frontage along South Padre Island Drive (State Highway 358) which is designated as a F1 Freeway/Expressway and approximately 344 feet along Johanna Street which is designated as Local/Residential street.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	South Padre Island Drive	Freeway/Expressway	400' ROW Varies paved	400' ROW 120' paved	12,421 ADT
	Johanna Street	Local/Residential	50' ROW 28' paved	50' ROW 28' paved	N/A

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 for a vehicle sales dealership with an ancillary vehicle repair facility including a paint and body shop.

Development Plan: The subject property is comprised of 5.46 acres and is proposed to be developed into a vehicle sales dealership. The property was acquired in 2007 for the purpose of reopening a vehicle sales dealership with an ancillary vehicle repair facility including a paint and body shop.

Existing Land Uses & Zoning: The subject property is zoned “CG-2” General Commercial. The property has previously been a vehicle sales establishment with a vehicle repair facility for several makes and models of vehicles for at least 30 years. To the north is South Padre Island Drive (SH 358) and a vehicle sales dealership. To the east is a self-storage commercial business. To the west is a commercial development. To the south is Johanna Street and a multi-family apartment complex along with single-family homes.

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

Plat Status: Currently, the subject property is comprised of three platted lots. The applicant has submitted a request for replat to combine all lots. The proposed replat would not require a public notice.

PlanCC & Area Development Plan Consistency: The subject property is located within the boundaries of the Southside Area Development Plan (ADP). The proposed rezoning to the “IL” Light Industrial District is inconsistent with the adopted Southside ADP. The proposed rezoning is also inconsistent with the following policies of the Comprehensive Plan:

- The design of new developments promotes a broader sense of neighborhood and community rather than creating isolated subdivisions or apartment complexes developments with a lack of interconnection. Encourage appropriate transitions between commercial and residential developments and between high and low-density residential developments. (Housing and Neighborhoods Policy Statement 9).

- Corpus Christi has well-designed neighborhoods and built environments. Promote interconnected neighborhoods with appropriate transitions between lower-intensity and higher-intensity land uses. (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Study fair and equitable ways to promote better protection when two uses of differing intensity abut each other. The City will propose ordinance changes that will help assure a sufficient buffer of open space and/or land use, etc. when two or more differing intensities of land use abut. Such methods may include, but are not limited to, larger zoning setbacks, landscaping and/or screening. (Policy Statement B.5).

Department Comments:

- The proposed rezoning is inconsistent with the Comprehensive Plan and Southside Area Development Plan.
- The existing building is a non-conforming structure as it crosses lot lines. However, the replat will correct the non-conforming issue and combine all three lots together.
- The proposed rezoning is incompatible with the present zoning and conforming uses of nearby properties and to the character of the surrounding area. The potential rezoning would have a negative impact upon the surrounding neighborhood as it would allow all uses allowed by right in the “IL” District.
- The subject property is suitable for the uses proposed by this rezoning, as the property was a former vehicle sales dealership with an ancillary auto repair facility.
- Based on available information, the former vehicle sales dealership of thirty years was not a nuisance and did not cause a negative impact to the surrounding land uses.
- The addition of the paint and body shop to the vehicle repair facility would not have an adverse impact as it will always remain a secondary and ancillary use to the vehicle sales dealership.
- The rezoning to the “IL” District for the purposes of an ancillary auto repair shop with paint and body capabilities would be better suited to be granted by Special Permit (SP).
- An SP would provide the use requested by the applicant while protecting the integrity of surrounding uses including the multi-family and single-family uses. However, certain conditions will need to be satisfied to protect those same uses.
- All uses will be subject to the City’s noise ordinance to prevent a nuisance from occurring.
- The former vehicle sales dealership operated an ancillary vehicle repair shop including uses defined as “Vehicle Service, Heavy.” However, the previous dealership did not operate any paint and body repair uses.
- The Unified Development Code (UDC) defines vehicle services as:

Vehicle Service, Limited: Minor repair or replacement of parts, tires, tubes, or batteries, diagnostic services; minor motor services such as grease, oil, spark plug, or filter changing; tune-ups; emergency road services; replacement of starters, alternators, hoses, belts, and points; brake or muffler repair, wheel alignment, automobile washing, automobile upholstery, window-tinting, state inspections and associated minor repairs; routine servicing of air-conditioning systems, or other

similar minor repair services. Minor repairs do not include uses listed under “vehicle service, heavy.”

Vehicle Service, Heavy: General repair or overhaul of engines, air-conditioning systems, transmissions, or radiators for motor vehicles; Repair of bodies, frames, or fenders, painting, undercoating, or rust-proofing; repair of heavy load vehicles such as, tractor trailers, commercial dump trucks, or transit vehicles; customizing; vehicle steam cleaning; and other similar uses. Major repairs do not include uses listed under “vehicle service, limited.”

Planning Commission and Staff Recommendation (January 25, 2017):

Denial of the change of zoning from the “CG-2” General Commercial District to the “IL” Light Industrial District, in lieu thereof approval of the “CG-2” General Commercial 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 “Vehicle Service, Heavy” as defined by the Unified Development Code (UDC). All vehicle service and repairs must be done within an enclosed building and must follow all federal, state, local regulations.
2. **Hours of Operation:** The hours of operation shall be the same as the business hours of operation from 7:00 AM to 7:00 PM Monday through Saturday.
3. **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.
4. **Screening Fence:** A six (6) foot standard screening fence shall be installed or existing fence must have slats installed and maintained to provide a visual barrier between the vehicular storage yard/building and the surrounding neighborhood.
5. **Signage:** No signs are to be installed on Johanna Street except for the purposes of emergency or directional information.
6. **Loading/Unloading/Parking:** No loading or unloading of vehicles is allowed on a public street and must occur on-site. No parking is allowed at any time on Johanna Street.
7. **Access:** No access to or from Johanna Street is allowed except for emergency access.
8. **Dumpster Screening:** Any dumpster located on the Property shall be effectively screened from view by means of a screening fence or landscaping.
9. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, and Building and Fire Code Requirements.

10. 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.

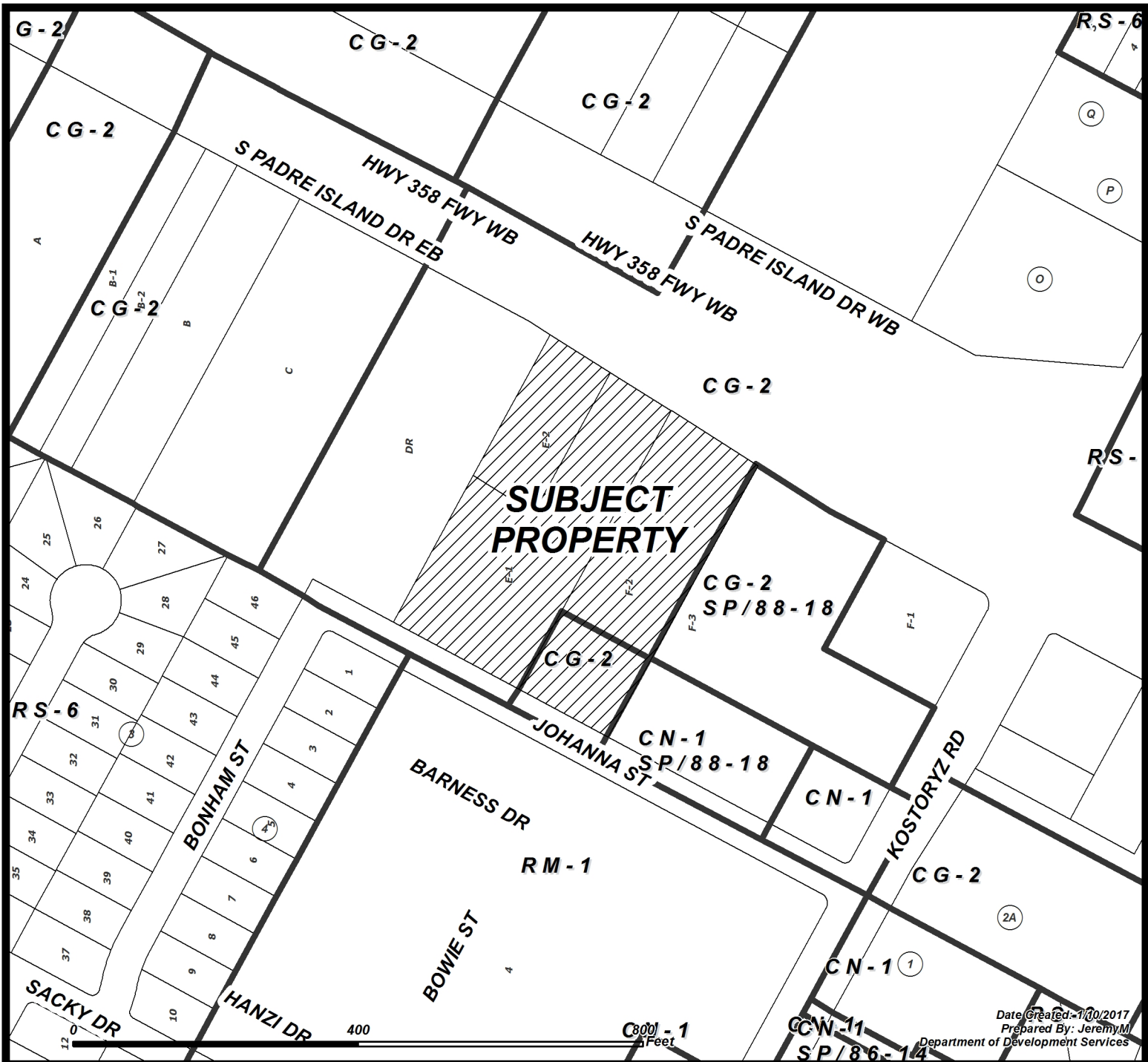
Vote Results:

For: 6
Opposed: 0
Absent: 3

Public Notification	Number of Notices Mailed – 9 within 200-foot notification area 5 outside notification area
	<u>As of January 20, 2017:</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.

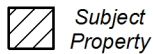
Attachments:

1. Location Map (Existing Zoning & Notice Area)
2. Public Comments Received (if any)



CASE: 0117-06

SUBJECT PROPERTY WITH ZONING



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		

