

STAFF REPORT

Case No. 0717-01
INFOR No. 17ZN1011

Planning Commission Hearing Date: November 15, 2017

Applicant & Legal Description	Owner: Alrich Enterprises Inc., DBA Richard Sanchez Motors and Ben L. Herndon, Jr. Applicant/Representative: Richard Sanchez Motors Location Address: 901 Airline Road Legal Description: Koolside, Block 6, Lots 24 and 25 less portion to right-of-way and Lot 26, located at the intersection of Airline Road and Gollihar Road, north of McArdle Road and south of South Alameda Street.			
Zoning Request	From: "ON" Neighborhood Office District and the "CN-1" Neighborhood Commercial District To: "CG-2" General Commercial District Area: 0.54 acres Purpose of Request: To allow for the operation of a vehicle sales establishment.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	Site	"ON" Neighborhood Office and "CN-1" Neighborhood Commercial	Vacant and Commercial	Commercial
	North	"CN-1" Neighborhood Commercial	Commercial	Commercial
	South	"CN-1" Neighborhood Commercial	Commercial	Commercial
	East	"RS-6" Single-Family 6	Drainage, Public/Semi-Public, and Park	Government and Permanent Open Space
	West	"ON" Neighborhood Office	Low Density Residential, Professional Office, and Vacant	Commercial and Medium Density Residential
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Southeast Area Development Plan and is planned for commercial uses. The proposed rezoning to the "CN-1" Neighborhood Commercial District is consistent with the adopted Future Land Use Map which calls for commercial uses. However, the proposed rezoning is inconsistent with PlanCC, the Southeast Area Development Plan, and past rezoning decisions. Map No.: 042037 Zoning Violations: Case V078127-122016. The vehicle sales establishment is an unpermitted use in the "CN-1" Neighborhood Commercial District and has not ceased operation despite notification by code enforcement on 12/21/16 and citation on 3/13/17.			

Transportation	Transportation and Circulation: The subject property has approximately 126 feet of street frontage along Airline Road which is designated as an “A1” Minor Arterial Undivided Street, approximately 137 feet of street frontage along Gollihar Road which is designated as an “C3” Primary Collector Street, and approximately 65 feet of street frontage along Dorothy Street which is designated as an Local/Residential Street.				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Airline Road	“A1” Minor Arterial	95’ ROW 64’ paved	90’ ROW 64’ paved	26,274 ADT (2013)
	Gollihar Road	“C3” Primary Collector	75’ ROW 50’ paved	80’ ROW 47’ paved	10,765 ADT (2015)
	Dorothy Street	Local/Residential	50’ ROW 28’ paved	48’ ROW 26’ paved	N/A

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the “ON” Neighborhood Office District and the “CN-1” Neighborhood Commercial District to the “CG-2” General Commercial District to allow for the continued operation of a vehicle sales establishment.

Development Plan: The subject property is comprised of 0.54 acres and has been operating illegally as a vehicle sales establishment.

Existing Land Uses & Zoning: The subject property is currently “ON” Neighborhood Office District and “CN-1” Neighborhood Commercial District and is a vacant lot and a former retail establishment (Tropical Shade and Shutter). To the north are retail, restaurants, and single-family residences. To the east are single-family residences, Cullen drainage ditch, park land, and fire station 11. To the south are retail services along Airline Road and single-family residences along Dorothy Street. To the west are professional offices and single-family residences.

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

Plat Status: The property is platted.

PlanCC & Area Development Plan Consistency: The subject property is located within the boundaries of the Southeast Area Development Plan (ADP). The proposed rezoning to the “CG-2” General Commercial is consistent with the Future Land Use Map. However, the proposed rezoning is inconsistent with the following policies of the Southeast ADP and PlanCC:

- Encourage the protection and enhancement of residential neighborhoods (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- 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 (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Support the separation of high-volume traffic from residential areas or other noise-sensitive land uses (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Encourage a well-integrated development plan that protects existing residential neighborhoods when conversion of residential use to higher intensity use occurs; (Policy Statement f.).
- In Table 1, Future Land Use Suitability, the "most suitable land use" column indicates those land uses least likely to cause negative impacts to the surrounding area and which most directly benefit the public health, safety, and welfare of the community. Uses described as "also acceptable" might be permissible, but they are likely to be negatively affected by the most suitable use or surrounding uses unless steps are taken to buffer negative impacts. Steps should be taken to prevent negative impacts and promote sensitive design (Policy Statement B.12).
- Much of the area along Everhart Road between South Padre Island Drive (SPID) and South Staples Street is transitioning from residential, office, and neighborhood commercial use to a more intensive commercial use. As this transition occurs the City will encourage the most intensive nodes of commercial development at the intersection of SPID and Staples Street. Between these high intensity nodes of commercial development the City will encourage a transition to a combination of unrestricted neighborhood commercial uses and some limited general commercial uses (Policy Statement B.12).

Department Comments:

- The proposed rezoning is incompatible with PlanCC and the Southeast Area Development Plan. The proposed rezoning is also incompatible with neighboring properties and with the general character of the surrounding area.
- The "CG-2" District opens the possibility of more intense commercial uses such as Mini-Storage, Bars, and Night Clubs adjacent to single-family residences.
- No "CG-2" General Commercial District properties exist between South Alameda Street and McArdle Road.
- Several rezonings have occurred along this portion of Airline Road since 1974. No rezonings have been granted for the "CG-2" General Commercial District.
- Three Special Permits (SPs) have been granted along Airline Road between South Alameda Street and McArdle Road. The first in 1987 for the Crossroads Shopping Center (Catfish Charlie's). The second in 2001 for House of Cars which limits the number of cars that can be sold (11 cars). The third in 2004 is for Airline Motors which limits the number of cars that can be sold (14 cars). Currently, both Special Permits for vehicle sales are in nonconformance at last check on Friday, July 14, 2017. House of Cars has 14 vehicles posted for sale and Airline Motors has 24 vehicles for sale. Mr. Sanchez's unpermitted vehicle sales establishment (Sanchez Motors) has 32 vehicles posted for sale.

- Despite the notification by the City's Code Enforcement Department, Sanchez Motors has continued to operate with several non-conformities with the Unified Development Code (UDC) and without a Certificate of Occupancy.

Staff Recommendation:

Denial of the change of zoning from the "ON" Neighborhood Office District and the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District, in lieu thereof approval of the "CN-1" Neighborhood 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 Sales" as described per the Unified Development Code (UDC). No on-site repair work of any type may be performed.
2. **Auto Sales:** The auto sales use is limited to no more than twenty-five (25) vehicles for sale at one time.
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. **Speakers:** Outside paging, speakers, telephone bells, or similar devices are prohibited.
5. **Screening Fence:** A standard screening fence with a height of not less than six (6) feet must be located and/or maintained along any property line shared with a residential use. The fence must be installed before a certificate of occupancy is issued.
6. **Hours of Operation:** The automobiles sales use may only operate between the hours of 8:00 a.m. and 8:00 p.m.
7. **Landscaping:** Landscaping must be provided in accordance with the vehicular use area requirements of the UDC. All landscape material must be kept in a healthy and growing condition at all times. All landscape material must be installed before a certificate of occupancy is issued.
8. **Signage:** No signs are to be installed on Dorthy Street except for the purposes of emergency or directional information.
9. **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 Dorthy Street.
10. **Access:** Access to or from Dorthy Street is prohibited.

- 11. Dumpster Screening:** Any dumpster located on the Property shall be effectively screened from view by means of a screening fence or landscaping.
- 12. Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, and Building and Fire Code Requirements.
- 13. 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.

Public Notification	Number of Notices Mailed – 20 within 200-foot notification area 5 outside notification area
	<u>As of October 13, 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:

- A. Location Map (Existing Zoning & Notice Area)
- B. Public Comments Received (if any)