

# PLANNING COMMISSION FINAL REPORT

Case No.: 0713-03

HTE No. 13-1000028

Final Planning Commission Hearing Date: October 9, 2013

<b>Applicant &amp; Legal Description</b>	<p><b>Applicant:</b> City of Corpus Christi  <b>Owner:</b> George W. Lambert and Carol M. Porter (5 ac.); Cruz Mendez et ux (8.14 ac.); Stanley Soles et ux (5 ac.); Robert D. Soles (4.68 ac.); Thomas M. Belian (3.925 ac.); Bret R. Fagg (1.61 ac.); Olga Wright Polly (5 ac.); and Nueces Real Estate Partnership (68.24 ac.)  <b>Legal Description/Location:</b> Being an approximately 102.287-acre tract of land out of Lots 3 and 4, Section 12, and Lot 1, Section 18, Bohemian Colony Lands, and Lots 2, 4-A and 5, Block 2, and Lot 2, Block 1, Brezina Farm Tracts, located between Bratton and Weber Roads, and east and west of Bratton Road.</p>			
<b>Zoning Request</b>	<p><b>From:</b> "RS-6" Single-Family 6 District  <b>To:</b> "IC" Industrial Compatible District  <b>Area:</b> Approximately 102.287 acres  <b>Purpose of Request:</b> To rezone property to a zoning district that is compatible with Navy flight patterns and consistent with the City's Comprehensive Plan.</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-6" Single-Family 6 & "FR" Farm Rural	Vacant land, mini storage, one caretaker's quarters, and one single family dwelling	Light Industrial & Drainage Corridor
	<i>North</i>	"IL" Light Industrial & "RS-6" Single-Family 6	Light Industrial, Commercial & Vacant	Light Industrial
	<i>South</i>	"RS-6" Single-Family 6	Vacant & Conservation/Preservation	Commercial & Conservation/Preservation
	<i>East</i>	"RS-6" Single-Family 6	Vacant	Commercial
	<i>West</i>	"FR" Farm Rural	Public/Semi-Public	Public/Semi-Public

<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject properties are located within the boundaries of the Southside Area Development Plan (ADP). The majority of the subject properties (99.787 acres) are designated on the Future Land Use Plan for light industrial uses. The Future Land Use Plan designates a small portion of the subject properties (approximately 2.5 acres) at the intersection of Weber Road and Yorktown Boulevard for commercial uses. The ADP and Future Land Use Plan are elements of the City’s adopted Comprehensive Plan. The proposed rezoning is consistent with the Comprehensive Plan.  <b>Map No.:</b> 047034  <b>Zoning Violations:</b> None</p>				
<b>Transportation</b>	<p><b>Transportation and Circulation:</b> The subject properties have 4,330 feet of frontage along Weber Road, which is a proposed “A3” Primary Arterial Divided street, and approximately 1,150 feet of frontage along the east and west sides of Brezina Road, which is a “C1” Minor Residential Collector street.</p>				
<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>
	Brezina Rd.	“C1” Residential Collector	60’ ROW 40’ paved	60’ ROW 14’ paved	Not Available
	Weber Rd.	“A3” Primary Arterial Divided	130’ ROW 79’ paved	105’ ROW 68’ paved	17,801 2010 ADT

**Staff Summary:**

**Requested Zoning:** The requested rezoning is from the “RS-6” Single-Family 6 District to the “IC” Industrial Compatible District. The “IC” District was created for use where there is a potential threat to public health and safety and where residential uses or uses that congregate large groups of people should be avoided. The current “RS-6” District allows residential dwellings on a minimum 6,000 square foot lots. Other permitted uses in the “RS-6” District include churches and schools.

**Air Installation Compatible Use Zone (AICUZ):** This rezoning will create greater compatibility and protect public health and safety under Navy flight patterns. The property requested for rezoning is almost entirely under an Accident Potential Zone 1 (APZ-1) as defined in the Navy’s 2009 Air Installation Compatible Use Zone Study. The study recommends residential uses or uses that could congregate large groups of people to be prohibited under Accident Potential Zone 1. Prior to the Navy’s 2009 AICUZ Study, the subject property was not designated as an Accident Potential Zone.

As a follow up to the 2009 Navy AICUZ Study, the City conducted a Joint Land Use Study. The JLUS Policy Committee, on May 9, 2013, formerly accepted the study as part of the Department of Defense Office of Economic Adjustment grant. The JLUS

Policy Committee was composed of the Mayor, one City Councilperson, the County Judge, Vice President of TAMU-CC, and two Planning Commissioners. The JLUS was adopted by Council on October 8, 2013.

JLUS Study recommendation LU-3B recommends that the City rezoning undeveloped property around Cabaniss Field to ensure compatibility of new development. Rezoning the property to the "IC" District will help to prevent incompatible uses under the Cabaniss Field Runway 31 flight pattern.

**Existing Land Uses & Zoning:** North of the subject properties are light industrial uses and vacant land zoned "IL" Light Industrial District and "RS-6" Single-Family 6 District. South and east of the subject properties is vacant land zoned "RS-6" Single-Family 6 District. West of the subject properties is Cabaniss Field zoned "FR" Farm Rural District. *(The subject properties were originally zoned for single-family residential uses as part of the City's annexation of the property on April 11, 1989.)*

**Comprehensive Plan & Area Development Plan (ADP) Consistency:** The subject properties are located within the boundaries of the Southside Area Development Plan and the rezoning is consistent with the City's adopted Comprehensive Plan. This rezoning is also consistent with the City's Joint Land Use Study that was adopted by Council on October 8, 2013.

**Property Owner Outreach:**

- In February 2013, Planning and Environmental Services Department sent certified letters to each property owner to explain the City's intent to pursue rezoning.
- The certified letters invited each property owner to meet with City staff at their convenience to discuss the rezoning. Staff met or spoke with all eight property owners or their representatives.
- Four (approximately 22.82 acres) of the eight property owners have agreed with the rezoning on their property and signed the rezoning application. (See Attachment 2)
- The property owners were also invited to the JLUS public workshops held in October 2012 and March 2013. Aggregate attendance at these two meetings was approximately 225 citizens.

**Department Comments:**

- The purpose of the Cabaniss Field airport is to provide training to student pilots on the twin engine T-44 aircraft.
- The subject property is primarily undeveloped except for two uses on Brezina Road: a mini-storage business w/caretakers quarters; and one single family dwelling.
- Rezoning to the "IC" District will make the single-family dwelling a non-conforming use as residential uses are not permitted in the "IC" District. The impact on the single family used property would be to prevent an increase or expansion of the footprint of the dwelling. In addition, if the value of the dwelling is more than 50% destroyed the property owner will not be allowed to rebuild a single-family use.
- Aircraft accidents are very rare, but if there is an accident the Navy has determined the AICUZs as the most likely locations.

- City action to disregard Navy guidelines could contribute to a realignment or closure if the Navy cannot continue to safely conduct their mission at NASCC and Cabaniss Field.
- A recent national assessment of land use compatibility was conducted at all Navy installations. While the assessment was not made available to the public, DOD personnel familiar with the study indicated that NASCC has a comparatively large number of incompatible structures under Navy flight patterns.
- Rezoning to the “IC” Industrial Compatible District will help to protect public health, safety and welfare by preventing new uses that are not compatible with Navy use guidelines.

**Planning Commission and Staff Recommendation (October 9, 2013):**

Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “IC” Industrial Compatible District.

<b>Public Notification</b>	<p>Number of Notices Mailed – 59 within 200-foot notification area;  7 outside the notification area  8 landowners</p> <p><b><u>As of October 25, 2013:</u></b></p> <p>In Favor – 1 (inside notification area); 0 (outside notification area)  In Opposition – 1 (inside notification area); 0 (outside notification area)</p> <p>Totaling 62% of the area being rezoned in opposition.  Totaling 8.788% within the 200-foot notification area in opposition.</p>
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**Attachments:**

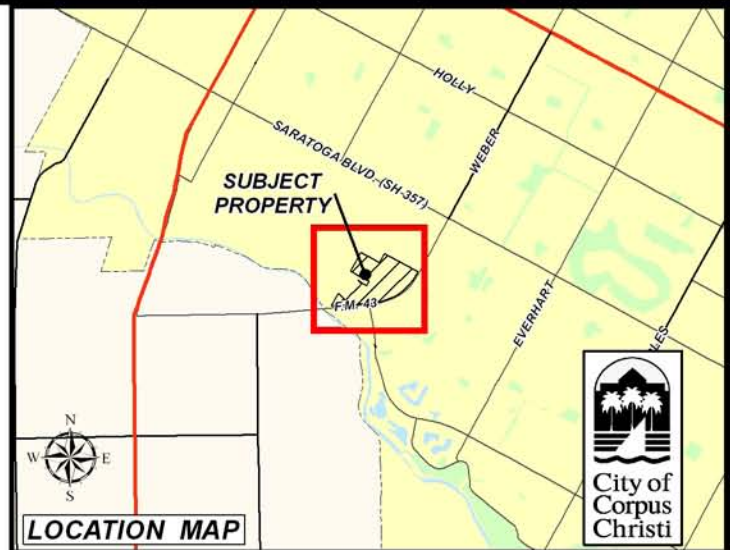
1. Location Map (Aerial)
2. Air Installation Compatible Use Zones and Property Owners in Favor and Opposed Map
3. Existing Land Use map
4. Future Land use map



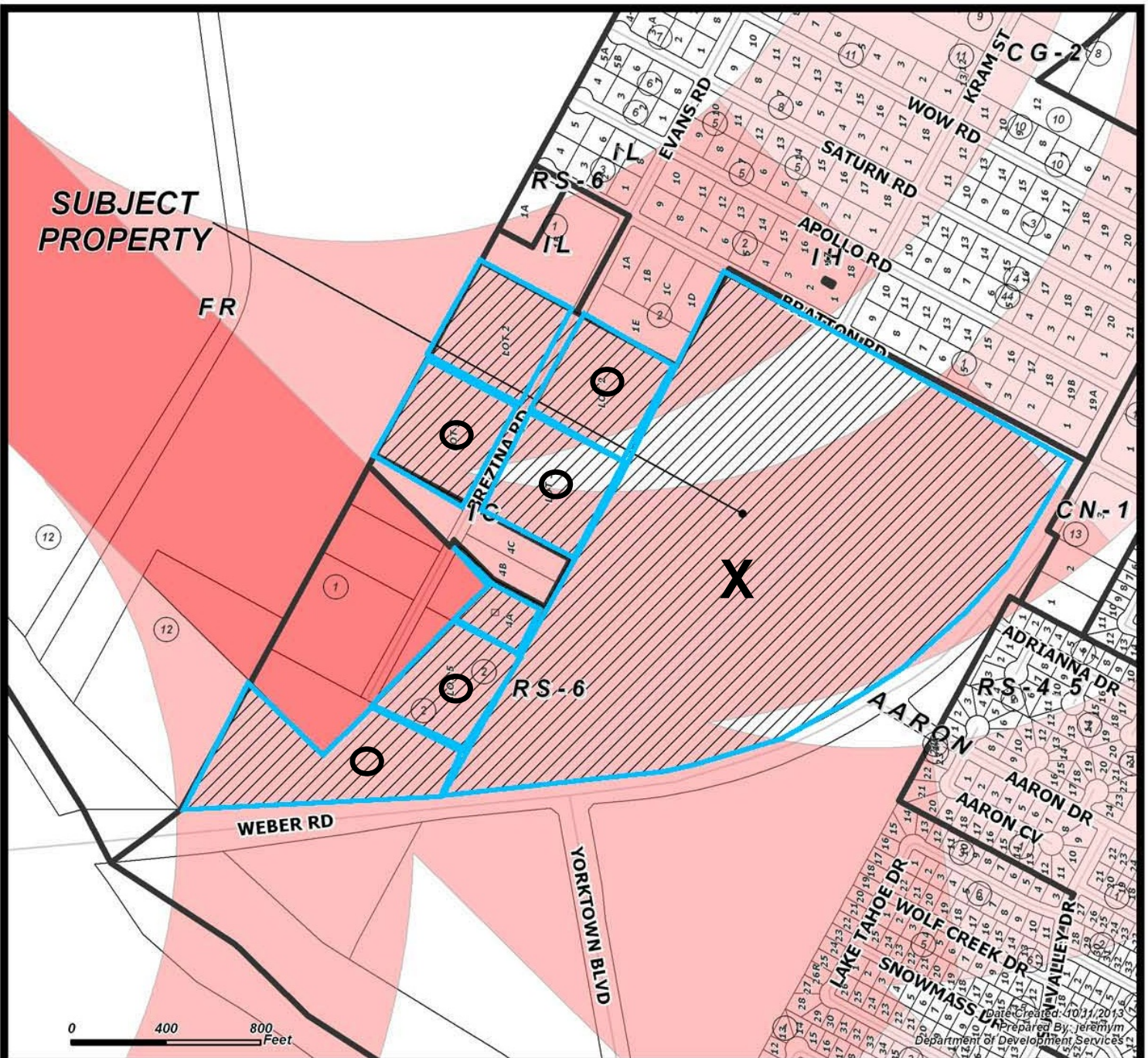


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**2013 AERIAL WITH SUBJECT PROPERTY**

 Subject Property











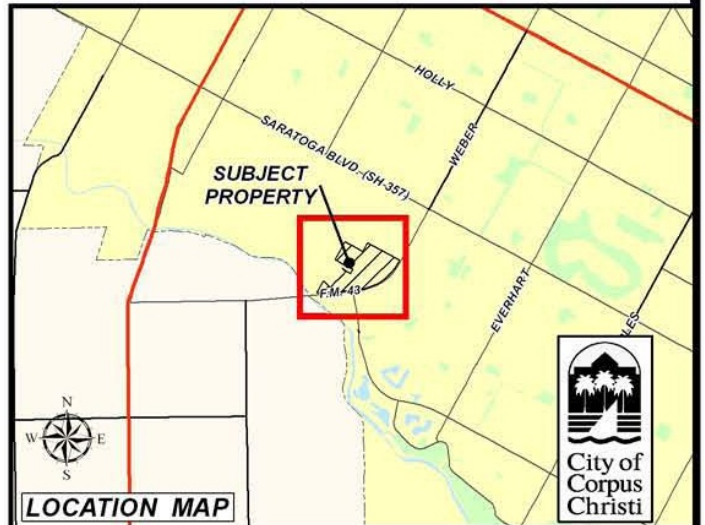


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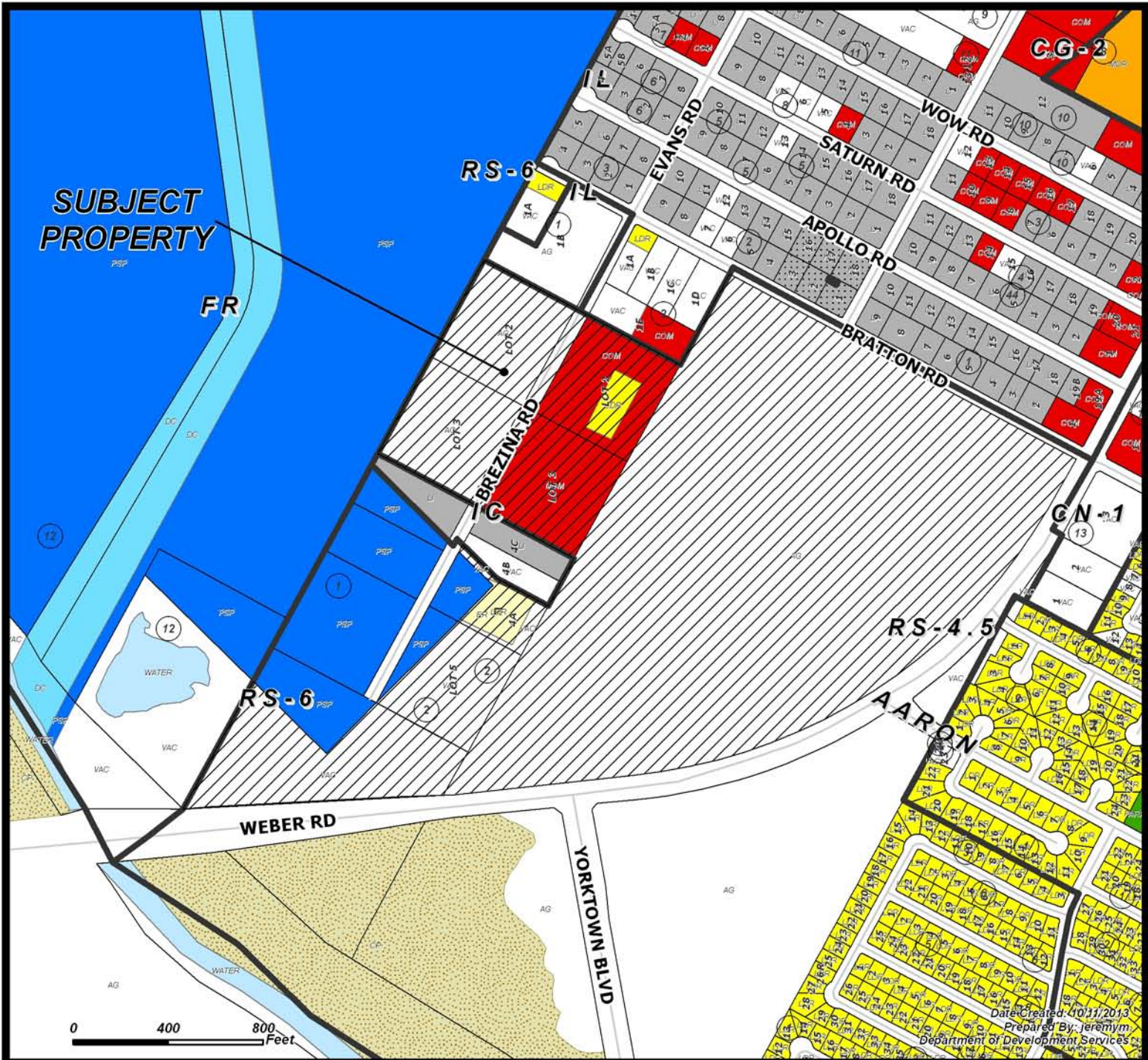
**Legend**

-  SUBJECT PROPERTY
- AIR INSTALLATION COMPATIBLE USE ZONE**
-  Clear Zone
-  Accident Potential Zone 1
-  Accident Potential Zone 2

-  In Favor – signed rezoning application or verbal agreement
-  In opposition – by written notice





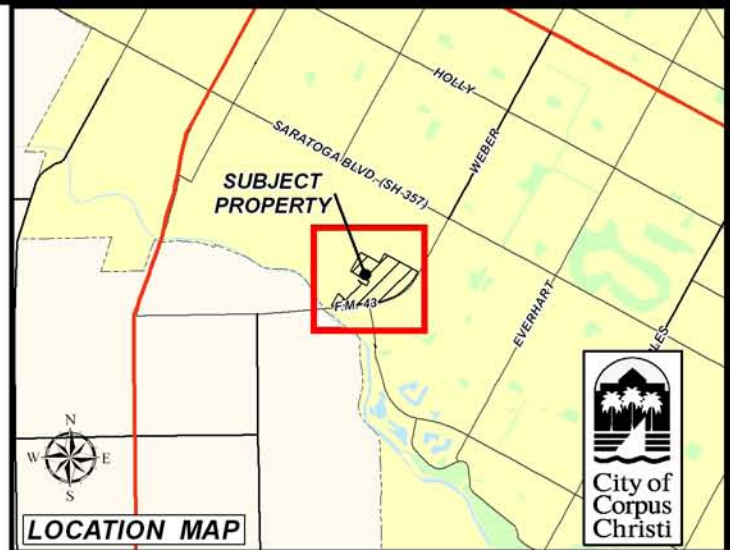


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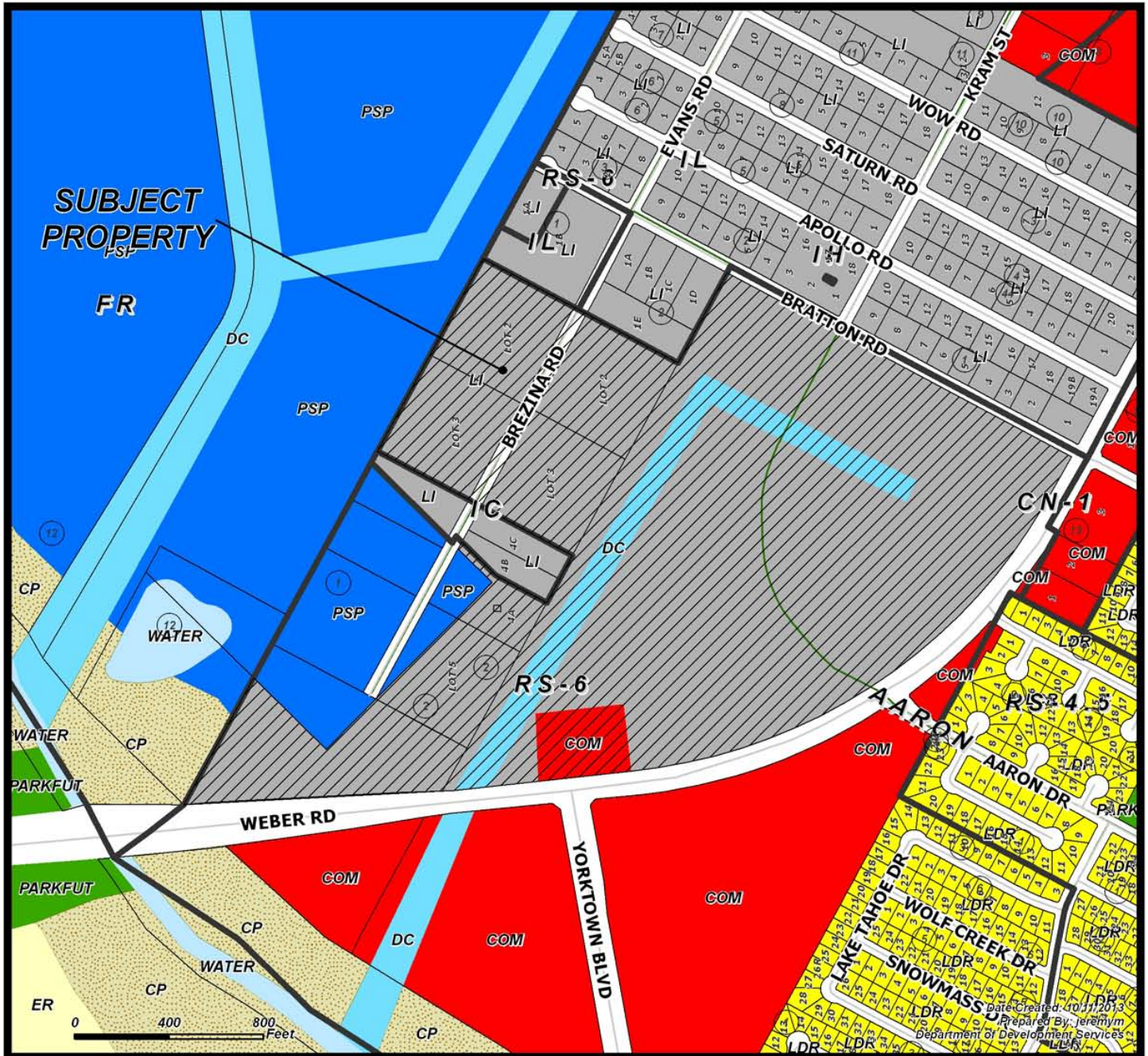
## EXISTING LAND USE

<b>ER</b> Estate Residential - ER	<b>LI</b> Light Industrial - LI
<b>LDR</b> Low Density Res. - LDR	<b>HI</b> Heavy Industrial - HI
<b>MDR</b> Med Density Res. - MDR	<b>PSP</b> Public Semi-Public - PSP
<b>HDR</b> High Density Res. - HDR	<b>Park</b>
<b>MH</b> Mobile Home - MH	<b>DC</b> Drainage Corridor - DC
<b>VAC</b> Vacant - VAC	<b>CP</b> Conservation/Preservation - CP
<b>PO</b> Professional Office - PO	<b>Water</b>
<b>COM</b> Commercial - COM	

Map Scale: 1:7,200







Date Created: 10/17/2013  
 Prepared By: Jeremiah  
 Department of Development Services

### CASE: 0713-03 FUTURE LAND USE

AR	Agricultural/Rural - AR	TOR	Tourist - TOR
ER	Estate Residential - ER	RBP	Research/Business Park - RBP
LDR	Low Density Res. - LDR	LI	Light Industrial - LI
MDR	Med Density Res. - MDR	HI	Heavy Industrial - HI
HDR	High Density Res. - HDR	PSP	Public Semi-Public - PSP
MH	Mobile Home - MH		Park
VAC	Vacant - VAC	DC	Drainage Corridor - DC
PO	Professional Office - PO	DP	Dredge Placement - DP
COM	Commercial - COM		Water
		CP	Conservation/Preservation - CP

#### Transportation Plan

Existing	Proposed

Map Scale: 1:7,200

