

STAFF REPORT

Case No. 0918-02

INFOR No. 18ZN1023

Planning Commission Hearing Date: September 19, 2018

Applicant & Legal Description	Owner: Rakesh Patel, Lina Patel, and Daxa Kumar Applicant: Javier Garcia (Padre Landscapes) Location Address: 15621 and 15625 South Padre Island Drive Legal Description: Lots 5A and 6A, Block 15, Padre Island located on the west side of South Padre Island Drive, south of Whitecap Boulevard, and north of Encantada Avenue.			
Zoning Request	From: "CR-2/IO" Resort Commercial District with the Island Overlay To: "IL" Light Industrial District Area: 0.69 acres Purpose of Request: To allow for the operation of a landscaping business including outdoor storage.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"CR-2/IO" Resort Commercial with the Island Overlay	Vacant	High Density Residential
	<i>North</i>	"CR-2/IO" Resort Commercial with the Island Overlay	Vacant and Commercial	High Density Residential
	<i>South</i>	"CR-2/IO" Resort Commercial with the Island Overlay	Vacant	High Density Residential
	<i>East</i>	"FR/IO" Farm Rural with the Island Overlay	Park	Permanent Open Space
	<i>West</i>	"CR-2/IO" Resort Commercial with the Island Overlay and "RS-TF" Two-Family	Vacant and Medium Density Residential	High Density Residential
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Mustang/Padre Island Area Development Plan and is planned for high density residential uses. The proposed rezoning to the "IL" Light Industrial District is inconsistent with the adopted Comprehensive Plan (Plan CC). Map No.: 029024 Zoning Violations: On December 20, 2017, correction notices were mailed to the applicant due to the accumulation of solid waste and an illegal land use (storage of aggregate materials). On March 13, 2018 after subsequent inspections and discussions citations were formally issued.			

Transportation	Transportation and Circulation: The subject property has approximately 100 feet of street frontage along South Padre Island Drive (Park Road 22) which is designated as an “A2” Secondary Arterial Street. According to the Urban Transportation Plan, “A2” Secondary Arterial Streets can convey a capacity between 20,000 to 32,000 Average Daily Trips (ADT).				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	South Padre Island Drive (Park Road 22)	“A2” Secondary Arterial	100’ ROW 54’ paved	200’ ROW 125’ paved	13,790 ADT (2015)

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the “CR-2/IO” Resort Commercial District with the Island Overlay to the “IL” Light Industrial District to allow for the operation of a landscaping business including outdoor storage.

Development Plan: The subject property is 0.69 acres in size and consists of two lots. The owner is proposing to have a landscaping business with outside storage of bulk materials, equipment, and company vehicles. The bulk materials will be gravel, decomposed granite, river rock, top soil, etc. The piles of bulk material will not exceed 6' tall. The applicant is not planning to use it as a retail place, however occasionally some customers will visit to look at the materials or make a payment. A 6-foot 10-inch solid screening fence will be installed around the subject property and the front gate will be the sole point of accessing the property.

Existing Land Uses & Zoning: The subject property is currently zoned “CR-2/IO” Resort Commercial District with the Island Overlay and consists of vacant land. The subject property was zoned “B2-A” Barrier Island Business (“CR-2” Resort Commercial) District in 1981. The Island Overlay was adopted in 2004. The subject property was annexed in 1961 and has remained undeveloped. To the north is a vacant lot, commercial businesses, and a restaurant zoned “CR-2/IO” Resort Commercial District with the Island Overlay. To the south are vacant lots zoned “CR-2/IO” Resort Commercial District with the Island Overlay. To the east is South Padre Island Drive (Park Road 22). Across S.P.I.D. is Padre Balli Park and is zoned “FR/IO” Farm Rural District with the Island Overlay. To the west are vacant lots “CR-2/IO” Resort Commercial District with the Island Overlay. Further to the west across Palmira Avenue are two-family residences (Padre Island Unit 4 Subdivision) zoned “RS-TF” Two-Family 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 Mustang/Padre Island 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)
- Screening fences, open space or landscaping can provide an essential buffer residential areas. (Future Land Use, Zoning, and Urban Design Policy Statement 3)
- The City will continue to protect residential neighborhoods from encroachment of nonresidential uses unless the negative effects of the non-residential uses are eliminated or significantly mitigated. (Mustang/Padre Island ADP, Policy Statement B.13)

Department Comments:

- The proposed rezoning is inconsistent with the adopted Comprehensive Plan (Plan CC) in relation to the proposed use and the Island Overlay.
- The proposed rezoning is partially compatible with neighboring properties and with the general character of the surrounding area. This rezoning may have a negative impact upon the surrounding neighborhood as it would allow all uses allowed by right in the “IL” District.
- Additionally, the proposed use would be assessed for compliance with the standard of the Island Overlay as per section 6.4 of the Unified Development Code (UDC).
- The property is currently vacant and is a remaining platted lot and has not been developed since annexation in 1981.
- While a retail nursery is allowed in the “CR-2” Resort Commercial District by-right, the outdoor and aggregate material storage use requires the “IL” Light Industrial District.
- A special permit would provide the use requested by the applicant while protecting the integrity of surrounding uses including the nearby neighborhood.
- The subject property is located away from the major intersections of Commodore Boulevard and Whitecap Boulevard that serve as scenic corridors.
- A landscape business is a relatively low impact use. The limited hours of operation of 6 am to 9 pm and restricting the delivery hours to between these set hours would reduce any potential negative impacts from occurring.
- The use will still be subject to the City’s noise ordinance to prevent a nuisance from occurring.

Staff Recommendation:

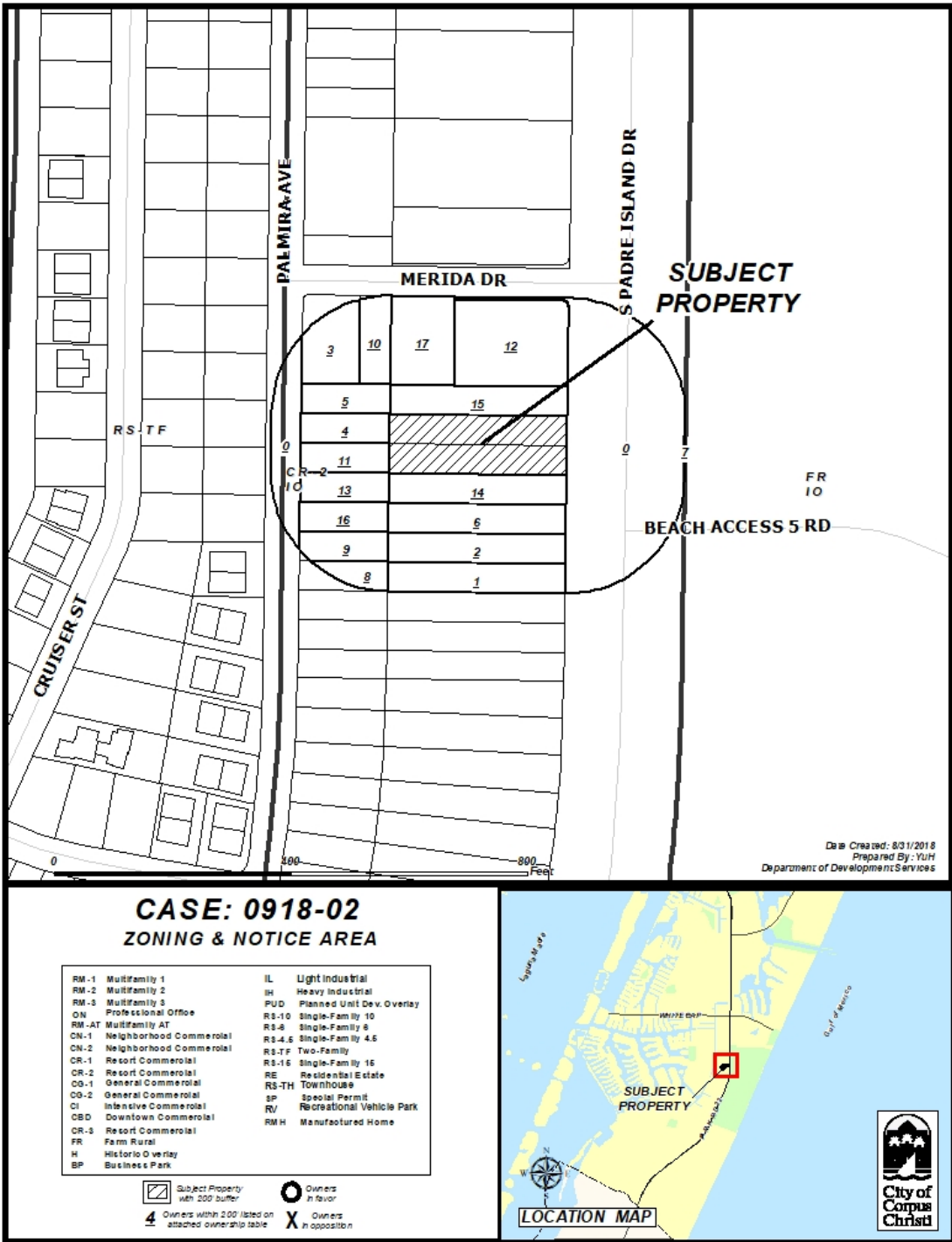
Denial of the change of zoning from the “CR-2/IO” Resort Commercial District with the Island Overlay to the “IL” Light Industrial District, in lieu thereof, approval of the “CR-2/SP” Resort Commercial District with a Special Permit (SP) and with the following conditions.

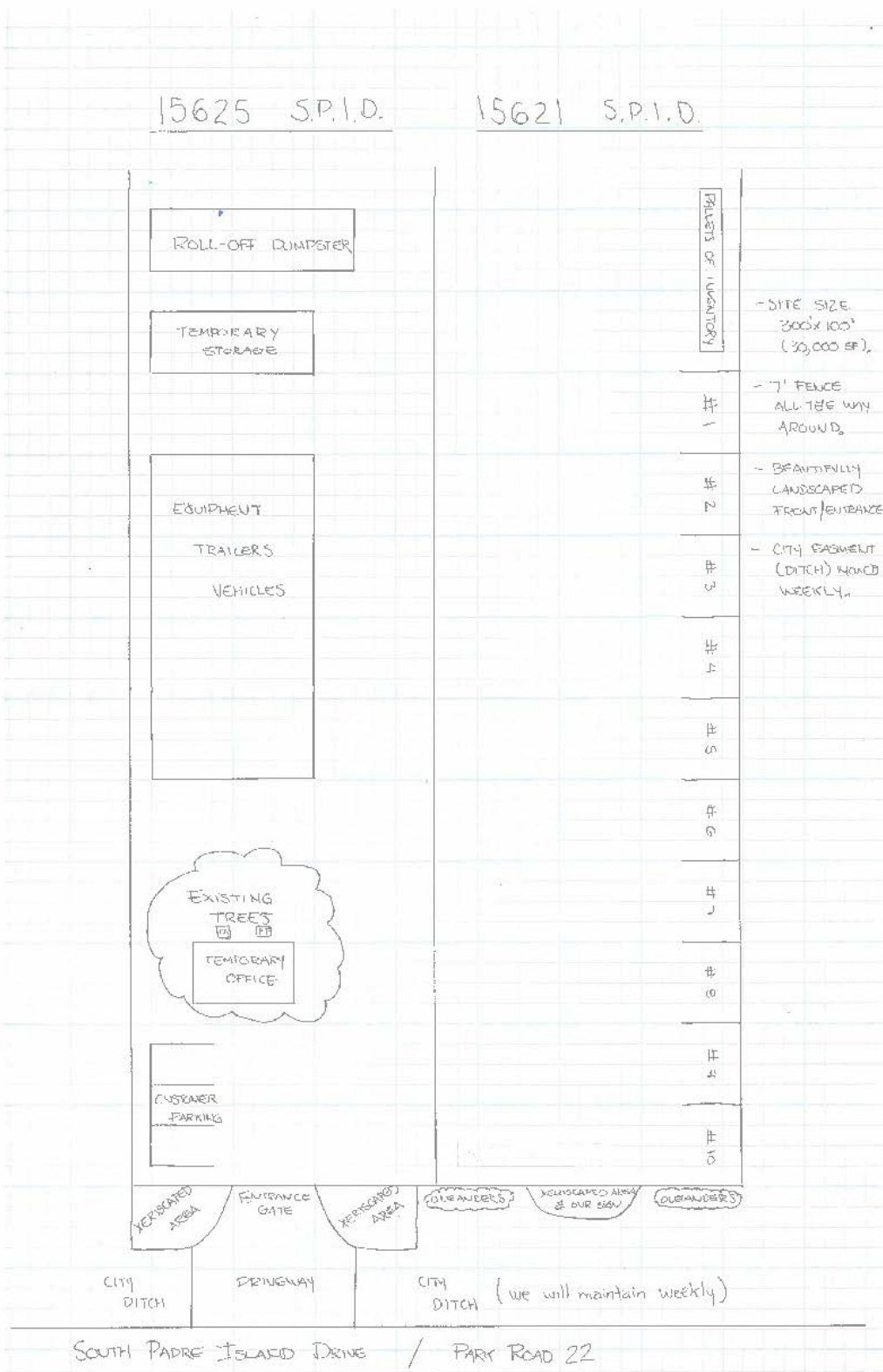
1. **Uses:** The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district are as defined by the Unified Development Code (UDC) in Section 5.1.5.B “Warehouse and Freight Movement” except bus barn, coal and coke storage and sales, food locker, household moving and general freight storage, milk distributing station, produce and storage warehouse, truck or transfer terminal, and warehouse used for storage of retail goods.
2. **Outdoor Storage:** Outdoor storage is permitted and must remain screened at all times. Storage includes trailers, construction equipment, aggregate materials, and other items related to a landscaping business. Piles of loose aggregate materials shall be no taller than 6-feet in height. Any dumpsters must be screened from view of the public.
3. **Screening Fence:** A solid screening fence at minimum of six (6) feet shall be installed and maintained to provide a visual barrier around the perimeter of the property.
4. **Landscaping:** Landscaping shall be installed in accordance with the requirements of the Unified Development Code (UDC) along South Padre Island Drive (Park Road 22).
5. **Lighting:** All 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.
6. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.
7. **Hours of Operation:** Business may only be conducted daily between the hours of 6:00 AM to 9:00 PM. All deliveries must occur within these operating hours.
8. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
9. **Island Overlay:** The construction or installation of a storage shed as identified shall be exempt from the conditions of the Island Overlay as described in Section 6.4 of the Unified Development Code (UDC). Construction or installation of an office shall conform to the requirements of the Island Overlay.
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, a certificate of occupancy or a letter of UDC compliance has been issued, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Public Notification	<p>Number of Notices Mailed – 17 within 200-foot notification area 5 outside notification area</p> <p><u>As of September 14, 2018:</u></p> <p>In Favor – 0 inside notification area – 0 outside notification area</p> <p>In Opposition – 1 inside notification area – 0 outside notification area</p> <p>Totaling 2.72% of the land within the 200-foot notification area in opposition.</p>
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Attachments:

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





Persons with disabilities planning to attend this meeting, who may require special services, are requested to contact the Development Services Department at least 48 hours in advance at (361) 826-3240. Personas con incapacidades, que tienen la intención de asistir a esta junta y que requieren servicios especiales, se les suplica que den aviso 48 horas antes de la junta llamando al departamento de servicios de desarrollo, al número (361) 826-3240.

If you wish to address the Commission during the meeting and your English is limited, please call the Development Services Department at (361) 826-3240 at least 48 hours in advance to request an interpreter be present during the meeting. Si usted desea dirigirse a la comisión durante la junta y su inglés es limitado, favor de llamar al departamento de servicios de desarrollo al número (361) 826-3240 al menos 48 horas antes de la junta para solicitar un intérprete ser presente durante la junta.

**CITY PLANNING COMMISSION
PUBLIC HEARING NOTICE
Rezoning Case No. 0918-02**

Rakesh Patel, Lina Patel, and Daxa Kumar have petitioned the City of Corpus Christi to consider a change of zoning from the "CR-2/IO" Resort Commercial District with the Island Overlay to the "IL" Light Industrial District, resulting in a change to the Future Land Use Map. The property to be rezoned is described as:

15621 and 15625 South Padre Island Drive (Park Road 22) and Lots 5A and 6A, Block 15, Padre Island located on the west side of South Padre Island Drive, south of Whitecap Boulevard, and north of Encantada Avenue.

The Planning Commission may recommend to City Council approval or denial, or approval of an intermediate zoning classification and/or Special Permit. Approval of a change of zoning, if inconsistent with the City's Comprehensive Plan, will also have the effect of amending the Comprehensive Plan to reflect the approved zoning.

The Planning Commission will conduct a public hearing for this rezoning request to discuss and formulate a recommendation to the City Council. The public hearing will be held on Wednesday, September 19, 2018, during one of the Planning Commission's regular meetings, which begins at 5:30 p.m., in the City Council Chambers, 1201 Leopard Street. You are invited to attend this public hearing to express your views on this rezoning request. For more information, please call (361) 826-3240.

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE DEVELOPMENT SERVICES DEPARTMENT, P. O. BOX 9277, CORPUS CHRISTI, TEXAS 78469-9277. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Planning Commission By-Laws, no discussion shall be held by a member or members of this Commission with an applicant or appellant concerning an application or appeal, either at home or office, or in person, by telephone call or by letter.

Printed Name: Dale Heckenbach - DADA Investments
Address: 15209 Isabelle Ct., /Merida City/State: Corpus Christi TX 78411
() IN FAVOR ☒ IN OPPOSITION Phone: 361-774-8877
REASON: if a change is requested it should be not just 2 lots it should be a whole section I like to be unified and would be improved as well in light industrial land.
Signature: [Signature]

SEE MAP ON REVERSE SIDE
INFOR Case No.: 18ZN1023
Property Owner ID: 10

Case No. 0918-02
Project Manager: Andrew Dimas
Email: andrewd2@ccetexas.com