

STAFF REPORT

Case No. 1215-04
HTE No. 15-10000065

Planning Commission Hearing Date: December 16, 2015

Applicant & Legal Description	<p>Applicant/Owner: John Dunn Walsh Legal Description/Location: Being a 2.00 acre tract of land, of the Rincon del Oso Grant to Enrique Villarreal, Abstract 1, Survey No. 142, out of a 17.75 acre tract described as Real Property 1. In an Inventory and Appraisal Document No. 262134-1 as recorded in Volume 703, Page 139 of the Court Records of Nueces County Texas, being a portion of a 29.67 acre tract called the Katie and Alice Dunn Home tract, in the said Document and being a portion of a 110 acre tract described in a deed from Jonas Pickles, et ux, Eliza Pickles to John Dunn as recorded in Volume H, Page 627 of the Deed Records of Nueces County, Texas, located approximately 850 feet south of Up River Road and east of County Road 52A and west of Lantana Street.</p>			
Zoning Request	<p>From: "IH" Heavy Industrial District To: "RE" Residential Estate District Area: 2.0 acres Purpose of Request: To allow reconstruction of an ancestral home.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	Site	"IH" Heavy Industrial	Estate Residential/Vacant	Heavy Industrial
	North	"IH" Heavy Industrial	Vacant	Heavy Industrial
	South	"IH" Heavy Industrial	Vacant	Heavy Industrial
	East	"RS-6" Single-Family 6	Estate Residential	Heavy Industrial
	West	"IH" Heavy Industrial	Estate Residential/Vacant	Heavy Industrial
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Westside Development Plan and is planned for heavy industrial uses. The proposed rezoning to the "RE" Residential Estate District is not consistent with the adopted Future Land Use Plan or the Westside Development Plan. Map No.: 052046 Violations: The property owner demolished the existing house without an approved demolition permit – Contractor Bay Limited or owner did not pay the permit fee.</p>			

Transportation Street R.O.W.	Transportation and Circulation: The subject property has no direct access to a public roadway. Street access to the land locked property is through a driveway across an abutting property and then onto a Road Reserve shown on Lantana Acres Block C Subdivision which then connects to Lantana Road. Lantana Road is a designated C-1 Collector Street with a maximum desirable average daily trips for a C-1 Minor Residential Collector street is 1,000 to 3,000 trips per day.				
	Street Lantana Road	Urban Transportation Plan Type C-1 Minor Residential Collector	Proposed Section 60'	Existing Section 20'	Traffic Volume (2013) NA

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the “IH” Heavy Industrial District to the “RE” Residential Estate District to allow reconstruction of an ancestral home.

Development Plan: The applicant is proposing to build a new single family dwelling after demolishing the existing single family dwelling without an approved demolition permit. The unplatted, landlocked tract is 2 acres in size and roughly 350 feet by 200 feet. At a minimum, the Unified Development Code would require a 50-foot front yard setback, 25 foot wide side yard setbacks and a 15 foot rear yard setback.

Existing Land Uses & Zoning: The properties to the north of the subject property are vacant and are zoned “IH” Heavy Industrial. To the east of the subject property across a private road are residential estates (single-family dwellings each on more than one acre of land) in the “RS-6” Single-Family 6 District. To the west of the subject property is residential estate zoned “IH” Heavy Industrial. Farther west is vacant land owned by Citgo Refining, which appears to be a buffer zone land and is outside city limits in Industrial District No. 1. To the south of the subject property and next to Academy Heights Subdivision is vacant land zoned “IH” Heavy Industrial and owned by Catholic Solitudes, Inc.

AICUZ: The subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ).

Comprehensive Plan & Area Development Plan (ADP) Consistency: The subject property is located within the boundaries of the Westside Area Development Plan (ADP). The proposed rezoning to the “RE” Estate Residential District is neither consistent with the adopted Future Land Use Plan’s designation of the property as heavy industrial nor consistent with the Westside ADP. The following is additional background information on the Future Land Use designation and pertinent elements of the Comprehensive Plan:

- The Future Land Use plan designation of Heavy Industrial land use was first placed on the property as part of the Westside ADP to assure

consistency with existing “IH” Heavy Industrial Zoning and without regard to the existing use of the property for a single-family dwelling.

- Several Northside Studies were completed in the late 1990s through 2010. The initial Northside Study included this area and recommended rezoning the Heavy Industrial zoned area west of the Academy Heights Subdivision to an agricultural-rural zoning district for the purpose of allowing the existing uses to remain and creating land use compatibility with the Heavy Industrial uses to the west. While the Northside Plan was not approved, the abutting “IH” Heavy Industrial zoning and vacant land in Industrial District No. 1 is still a concern for assuring long-term land use compatibility in the area. The subject property and vacant land to the north and south could be rezoned to a large lot residential zoning district to create a buffer between the existing residential neighborhood and heavy industrial uses likely to develop in Industrial District No. 1. Rezoning the “IH” Heavy Industrial area to a large-lot, low-density residential district would create a buffer between existing higher density residential uses and future industrial uses to the west.
- Incompatible industrial and commercial land uses should not abut residential areas. Many of the activities allowed in the industrial and commercial districts are incompatible with residential areas. Whenever possible, such uses should be separated from residential areas. When these uses must abut residential areas, steps shall be taken to minimize conflicts, i.e., provision of open space, landscaping, screening fences, etc. (Corpus Christi Policy Statements, Residential Land Use Policy i.)

Plat Status: The subject property is not platted and will have to be platted before a building permit can be issued for uses allowed under the zoning district.

Department Comments:

- The proposed rezoning deviates from the Future Land Use Plan:
 - While the proposed zoning deviates from Future Land Use Plan, the existing zoning of “IH” Heavy Industrial next to residentially zoned and occupied property conflicts with the Corpus Christi Policy Statements. The “IH” Heavy Industrial Zoning predates the adoption of the Future Land Use Plan and a rezoning to a more compatible district could improve the compatibility of land uses while the residential uses remain.
 - Rezoning to the “RE” Residential Estates District on only two acres of the Walsh Family owned 15 acres would be a small step toward greater land use compatibility.

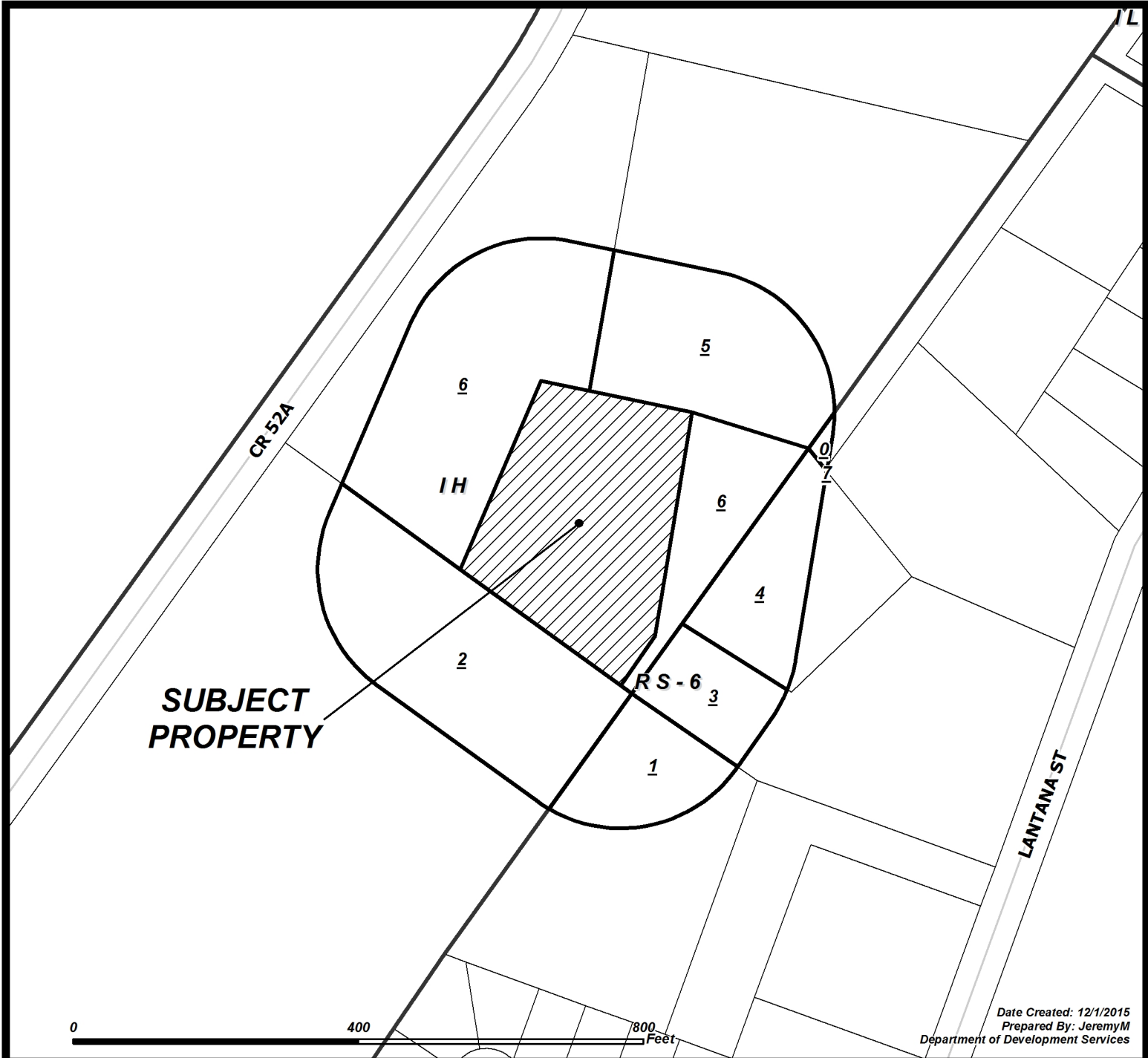
Staff Recommendation:

Approval of the change of zoning from the “IH” Heavy Industrial District to “RE” Residential Estates District.

Public Notification	<p>Number of Notices Mailed – 7 within 200-foot notification area 2 outside notification area</p>
	<p><u>As of December 9, 2015:</u></p>
	<p>In Favor – 0 inside notification area – 0 outside notification area</p>
	<p>In Opposition – 0 inside notification area – 0 outside notification area</p>
	<p>Totaling 0.00% of the land within the 200-foot notification area in opposition.</p>

Attachments:

1. Location Map (Existing Zoning & Notice Area)
2. Site Plan
3. Application
4. Public Comments Received (if any)



CASE: 1215-04

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



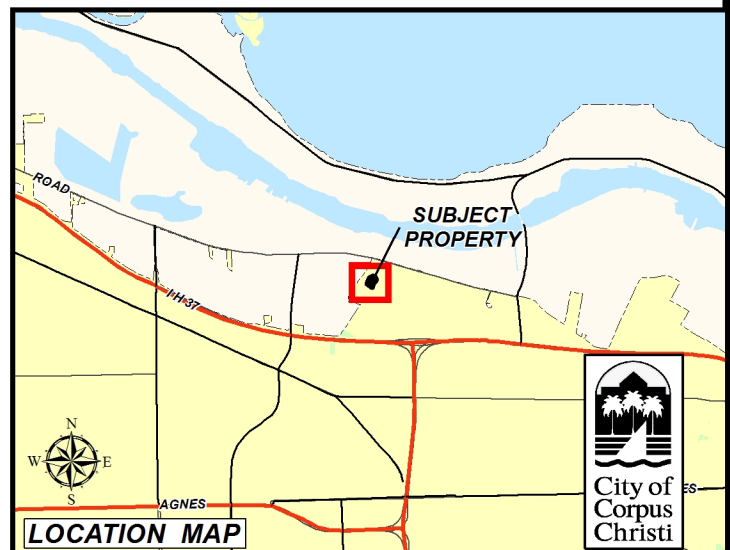
Owners
in favor

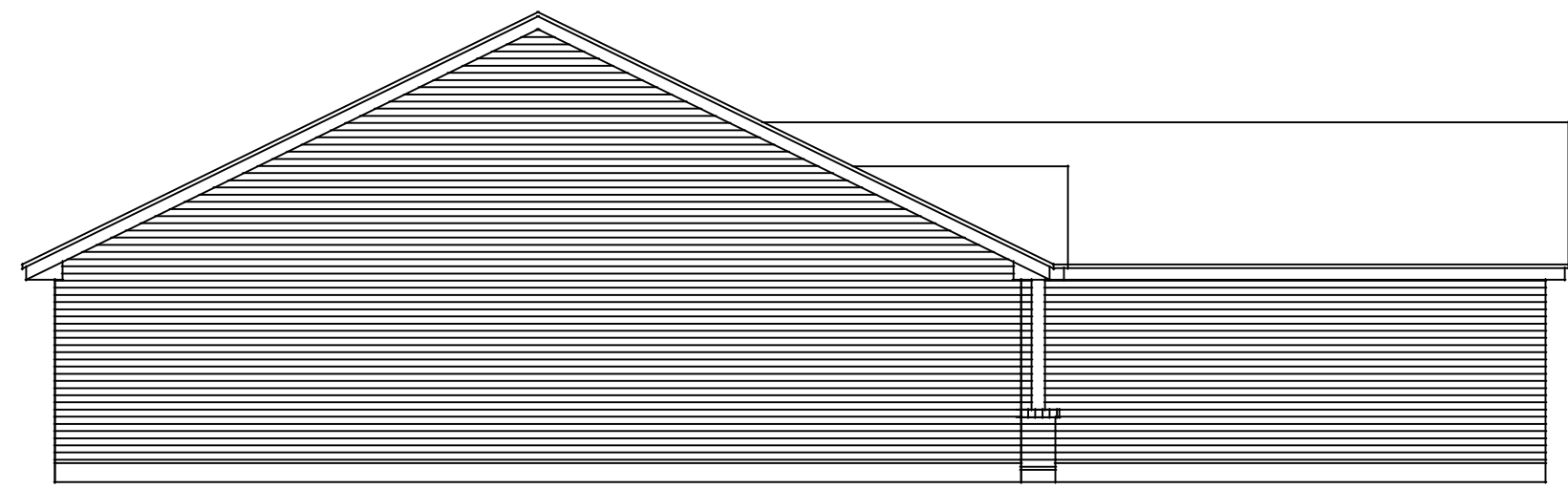
4

Owners within 200' listed on
attached ownership table

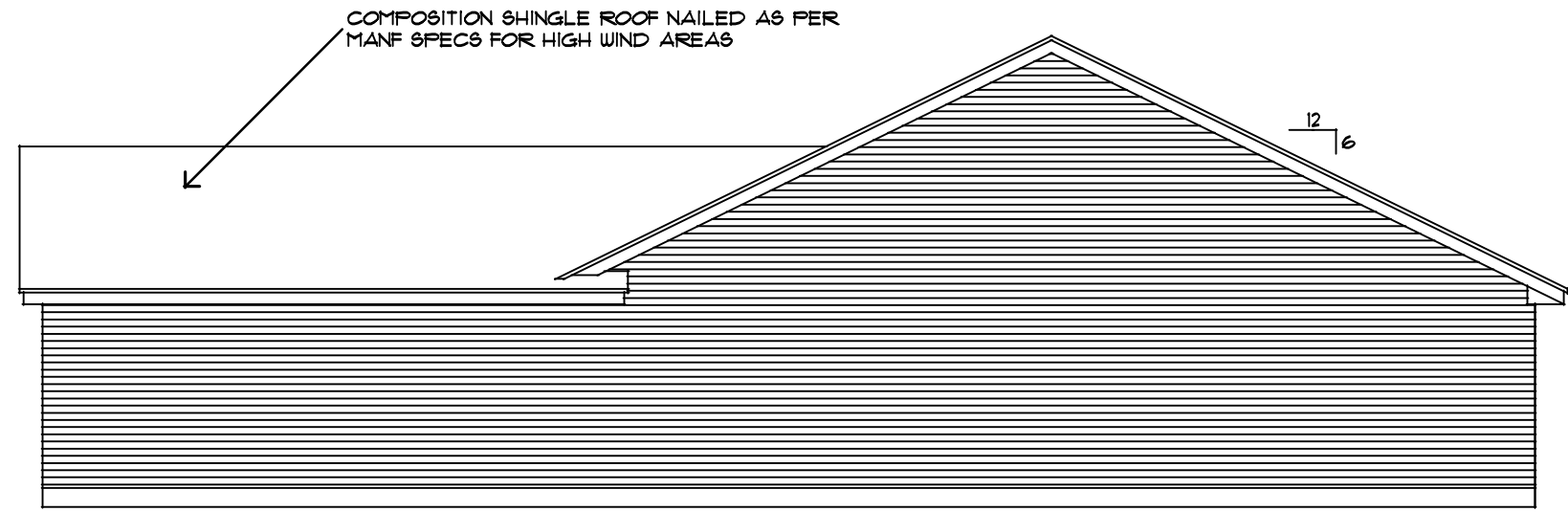


Owners
in opposition

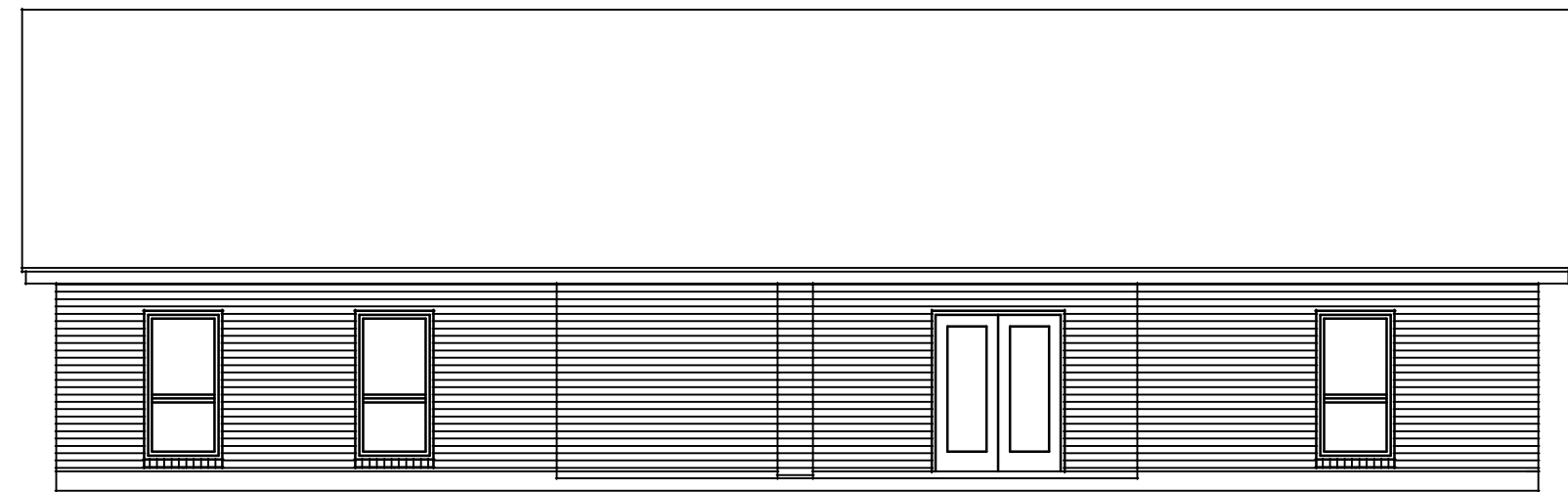




LEFT SIDE ELEVATION SCALE 1/8"=1'-0"



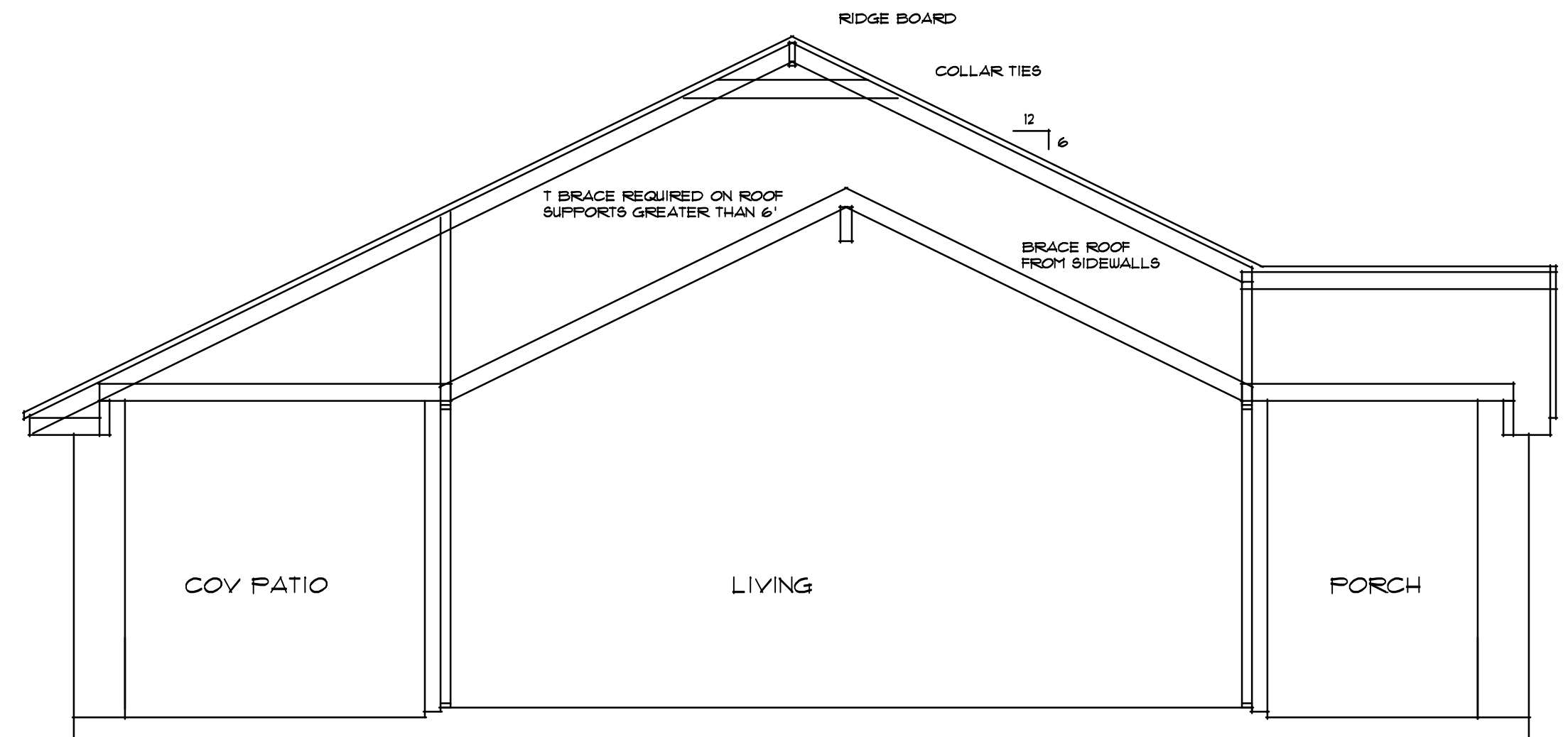
RIGHT SIDE ELEVATION



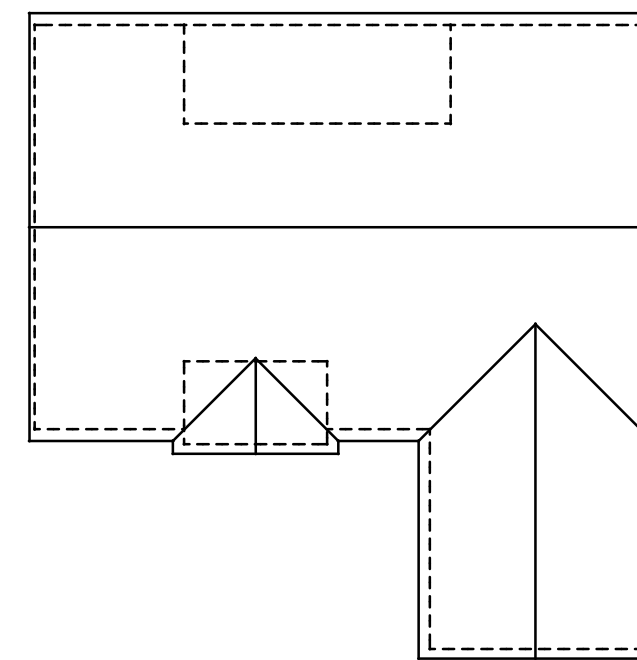
REAR ELEVATION



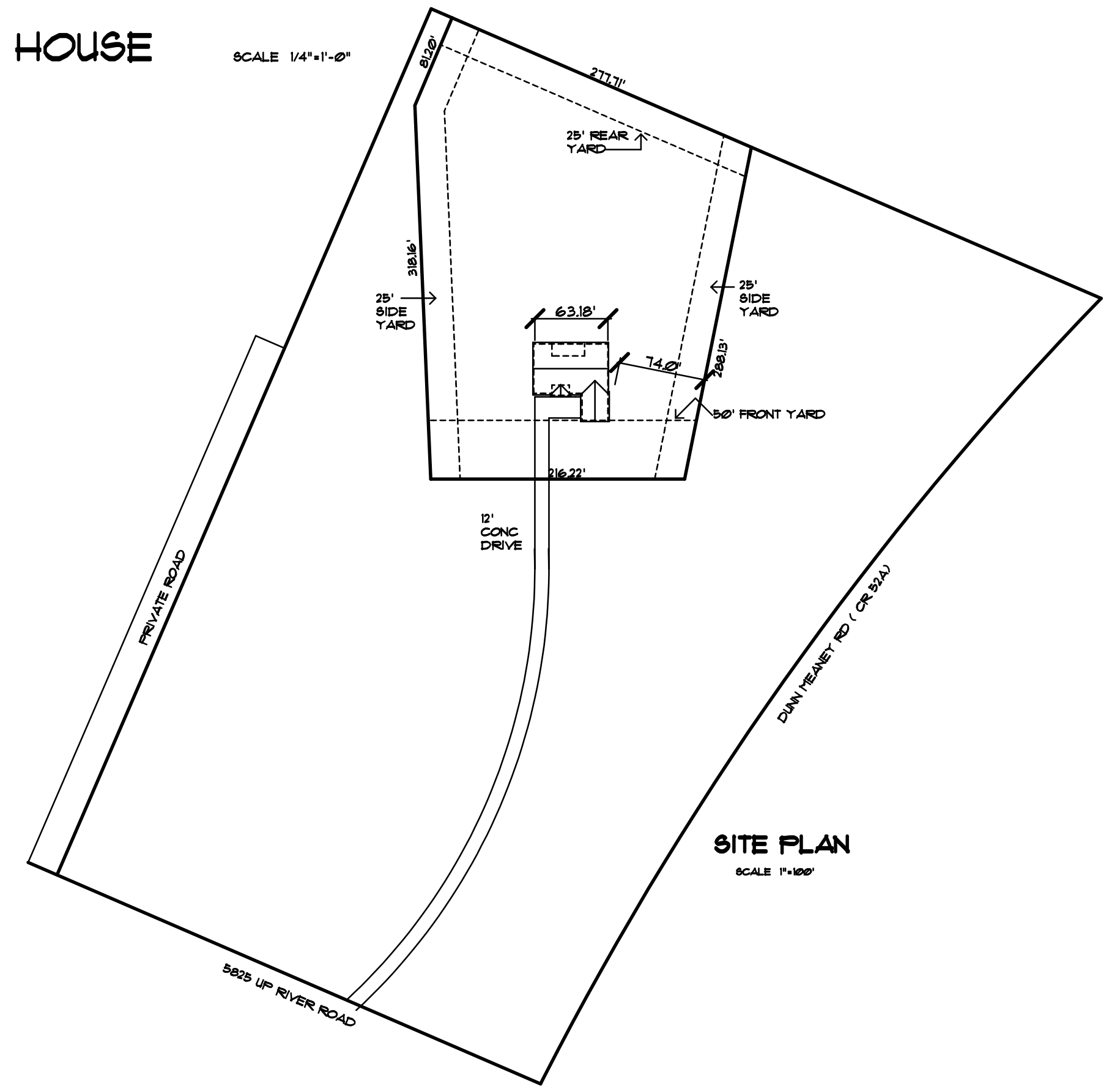
FRONT ELEVATION SCALE 1/4"=1'-0"



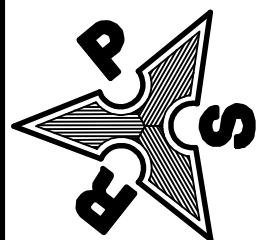
SECTION THRU HOUSE SCALE 1/4"=1'-0"



ROOF PLAN SCALE 1"=20'



SITE PLAN SCALE 1"=100'



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DESIGNER
RICK'S PLAN SHOPPE INC
3831 S. PADRE ISLAND DRIVE SUITE E 992-3233
CORPUS CHRISTI, TX WWW.RICKSPLANSHOPPE.COM

BUILDER
COLESON HOMES LLC

LEGAL
5825 UP RIVER ROAD
CORPUS CHRISTI, TX
APPROX. AREA
HOUSE 2251 PORCH 128
GARAGE 520 PATIO 286



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

REZONING APPLICATION

Office Use Only

Case No.: 1215-04 Map No.: 052046

PC Hearing Date: 12-16-15 Proj.Mgr: _____

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: John Dunn Walsh Contact Person: same
Mailing Address: P.O. Box 4688
City: Corpus Christi State: Tx ZIP: 78404 Phone: (361) 215-2433
E: [REDACTED] Cell: (361) 215-2433

2. Property Owner(s): John Dunn Walsh Contact Person: same
Mailing Address: 813 Furman Ave., Apt #1
City: Corpus Christi State: Tx ZIP: 78404 Phone: (361) 215-2433
E-mail: [REDACTED] Cell: (361) 215-2433

3. Subject Property Address: 5825 Up River Road Area of Request (SF/acres): 2.0 acres
Current Zoning & Use: IH but used for residential Proposed Zoning & Use: RL - residential land
12-Digit Nueces County Tax ID: 2197 - 0000 - 0985
Subdivision Name: N/A Block: _____ Lot(s): _____
Legal Description if not platted: DUNN TR 2 ACS OUT OF OHLER TR

4. Submittal Requirements:
☐ **Early Assistance Meeting**: Date Held _____; with City Staff _____
☐ **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.

X John Dunn Walsh
Owner or Agent's Signature
John Dunn Walsh
Owner or Agent's Printed Name

X John Dunn Walsh
Applicant's Signature
John Dunn Walsh
Applicant's Printed Name

Office Use Only: Date Received: 11-24-15 Received By: DW ADP: WS

Rezoning Fee: 1692.50 + PUD Fee 0 + Sign Fee 10.00 = Total Fee 1702.50

No. Signs Required 1 @ \$10/sign Sign Posting Date: 12-1-15

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 applicant, John Dunn Walsh, is the owner of the 2.0 acres located at 5825 Up River Road, Corpus Christi, Texas 78407, as indicated in the Special Warranty Deed at Document Number 2014046105. Mr. Walsh and his family have occupied the residence located at this address from 1980 until about two years ago. This property has been in Mr. Walsh's family for over 150 years, and his relatives have continuously lived on the property from the late 1800s until about two (2) years ago when the ancestral home became unlivable due to its age. The current owner, John Dunn Walsh, plans to build a new 2,500 sq ft brick veneer home on the property (see attached plans). Earlier this year Mr. Walsh obtained a demolition permit and destroyed the 100+ year old ancestral home in anticipation of building his new home. However, the application #15-12545 was denied due to the property being zoned IH. Mr. Walsh is seeking a re-zoning regarding only his 2.0 acres from IH to RL.

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

North - 10 acres north is in agricultural hay use

South - The acres south is in agricultural use

East - The acres east is used for residential - 2 homes

West - The acres west is an industrial buffer zone



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: John Dunn Walsh

STREET: 813 Furman Ave., Apt #1 CITY: Corpus Christi ZIP: 78404

FIRM is: ☐ Corporation ☐ Partnership ☒ Sole Owner ☐ Association ☐ Other _____

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)

None

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

None

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

None

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

None

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: John Dunn Walsh
(Print Name)

Title: Owner

Signature of Certifying Person: John Dunn Walsh

Date: 11/9/2015

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: David Walsh - Walsh Law Firm

Mailing Address: P.O. Box 4688

City: Corpus Christi State: Tx Zip: 78469-4688

Home Phone: (361) 774-8724 Business Phone: (361) 882-2088 Cell: (361) 774-8724

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

Be the point of contact between myself and the City of Corpus Christi; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications; conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City of Corpus Christi will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Corpus Christi, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have the legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my", or "me" is a reference to the entity.

*Signature of Agent: David Walsh Title: Attorney

Printed/Typed Name of Agent: David Walsh Date: 11-9-2015

*Signature of Property Owner: X John Dunn Walsh Title: owner

Printed/Typed Name of Property Owner: John Dunn Walsh Date: 11-9-2015

*Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

*Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

*Application must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.