


STAFF REPORT

To: Zoning Commission – Special Called Meeting March 25, 2025

From: Kim Golden, P.E., City Engineer 

Cc: Doug Kneupper, P.E., Consulting Engineer

Date: Request to rezone from District “E” (General Business) to District “F-1” (Outdoor Industrial) for third party storage of industrial equipment and supplies and other uses

Background: Applicant, Donald P. Tarpey on behalf of owner, Hugh Patrick Constructors, Inc, and Co-applicant, Texas City Terminal Railway seeks a rezoning as a condition for the leasing of the subject location to Texas City Terminal Railway for the purpose of outside storage of industrial equipment and supplies and other uses. The site was originally constructed and operated as a grocery store from 1959 to 1979 (Texas Superfoods, Inc.). It has operated as the principal office and yard facility for a construction company since 1980 (Don Tarpey Construction, Tarpey, Inc., and Hugh Patrick Constructors, Inc.).

Requested Action: The co-applicants request a recommendation to the City Commission to approve the rezoning from District “E” (General Business) to District “F-1” (Outdoor Industrial) to facilitate the leasing of the property to the co-applicant, Texas City Terminal Railway. The applicants are not proposing any physical changes to the site.

Existing conditions: The 6.0821-acre site is currently developed with a large parking lot adjacent to Texas Avenue, an existing building which is the former grocery store converted into office and/warehouse space, and fenced open space in the rear with some pavement, loading docks and miscellaneous storage type buildings. The site is not vacant, being occupied and used as an office facility, but it does not appear to have an active construction yard with stored materials.

Existing zoning: The subject location is currently zoned District “E” (General Business) which purpose is to provide an extensive variety of **enclosed retail and commercial** services to serve the overall needs of the community. Due to the variety and potential intensity of these uses, they should be located along major transportation corridors and appropriately buffered from residential areas. The property adjacent to the front section of the parcel is also zoned District “E” (General Business). The adjacent property to the east and north is zoned District “A” (Single Family Residential). The property across 27th Street N to the west is also zoned District “A” (Single Family Residential). The property across Texas Avenue is zoned District “IBD” (Industrial Business District). The property does not have any buffering or screening between the residential and commercial uses as required by current Zoning Ordinance.

GATEWAY OVERLAY DISTRICT: The subject property is also subject to the requirements of Secs 160.065 - 160.069 Gateway Overlay District. This district requires 100% masonry construction, that all fences be masonry, that all utilities be underground, a minimum area of 15% landscaping, and other screening requirements. The existing building is of masonry construction and landscaping is limited. No site plan was provided with the application to show compliance with the 15% landscaping requirement of the Gateway Overlay District. The existing fencing is chain-link which does not comply with the Gateway Overlay District.

LAND USE PLAN: The subject property is located in a Revitalization Corridor. The revitalization corridors are characterized by dilapidated structures, fair to poor housing conditions, incompatible mixture of land uses and declining numbers of housing units and small businesses. The designation is linked directly to the Goals 2000 report and strategy for revitalization of Sixth Street and Texas Avenue. Any rezoning should help to reverse the deterioration being experienced along this corridor.

Existing infrastructure: There is more than sufficient vehicular access from FM 1765/Texas Avenue. Existing water, sewer and drainage are adequate for the site.

Proposed re-zoning: The requested rezoning from Section 160.035 District "E" (General Business) to Section 160.042 District "F-1" (Outdoor Industrial) is a downgrade of the zoning district based upon a comparison of the allowable uses in each district. See attached comparison of the allowable uses and of the area and height regulations from the applicable ordinances. Uses allowed in District "E" (General Business) are required to be enclosed, whereas the uses allowed in District "F-1" (Outdoor Industrial) are some of the most incompatible exterior uses identified in the zoning ordinance. The allowable uses in District "F-1" include motor freight terminals, trucking terminals, railway freight terminals, the outdoor storage of sand, gravel, rock or earth, and the outdoor storage of industrial equipment or supplies. The district does require screening alongside and rear lot lines adjacent to any district zoned for residential use.

Analysis: The purpose of the rezoning is to allow the applicant owner to lease the subject property to the co-applicant tenant (Texas City Terminal Railway) for the purpose of storing industrial equipment and supplies at the site. The applicants indicate the tenant intends for all storage to be maintained inside the enclosed buildings and acknowledge that any outside storage will require screening.

Given these voluntary restrictions, a better zoning designation would be Section 160.041 District "F" (Light Industrial). District "F" (Light Industrial) allows "any manufacturing, research, wholesale or warehouse operations which do not involve the primary production or storage of wood, metal or chemical products from raw materials, provided that such uses shall be **contained within an enclosed building.**" District "F" also allows the outdoor storage incidental to the primary use; provided that such use shall be completely encompassed by a solid screening wall or fence of at least six feet in height, and, provided that, materials shall be stacked no higher

than one foot below the wall or fence. As shown in the side-by-side comparison attached, the District "F" (Light Industrial) designation would be less incompatible with the adjacent residential uses than the District "F-1" (Outdoor Industrial) uses, because the Light Industrial uses are to be enclosed. This is consistent with the requirements of the District "E" (General Business) district for most retail and commercial services to be enclosed.

Recommendation: Staff do not recommend rezoning to District "F-1" (Outdoor Industrial) due to incompatibility of the allowable uses with the adjacent residential uses. Rather, staff **recommend rezoning to District "F" (Light Industrial)** which zone is compliant with the applicant's expressed intent to use the site for enclosed storage within the building and some incidental outside storage. The enclosed nature of the allowable uses of the District "F" (Light Industrial) district are less likely to conflict with the existing residential uses of the adjacent properties.

In any event, due to the change in use, the site will need to be made compatible with the requirements of the Gateway Overlay District regarding the screening fences and landscaping.