

STAFF REPORT

Case No. 0916-03
HTE No. 16-10000034

Planning Commission Hearing Date: September 21, 2016

Applicant & Legal Description	Applicant/Owner: Palm Land Investments, Inc Representatives: Urban Engineering-Victoria Legal Description/Location: An 8.63-acre tract of land out of the north portion of Lot 3, Section 27, Flour Bluff and Encinal Farm and Garden Tracts, located on the south side of Holly Road, approximately 1,307 feet east of Rodd Field Road.			
Zoning Request	From: "RS-4.5" Single-Family 4.5 District To: "RS-TH" Townhouse Area: 8.63 acres Purpose of Request: To allow construction of 64 residential townhouses with single ingress/egress from Holly Road.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	Site	"RS-4.5" Single-Family 4.5	Estate Residential and Vacant	Low Density Residential
	North	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential
	South	"RS-4.5" Single-Family 4.5	Vacant	Low Density Residential
	East	"RS-4.5" Single-Family 4.5	Low Density Residential	Low Density Residential
	West	"RM-3" Multifamily 3 and "RM-1" Multifamily 1	Vacant	Medium Density Residential
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Southside Area Development Plan and is planned for low density residential uses on Holly Road. The proposed rezoning to the "RS-TH" Townhouse District is not consistent with the adopted Future Land Use Map. Map No.: 040033 Zoning Violations: None			
Transportation	Transportation and Circulation: The subject property is located on the south side of Holly Road approximately 1,307 feet east of Rodd Field Road. The subject property has approximately 533 feet of street frontage along Holly Road, which the Urban Transportation Plan designates as an "A1" Minor Arterial Undivided street east of Rodd Field Road. The maximum desirable average daily trips (ADT) for a designated "A1" is 15,000 to 24,000 daily trips.			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Holly Rd.	"A1" Minor Arterial Undivided	95' ROW 64' paved	85' ROW 20' paved	N/A

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the "RS-4.5" Single-Family 4.5 District to the "RS-TH" Townhouse District to allow the construction of 64 residential townhouses with access to Road.

Development Plan: The proposed rezoning is located south of Rodd Place Unit 2 and west of Sandy Creek Unit 1. The applicant is proposing residential townhouses on an 8.63-acre tract of land. The townhouse project is proposed to consist of 64 units. The 8.63-acre tract could approximately support up to 112 dwelling units using an estimated average townhouse density of 13 units per acre. At a minimum, the Unified Development Code would require a 10-foot wide front yard. A minimum 10-foot wide buffer yard plus at least 10 points based on the points listed in the table shall be required along the property lines abutting the "RM-3" Multifamily 3 District. No buffer yard is required between Townhouse and Single-Family zoning districts. The site is proposed to have a single ingress/egress access point from Holly Road.

Existing Land Uses & Zoning: The subject property is zoned "RS 4.5" Single-Family 4.5 and consists of one abandoned estate residential use. North of the subject property, across Holly Road, are low density residential uses zoned "RS-6" Single-Family 6. South and east of the subject property is vacant land zoned "RS-4.5" Single-Family 4.5 District for the new Sandy Creek Subdivision. West of the subject property is vacant and zoned "RM-3" Multifamily 3 District.

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

Comprehensive Plan & Area Development Plan Consistency: The subject property is located within the boundaries of the Southside Area Development Plan (ADP). The proposed rezoning to the "RS-TH" Townhouse District is not consistent with the adopted Future Land Use Plan's designation of the property as low density residential. However, the following are pertinent elements of the Comprehensive Plan that should be considered:

- New development should occur in a pattern which is cost effective. The City should encourage new development where services can be provided economically and, wherever possible, promote contiguous development. (Policy Statement, General Policy Statement D)
- Encouraging infill development on vacant tracts within developed areas. (Policy Statements, Residential Policy Statement F)

- Locating medium-density residential development along a collector street with convenient access to an arterial street. (*Policy Statements, Residential Policy Statement H*)
- The density of development in an area should be directly related to the design capacity of the infrastructure. (*Policy Statements, Land Use Policy F*)
- Each neighborhood of the City shall be protected and/or improved so as to be a desirable and attractive residential environment. (*Policy Statements, Residential Policy A*)
- High Density residential development (more than 21 units per acre) should be located with direct access to arterials. (*Policy Statements, Residential Policy Statement E*)
- Providing for a compatible configuration of activities with emphasis on accommodation of existing zoning patterns and the protection of low-density residential activities from incompatible activities (*Southside ADP Policy Statement B.1*)

Plat Status: The subject property is not platted.

Department Comments:

- The proposed rezoning complies with the Comprehensive Plan.
- The property to be rezoned is not consistent with the Future Land Use Plan's designation of the property as a low density residential use, however, the location on a future arterial road is appropriate for medium density residential uses and townhouses help buffer single-family uses from future multifamily uses to the west.
- It is staff's opinion that the rezoning will not have a negative impact upon the surrounding neighborhood.
- The amendment is compatible with the present zoning and conforming uses of the surrounding area and is suitable for uses permitted by the proposed zoning district.

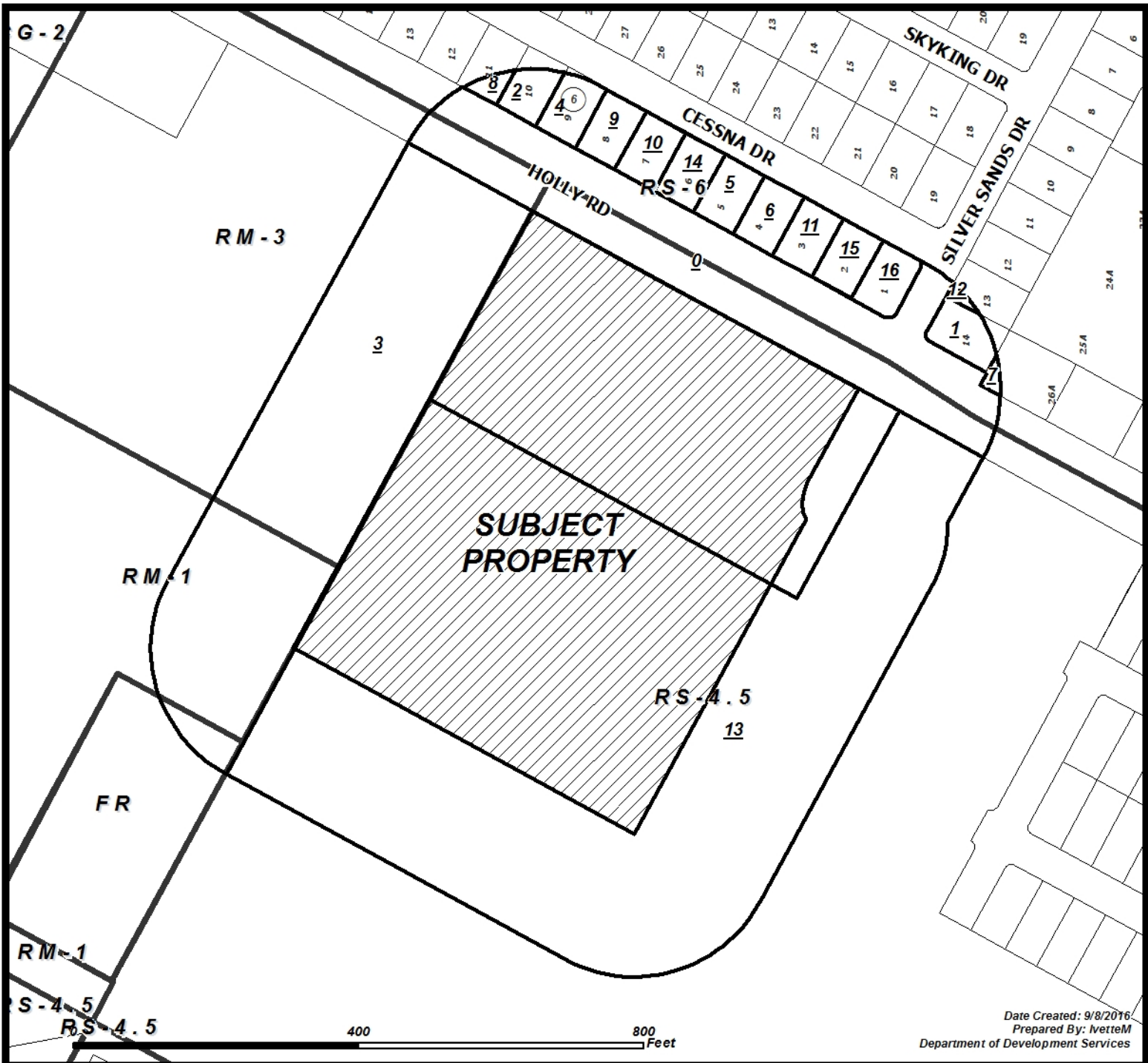
Staff Recommendation:

Approval of the change of zoning from the "RS-4.5" Single-Family 4.5 to the "RS-TH" Townhouse District.

Public Notification	Number of Notices Mailed – 16 within 200-foot notification area 4 outside notification area
	<u>As of September 15, 2016:</u>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 0 inside notification area – 0 outside notification area
	Totaling 0.0% of the land within the 200-foot notification area in opposition.

Attachments:

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



CASE: 0916-03 ZONING & NOTICE AREA

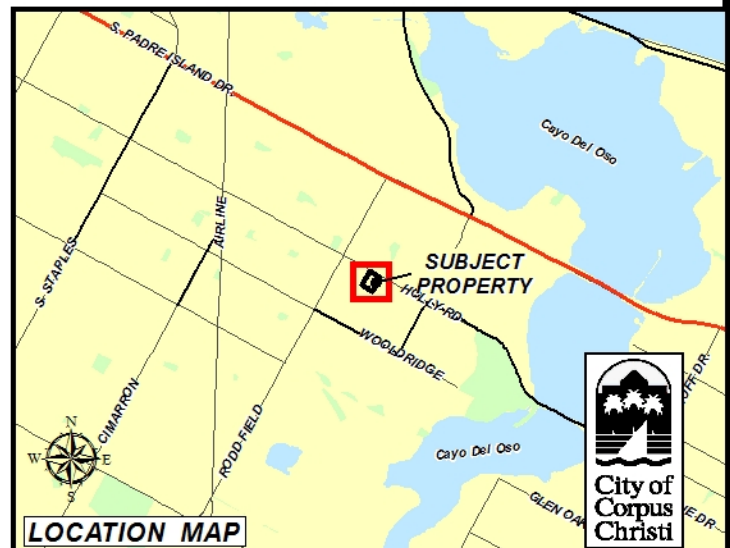
RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	IH	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev. Overlay
ON	Professional Office	RS-10	Single-Family 10
RM-AT	Multifamily AT	RS-6	Single-Family 6
CN-1	Neighborhood Commercial	RS-4.5	Single-Family 4.5
CN-2	Neighborhood Commercial	RS-TF	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

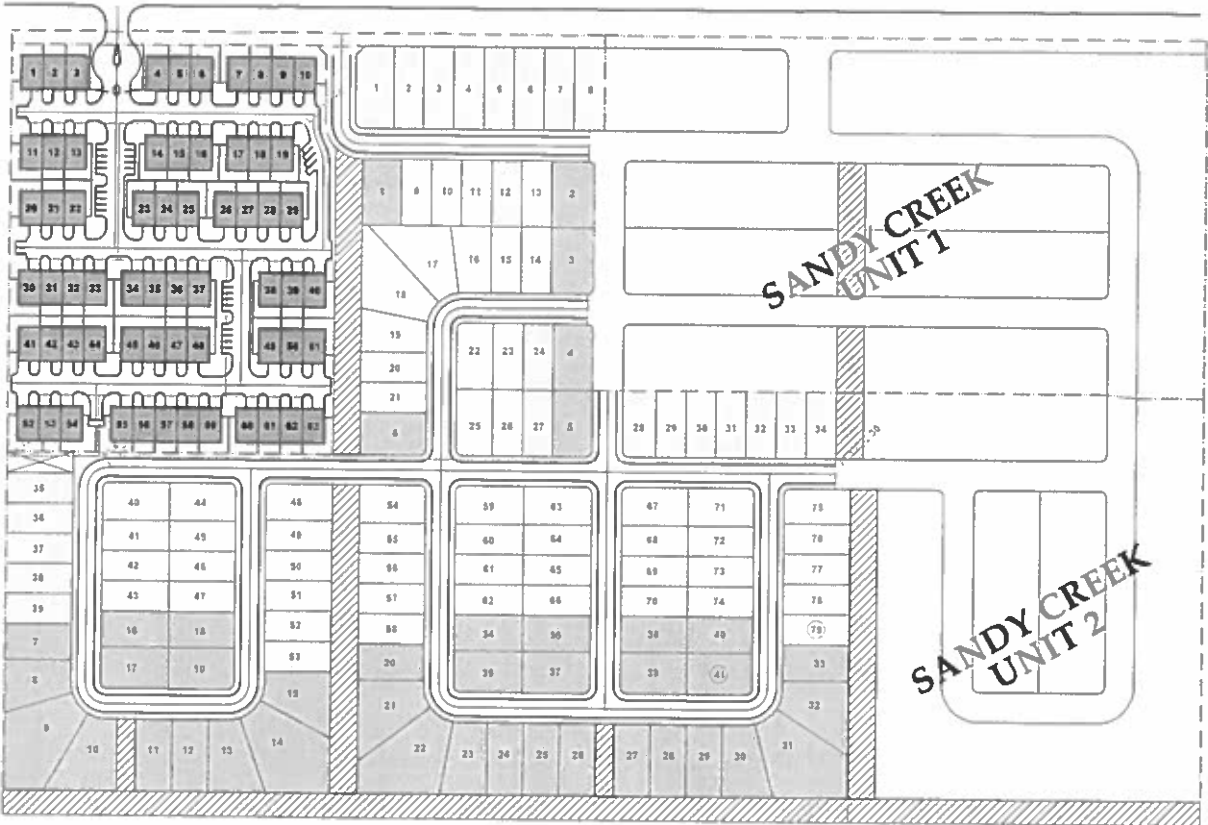
Owners in favor

Owners within 200' listed on attached ownership table

Owners in opposition



HOLLY ROAD



DITCH #29



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.: _____ Map No.: _____

PC Hearing Date: _____ 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: Urban Engineering - Victoria Contact Person: Ray M. Bridges, P.E. (Agent)
Mailing Address: 2004 N. Commerce St.
City: Victoria State: TX ZIP: 77901 Phone: (361) 578-9836
E-mail: [REDACTED] Cell: (361) 576-9836

2. Property Owner(s): Palm Land Investments, Inc. Contact Person: Dan Caballero/President
Mailing Address: 5949 La Costa Drive
City: Corpus Christi State: TX ZIP: 78414 Phone: (361) 994-2860
E-mail: [REDACTED] Cell: (361) 994-2860

3. Subject Property Address: Holly Road Area of Request (SF/acres): 376,039 sf/8.63 acres
Current Zoning & Use: RS-4.5 Single Family 4.5 Proposed Zoning & Use: RS-TH Townhouse
12-Digit Nueces County Tax ID: 2476 - 0027 - 0032 & 2476-0027-0033
Subdivision Name: N/A Block: _____ Lot(s): _____
Legal Description if not platted: See attached Metes & Bounds with Exhibit

4. Submittal Requirements:
☒ Early Assistance Meeting: Date Held 5/25/16; with City Staff Leticia Kanmore, MPA
☒ 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.

[Signature]
Owner or Agent's Signature
RAY M. BRIDGES
Owner or Agent's Printed Name

[Signature]
Applicant's Signature
RAY M. BRIDGES
Applicant's Printed Name

Office Use Only: Date Received: 8/25/16 Received By: BLP ADP: _____
Rezoning Fee: 1692.50 + PUD Fee 0 + Sign Fee 10.00 = Total Fee 1702.50
No. Signs Required 1 @ \$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 property is located south of Holly Road and approximately 1,400 feet east of Rodd Field Road. This tract, which is a portion of the Sandy Creek residential development, is currently zoned RS-4.5 Single Family Residential, and the owner requests to rezone the tract as TH Townhouse. The owner plans to construct 64 residential townhouse dwelling units with single ingress/egress from Holly Road.

One residential unit is currently located on the tract but will be demolished.

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

North - Holly Road & Single Family Residential (Rodd Place Unit 2)

South - Ditch 29 & Single Family Residential (Morningstar Estates Unit 3)

East - Single Family Residential (Sandy Creek Unit 1)

West - Undeveloped Agriculture Property

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: Ray M. Bridges, P.E. - Urban Engineering-Victoria

Mailing Address: 2004 N. Commerce St.

City: Victoria State: TX Zip: 77901

Home Phone: () Business Phone: (361) 578-9836 Cell: (361) 550-3778

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:  Title: Vice President

Printed/Typed Name of Agent: Ray M. Bridges Date: 8.11.16

*Signature of Property Owner:  Title: President

Printed/Typed Name of Property Owner: Dan Caballero Date: 8/11/16

*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.



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: Palm Land Investments, Inc.

STREET: 5949 La Costa Drive

CITY: Corpus Christi

ZIP: 78414

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)

NA

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

NA

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

NA

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

NA

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: Dan Caballero
(Print Name)

Title: President

Signature of Certifying Person: _____

Date: 8/11/16



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Name

Title

NA

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Board, Commission, or Committee

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Consultant

NA

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Certifying Person: Ray M. Bridges
(Print Name)

Title: Vice President

Signature of Certifying Person: _____

Date: 8-11-16



Development Services
2406 Leopard Street, Corpus Christi, TX 78408
Phone: (361)826-3240 www.cc-texas.com

PEAK HOUR TRAFFIC (PHT) FORM

A Traffic Impact Analysis (TIA) determination must be made prior to the submittal of any rezoning application, site plan or street closure request. The Peak Hour Traffic Generation (PHT) Form is required to be completed for developments that are projected to contain 500 or fewer weekday peak hour (A.M. or P.M.) trips (UDC Section 3.29.4).

Property Address: Holly Road

Legal Description (Subdivision, Lot, Block): See attached Meets and Bounds

Applicant Name: Urban Engineering - Victoria

Address: 2004 N. Commerce St. City/State/Zip: Victoria, TX 77901

Telephone: 361-578-9836 Email: [REDACTED]

Application Status (Select One): ☒ Rezoning ☐ Site Plan ☐ Street Closure

Existing Land Use

Tract Acres	Unit of Measure	Zoning	Land Use	I.T.E. Code	A.M. Trip Rate	Peak A.M. Trips	P.M. Trip Rate	Peak P.M. Trips
8.29	Dwelling Units - 32	RS-4.5	Single Family	210	0.77	25	1.02	35

81.6 trips

Proposed Land Use

Tract Acres	Unit of Measure	Zoning	Land Use	I.T.E. Code	A.M. Trip Rate	Peak A.M. Trips	P.M. Trip Rate	Peak P.M. Trips
8.29	Dwelling Units - 64	TH	Townhouse	230	0.44	28	0.52	33
Total						28	Total	33

85 trips

Abutting Streets

Street Name	Access Proposed To Street?	Pavement Width (FT)	ROW Width (FT)
Holly Road	Yes	20' exist (60' future)	80



For City Use Only

A Traffic Impact Analysis **IS** required. The consultant preparing the TIA must meet with the City to discuss the scope and requirements of the analysis prior to beginning the TIA.



A Traffic Impact Analysis is **NOT** required. The proposed traffic generated does not exceed the established threshold.



The Traffic Impact Analysis has been waived for the following reason(s):

Reviewed By: Bob Payne Date: 9/1/2016

Note: This completed and reviewed form must accompany any subsequent application for the IDENTICAL project. CHANGES to the proposed project will require a new TIA determination to be made.

EXHIBIT "A"
8.63 ACRE ZONING TRACT

THE STATE OF TEXAS}
THE COUNTY OF NUECES}

BEING a 8.63 Acre Zoning Tract situated in the City of Corpus Christi, Nueces County, Texas, out of the north portion of Lot 3, Section 27, Flour Bluff and Encinal Farm and Garden Tracts according to the established map or plat thereof as recorded in Volume "A", Pages 41-43 of the Map Records, Nueces County, Texas, being all of a called 4.00 acre tract of land, Exhibit "A", and a portion of a called 55.26 acre tract of land, Exhibit "B", described by Special Warranty Deed dated May 24, 2013, conveyed from Margo Lyn Moore to Palm Land Investments, Inc. as recorded in Document No. 2013020672 of the Official Public Records, Nueces County, Texas, said 8.63 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the north corner of the aforesaid 4.00 acre tract, being along the current southwesterly right-of-way line of Holly Road, and being along the southeast line of the certain tract of land described as Tract 2, conveyed to Christy Peterson Brown as recorded in Document No. 811190 of the Official Public Records, Nueces County, Texas for the north corner of the herein described tract;

THENCE, South 61°23'01" East, along the southwesterly right-of-way line of said Holly Road, a distance of 520.31 feet for the east corner of the herein described tract;

THENCE, departing the southwesterly right-of-way of said Holly Road, over and into the remainder of the aforesaid 55.26 acre tract, the following four (4) courses and distances:

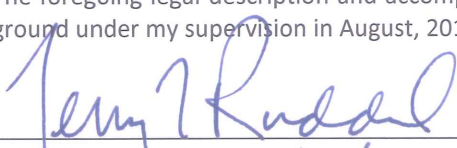
- South 28°36'58" West, a distance of 148.51 feet for a point of curvature to the left for the herein described tract;
- with a curve turning to the left, having an arc length of 54.56 feet, with a radius of 60.00 feet, with a delta angle of 52°06'06", having a chord bearing of South 02°33'55" West, and a chord length of 52.70 feet;
- South 28°36'58" West, a distance of 502.65 feet for the south corner of the herein described tract;
- North 61°23'02" West, a distance of 545.26 feet to a corner being along the northwest line of said 55.26 acre tract and along the southeast line of said Brown Tract for the west corner of the herein described tract;

THENCE, North 28°45'53" East, along the northwest line of said 55.26 acre tract and said 4.00 acre tract, with the southeast line of said Brown Tract, a distance of 698.52 feet to the **POINT OF BEGINNING, CONTAINING** within these metes and bounds a 8.63 acre tract of land, more or less.

Basis of bearing is based on the Texas State Plane Coordinate System (NAD 83), South Central Zone (4204).

Reference is made to that Plat accompanying this Legal Description.

The foregoing legal description and accompanying survey plat were prepared from an actual survey made on the ground under my supervision in August, 2016 and are true and correct to the best of my knowledge and belief.


Urban Surveying, Inc.
By: Terry T. Ruddick 8/12/16
Registered Professional Land Surveyor
Texas No. 4943



E21642.00

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	60.00'	54.56'	52°06'06"	S 02°33'55" W	52.70'

LINE	BEARING	DISTANCE
L1	S 28°36'58" W	148.51'



GRAPHIC SCALE IN FEET

BILL J. BROWN
TO
CHRISTY PETERSON BROWN
DEED
DOC.# 811190
OFFICIAL PUBLIC RECORDS
TRACT 2- LOTS 1 & 2, SECTION 27

POINT OF
BEGINNING

N 28°45'53" E 698.52'

Flour Bluff and
Encinal Farm and
Garden Tracts and
Volume "A", Pages 41-43
Map Records
Lot 3
Section 27

N 61°23'02" W 545.26'

8.63 Acres
376039 Sq. Feet
Zoning Tract

MARGO LYN MOORE
TO
PALM LAND INVESTMENTS, INC.
SPECIAL WARRANTY DEED
DOC.# 2013020672
OFFICIAL PUBLIC RECORDS
EXHIBIT "A"
CALLED 4.00 ACRES

S 28°36'58" W 502.65'

C¹ L1

HOLLY ROAD

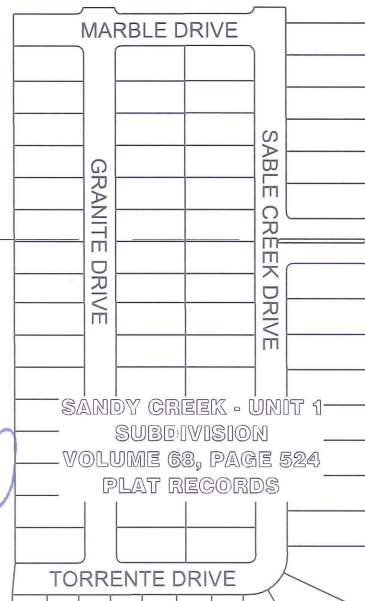
LEXINGTON ACRES

Morningstar Estates Unit 3

Morningstar Estates Unit 2

Morningstar Estates Unit 1

MARGO LYN MOORE
TO
PALM LAND INVESTMENTS, INC.
SPECIAL WARRANTY DEED
DOC.# 2013020672
OFFICIAL PUBLIC RECORDS
EXHIBIT "B"
REMAINDER OF
55.26 ACRES



Lot 1, Block 1
St. Helena Church Tract

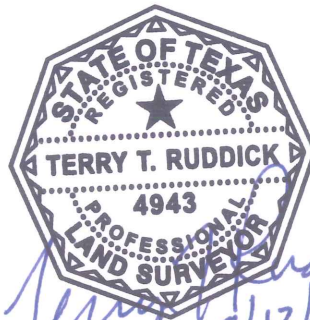


EXHIBIT "B" - SKETCH TO ACCOMPANY

BEING a 8.63 Acre Zoning Tract situated in the City of Corpus Christi, Nueces County, Texas, out of the north portion of Lot 3, Section 27, Flour Bluff and Encinal Farm and Garden Tracts according to the established map or plat thereof as recorded in Volume "A", Pages 41-43 of the Map Records, Nueces County, Texas, being all of a called 4.00 acre tract of land, Exhibit "A", and a portion of a called 55.26 acre tract of land, Exhibit "B", described by Special Warranty Deed dated May 24, 2013, conveyed from Margo Lyn Moore to Palm Land Investments, Inc. as recorded in Document No. 2013020672 of the Official Public Records, Nueces County, Texas.

usi
URBAN SURVEYING INC.

VICTORIA, TEXAS (361) 578-9837 FIRM # 10021100
CUERO, TEXAS (361) 277-9061 FIRM # 10021101
SAN ANTONIO, TEXAS (210) 267-8654 FIRM # 10193843

DRAWN BY: MKW
JOB NO.: E21462