

# PLANNING COMMISSION FINAL REPORT

Case No.: 0117-04  
 Infor No. 16ZN1007

Planning Commission Hearing Date: January 11, 2017

<b>Applicant &amp; Legal Description</b>	<p><b>Applicant/Representative:</b> Saldana Consulting  <b>Owner:</b> Palm Land Investment, Inc.  <b>Location:</b> 7564 Brooke Road  <b>Legal Description:</b> A 5.824 acre tract of land out of a portion of Flour Bluff and Encinal Farm and Garden Tracts, Section 26, Lots 10 and 11, located on the west side of Oso Parkway and south of Dove Hollow Drive.</p>			
<b>Zoning Request</b>	<p><b>From:</b> "RS-4.5" Single Family Residential District  <b>To:</b> "RS-TH" Residential Townhouse District  <b>Area:</b> 5.824 acres  <b>Purpose of Request:</b> To develop 37 townhome units with a proposed density of 6.35 units per acre, less than the 9.68 density permitted in the current "RS-4.5" District.</p>			
<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>	"RS-4.5" Single Family Residential District	Vacant	Medium Density Single Family Residential
	<i>North</i>	"RS-4.5" Single Family Residential District	Vacant	Medium Density Single Family Residential
	<i>South</i>	"FR" Farm Rural	Vacant Drainage Corridor	Medium Density Single Family Residential Permanent Open Space
	<i>East</i>	"RS-4.5" Single Family Residential District	Vacant	Medium Density Single Family Residential
	<i>West</i>	"RS-4.5" Single Family Residential District	Low Density Residential	Medium Density Single Family Residential
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located within the boundaries of the Southside Area Development Plan (ADP) and is planned for medium density single family residential use. The proposed rezoning to the "RS-TH" Residential Townhouse District is consistent with the adopted Plan CC Future Land Use map and with the Southside ADP.  <b>Map No.:</b> 041031  <b>Zoning Violations:</b> None</p>			

<b>Transportation</b>	<b>Transportation and Circulation:</b> The subject property has approximately 350 feet of street frontage along Oso Parkway, which is a “P1” Parkway Collector street. The maximum average daily trips for a “P1” is 1,000 to 3,000.				
<b>Street R.O.W.</b>	<b>Street</b>	<b>Urban Transportation Plan Type</b>	<b>Proposed Section</b>	<b>Existing Section</b>	<b>Traffic Volume</b>
	Oso Parkway	“P1” Parkway Collector Street	80’ ROW 40’ paved	80’ ROW 40’ paved	Information Unavailable

**Staff Summary:**

**Requested Zoning:**

The applicant is requesting a change of zoning from the “RS-4.5” Single Family Residential District to “RS-TH” Residential Townhouse District for developing 37 townhomes.

**Development Plan:**

The applicant proposes to rezone the subject lot, which is a part of Flour Bluff and Encinal Farm and Garden Tracts, to the “RS-TH” Residential Townhouse District. The lot is 5.824 acres. The purpose of the rezoning is to develop 37 townhomes with a proposed density of 6.35 units per acre.

**Existing Land Uses & Zoning:**

The properties north and east of the subject property are zoned “RS-4.5” Single Family Residential District with vacant uses. South of the subject property is zoned “FR” Farm Rural District and is vacant with a drainage corridor. The lot to the west is zoned “RS-4.5” Single Family Residential District and has low density residential use.

**AICUZ:**

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

**Plat Status:** The subject property is not platted but will be consistent with the Oso Parkway Plan.

**Plan CC & Area Development Plan Consistency:** The subject property is located within the boundaries of the Southside ADP. The proposed rezoning to the “RS-TH” Residential Townhouse District is consistent with Plan CC and the Future Land Use Map which identifies the area as Medium Density Residential. Additionally, the following are pertinent elements of Plan CC and the Southside ADP that should be considered:

- Support the planning, regulatory, and finding initiatives needed to provide a diversity of housing types to meet community needs. (Plan CC, Goal 2, Strategy 1, page 32)
- Give consideration to regulations, projects, incentives, and guidelines that promote interconnected development, such as developments with a well-connected street network or appropriate connections to neighboring subdivisions, destinations, or bicycle/pedestrian facilities. (Plan CC, Goal 9, Strategy 1, page 33.)
- Encourage residential infill development on vacant lots within or adjacent to existing neighborhoods (Plan CC, Goal 3, Strategy 3, page 51.)

**Department Comments:**

- The proposed rezoning is a decrease in housing density.
- Infill in existing neighborhoods or adjacent to existing neighborhoods is encouraged.

**Planning Commission and Staff Recommendation (January 11, 2017):**

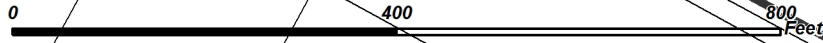
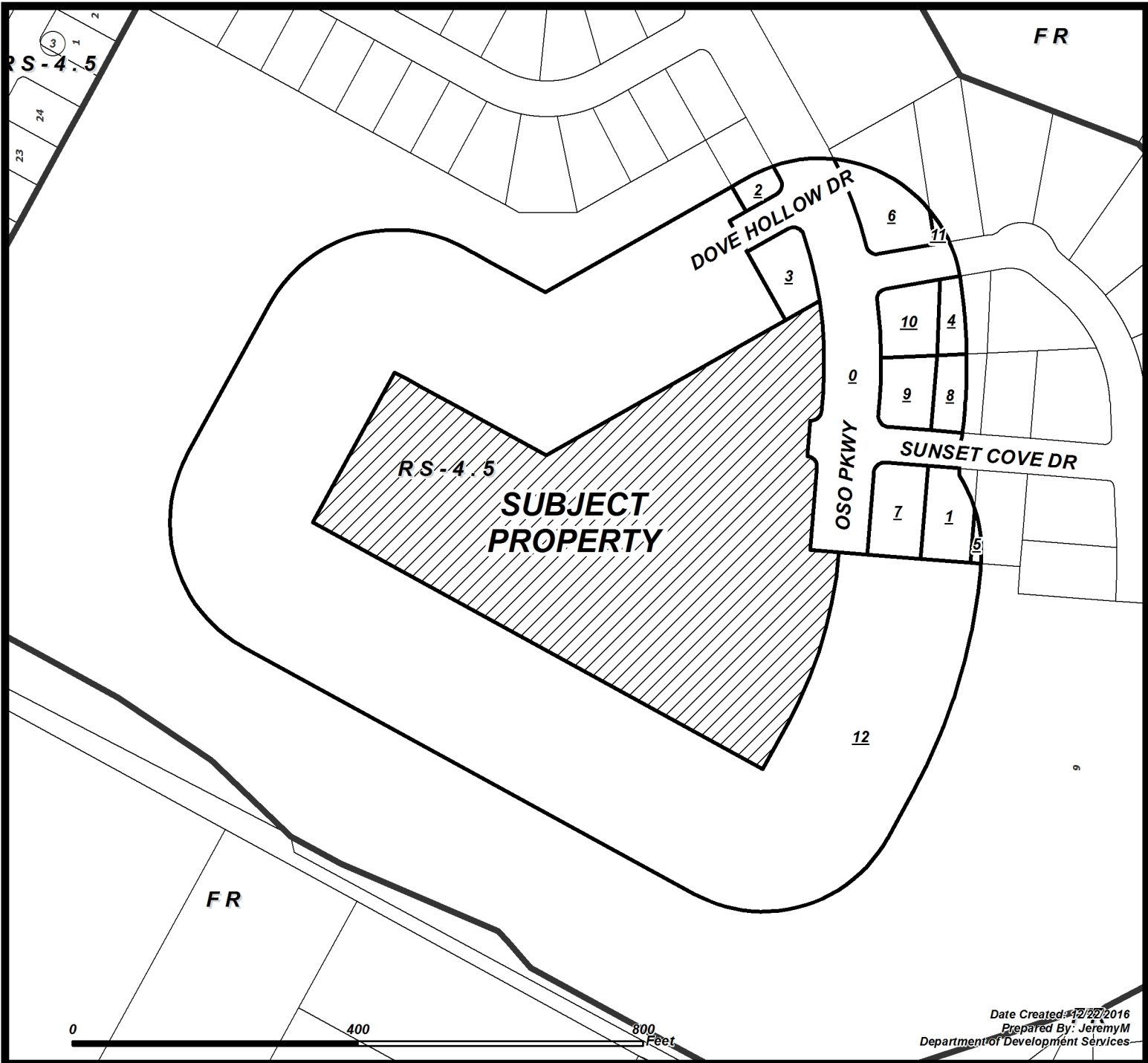
Approval of the change of zoning from the “RS-4.5” Single Family Residential District to “RS-TH” Residential Townhouse District.

Vote Results:

For: 8  
Opposed: 0  
Absent: 0  
Abstain: 1

<b>Public Notification</b>	Number of Notices Mailed – 12 within 200’ notification area; 5 outside notification area
	<u>As of January 23, 2017:</u>
	In Favor – 0 (inside notification area); 0 (outside notification area)
	In Opposition – 0 (inside notification area); 0 (outside notification area)
For 0.00% in opposition.	

- Attachments:
1. Location Map (Existing Zoning & Notice Area)
  2. Application
  3. Returned Opposition/Support (if any)



Date Created: 12/22/2016  
 Prepared By: Jeremy M  
 Department of Development Services

# CASE: 0117-04 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-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	

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





Development Services Dept.  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277  
(361) 826-3240  
Located at 2406 Leopard Street

# REZONING APPLICATION

Office Use Only

Case No.: 0117-04 Map No.: 041031

PC Hearing Date: January 11, 2017 Proj.Mgr: \_\_\_\_\_

Hearing Location: City Hall, Council Chambers, 1201 Leopard Street

Hearing Time: 5:30 p.m.

\* A MAXIMUM OF FIVE REZONINGS CASES ARE SCHEDULED PER HEARING.  
\* INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

1. Applicant: Saldaña Consulting Contact Person: Miguel S. Saldaña  
Mailing Address: 4553 Moonlake Ridge Dr  
City: Corpus Christi State: TX ZIP: 78413 Phone: (\_\_\_\_\_) \_\_\_\_\_  
E-mail: \_\_\_\_\_ Cell: ( 361 ) 443-1070

2. Property Owner(s): Palm Land Investment, Inc. Contact Person: Dan Caballero  
Mailing Address: 5949 La Costa Dr  
City: Corpus Christi State: TX ZIP: 78414 Phone: ( 361 ) 994-2860  
E-mail: \_\_\_\_\_ Cell: (\_\_\_\_\_) \_\_\_\_\_

3. Subject Property Address: \_\_\_\_\_ Area of Request (SF/acres): 5.824 acres  
Current Zoning & Use: RS-4.5 Undeveloped Land Proposed Zoning & Use: RS-TH Townhouses  
12-Digit Nueces County Tax ID: 2476 - 0026 - 0053  
Subdivision Name: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_  
Legal Description if not platted: FB&EF&GT, Section 26, being 5.824 acres out of Lots 10 & 11

4. Submittal Requirements:  
 Early Assistance Meeting: Date Held 11/17/2016 ; with City Staff Andrew Dimas & Beverly Priestley  
 Land Use Statement       Disclosure of Interest       Copy of Warranty Deed  
IF APPLICABLE:  
 Peak Hour Trip Form (if request is inconsistent with Future Land Use Plan)       Site Plan for PUD or Special Permit  
 Metes & Bounds Description with exhibit if property includes un-platted land (sealed by RPLS)       Lien Holder Authorization  
 Appointment of Agent Form if landowner is not signing this form

I certify that I have provided the City of Corpus Christi with a complete application for review; that I am authorized to initiate this rezoning as or on behalf of the Property Owner(s); and the information provided is accurate.

[Signature]  
Owner or Agent's Signature  
Dan Caballero  
Owner or Agent's Printed Name

[Signature]  
Applicant's Signature  
Miguel S. Saldaña  
Applicant's Printed Name

Office Use Only: Date Received: 12-15-16 Received By: ad ADP: SS  
Rezoning Fee: 1692.50 + PUD Fee 0 + Sign Fee 10.00 = Total Fee 1702.50  
No. Signs Required 1 @ \$10/sign Sign Posting Date: \_\_\_\_\_

## LAND USE STATEMENT

1. State the purpose of the request and include applicable background information as to the development plan for the property, i.e., usage of property, number and square footage(s) of existing and/or proposed building(s)/unit(s), building(s)/unit(s) height, parking plans/spaces, phasing schedule of development, number of employee(s) associated with the office, business or industrial development, hours of operation, modification or demolition plans for existing structure(s), type, area and setback of signage, etc.

**The owner/developer wishes to rezone the property to an "RS-TH" District in order to develop the property with 37 townhome units on 5.824 acres. The proposed density of 6.35 units per acres is less than the 9.68 density permitted in the current "RS-4.5" District. Therefore, the traffic impact on the transportation system will be negligible.**

2. Identify the existing land uses adjoining the area of request:

North - Undeveloped land

South - Undeveloped land

East - Undeveloped land

West - Undeveloped land



## DISCLOSURE OF INTERESTS

City of Corpus Christi Ordinance 17112, as amended, requires all persons or firms seeking to do business with the City to provide the following information. **Every question must be answered**. If the question is not applicable, answer with "NA".

NAME: Palm Land Investment, Inc.

STREET: 5949 La Costa Dr CITY: Corpus Christi, TX ZIP: 78414

FIRM is:  Corporation  Partnership  Sole Owner  Association  Other \_\_\_\_\_

### DISCLOSURE QUESTIONS

If additional space is necessary, please use the reverse side of this page or attach separate sheet.

1. State the names of each "employee" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name Job Title and City Department (if known)

N/A

2. State the names of each "official" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name Title

N/A

3. State the names of each "board member" of the City of Corpus Christi having an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name Board, Commission, or Committee

N/A

4. State the names of each employee or officer of a "consultant" for the City of Corpus Christi who worked on any matter related to the subject of this contract and has an "ownership interest" constituting 3% or more of the ownership in the above named "firm".

Name Consultant

N/A

### CERTIFICATE

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information requested; and that supplemental statements will be promptly submitted to the City of Corpus Christi, Texas as changes occur.

Certifying Person: Dan Caballero  
(Print Name)

Title: President

Signature of Certifying Person: 

Date: 18-8-16

## **DEFINITIONS**

- a. **"Board Member"**. A member of any board, commission or committee appointed by the City Council of the City of Corpus Christi, Texas.
- b. **"Employee"**. Any person employed by the City of Corpus Christi, Texas, either on a full or part time basis, but not as an independent contractor.
- c. **"Firm"**. Any entity operated for economic gain, whether professional, industrial or commercial and whether established to produce or deal with a product or service, including but not limited to, entities operated in the form of sole proprietorship, as self-employed person, partnership, corporation, joint stock company, joint venture, receivership or trust and entities which, for purposes of taxation, are treated as non-profit organizations.
- d. **"Official"**. The Mayor, members of the City Council, City Manager, Deputy City Manager, Assistant City Managers, Department and Division Heads and Municipal Court Judges of the City of Corpus Christi, Texas.
- e. **"Ownership Interest"**. Legal or equitable interest, whether actually or constructively held, in a firm, including when such interest is held through an agent, trust, estate or holding entity. "Constructively held" refers to holding or control established through voting trusts, proxies or special terms of venture or partnership agreements.
- f. **"Consultant"**. Any person or firm, such as engineers and architects, hired by the City of Corpus Christi for the purpose of professional consultation and recommendation.



APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Miguel S. Saldaña dba Saldaña Consulting

Mailing Address: 4553 Moonlake Ridge Dr.

City: Corpus Christi State: TX Zip: 78413

Home Phone: ( ) Business Phone: ( ) Cell: ( 361 ) 443-1070

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

Be the point of contact between myself and the City of Corpus Christi; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications; conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City of Corpus Christi will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Corpus Christi, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have the legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my", or "me" is a reference to the entity

\*Signature of Agent: Miguel S. Saldaña Title: Owner

Printed/Typed Name of Agent: Miguel S. Saldaña Date:

\*Signature of Property Owner: Dan Caballero Title: Property Owner

Printed/Typed Name of Property Owner: Dan Caballero Date: 12-8-16

\*Signature of Property Owner: Title:

Printed/Typed Name of Property Owner: Date:

\*Signature of Property Owner: Title:

Printed/Typed Name of Property Owner: Date:

\*Application must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.