

# STAFF REPORT

Case No. 0718-04  
INFOR No. 18ZN1015

**Planning Commission Hearing Date:** July 25, 2018

<b>Applicant &amp; Legal Description</b>	<b>Owner:</b> May Dev, LP. <b>Applicant:</b> The Clower Company <b>Location Address:</b> 7601 South Padre Island Drive and 5246 Lexington Road <b>Legal Description:</b> Lot 5 and 6, Block 1, Bridgepointe Landing, located at the southeast corner of the intersection of South Padre Island Drive and Lexington Road, and north of Holly Road.			
<b>Zoning Request</b>	<b>From:</b> "CG-2" General Commercial District <b>To:</b> "IL" Light Industrial District <b>Area:</b> 15.46 acres <b>Purpose of Request:</b> To allow for the construction of an auto sales and service and boat sales and service establishment with service areas.			
<b>Existing Zoning and Land Uses</b>		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
	<i>Site</i>	"CG-2" General Commercial	Vacant	Mixed Use
	<i>North</i>	"CG-2" General Commercial	Commercial	Mixed Use
	<i>South</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
	<i>East</i>	"CG-2" General Commercial	Vacant	Mixed Use
	<i>West</i>	"RS-6" Single-Family 6	Vacant	Mixed Use
<b>ADP, Map &amp; Violations</b>	<b>Area Development Plan:</b> The subject property is located within the boundaries of the Southside Area Development Plan and is planned for mixed uses. The proposed rezoning to the "IL" Light Industrial District is inconsistent with the adopted Comprehensive Plan (Plan CC). <b>Map No.:</b> 039034 <b>Zoning Violations:</b> None			
<b>Transportation</b>	<b>Transportation and Circulation:</b> The subject property has approximately 237 feet of street frontage along South Padre Island Drive which is designated as a "F1" Freeway/Expressway and approximately 1,256 feet of street frontage along Lexington Road which is designated as a "C1" Minor Collector Street. According to the Urban Transportation Plan, "C1" Minor Collector Streets can convey a capacity between 1,000 to 3,000 Average Daily Trips (ADT).			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	South Padre Island Drive (SH 358)	"F1" Freeway/ Expressway	400' ROW Varies paved	268' ROW 228' paved	11,295 ADT (2013)
	Lexington Road	"C1" Minor Collector Street	60' ROW 40' paved	70' ROW 25' 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 the construction of an auto sales and service and boat sales and service establishment with service areas.

**Development Plan:** The subject property is 15.46 acres in size. The owner is proposing an auto sales and service and boat sales and service establishment with service areas.

**Existing Land Uses & Zoning:** The subject property is currently zoned "CG-2" General Commercial District and consists of vacant land. The subject property was zoned "CG-2" General Commercial District in 2016. The subject property was annexed in 1962 and has remained undeveloped since the time of annexation. To the north is an existing boat sales dealership (Premier Yamaha Boating Center) and is zoned "CG-2" General Commercial District. To the south is the Williams Drainage Channel which consists of a 155-foot wide channel at a depth of 10.27 feet. Across the Williams drainage channel are large tract single-family residences (Lexington Acres) zoned "RS-6" Single-Family 6 District. To the east are unplatted vacant properties zoned "CG-2" General Commercial District and "RM-3" Multifamily 3 District. To the west across Lexington Road are unplatted vacant property zoned "RS-6" Single-Family 6 District.

**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 Southside Area Development Plan (ADP). The proposed rezoning to the "IL" Light Industrial District is inconsistent with the adopted Comprehensive Plan (Plan CC). However, the proposed use is consistent with the following policies:

- 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)

- Encourage orderly growth of new residential, commercial, and industrial areas. (Future Land Use, Zoning, and Urban Design Policy Statement 1)
- Implement fair and equitable ways to promote better protection when two uses of differing intensities abut one other. (Southside ADP, Policy Statement B.5)

**Department Comments:**

- The proposed rezoning is inconsistent with the adopted Comprehensive Plan (Plan CC).
- The proposed rezoning is compatible with neighboring properties and with the general character of the surrounding area. This rezoning does not have a negative impact upon the surrounding neighborhood.
- The property is currently vacant and has not been developed since annexation in 1962.
- Vehicle and boat sales establishments are allowed by-right in the “CG-2” General Commercial District. However, any heavy repair work is only allowed in the industrial districts as per the Unified Development Code (UDC).
- According to the former Corpus Christi Zoning Ordinance, under the “B-4” Business District (“CG-2” General Commercial District), “Automobile service, painting and body work are permitted as an accessory use within an enclosed building when associated with auto sales establishment.”
- The addition of the paint and body shop of the vehicle repair facility would not have an adverse impact as it will always remain a secondary and ancillary use to the multi-brand vehicle sales establishment.
- An SP would provide the use requested by the applicant while protecting the integrity of surrounding uses including the nearby single-family neighborhood.
- All uses will be subject to the City’s noise ordinance to prevent a nuisance from occurring.
- Due to the adjacency to properties zoned “RS-6” Single-Family 6 District, “RM-3” Multifamily 3 District, and “CG-2” General Commercial District, a buffer yard will be required along the corresponding property line. Buffer yards consist of an area and point requirement as per the Unified Development Code (UDC). In addition, a 155 foot wide drainage corridor exists to the south to separate the proposed use from the single-family residences.
- The applicant is requesting a service center to operate as an ancillary repair shop. 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.”

**Staff Recommendation:**

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/SP” General Commercial District with a Special Permit (SP) with the following conditions.

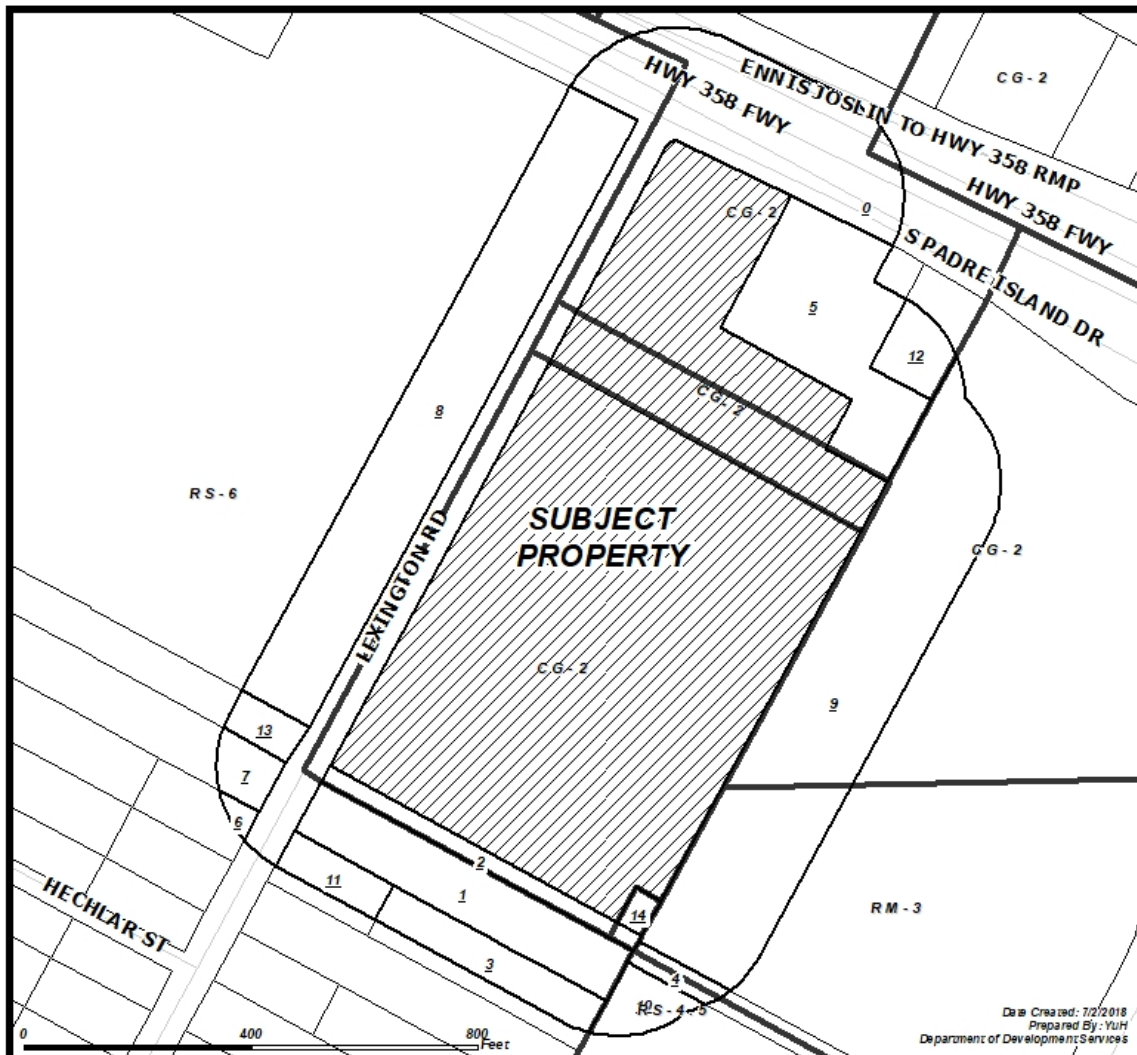
1. **Uses:** The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district is “Vehicle Service, Heavy” as defined by the Unified Development Code (UDC). All vehicle service and repairs must be done within an enclosed building and must follow all federal, state, local regulations.
2. **Setback:** A setback at a minimum of 20 feet shall be maintained from the southern and eastern property line. No buildings or storage shall be allowed within the setback.
3. **Screening:** A solid 6-foot screening fence shall be installed along the eastern property line.
4. **Hours of Operation:** The hours of operation shall be from 7:00 AM to 9:00 PM Monday through Saturday.
5. **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.
6. **Outdoor Paging Systems/Intercom Systems:** Outside paging, speakers, telephone bells, or similar devices are prohibited.
7. **Vehicular Access:** Exiting of vehicular traffic shall be limited to right turn only onto Lexington Road and shall not drive thru the residential neighborhood located to the south of the subject property.
8. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
9. **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.

<b>Public Notification</b>	Number of Notices Mailed – 14 within 200-foot notification area 5 outside notification area	
	<b><u>As of July 20, 2018:</u></b>	
	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)

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# **CASE: 0718-04** **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-8 Single-Family 8
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF Two-Family
CR-1 Resort Commercial	RS-16 Single-Family 16
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	

Subject Property with 200' buffer  
 Owners in favor  
 Owners in opposition  
**4** Owners within 200' listed on attached ownership table

