

STAFF REPORT

Case No. 0716-01
HTE No. 16-10000010

Planning Commission Hearing Date: July 13, 2016

Applicant & Legal Description	<p>Applicant/Owner: The Estate of Joan Wakefield Urban Representative: James Louis Urban Legal Description/Location: Tract 1 being 4.64 acres and Tract 2 being 23.59 acres with both tracts being out of Lots 31 and 32, Section 39, located on the northeast corner of Roscher Road and Ramfield Road.</p>		
Zoning Request	<p>From: Tracts 1 and 2: "RS-6" Single-Family 6 District and "FR" Farm Rural District To: Tract 1: "IL" Light Industrial; Tract 2: "RS-22" Single-Family 22 District Area: 28.23 acres total with Tract 1 being 4.64 acres and Tract 2 being 23.59 acres Purpose of Request: Tract 1: To bring an existing indoor/outdoor kennel into compliance with current zoning regulations. Tract 2: To allow single-family dwellings on lots with a minimum area of 22,000 square feet.</p>		
Existing Zoning and Land Uses	Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"RS-6" Single-Family 6 and "FR" Farm Rural	Tract 1: Kennel, Guest House, Single-Family Dwelling Tract 2: Vacant
	<i>North</i>	"RS-6" Single-Family 6 and "FR" Farm Rural	Vacant
	<i>South</i>	"RS-6" Single-Family 6 and "RE" Estate Residential	Vacant
	<i>East</i>	"FR" Farm Rural	Vacant
	<i>West</i>	"RE" Residential Estate	Residential Estate

ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Flour Bluff Area Development Plan and is planned for Low Density Residential and Agricultural/Rural uses. The proposed rezoning of Tract 1 to the “IL” Light Industrial District and Tract 2 to the “RS-22” District is not consistent with the adopted Future Land Use Map but is generally consistent with the policies in the Flour Bluff Area Development Plan.</p> <p>Map No.: 039032</p> <p>Zoning Violations: None</p>					
Transportation	<p>Transportation and Circulation: The subject property has 1,320 feet of frontage on Roscher Road and 1,320 feet of frontage on Ramfield Road. The Urban Transportation Plan identifies Roscher Road and Ramfield Road as Residential Collectors.</p>					
Street R.O.W.	<table border="1"> <thead> <tr> <th data-bbox="326 739 489 887">Street</th><th data-bbox="489 739 767 887">Urban Transportation Plan Type</th><th data-bbox="767 739 1028 887">Proposed Section</th><th data-bbox="1028 739 1224 887">Existing Section</th><th data-bbox="1224 739 1455 887">Traffic Volume</th></tr> </thead> </table>	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
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<table border="1"> <tbody> <tr> <td data-bbox="326 887 489 960">Roscher Road</td><td data-bbox="489 887 767 960">Residential Collector</td><td data-bbox="767 887 1028 960">60' ROW 48' paved</td><td data-bbox="1028 887 1224 960">45' ROW 24' paved</td><td data-bbox="1224 887 1455 960">N/A</td></tr> </tbody> </table>	Roscher Road	Residential Collector	60' ROW 48' paved	45' ROW 24' paved	N/A	
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Staff Summary:

Requested Zoning:

On Tract 1, the applicant is requesting a rezoning from the “RS-6” Single-Family 6 District and “FR” Farm Rural District to the “IL” Light Industrial District to bring an existing dog kennel with outdoor dog runs into compliance with the Unified Development Code (UDC). Kennels are not allowed in the “RS-6” District. While indoor kennels are allowed in the “FR” Farm Rural District, outdoor kennels are not. The minimum zoning required for an outdoor kennel is the “IL” District. The applicant is agreeable to a Special Permit in lieu of the “IL” District.

On Tract 2, the applicant is requesting a rezoning from the “RS-6” Single-Family 6 District and “FR” Farm Rural District to the “RS-22” Single-Family 22 District for future development of single-family dwellings on lots of no less than 22,000 square feet.

Development Plan: The applicant is not proposing any new development at this time. Tract 1 is the location of Bluff Boarding Kennels and includes a guest house and a single-family dwelling. The purpose of rezoning Tract 1 is to bring the existing business into conformity with the UDC. The main residential structure is approximately 3,700 square feet. The guest house is approximately 800 square feet and the kennels are

approximately 17,000 square feet, allowing the boarding of approximately 225 animals. The kennel is run by one full-time employee and three part-time employees. The normal hours the facility is open to the public is between 8:00 AM and 10:00 AM and between 4:00 PM and 5:30 PM.

Bluff Boarding Kennels has 50 indoor/outdoor dog kennels with a three dogs per kennel and nine 20-foot by 40-foot outdoor only kennels with five dogs per kennel. The total number of dogs that can be boarded at this facility is 195-200.

The purpose of rezoning Tract 2 is to prepare the vacant property for future development of single-family lots ranging in size from one to one-half acres and to bring the zoning into closer conformity with the Navy's Air Installation Compatibility Use Zones (AICUZ). Currently, there is no wastewater service to the area and the minimum lot size for on-site waste disposal systems is one-half acre lots.

Existing Land Uses & Zoning: Tract 1 is occupied by a kennel, single-family dwelling and guest house. Tract 2 is vacant land. To the north is vacant land zoned "RS-6" Single-Family 6 District. To the south is vacant land zoned "RS-6" Single-Family 6 District and "RE" Residential Estate District. To the east is vacant land zoned "FR" Farm Rural District. To the west are residential estates of one acre in lot size and zoned "RE" Estate Residential District.

AICUZ: The subject property is located in one of the Navy's Air Installation Compatibility Use Zones (AICUZ), specifically in the Accident Potential Zone (APZ) 1 and APZ-2. The majority of the subject property is zoned "RS-6" Single-Family 6 District, which allows one dwelling per 6,000 square feet. The "RS-6" District is not compatible with the AICUZ. Single-family dwellings at a density of one dwelling per half-acre is considered compatible with the APZ-2. Dwellings are considered compatible land uses in the APZ-1 other than farm land where there might be an associated dwelling. The applicant is agreeing to down-zone the majority of their property to increase the land use compatibility with the AICUZ. A relatively small portion of the property would be zoned to allow residential uses in the APZ-1 and due to other limiting factors such as access to wastewater, the area within the APZ-1 is not likely to develop with residential uses.

Plat Status: The subject property is not platted.

Comprehensive Plan & Area Development Plan Consistency: The subject property is located within the boundaries of the Flour Bluff Area Development Plan. Although the designation of Low Density Residential use in the Future Land Use Plan is not consistent with the applicant's proposed zoning, rezoning to the "IL" Light Industrial District on Tract 1 and "RS-22" District on Tract 2 is generally consistent with the Flour Bluff Area Development Plan's goals to encourage development that is consistent with Navy's Accident Potential Zone land use guidelines. While a Light Industrial use may not be appropriate for this neighborhood, a Special Permit allowing the kennel use and creating compatibility with the neighborhood would comply with the City's Comprehensive Plan and Flour Bluff Area Development Plan while also meeting the land use goals of the Joint Land Use Study.

Additionally, the following are pertinent elements of the Flour Bluff Area Development Plan and Comprehensive Plan Policy Statements that warrant consideration:

- **Comprehensive Plan Policy Statements on Land Use, General f.** The density of development in an area should be directly related to the design capacity of the infrastructure.
- **Comprehensive Plan Policy Statements on Land Use, Residential a.** Each neighborhood of the city shall be protected and/or improved so as to be desirable and attractive residential environment.
- **Comprehensive Plan Policy Statements on Land Use, h:** Encourage infill development on vacant tracts within developed areas.
- **Comprehensive Plan Policy Statements on Economic Development, Military Installations d.** City policies concerning areas adjacent to military airports should be consistent with air installation compatibility use zones (AICUZ).
- **Flour Bluff Area Development Plan, Policy Statement B.5** The City encourages development that is compatible with the Naval Air Station, Waldron Field and Cabaniss Field.

Department Comments:

- The existing dog kennel with outdoor runs is required to be located in an “IL” District and uses allowed by right in an “IL” District are not generally compatible with residential neighborhoods due to noise, dust, odor, etc.
- In staff’s opinion, a reasonable solution to allowing an existing use to conform and to protect the future development of the neighborhood is rezoning with a Special Permit for Tract 1.
- The proposed rezoning is generally consistent with the Comprehensive Plan goals of following Navy land use guidelines for Accident Potential Zones 1 and 2.
- A large portion of Tract 2 is currently zoned for with “RS-6” Single-Family 6 District, which allows up to 7.26 units per acre. Rezoning Tract 2 to the “RS-22” Single-Family 22 District substantially improves the City’s compliance with the Navy recommended land uses by limiting density to one dwelling unit per half-acre.
- Rezoning Tract 2 to the minimum half-acre lot size (“RS-22” District) is consistent with City infrastructure availability as there is no current feasible access to City wastewater and one-half acres is the minimum lot size required for on-site waste disposal systems. Rezoning Tract 2 to the “RS-22” District also is compliant with the APZ-2 land use guidelines.
- The Special Permit request meets all of the review criteria required by UDC Article 3.6.3.

Staff Recommendation:

Tract 1: Denial of the change of zoning from the “RS-6” Single-Family 6 District and “FR” Farm Rural District to the “IL” Light Industrial District and, in lieu thereof, approval of the “RS-22/SP” Single-Family 22 District with a Special Permit 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 an indoor/outdoor kennel limited to 17,000 square feet and 225 animals.

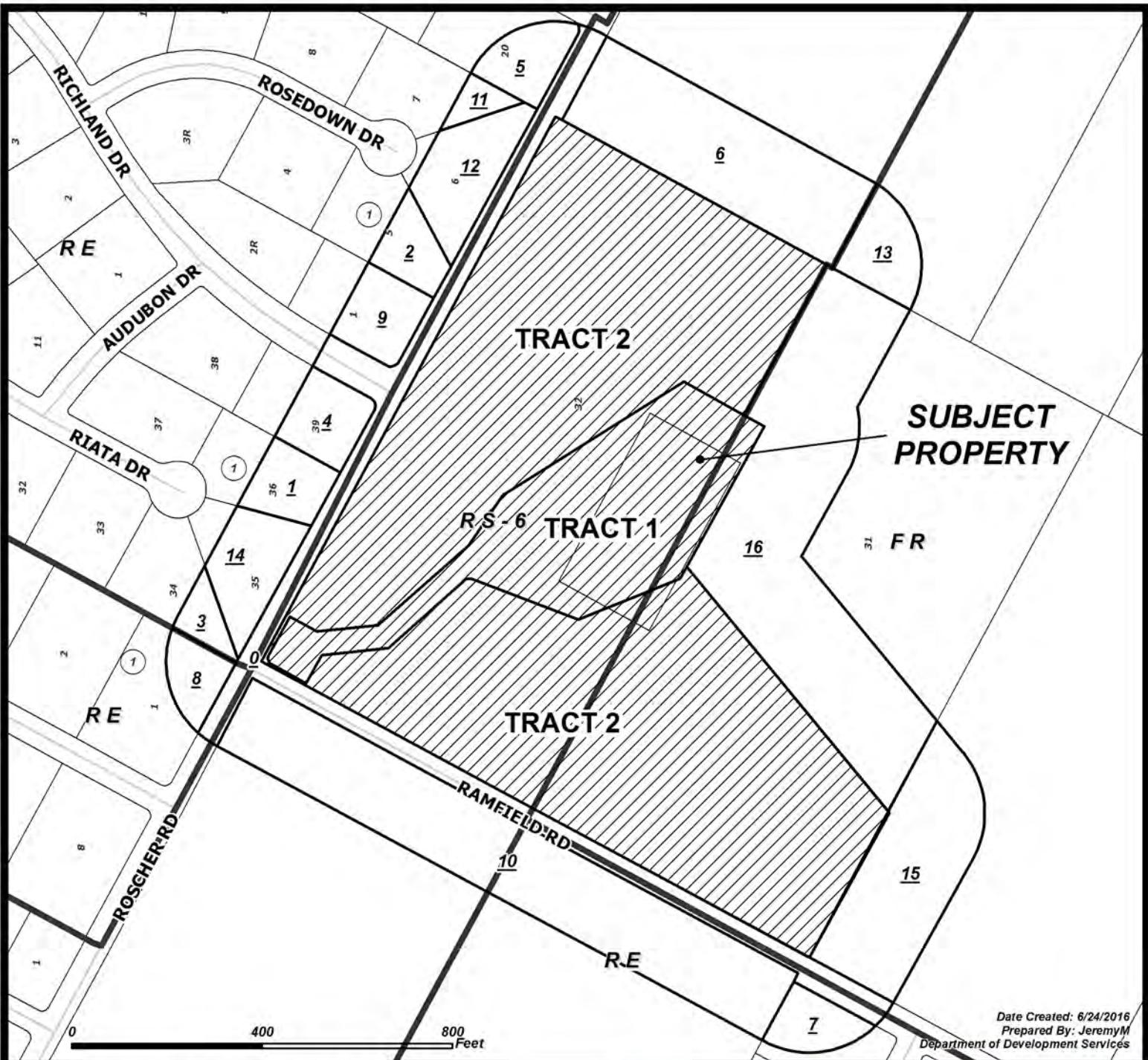
2. **Lighting:** New freestanding light poles on the Property shall not exceed 15 feet in height. The Owner shall comply with all other UDC lighting requirements. Any nonconforming freestanding lights existing on the Property shall comply with these regulations upon being replaced in their entireties.
3. **Signage:** The Property shall be permitted to have one freestanding sign on Roscher Road and one freestanding sign Ramfield Road. The signs shall be no taller than six feet in height with a sign face no larger than nine square feet.
4. **Dumpster Screening:** Any dumpster located on the Property within the street yard shall be screened in accordance with UDC requirements.
5. **Time Limit:** In accordance with the UDC, this Special Permit shall expire 12 months after approval unless a certificate of UDC compliance has been issued. The Special Permit shall expire if the special permit use is discontinued for more than six consecutive months.

Tract 2: Approval of the change of zoning from the “RS-6” Single-Family 6 District and “FR” Farm Rural District to the “RS-22” Single-Family 22 District.

Public Notification	<p>Number of Notices Mailed – 16 within 200-foot notification area 1 outside notification area</p> <p><u>As of July 6, 2016:</u></p> <table><tbody><tr><td style="vertical-align: top; padding-right: 20px;">In Favor</td><td>– 0 inside notification area – 0 outside notification area</td></tr><tr><td style="vertical-align: top; padding-right: 20px;">In Opposition</td><td>– 1 inside notification area – 0 outside notification area</td></tr></tbody></table> <p>Totaling 0.00% of the land within the 200-foot notification area in opposition.</p>	In Favor	– 0 inside notification area – 0 outside notification area	In Opposition	– 1 inside notification area – 0 outside notification area
In Favor	– 0 inside notification area – 0 outside notification area				
In Opposition	– 1 inside notification area – 0 outside notification area				

Attachments:

1. Location Map (Existing Zoning & Notice Area)
2. Site Plan
3. Floor Layouts
4. AICUZ Map
5. Application with Photos
6. Public Comments Received (if any)



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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		

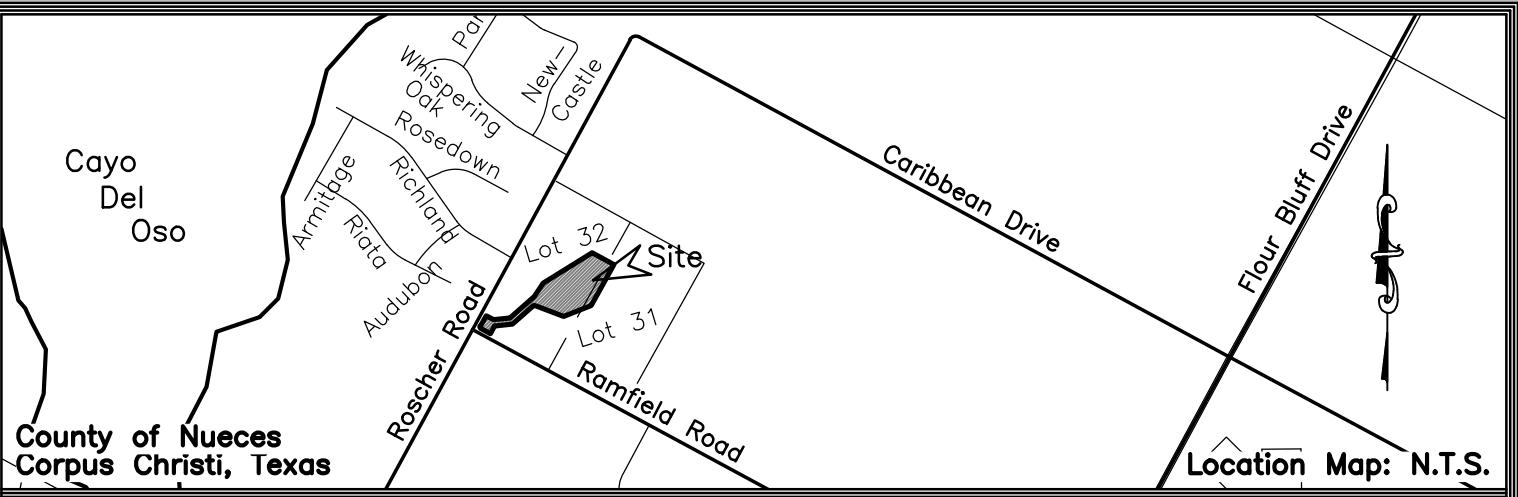
Subject Property with 200' buffer

Owners within 200' listed on attached ownership table

Owners in favor

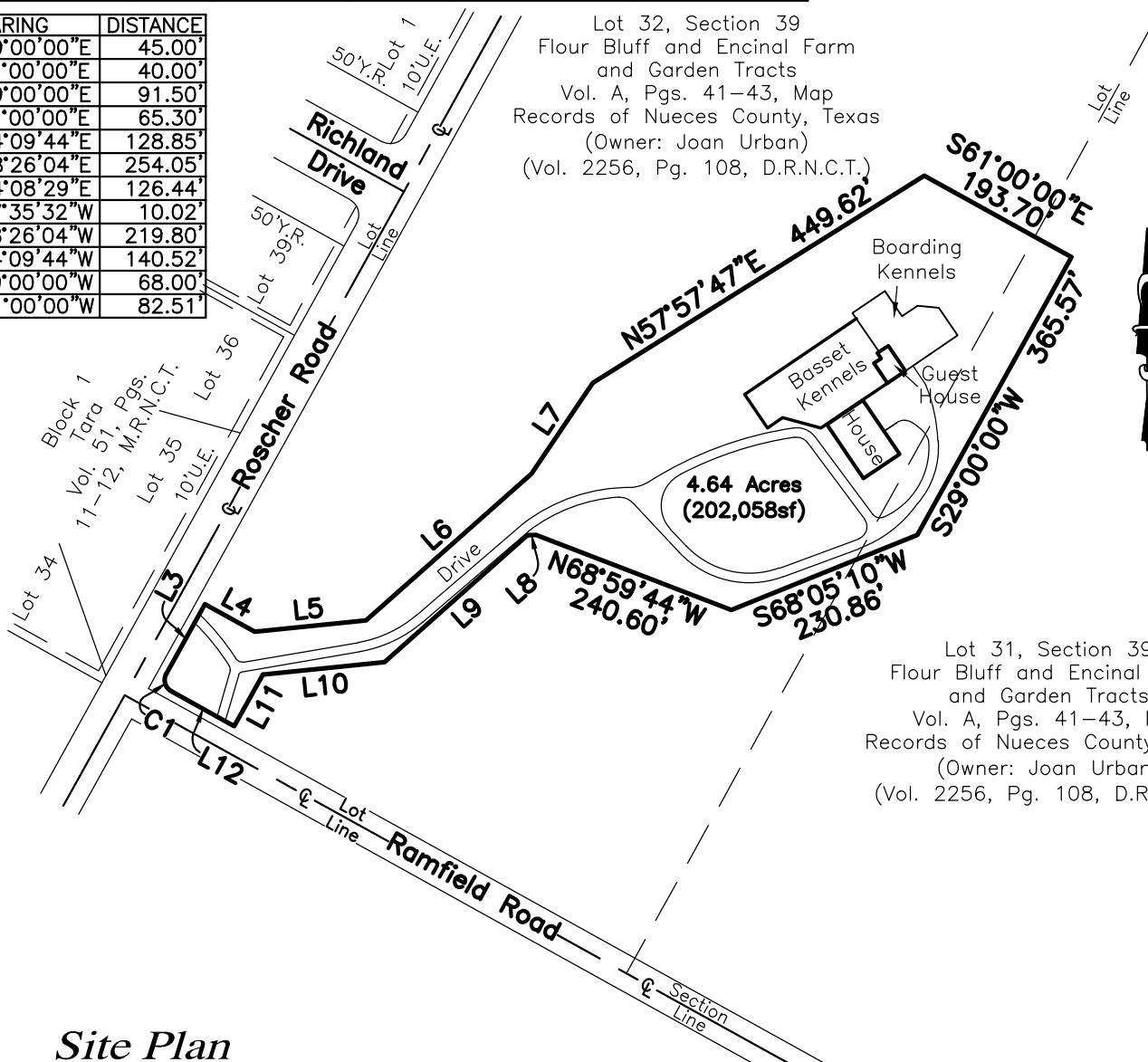
Owners in opposition



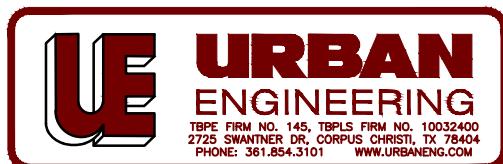


CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	90°00'00"	15.00'	23.56'	15.00'	N16°00'00"W	21.21'

LINE	BEARING	DISTANCE
L1	N29°00'00"E	45.00'
L2	S61°00'00"E	40.00'
L3	N29°00'00"E	91.50'
L4	S61°00'00"E	65.30'
L5	N84°09'44"E	128.85'
L6	N48°26'04"E	254.05'
L7	N34°08'29"E	126.44'
L8	S87°35'32"W	10.02'
L9	S48°26'04"W	219.80'
L10	S84°09'44"W	140.52'
L11	S29°00'00"W	68.00'
L12	N61°00'00"W	82.51'

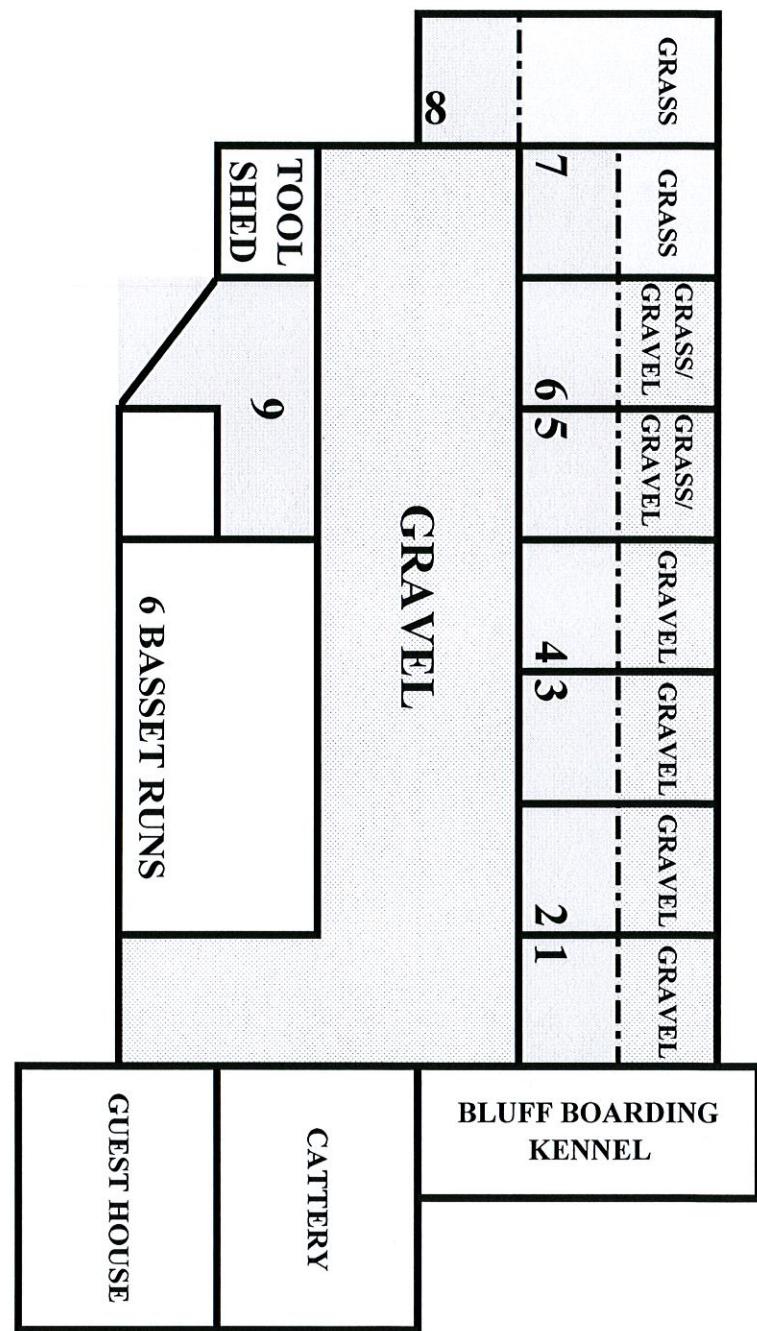


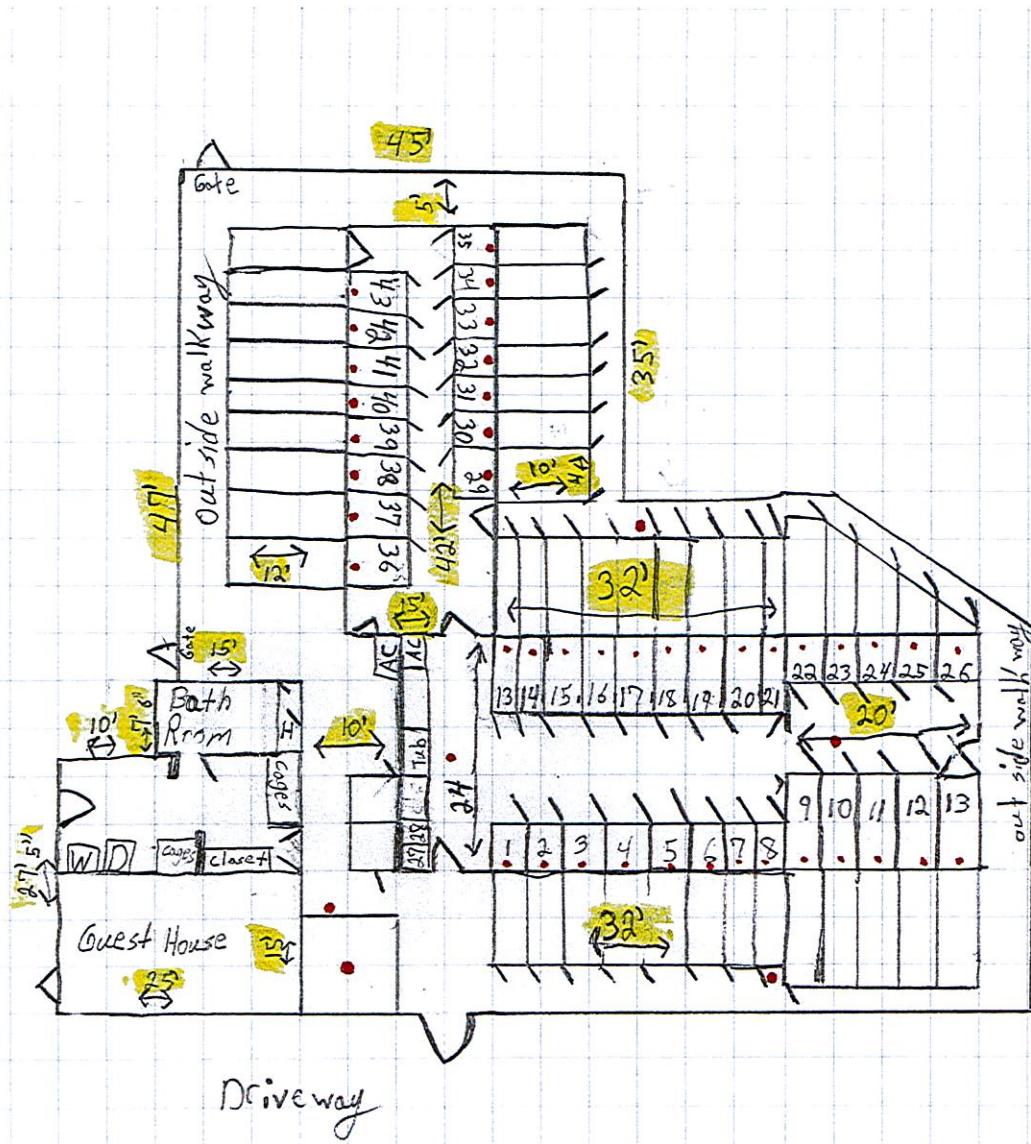
for a 4.64 Acre Tract of Land of Lots 31 and 32, Section 39, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume A Pages 41–43, Map Records of Nueces County, Texas.



DATE: Feb. 24, 2016
SCALE: 1"=200'
JOB NO.: 11403.B6.00
SHEET: 1 of 1
DRAWN BY: XG
urbansurvey1@urbaneng.com
© 2016 by Urban Engineering

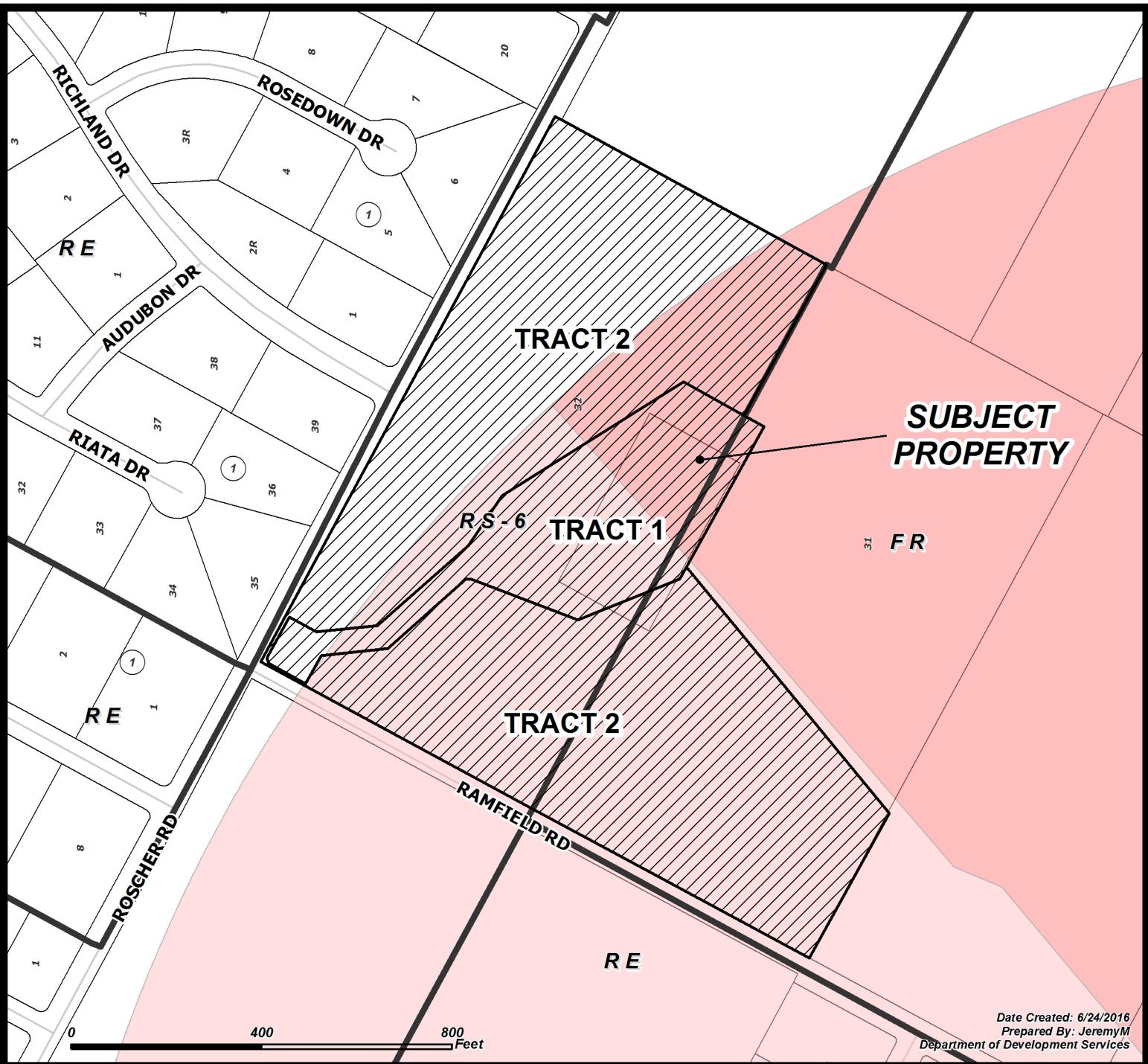
BASSET KENNELS





Red = Drain

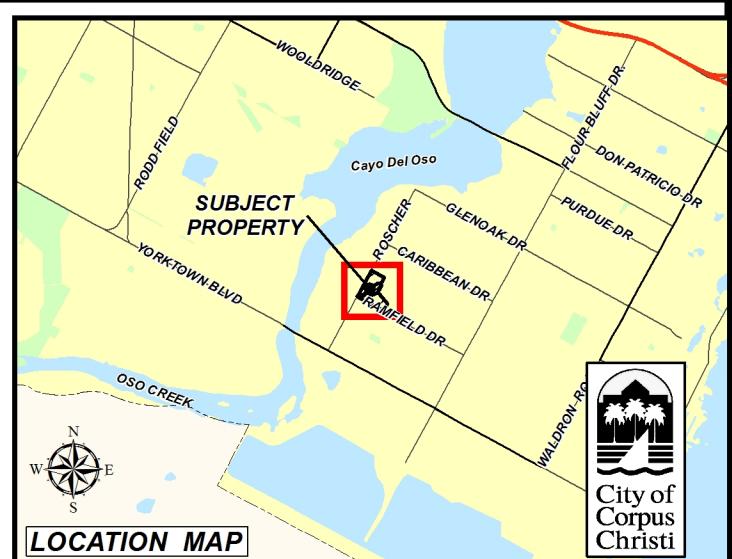
BLUFF BOARDING KENNEL

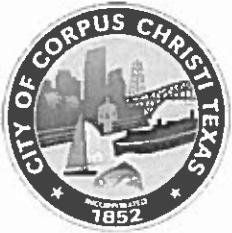


CASE: 0716-01

AICUZ

- Runway
- Control Zone
- Zone 1
- Zone 2





REZONING APPLICATION

Office Use Only

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

Case No.: 01716-01 Map No.: 039029

PC Hearing Date: July 13, 2016 Proj.Mgr: Bob Payne

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: James Louis Urban Contact Person: James Louis Urban

Mailing Address: 2725 Swantner Drive

City: Corpus Christi State: TX ZIP: 78404 Phone: (361) 854-3101

E-mail: _____ Cell: ()

2. Property Owner(s): Estate of Joan Wakefield Urban, deceased Contact Person: James Louis Urban

Mailing Address: 2725 Swantner Drive

City: Corpus Christi State: TX ZIP: 78404 Phone: (361) 854-3101

E-mail: _____ Cell: ()

3. Subject Property Address: 2002 and 2020 Ramfield Road Area of Request (SF/acres): 17,000 Acres

Current Zoning & Use: RS-6 and FR Proposed Zoning & Use: Tract 1: "IL" 4.64 ac (Kennel)

12-Digit Nueces County Tax ID: 2476-0039-3100 and 2476-0039-3101 Tract 2: "RS-22" 23.59 Ac (Vacant)

Subdivision Name: Flour Bluff and Encinal Farm and Garden Tracts Block: 39 Lot(s): 31 and 32

Legal Description if not platted: _____

4. Submittal Requirements:

Early Assistance Meeting: Date Held 11-6-15 ; with City Staff Annika Gunning Yankee

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.

Owner or Agent's Signature

Applicant's Signature

Owner or Agent's Printed Name

Applicant's Printed Name

Office Use Only: Date Received: 2-26-16 Received By: bkp ADP: FB

Rezoning Fee: 2176.75 + PUD Fee 0 + Sign Fee 20.00 = Total Fee 2196.75

No. Signs Required 2 @ \$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 is requesting a change of zoning from RS-6 and FR to IL - Light Industrial on a 4.64 Acre Tract. The property currently has an existing residential structure with a detached indoor/outdoor kennel. The main residential structure is approximately 3700sf with a detached guest house adjacent to the kennels. The guest house is approximately 800sf and the kennel section is approximately 17,000sf. The kennel is run by 1 full time employee and 3 part time employees. The normal hours the facility is open to the public is between 8:00 a.m. and 10:00 a.m. and between 4:00 p.m. through 5:30 p.m. There is a small sign on Roscher near the driveway entrance. The owner is also requesting a change of zoning from the FR and RS-6 Districts to RS-22 District on a 23.59 Acre Tract of Land.

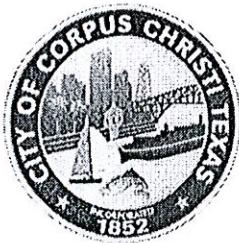
2. Identify the existing land uses adjoining the area of request:

North - RS-6 (residential) and FR (Vacant)
South - RS-6 (residential) and FR (Vacant)
East - FR (residential)
West - RE (residential)









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: James Louis Urban

STREET: 2725 Swantner Drive CITY: Corpus Christi, Texas ZIP: 78404

FIRM is: Corporation Partnership Sole Owner Association Other Independent Executor

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".

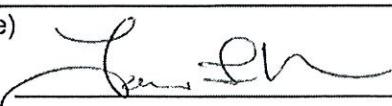
Name Consultant

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: James Louis Urban Title: Independent Executor
(Print Name)

Signature of Certifying Person:  Date: February 26, 2016