

# ZONING REPORT

Case # 0322-02

| Applicant & Subject Property   |   |                               |                               |                                       |
|--|---|-------------------------------|-------------------------------|---------------------------------------|
| <p><b>City Council District:</b> 1<br/> <b>Owner:</b> Elizabeth and Edelmiro Garza<br/> <b>Applicant:</b> Elizabeth and Edelmiro Garza<br/> <b>Address and Location:</b> 11110 Interstate Highway 37 (IH 37) Access (aka Up River Road), located along the north side of IH-37 Access, east of Violet Road and west of Guth Road.<br/> <b>Legal Description:</b> Lots 4 and 5, Block 2 Buena Vista Por<br/> <b>Acreage of Subject Property:</b> 0.1736 acres</p> |   |                               |                               |                                       |
| Zoning Request   |   |                               |                               |                                       |
| <p><b>From:</b> "RS-6" Single-Family 6 District<br/> <b>To:</b> "CN-1" Neighborhood Commercial District<br/> <b>Purpose of Request:</b> To bring the subject property into conformity and allow for a Mobile Vendor Unit (MVU).</p>  |   |                               |                               |                                       |
| Land Development & Surrounding Land Uses   |   |                               |                               |                                       |
|  | Zoning District   | Existing Land Use             | Future Land Use               |                                       |
| <b>Site</b>  | "RS-6" Single-Family 6  | Low Density Residential       | Low Density Residential       |                                       |
| <b>North</b>   | "RS-6" Single-Family 6  | Vacant                        | Low Density Residential       |                                       |
| <b>South</b>   | Interstate Highway 37   |                               |                               |                                       |
| <b>East</b>  | "RS-6" Single-Family 6  | Vacant                        | Low Density Residential       |                                       |
| <b>West</b>  | "RS-6" Single-Family 6  | Vacant                        | Low Density Residential       |                                       |
| <p><b>Plat Status:</b> Property is platted.<br/> <b>Air Installation Compatibility Use Zone (AICUZ):</b> Not located in an AICUZ area<br/> <b>Code Violations:</b> None.</p>   |   |                               |                               |                                       |
| Transportation & Circulation   |   |                               |                               |                                       |
| Urban Street <sup>1</sup>  | Designation <sup>1</sup>  | Section Proposed <sup>1</sup> | Section Existing <sup>1</sup> |                                       |
| IH 37 Access<br>(Up River Road)  | F1<br>Freeway/Expressway  | NA                            | 2 Lanes<br>40 Feet            |                                       |
| Road <sup>2</sup>  | Segment Length <sup>2</sup>   | Total Volume <sup>2</sup>     | Total Capacity <sup>2</sup>   | Volume to Capacity Ratio <sup>2</sup> |
| IH 37 Access<br>(Up River Road)  | .20 miles<br>(south from IH 37 / Violet Road intersection to IH 37 ingress) | 8,108                         | 21,918                        | 0.37                                  |
| <p><small>1 City of Corpus Christi Urban Transportation Plan<br/>                 2 Corpus Christi MPO Travel Demand Model Volumes</small></p>   |   |                               |                               |                                       |
| <p><b>Transit:</b> The Corpus Christi RTA provides service to the subject property (.5 miles) via Bus Route 27.</p>  |   |                               |                               |                                       |

| <b>Utilities</b>   |   |
|--|---|
| <b>Water:</b> 20-inch CIP service line located along the front property line.  |   |
| <b>Wastewater:</b> No current service.   |   |
| <b>Gas:</b> 6-inch WS service line located along the front property line.  |   |
| <b>Stormwater:</b> Storm ditch CL2 running along the front of property line.   |   |
| <b>Corpus Christi Comprehensive Plan</b>   |   |
| <b>Plan CC:</b> Provides a vision, principles, goals, and strategies, to guide, regulate, and manage future development and redevelopment within the corporate limits and extraterritorial jurisdiction (ETJ) was adopted in 2016. |   |
| <b>Area Development Plan:</b> According to Plan CC the subject property is located within the Northwest Area Development Plan (ADP) (Adopted January 9, 2001). There are currently no plans to update the ADP.                     |   |
| <b>Future Land Use Map:</b> Proposed low density residential uses.   |   |
| <b>Water Master Plan:</b> Proposed increase to a 24-inch service line.   |   |
| <b>Waste Water and Stormwater:</b> Currently, there are no proposed improvements.  |   |
| <b>Parks and Recreation Master Plan (2012):</b> Park Planning Area 1   |   |
| <b>Public Notification</b>   |   |
| Number of Notices Mailed   | – 10 within 200-foot notification area                    |
| Returned Notices: In Favor   | – 1 inside notification area                              |
| In Opposition  | – 0 inside notification area                              |
|  | 0.00% in opposition within the 200-foot notification area |
| <b>Public Hearing Schedule</b>   |   |
| <b>Planning Commission Hearing Date:</b> March 9, 2022   |   |
| <b>City Council 1<sup>st</sup> Reading/Public Hearing Date:</b> April 19, 2022   |   |
| <b>City Council 2<sup>nd</sup> Reading Date:</b> April 26, 2022  |   |

**Property Background:**

- Existing nonconforming lot due to taking of subject property land for improvements on IH 37 Access.
- Prior to the onset the COVID-19 pandemic, the applicant ran a successful, off-site “brick and mortar” restaurant.
- Due to the economic strain of the pandemic, the applicant had to close the off-site restaurant.
- The closure of the off-site restaurant prompted the applicant to open a Mobile Vending Unit (MVU) on the subject property.

**Comprehensive Plan Consistency:**

**Plan CC:** The proposed rezoning is generally consistent with following:

- Promote the proper location of land uses based on compatibility, locational needs, and characteristics of each use. (Future Land Use, Zoning and Urban Design)
- Encourage orderly growth of residential, commercial, and industrial areas. (Future Land Use, Zoning and Urban Design)
- 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)

- Promote a community culture that recognizes and embraces innovation and entrepreneurship. (Economy and Work Force)
- Promote interconnected neighborhoods with appropriate transitions between lower-intensity and higher-intensity land uses (Future Land Use, Zoning and Urban Design)

**Northwest Area Development Plan:** The proposed rezoning is generally consistent the following:

- Commercial development of a small scale for convenience needs is necessary and desirable to serve the outlying portions of the Plan area.

**Future Land Use Map:** The proposed rezoning is inconsistent with the Future Land Use map:

- Low-density residential use

**Staff Analysis:** “While the comprehensive plan is consulted when making decisions about rezonings. . . It does not justify the denial of a plat or the development of land.” (Plan CC). Staff reviewed the subject property’s background information and the applicant’s purpose of the rezoning request and conducted research into the properties 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 comprehensive plan. As a result of the above analysis staff notes the following:

- Although the proposed zoning is inconsistent with the Future Land Use Map, it is generally consistent with many broader elements of the with the Comprehensive Plan.
- Future Land Use Map for the subject property and more importantly surrounding properties considerably lacks uniformity with a mix of low-density-residential, medium-density residential as well as commercial uses in adjacency.
- The Future Land Use Map for the properties nearly adjacent to the east and west plan for commercial uses.
- Subject property is 150 feet to commercial zoning (“CG-2” General Commercial District, 7-Eleven) to the west and 450 feet commercial zoning (“CN-1” Neighborhood Commercial, vacant) to the east.
- Four adjacent properties to the north, west and east are vacant. Properties to the east have been vacant since at least 2008 and are less than 3,000 square feet each.
- As a result of governmental land takings and decades old vacancies, the geographic layout of the subject property is isolated from nearby residential adjacency.
- The subject property is the only occupied, residential property in the adjacent neighborhood that fronts IH 37 Access and as such does not have the same residential character.
- Ingress/egress are aligned with the commercial uses on IH-37 Access versus those of the residential uses on Guth Road.
- An MVU currently operates successfully on the subject property.
- The proposed rezoning will bring the property and associated uses into conformity with Unified Development Code.
- While the applicant requested the “CN-1” Neighborhood Commercial District, the granting of the “CN-1” District would render the single-family home a nonconforming use. Additionally, the applicant intends to remain living in the existing single-family residence.
- The nearest adjacent and occupied residential property has submitted a notification letter **in favor** of the rezoning.

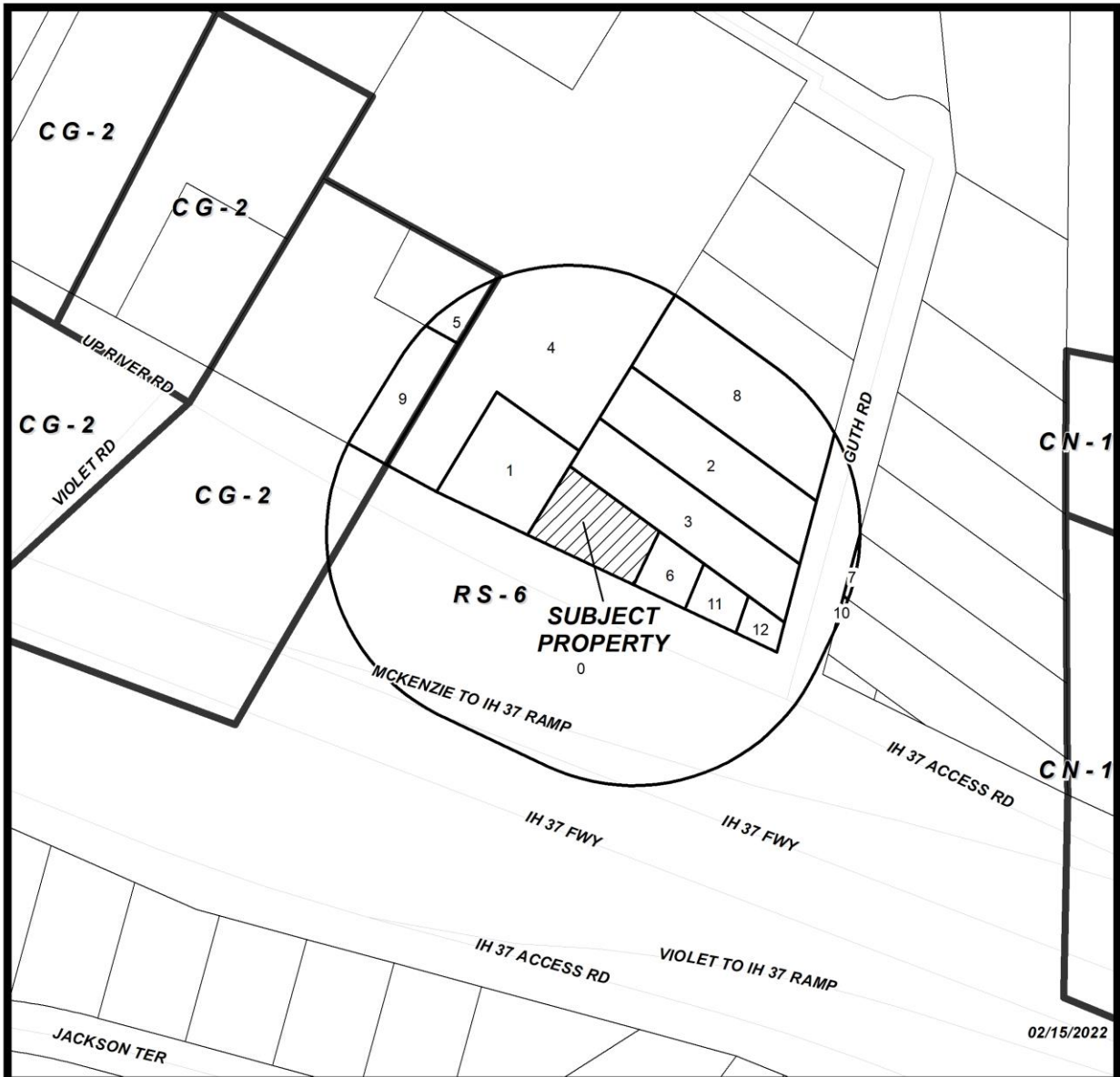
After evaluation of case materials provided and subsequent staff analysis including land development, surrounding uses and zoning, transportation and circulation, utilities, Comprehensive Plan consistency and considering public input, staff proposes maintaining property's residential base zoning but including a Special Permit for restaurant uses limited to one MVU. Staff has prepared a Special Permit to allow the legal establishment of the MVU with conditions as an accessory use to the remaining single-family home.

**Planning Commission and Staff Recommendation (March 9, 2022):** Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District, in lieu thereof approval of the "RS-6/SP" Single-Family 6 District with a Special Permit and subject to the following conditions:

1. **Uses:** The only uses authorized by this Special Permit other than uses permitted in the base zoning district is a restaurant use for an outdoor Mobile Vending Unit (MVU) as an accessory use.
2. **Hours of Operation:** Hours of operation shall be from 6:00 A.M. to 10:00 P.M. daily.
3. **Location of Mobile Vending Unit:** The Mobile Vending Unit must be established on-site and outside of the street yard setback. Additionally, the MVU shall not be placed nor operate within a right-of-way. The MVU may remain on-site for an unlimited period as an accessory use to the single-family home.
4. **Utility Connections:** The MVU may connect to utilities on-site via the appropriate permits if necessary.
5. **Parking:** Four off-street parking spaces must be provided. The parking spaces must be constructed of an all-weather surface and striped.
6. **Other Requirements:** The conditions listed herein do not preclude compliance with other applicable UDC, Municipal Code, Building, or Health Department requirements.
7. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within 12 months of this ordinance unless a complete Mobile Vending Unit permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

**Attachments:**

- A. Location Map (Existing Zoning & Notice Area)
- B. Returned Notifications

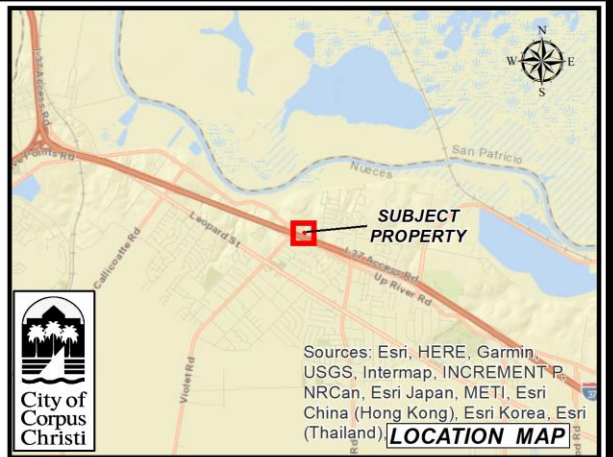


02/15/2022

**CASE: 0322-02**  
**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-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



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand) **LOCATION MAP**

Planning to attend this meeting may require special services. 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 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. 0322-02**

**Elizabeth & Edelmiro Garza** have 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 proposed change of zoning is to allow for commercial uses.** The property to be rezoned is described as:

**A property located at 11110 Up River Road and described as Portion of Lots 4 & 5, Block 2, Buena Vista Por, located along the north side of Interstate Highway 37 Access Road, north of Up River Road, and west of Guth Road.**

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 **Wednesday, March 9, 2022**, during one of the Planning Commission's regular meetings, which begins at **6:30 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.

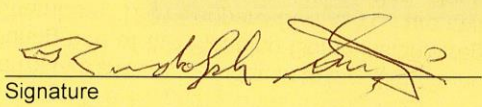
TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE DEVELOPMENT SERVICES DEPARTMENT, P. O. BOX 9277, CORPUS CHRISTI, TEXAS 78469-9277. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

**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: Rudolph Sosa Jr.

Address: 4709 Guth Ln. City/State: Corpus Christi, Tx.

IN FAVOR      ( ) IN OPPOSITION      Phone: 361-815-0376  
REASON:

  
Signature

SEE MAP ON REVERSE SIDE  
INFOR Case No.: 22ZN1006  
Property Owner ID: 2

Case No. 0322-02  
Case Manager: Elena Buentello  
Email: elenab@cctexas.com