

PLANNING COMMISSION FINAL REPORT

Case No. 1021-02
 INFOR No. 21ZN1036

Planning Commission Hearing Date: October 13, 2021

Applicant & Legal Description	<p>Owner: BHHN, LLC. Applicant: BHHN, LLC. Location Address: 8902 State Highway 44 Legal Description: Being a 4.31 acre tract out of the G.H. McLeroy 40 acre tract out of Survey 402, Abstract 988, Nueces County, Texas, located along the north side of State Highway 44, east of South Clarkwood Road, and west of Bockholt Drive.</p>			
Zoning Request	<p>From: "RS-6" Single-Family 6 District To: "IC" Industrial Compatible District Area: 3.31 acres Purpose of Request: To allow for the construction of a warehouse.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"RS-6" Single-Family 6	Vacant	Agricultural
	<i>North</i>	"RS-6" Single-Family 6	Vacant and Low Density Residential	Medium Density Residential
	<i>South</i>	"IC" Industrial Compatible and "IL" Light Industrial	Vacant	Agricultural
	<i>East</i>	"RS-6" Single-Family 6, "FR" Farm Rural, and "IL" Light Industrial	Vacant	Light Industrial
	<i>West</i>	"RS-6" Single-Family 6 and "IL" Light Industrial	Vacant	Medium Density Residential
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Northwest Area Development Plan and is planned for an agricultural use. The proposed rezoning to the "IC" Industrial Compatible District is generally consistent with the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the Future Land Use Map. City Council District: 3 Zoning Violations: None</p>			
Transportation	<p>Transportation and Circulation: The subject property has approximately 740 feet of street frontage along State Highway 44 which is designated as a "F1" Freeway/Expressway. According to the Urban Transportation Plan, "Local/Residential" Streets can convey a capacity between 60,000 to 200,000 Average Daily Trips (ADT).</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
		State Highway 44	"Local/Residential"	400' ROW Varies paved	325' ROW 120' paved

Staff Summary:

Development Plan: The subject property is 3.31 acres in size. The applicant is proposing a warehouse.

Existing Land Uses & Zoning: The subject property is currently zoned "RS-6" Single-Family 6 District and consists of a vacant tract and was annexed in 1962. To the north are vacant properties and a few single-family homes zoned "RS-6" Single-Family 6 District. To the south and across State Highway 44 are vacant industrial properties recently rezoned to "IL" Light Industrial District and "IC" Industrial Compatible District. To the east are vacant properties zoned "RS-6" Single-Family 6 District, "FR" Farm Rural District, and "IL" Light Industrial District. To the west vacant and industrial properties zoned "RS-6" Single-Family 6 District and "IL" Light Industrial District.

AICUZ: As part of the Naval Air Station-Corpus Christi (NAS-CC's) Joint Land Use Study (JLUS), AICUZs has been identified for proposed CCIA runway, and the subject property is in both the APZ-I and APZ-II.

As part of the NAS-CC's JLUS, the City created two new zoning districts to increase land use compatibility around the runways. Those districts are the "IC" Industrial Compatible District and the "CC" Commercial Compatible District. These new districts were intended for properties within an AICUZ. An ideal zoning district for this use is the "IC" district. The proposed use of warehousing is allowed a Maximum Floor to Area Ratio (FAR) of 1.00.

Plat Status: The property is not platted.

Utilities:

Water: 2-inch PVC line located along Rusk Street.

Wastewater: 8-inch VCP line located along Rusk Street.

Gas: 2-inch Service Line located along Rusk Street.

Storm Water: 30-inch line located along South Clarkwood Road.

Plan CC & Area Development Plan Consistency: The subject property is located within the boundaries of the Northwest Area Development Plan and is planned for an agricultural use. The proposed rezoning to the "IC" Industrial Compatible District is generally consistent with the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the Future Land Use Map. The following policies should be considered:

- Promote the stabilization, revitalization, and redevelopment of older neighborhoods. (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Encourage orderly growth of new residential, commercial, and industrial areas (Future Land Use, Zoning, and Urban Design Policy Statement 1).

- 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 Policy Statement 1).
- Protect the Corpus Christi International Airport by discouraging heavy industrial uses from locating under flight approach zones. The primary airport approach flight path is located over the Annville/Calallen areas in a southeast-northwest direction. The plan recommends residential and light industrial uses in these underlying areas. (Northwest Area Development Plan, Land Use Policy Statement (h))
- Encourage orderly growth of new residential, commercial, and industrial areas (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- 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 Policy Statement 1).

Department Comments:

- The proposed rezoning is generally consistent with the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the Future Land Use Map. The property is designated with a future land use of Agriculture/ Rural Enterprise. As per Plan CC, this land is intended to be used for single-family homes on very large lots or associated with rural enterprise uses, agricultural uses, vacant land that has not previously been developed, and small business clusters that serve a rural population.
- The proposed warehouse use is compatible with the adjoining properties and does not have a negative impact upon adjacent properties.
- The requested use of Warehousing within the “IC” District is compatible in a one-to-one ratio with the FAR requirements in the “IC” District. However, there are other uses allowed in the “IC” District that are incompatible with the AICUZ Overlay. Incompatible uses include Waste-Related Services, Truck stop with overnight accommodations, Fairgrounds, and a Vocational, trade or business school. By-products of some of these uses that are a priority to be aware of as listed in the Joint Land Use Study (JLUS) are vibration, dust, smoke, steam, air quality, etc.
- The AICUZ Overlay over the subject property has been established to protect the proposed runways that were included in the Corpus Christi International Airport Masterplan (adopted 2007). The subject property is in the path of a proposed runway. The proposed runway does not have a timeline for construction, and much of the land is still under private ownership.

Planning Commission and Staff Recommendation (October 13, 2021):

Denial of the change of zoning from the “RS-6” Single-Family 6 District to the “IC” Industrial Compatible District, in lieu thereof approval of the “CC/SP” Commercial Compatible District with a Special Permit and subject to the following conditions:

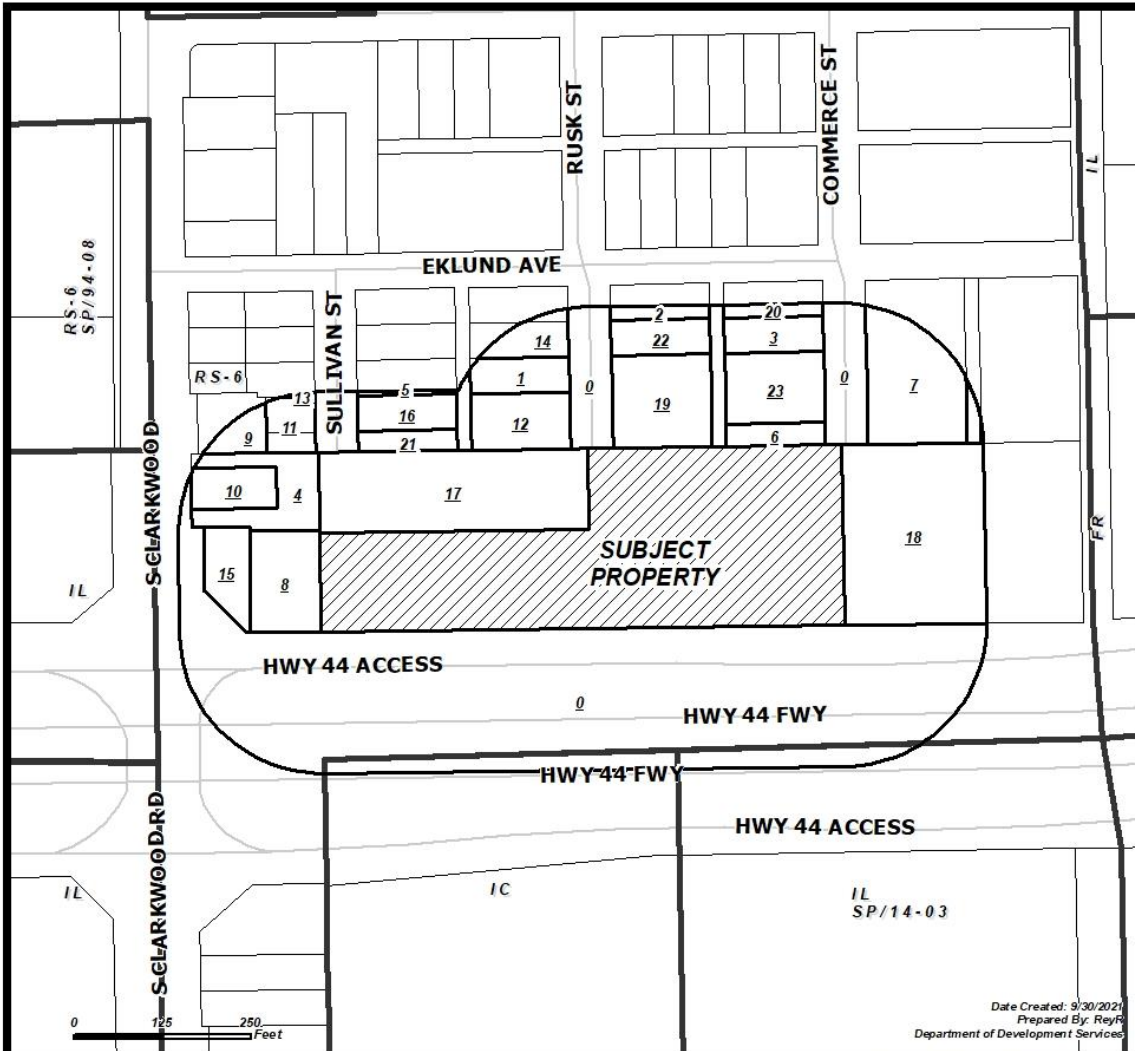
1. **Uses:** The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district are as defined by UDC in Section 5.1.5.B “Warehouse and Freight Movement” and regulated per Section 4.8.2 “Permitted Uses” of the UDC. Additionally, outdoor storage is prohibited.

2. **Setback:** A setback at a minimum of 20 feet shall be maintained from any residential property. No buildings, dumpsters, and/or compactors shall be allowed within the setback.
3. **Buffer Yard:** When adjacent to the “RS-6” Single-Family 6 District, the buffer yard requirement shall be 15-feet and 15 points as per Section 7.9.5 of the UDC.
4. **Lighting:** All lighting must be shielded and directed away from abutting residences and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line.
5. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.
6. **Hours of Operation:** The hours of operation shall be daily from 6:00 AM to 9:00 PM.
7. **Other Requirements:** The conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.
8. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within 24 months of this ordinance unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Public Notification	Number of Notices Mailed – 23 within 200-foot notification area. 6 outside notification area
	<u>As of October 14, 2021:</u>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 1 inside notification area – 0 outside notification area
	Totaling 4.42% of the land within the 200-foot notification area in opposition.
*Created by calculating the area of land immediately adjoining the subject property and extending 200-foot therefrom. The opposition is totaled by the total area of land that each individual property owner owns converted into a percentage of the total 200-foot notification area. Notified property owner’s land in square feet / Total square footage of all property in the notification area = Percentage of public opposition	

Attachments:

- A. Location Map (Existing Zoning & Notice Area)
- B. Public Comments Received (if any)



Date Created: 9/30/2021
Prepared By: Rey R
Department of Development Services

Case # 1021-02 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-5 Single-Family 5
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



Persons with disabilities planning to attend this meeting, who may require special services, are 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 requirieren servicios especiales, se les suplica que den aviso 48 horas 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.*

RECEIVED
OCT 12 2021
CITY SECRETARY'S OFFICE

**CITY PLANNING COMMISSION
PUBLIC HEARING NOTICE
Rezoning Case No. 1021-02**

BHNN, LLC, has petitioned the City of Corpus Christi to consider a change of zoning from the **"RS-6" Single-Family 6 District** to the **"IC" Industrial Compatible District, resulting in a change to the Future Land Use Map. The proposed development is warehouse.** The property to be rezoned is described as:

A property located at or near 8902 State Highway 44 and described as being a 4.31 acre tract out of the G.H. McLeroy 40 acre tract out of Survey 402, Abstract 988, Nueces County, Texas, located along the north side of State Highway 44, east of South Clarkwood Road, and west of Bockhoit Drive.

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, October 13, 2021**, during one of the Planning Commission's regular meetings, which begins at **5:30 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: Janice Sykora TMSD Interim Superintendent

Address: 9760 La Branch City/State: Corpus Christi, TX

IN FAVOR () IN OPPOSITION Phone: 361-903-6402

REASON:

Signature: Janice Sykora

SEE MAP ON REVERSE SIDE
INFOR Case No.: 21ZN1036
Property Owner ID: 0

Case No. 1021-02
Project Manager: Andrew Dimas
Email: AndrewD2@octexas.com

Persons with disabilities planning to attend this meeting, who may require special services, are 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 48 horas 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. 1021-02**

BHNN, LLC, has petitioned the City of Corpus Christi to consider a change of zoning from the "RS-6" **Single-Family 6 District** to the "IC" **Industrial Compatible District, resulting in a change to the Future Land Use Map. The proposed development is warehouse.** The property to be rezoned is described as:

A property located at or near 8902 State Highway 44 and described as being a 4.31 acre tract out of the G.H. McLeroy 40 acre tract out of Survey 402, Abstract 988, Nueces County, Texas, located along the north side of State Highway 44, east of South Clarkwood Road, and west of Bockholt Drive.

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, October 13, 2021**, during one of the Planning Commission's regular meetings, which begins at **5:30 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: Carol I. Kilgore, Trustee
Address: 9025 Agnes City/State: Corpus Christi, TX 78406
() IN FAVOR IN OPPOSITION Phone: 210-215-2550

REASON:
The subject property with warehouse will increase flooding at the intersection of Clarkwood Rd and the SH44 bypass. Extreme measures are needed to direct rainwater away from Clarkwood. In the last 3-4 years flooding has increased near the subject property. When rain is forecast, barriers from the City of Corpus Christi are brought to this area in preparation to warn drivers. The Budwin Distribution center floods as well. Therefore, going from CC to this intersection or heading back to CC, the access road floods. The drainage ditch located between the Old SH44 (Agnes) and the newer SH44 bypass is inadequate to contain current floodwaters. The Clarkwood area from SH44 bypass to 127 S. Clarkwood Road to 9025 Agnes forms a lake.

Signature: Carol I. Kilgore
SEE MAP ON REVERSE SIDE
INFOR Case No.: 21ZN1036
Property Owner ID: 7
Case No. 1021-02
Project Manager: Andrew Dimas
Email: AndrewD2@cctexas.com
Until a thorough analysis of water patterns in this area is made, no zoning change should be made. It is possible the entire subject property should be used to retain water.