



AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of November 15, 2016
Second Reading for the City Council Meeting of December 13, 2016

DATE: November 3, 2016

TO: Margie C. Rose, City Manager

FROM: Daniel McGinn, Interim Director, Development Services Department
DanielMc@cctexas.com
(361) 826-3595

**Public Hearing and First Reading for Property at
5151 McArdle Road**

CAPTION:

Case No. 1016-05 The City of Corpus Christi: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District. The property is described as being a 6.36 acre tract, out of a 7.245 acre public park, Mt. Vernon Subdivision Unit 3, located on the southeast corner of McArdle Road and Holmes Drive.

PURPOSE:

The purpose of this item is to rezone the property to continue the Council for the Deaf Center and for business and commercial uses, including parking for La Palmera Mall.

RECOMMENDATION:

Planning Commission and Staff Recommendation (November 2, 2016):

Tract 1: Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District except for that portion of the tract abutting Holmes Drive and extending to a depth of 50 feet measured from the Holmes Drive right-of-way line. (See Tract Exhibit)

Tract 2: Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District and in lieu thereof approval of the "CN-1" Neighborhood Commercial District for that portion of the property abutting Homes Drive to a depth of 50 feet measured from the Homes Drive right-of-way line. (See Tract Exhibit)

Vote Results

For: 7

Against: 0

Absent: 2

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant (the Buyer) is requesting a rezoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District to allow continued use of the Council for the Deaf Center, for parking to serve the adjacent La Palmera Mall, and for business and commercial uses excluding a bar, tavern or pub, nightclub, discotheque or pool hall.

The proposed rezoning is not consistent with the Future Land Use map although the repurposing of Mt. Vernon Park is a goal of Plan CC. While the proposed rezoning may be considered a logical expansion of the existing "CG-2" General Commercial District contained on La Palmera Mall, the proposed zoning does not provide a transition to lower intensity found on property to the west in the residential neighborhood. A zoning map amendment to the "CG-2" District for all of the property along Holmes Drive could have a negative impact upon the abutting neighborhood. Staff's opinion is that a 50-foot strip of "CN-1" Neighborhood Commercial District zoning along Holmes Drive would protect the existing neighborhood from uses that are permitted in the "CG-2" General Commercial District. In addition, the Buyer has proposed to deed restrict the property frontage along Holmes Drive by including a 10-foot wide landscaped buffer, to setback any future buildings along Holmes Drive at a ratio of two foot of setback for each one foot of building height and, to not place any commercial driveways on Holmes Drive. The Buyer has also agreed to deed restrict the property for certain uses such as bars, taverns, pubs, nightclubs, discotheques and pool halls.

ALTERNATIVES:

1. Approve the recommendation of Staff and Planning Commission.
2. Approve the applicant's request to "CG-2" General Commercial District. (requires $\frac{3}{4}$ vote)
3. Deny the request.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The subject property is located within the boundaries of the Southeast Area Development Plan (ADP). The proposed rezoning to the "CG-2" General Commercial District is not consistent with the adopted Plan CC Future Land Use Plan's designation of the property for High-Density Residential uses.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal and Planning Commission

FINANCIAL IMPACT:☐ Operating☐ Revenue☐ Capital☒ Not applicable

Fiscal Year: 2016-2017	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: None**LIST OF SUPPORTING DOCUMENTS:**

Ordinance

Presentation - Aerial Map

Planning Commission Final Report