

# ZONING REPORT

Case # 0723-04

## Applicant & Subject Property

**City Council District:** 2  
**Owner:** Eldon Sunrise LLC  
**Applicant:** Eldon Sunrise LLC  
**Address:** 4922 Everhart Road, located along the east side of Everhart Road, south of McArdle Road, and north of South Padre Island Drive.  
**Legal Description:** Lot 17, Block 1, Mount Vernon #1  
**Acreeage of Subject Property:** 0.17 Acre (7,560 Square Feet)  
**Pre-Submission Meeting:** May 24, 2023

## Zoning Request

**From:** RS-6" Single-Family 6 District  
**To:** "CN-1" Neighborhood Commercial District  
**Purpose of Request:** To allow for a commercial use (a real estate office).

## Land Development & Surrounding Land Uses

	Zoning District	Existing Land Use	Future Land Use
<b>Site</b>	"RS-6" Single-Family 6	Low-Density Residential	Medium-Density Residential
<b>North</b>	"CN-1" Neighborhood Commercial	Commercial	Commercial
<b>South</b>			
<b>East</b>	"RS-6" Single-Family 6	Low-Density Residential	Medium-Density Residential
<b>West</b>	"CN-1" Neighborhood Commercial	Professional Office	Commercial

**Plat Status:** The property is platted.  
**Military Compatibility Area Overlay District (MCAOD, Effective August 22, 2022):** None.  
**Code Violations:** None

## Transportation and Circulation

	Designation-Urban Street	Section Proposed	Section Existing
Everhart Road	"A1" Minor Arterial	5 Lanes, 95'	5 Lanes, Approx. 80', (Includes 1 turning lane)

**Transit:** The Corpus Christi RTA provides service to the subject property via bus route 32 *Southside*. There are two southbound stops along Everhart Road and one northbound. Additional bus routes in the vicinity are along McArdle Road and South Padre Island Drive and include bus routes 19 *Ayers* and 37 *Crosstown* approximately 500 feet away from the subject property.

**Bicycle Mobility Plan:** The subject property is approximately 350 feet away from a proposed One-Way Cycle track on both sides of McArdle Road.

### Utilities

**Gas:** An 8-inch active WS line exists along the west side of Everhart Road.

**Stormwater:** A 21-inch active RCP line exists along the west side of Everhart Road.

**Wastewater:** An 8-inch active VCP line exists along the southern property line of the site and travels between Everhart Road and South Padre Island Drive (HWY 358).

**Water:** A 20-inch active SP line exists along at the center of Everhart Road.

### Corpus Christi Comprehensive Plan

**Plan CC:** Provides a vision, goals, and strategies, to guide, regulate, and manage future development and redevelopment within the corporate limits and extraterritorial jurisdiction (ETJ) was adopted in 2016.

**Area Development Plan (ADP) and Future Land Use Map (FLUM):** According to Plan CC the subject property is located within the Southeast Area Development Plan (Adopted on July 11, 1995). A new ADP plan is currently being drafted. The Future Land Use designation is Medium-Density Residential.

**Water Master Plan:** No improvements have been proposed.

**Wastewater Master Plan:** No improvements have been proposed.

**Stormwater Master Plan:** No improvements have been proposed.

### Public Notification

Number of Notices Mailed

- 27 within the 200-foot notification area
- 5 outside the 200-foot notification area

In Opposition

- 1 inside the notification area
- 0 outside the notification area
- 4.56 % in opposition within the 200-foot notification area (1 individual property owner)

### Public Hearing Schedule

**Planning Commission Hearing Date:** August 9, 2023

**City Council 1<sup>st</sup> Reading/Public Hearing Date:** September 19, 2023

**City Council 2<sup>nd</sup> Reading Date:** October 10, 2023

### Background:

The subject property is a platted 0.17-acre lot with an approximately 1,400-square-foot existing single-family structure. The abutting properties to the north and south are zoned "CN-1" Neighborhood Commercial District with commercial uses, as well as the remaining ones along the face of the block. The property is bounded to the east by a "RS-6" Single-Family 6 zoned residential subdivision. At the major intersections, along Everhart Road, commercial properties are zoned for general commercial uses. A similar pattern is mirrored to the west side of Everhart Road.

The applicant is requesting a change of zoning from the “RS-6” Single-Family 6 District to the “CN-1” Neighborhood Commercial District for a real estate office that will accommodate two agents. The existing residential structure will be reused for an office space.

**Plan CC (City of Corpus Christi Comprehensive Plan) Consistency:**

The proposed rezoning is consistent with the following Goals and Strategies for Decision Makers:

- *Future Land Use, Zoning, & Urban Design:*
  - Corpus Christi development patterns support efficient and cost-effective use of resources and high quality of life.
    - Encourage the protection and enhancement of residential neighborhoods.
    - Encourage orderly growth of new residential, commercial, and industrial areas.
    - 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.
  - Corpus Christi has well-designed neighborhoods and built environments.
    - Support the separation of high-volume traffic from residential areas or other noise-sensitive land uses.

**Southeast Area Development Plan and FLUM (Future Land Use Map) Consistency:**

- While the proposed rezoning is inconsistent with FLUM’s designation of Medium-Density Residential, for this particular property, it is consistent with the specific goal of the Southeast ADP (Area Development Plan) of stabilizing and conserving residential neighborhoods and the following policy statement:
  - “Much of the area along Everhart Road between SPID and Staples Street is transitioning from residential, office, and neighborhood commercial use to 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 developments, the City will encourage a transition to a combination of unrestricted neighborhood commercial uses and some limited general commercial uses.”

The proposed rezoning is inconsistent with the FLUM’s (Future Land Use Map) designation of Medium-Density Residential.

**Staff Analysis:**

Staff reviewed the subject property’s background information and the applicant’s purpose for the rezoning request and conducted research into the property’s land development history to include platting, zoning, existing surrounding land uses, and potential code violations. Staff compared the proposed zoning’s consistency with the applicable elements of the comprehensive plan. As a result of the above analysis, staff notes the following:

- The Everhart Road commercial corridor extends from Holly Road to Alameda Street. The subject property is only parcel zoned “RS-6” Single-Family 6 District along that corridor. The other properties are zoned for commercial uses.

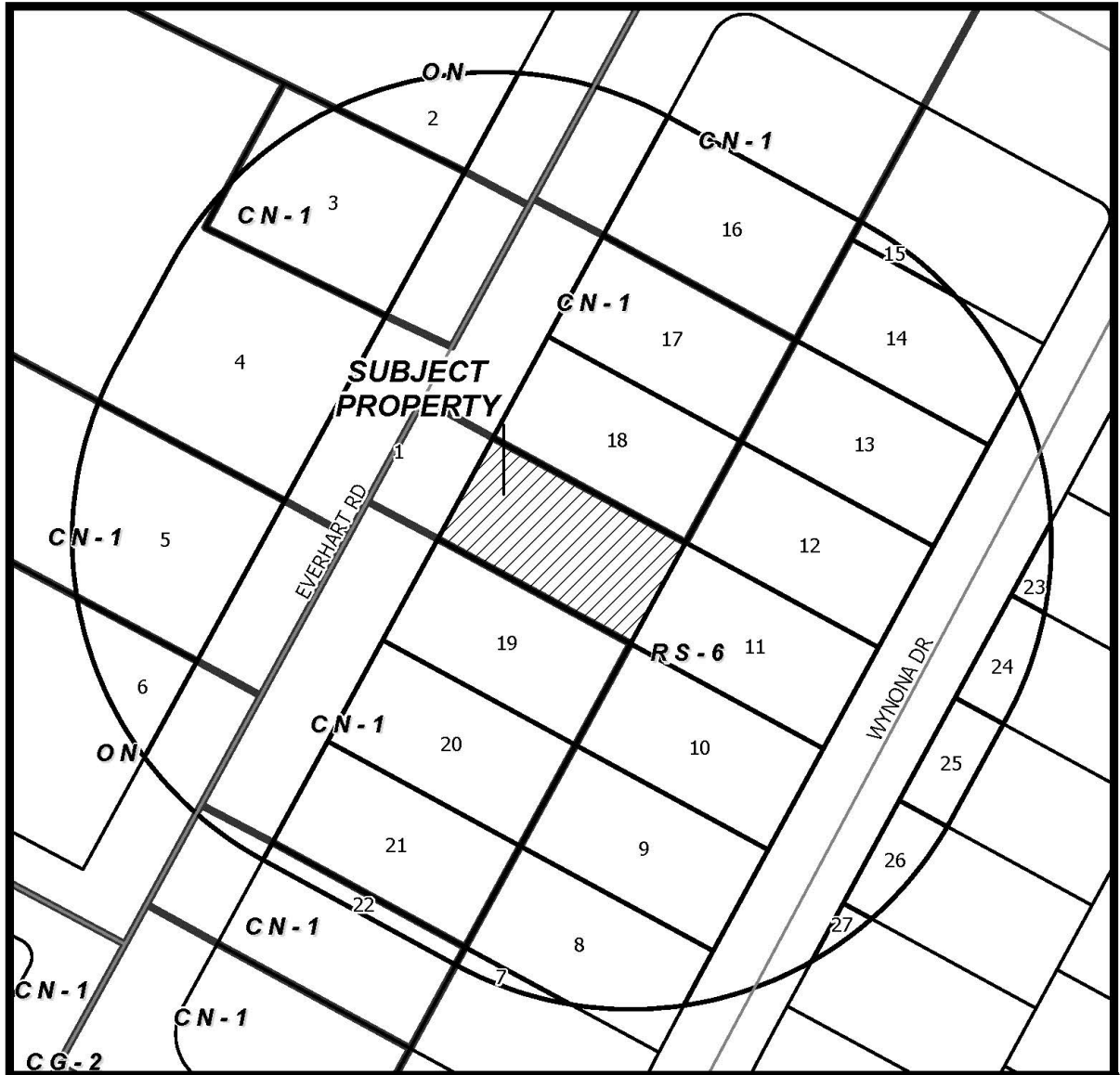
- The east side of Everhart Road is lined with residential structures dating to the mid-1950s that have been converted for commercial use as a result of an increased traffic flow that have made their initial use undesirable. While it is not the case for the west side of Everhart road, the commercial uses have also attributed to the low desirability for residential use on the opposite side of the road. The transition from residential use to commercial use began in the early 1980s.
- Plan CC addresses the type of commercial activities that may abut a residential district as well as their scale. The reuse of the approximately 1,400-square-foot residential structure for a real estate office is in keeping with adjacent zoning and land uses. This one-story structure is sited approximately 50 feet away from the rear property line with 5-foot side setbacks. The possibility for nuisance is reduced and the scale is not imposing.
- Should the site be cleared to make way for a new development permitted in the "CN-1" Neighborhood Commercial District such as a restaurant, an automated car wash, or a limited vehicle service use, the development footprint is limited in height, size, and nuisances such as noise levels must abide by the Municode regulations.
- The proposed use is compatible with the uses and zoning and will not have any adverse impact on the surrounding neighborhood.
- The FLUM's (Future Land Use Map) designation of Medium-Density Residential use contradicts Goal 1 of Element 7 Future Land Use, Zoning, and Urban Design that states that development patterns should be one where orderly growth is encouraged and the proper location of land uses based on compatibility, locational needs, and characteristics of each use is promoted. Granting the applicant's request will close a gap and reinforce the development pattern of the area.
- The property meets the minimum bulk requirements for commercial development except that the existing structure will require conversion for a commercial use and any other reconfiguration and requirements that may accompany such use such as parking and landscaping.
- An office use for the subject property would require a minimum of 3 parking spaces. The options are for parking to be provided at the street yard. In the rear, parking provision will require a shared access agreement with an adjacent property.

After evaluation of case materials provided and subsequent staff analysis including land development, surrounding uses and zoning, transportation and circulation, utilities, Comprehensive Plan consistency, and considering public input, staff recommends approval of the change of zoning.

**Planning Commission and Staff Recommendation (August 9, 2023):** Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District.

**Attachment:** (A) Existing Zoning and Notice Area map, (B) Returned Notices.

(A) EXISTING ZONING AND NOTICE AREA



**CASE: 0723-04**  
Zoning and 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-1F	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



(B) RETURNED NOTICES

**CITY PLANNING COMMISSION  
Rezoning Case No. 0723-04**

Eldon Sunrise LLC has petitioned the City of Corpus Christi to consider a change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District, resulting in a change to the Future Land Use Map. The property to be rezoned is described as:

**A property located at or near 4922 Everhart Road and described as Block 1, Lot 17, Mount Vernon #1, located on the east side of Everhart Road, north of Mount Vernon Drive and south of McArdle Road. Please see the map on the reverse side.**



The Planning Commission will conduct a public hearing to discuss and formulate a recommendation to the City Council. The public hearing will be held on Wednesday, August 09, 2023, 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.

The Planning Commission may recommend to the 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. For more information, please call (361) 826-3240.

Persons with disabilities planning to attend this meeting, who may require special services, are requested to contact the City Secretary's Office at least 48 hours in advance at 361-826-3240.

Si usted desea dirigirse al Consejo de Ajuste y su inglés es limitado, habrá un interprete en la junta para ayudarle. Para más información, favor de llamar al Departamento de Servicios de Desarrollo (361) 826-3240.

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.

7 Tex. Admin. Code §211.006(d), Corpus Christi Unified Dev. Code §3.3.4

To be on the record, this form must be filled out, signed by the current property owner(s), and returned in its entirety via mail to the return address on this notice or via email to [zoning@cctexas.com](mailto:zoning@cctexas.com).

Property Owner(s) Name: Kimberly A Kueberle

Address: 16088 CR 908 Sinton Tx 78387 Phone No: 361-537-1105

( ) IN FAVOR  IN OPPOSITION

REASON: No need to raise the taxes

Signature: Kimberly Kueberle

Planner Assigned: Saradja Registre  
Email: [SaradjaR@cctexas.com](mailto:SaradjaR@cctexas.com)  
Phone: 361-826-3574  
INFOR Case No: 23ZN1019  
Property Owner ID: