

PLANNING COMMISSION FINAL REPORT

Case No. 0516-01
 HTE No. 16-10000013

Planning Commission Hearing Date: May 18, 2016

Applicant & Legal Description	<p>Applicant/Owner: Paisano Contractors, LLC Legal Description/Location: Being 3.1 acres out of Lot 3, Section 8, Bohemian Colony Lands, and Lot 1B, Block 1, Crestmont Unit 11 (0.76 acres), located on the northwest corner of Masterson Drive and Kostoryz Road.</p>			
Zoning Request	<p>From: "RS-6" Single-Family 6 District To: "CN-1" Neighborhood Commercial District Area: 3.86 acres Purpose of Request: To allow commercial uses.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
<i>Site</i>		"RS-6" Single-Family 6	Vacant	Medium Density Residential
<i>North</i>		"RS-TF" Two-Family	Low Density Residential	Medium Density Residential
<i>South</i>		"CN-1" Neighborhood Commercial	Vacant and Commercial	Commercial
<i>East</i>		"RS-6" Single-Family 6 and "CN-1" Neighborhood Commercial	Vacant and Commercial	Low Density Residential and Commercial
<i>West</i>		"RS-6" Single-Family 6	Public/Semi-Public	Public/Semi-Public
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Southside Area Development Plan and is planned for medium density residential uses. The proposed rezoning to the "CN-1" Neighborhood Commercial District is not consistent with the adopted Future Land Use Map but it is consistent with the Comprehensive Plan Policy Statements and the Southside Area Development Plan. Map No.: 047036 Zoning Violations: None</p>			

Transportation	Transportation and Circulation: The subject property has approximately 250 feet of street frontage along Masterson Drive, which is designated as a “C1” Minor Collector street, and 650 feet of street frontage along Kostoryz Road, which is designated as an “A1” Minor Arterial Undivided street.				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2014)
	Masterson Drive	“C1” Minor Collector	60’ ROW 40’ paved	60’ ROW 36’ paved	N/A
	Kostoryz Road	“A1” Minor Arterial Undivided	95’ ROW 64’ paved	120’ ROW 65’ paved	8,529

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the “RS-6” Single-Family 6 District to the “CN-1” Neighborhood Commercial District to allow commercial uses.

Development Plan: The property owner requests the rezoning to be able to market the property for the highest and best uses possible. Further, the property owner requests “CN-1” Neighborhood Commercial to be zoned like the other three corners at the intersection of Kostoryz Road and Masterson Drive. There are no specific development plans at this time.

Existing Land Uses & Zoning: The subject property is vacant and zoned “RS-6” Single-Family 6 District. North of the subject property is zoned “RS-TF” Two-Family District and consists of low density residential uses. South of the subject property is vacant land and the Navy Army Community Credit Union, zoned “CN-1” Neighborhood Commercial District. East of the subject property is vacant property zoned “RS-6” Single-Family 6 and a recently constructed retail strip center in the “CN-1” Neighborhood Commercial District. West of the subject property is Galvan Elementary School in the “RS-6” Single-Family 6 District.

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

Plat Status: Only a portion of the subject property is platted.

Comprehensive Plan & Area Development Plan (ADP) Consistency: The subject property is located within the boundaries of the Southside Area Development Plan (ADP). The proposed rezoning to the “CN-1” Neighborhood Commercial District is not consistent with the adopted Future Land Use Map designation of the property as medium density residential, but it is consistent with the Comprehensive Plan Policy

Statements and the Southside ADP. The following policy statements of the Comprehensive Plan and Southside ADP should be considered:

- **Comprehensive Plan General Policy Statement D:** New development should occur in a pattern which is cost effective.
- **Comprehensive Plan Residential Policy Statement E:** Commercial activities which generate large volumes of traffic should have direct access to an arterial road without having to traverse low-density areas.
- **Comprehensive Plan Residential Policy Statement H:** Encouraging infill development on vacant tracts of land within developed areas.
- **Comprehensive Plan Residential Policy Statement I:** Incompatible industrial and commercial land uses should not abut residential areas.
- **Comprehensive Plan Commercial Policy Statement D:** Expansion of commercial uses into or within residential areas may be permitted only if the expansion maintains or improves the residential desirability of the impacted area.
- **Southside Area Development Plan Policy Statement:** High-intensity commercial and industrial uses should be buffered to provide transition from low-density residential areas through the existence of: A) Main roads; B) Public and institutional buildings; C) Open space; D) Scale of design; and E) Other transitional land uses.

Department Comments:

- The rezoning, while not consistent with the Future Land Use Map, is consistent with policies in the Comprehensive Plan concerning efficient in-fill development, providing commercial uses to serve neighborhood needs, locating commercial uses on arterial roadways, and buffering commercial uses from low density residential areas.
- A change to commercial uses will not alter the overall intent of the Southside Area Development Plan.
- The rezoning is compatible with present zoning of nearby property and to the character of the surrounding area.
- A "CN-1" District would allow uses that are suited for the property.
- The zoning change is not anticipated to have a negative impact upon the surrounding properties.
- Development standards and requirements in the Unified Development Code and adopted construction standards will ensure that eventual development occurs in a manner that will be compatible with adjacent development.

Planning Commission and Staff Recommendation:

Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “CN-1” Commercial Neighborhood District.

Vote Results:

For: 7

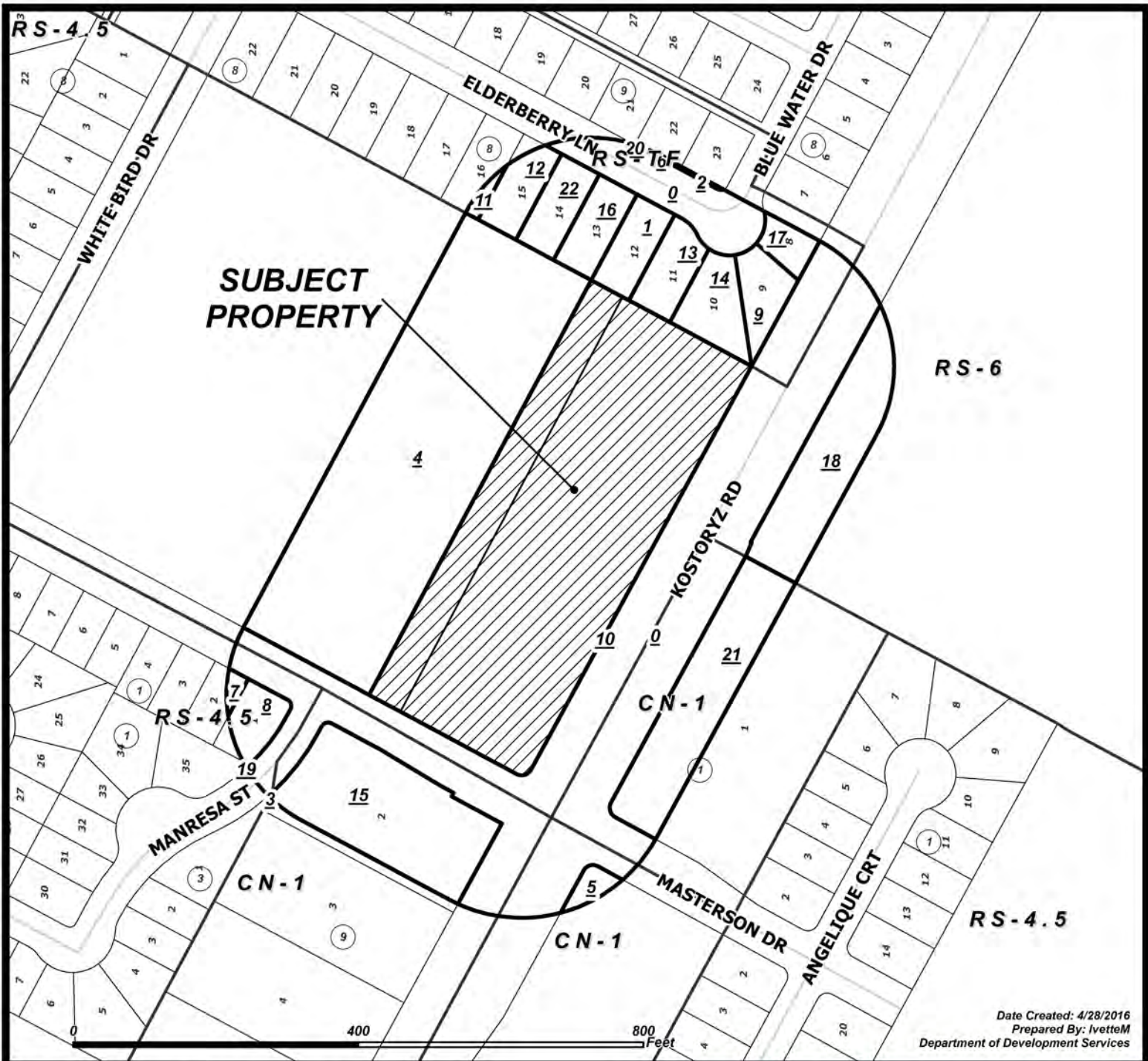
Opposed: 0

Absent: 2

Public Notification	Number of Notices Mailed – 22 within 200-foot notification area 3 outside notification area
	<u>As of May 23, 2016:</u>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.

Attachments:

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

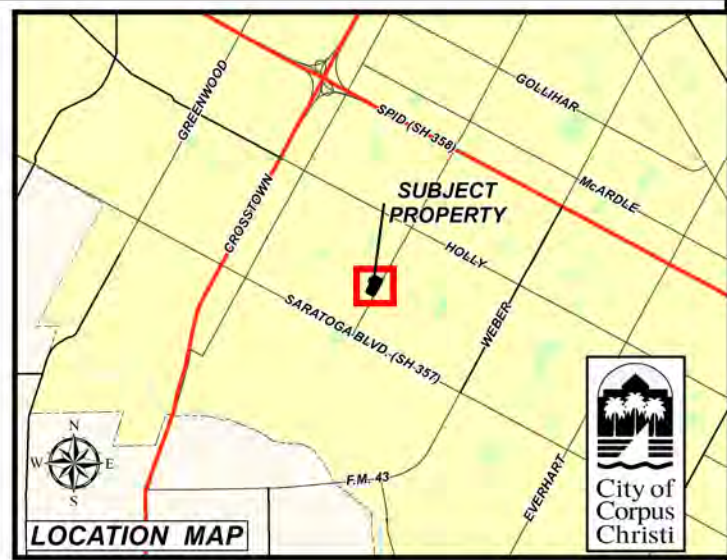


Date Created: 4/28/2016
 Prepared By: IvetteM
 Department of Development Services

CASE: 0516-01 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





REZONING APPLICATION

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

Office Use Only

Case No.: _____ Map No.: 47036
 PC Hearing Date: 5-18-16 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: PAISANO CONTRACTORS LLC Contact Person: JESUS REYES
 Mailing Address: 13946 FLINTLOCK
 City: CORPUS CHRISTI State: TX ZIP: 78418 Phone: (361) 438-3273
 E-mail: _____ Cell: (361) 438-3273

2. Property Owner(s): JESUS REYES Contact Person: JESUS REYES
 Mailing Address: 13946 FLINTLOCK
 City: CORPUS CHRISTI State: TX ZIP: 78418 Phone: (361) 438-3273
 E-mail: _____ Cell: (361) 438-3273

3. Subject Property Address: 3142 MASTERSON Area of Request (SF/acres): 3.86
6201 KOSTORYZ
 Current Zoning & Use: RS-6/VACANT Proposed Zoning & Use: CN-2/RETAIL
 12-Digit Nueces County Tax ID: 1980-0001-0015
0847-0008-0035
 Subdivision Name: SEE ATTACHED Block: _____ Lot(s): _____
 Legal Description if not platted: SEE ATTACHED

4. Submittal Requirements:
 Early Assistance Meeting: Date Held 4-13-16; with City Staff B. Priestley
 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
JESUS REYES
 Owner or Agent's Printed Name

 Applicant's Signature
JESUS REYES
 Applicant's Printed Name

Office Use Only: Date Received: 4-19-16 Received By: BKP ADP: SS
 Rezoning Fee: \$1692.50 + PUD Fee 0 + Sign Fee 20.00 = Total Fee 1712.50
 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.

LEGAL DESCRIPTION

- 1) BOHEMIAN COLONY LANDS 3.1 ACS OUT OF LOT-3 SECTION-8
- 2) CRESTMONT UNIT-11 LOT 1B BLOCK-1

Applicant requests to rezone the property for commercial uses in order to market the property.

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

North	- RS-TF	LDR
South	- RS-4.5 & CN-1	VACANT
East	- RS-6 & CN-1	VACANT & COMMERCIAL
West	- RS-4.5	PUBLIC / SEMI-PUBLIC



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: PAISANO CONTRACTORS LLC
STREET: 13946 FLINTLOCK CITY: CORPUS CHRISTI ZIP: 78418
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)
<u>N/A</u>	_____
_____	_____

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
<u>N/A</u>	_____
_____	_____

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
<u>N/A</u>	_____
_____	_____

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
<u>N/A</u>	_____
_____	_____

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: JESUS REYES Title: OWNER
(Print Name)

Signature of Certifying Person: [Signature] Date: 04-14-2016

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: JESUS REYES

Mailing Address: 13946 FLINTLOCK


City: CORPUS CHRISTI State: TX. Zip: 78418

Home Phone: (361) 438-3273 Business Phone: () SAME Cell: () SAME

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: OWNER

Printed/Typed Name of Agent: JESUS REYES Date: 04-14-16

*Signature of Property Owner:  Title: owner

Printed/Typed Name of Property Owner: ROMAN ORTIZ SR. Date: 04-14-16

*Signature of Property Owner:  Title: owner

Printed/Typed Name of Property Owner: ROMAN ORTIZ JR. Date: 04-14-16

*Signature of Property Owner:  Title: owner

Printed/Typed Name of Property Owner: GERARDO ORTIZ Date: 04-14-16

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



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: 3142 MASTERSON
6201 KOSTORYZ
 Legal Description (Subdivision, Lot, Block): BOHEMIAN COLONY LANDS 3.1 ACS OUT OF LOT-J SECTION-8
CRESTMONT UNIT-11 LOT 2B BLOCK-1
 Applicant Name: PAISANO CONTRACTORS LLC
 Address: 13946 FLINT LOCK City/State/Zip: C.C TX. 78418
 Telephone: (361) 438-3273 Email: JESSE REYES_19_YAHOO.COM
 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
3.86	AC	RS-6	MDR	220	0.55		0.67	57

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
3.86	ACS	CN-1	RETAIL	826	6.84		5.02	452
Total							Total	

Abutting Streets

Street Name	Access Proposed To Street?	Pavement Width (FT)	ROW Width (FT)
MASTERSON			
KOSTORYZ			

- 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 4/26/2016
see attached calculation

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.

Adopted Proposed	Tract Size Acres	Future LU	Unit of Measure		Per Ac	ITE Code	ITE Rate			Trips	
			Dw Units	Sq. Feet			AM Pk Hr	PM Pk Hr	AM Pk Hr	PM Pk Hr	
	3.86	MDR	22			85	0.55	0.67	47	57	
	3.86	Commercial	90,100			90	6.84	5.02	616	452	

MDR Commercial 8-22 units Maximum density of 22 units per acre used in calculation per adopted plan.
 Maximum building size for one story construction and allowing for parking is 90,100 square feet.
 Unit of measure is Trips per 1,000 sq. ft. of gross leaseable (building) area

Commercial Development Assumptions
 1 story construction
 One Parking Space and maneuvering area avg size = 350 sq. feet.

	Floor Area	Pk Spaces	Sq. Ft.
Site Total Sq. Feet			168,142
Building Sq. Ft.	20,000		20,000
Pking @ 1 per 250	350	80	28,000
Subtotal - building & pking @ 1 per 250			48,000
Building Sq. Ft.	70,100		70,100
Pking @ 1 per 500	350	140	49,070
Subtotal - building & pking @ 1 per 500			119,170
Total Development Sq. Ft. - Building and Parking			167,170
Total Building Square Footage			90,100

Flood Notice

By graphic showing only, this property is in Zone "C" of the Flood Insurance Rate Map. Community Flood Insurance Policy 0130 C, City of Commerce, Tennessee, is in effect as of July 16, 1963 and is not in a Special Flood Hazard Area.

General Notices

- 1) Readings based on the recorded plat of Deedbook Unit 71, a map of which is recorded in Volume 54, Page 125, Map Records of Monroe County, Texas.
- 2) Some features shown on this survey may be out of scale for clarity.
- 3) Deedbook Unit 71 is made to official purchaser of the survey. It is not transferable to any additional or subsequent owner.

Field Notes Descriptions

Field Notes for a 3.627 Acre Tract of land out-belonging of Lot 12, Block 1, Deedbook Unit 71, a map of which is recorded in Volume 54, Page 125, Map Records of Monroe County, Texas, and is portion of Lot 2, Section 8, Township 34N, Range 10E, a map of which is recorded in Volume A, Page 48, Map Records of Monroe County, Texas, and is portion of a tract being more fully described by patent and located as follows:

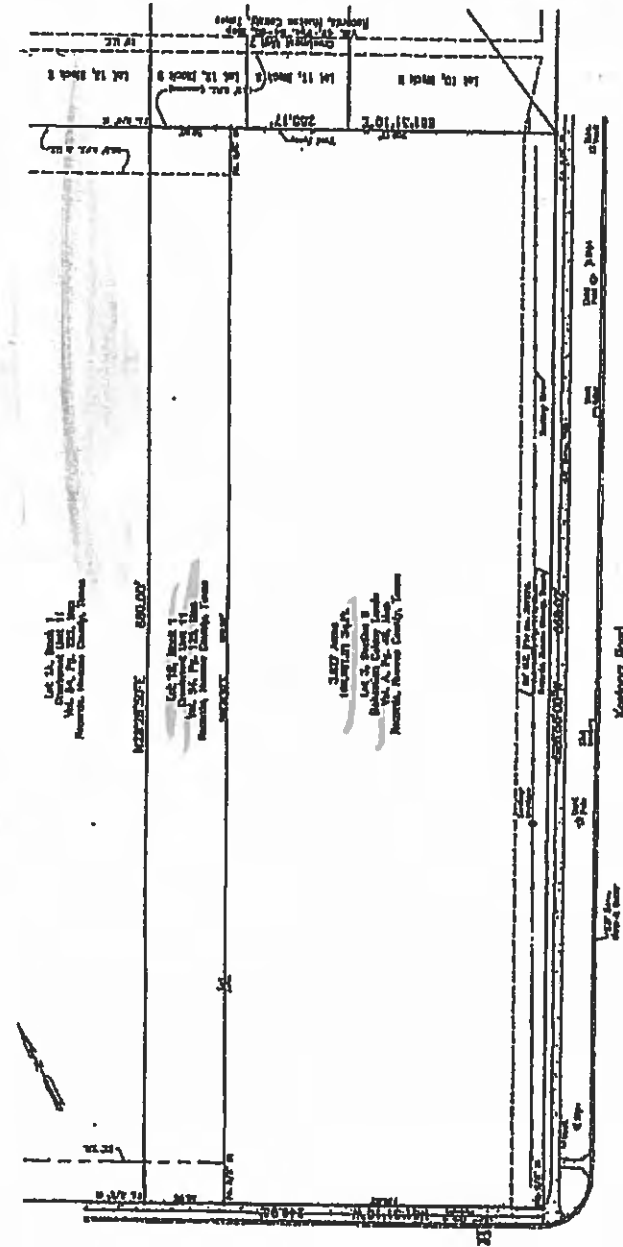
Beginning at a 5/8 inch iron rod found on the northeast corner of Monroe Block, an 80 foot wide public roadway, the north 1/4 of Section 8, Township 34N, Range 10E, a map of which is recorded in Volume 42, Page 12, Map Records of Monroe County, Texas, for the east corner of the street.

Thence, South 282°50' West, along the northeast boundary of said Monroe Block, a distance of 564.02 feet to a 5/8 inch iron rod found on the northeast corner of the northeast boundary of Deedbook Unit 71, a map of which is recorded in Volume 54, Page 125, Map Records of Monroe County, Texas, a public roadway, for the south corner of this tract.

Thence, North 87°31'10" West, along the northeast boundary of said Monroe Block, a distance of 1000.00 feet to a 5/8 inch iron rod found on the northeast corner of said Lot 12, Block 1, a map of which is recorded in Volume 54, Page 125, Map Records of Monroe County, Texas, for the north corner of Lot 1A, said Block 1, same being the west corner of said Lot 18, end of this tract.

Thence, North 282°50' East, a distance of 564.00 feet to a 5/8 inch iron rod found on the east corner of said Lot 12, Block 1, a map of which is recorded in Volume 54, Page 125, Map Records of Monroe County, Texas, being the north corner of said Lot 12, Block 1.

Thence, South 87°31'10" East, 748.00 feet, more or less, a total distance of 235.77 feet to the Point of Beginning and containing 3.627 Acres (165,819.51 square feet) of land.



Surveyors Certificate

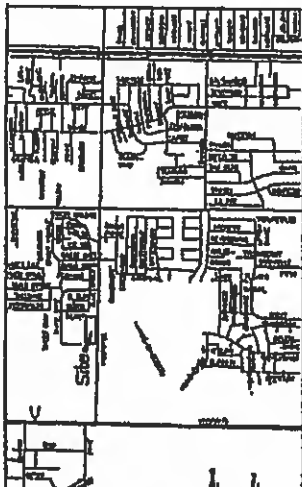
We, Urban Engineering, have made an on the ground field survey, under my direction and supervision of the property legally described hereon as aforesaid, subsequent evidence of buildings, structures and other improvements located on the premises have been ascertained and shown on this plan. The same have been approved by me and are in accordance with the actual measurements and bearings taken on the ground and conform to the exact Manual of Practice for Land Surveying in Texas, published by the Texas Society of Professional Surveyors, for a Category 1B, Subcategory 2, Land Title Survey.

URBAN ENGINEERING

D. L. Urban
 Don L. Urban, R.S.L.S.
 License No. 4770



LOCATION MAP N.T.S.



REVISION	DATE	DESCRIPTION	APPROVED
URBAN ENGINEERING			
Boundary Survey of			
3.627 Acre Tract of land out-belonging of Lot 12, Block 1, Deedbook Unit 71, a map of which is recorded in Volume 54, Page 125, Map Records of Monroe County, Texas, and is portion of Lot 2, Section 8, Township 34N, Range 10E, a map of which is recorded in Volume A, Page 48, Map Records of Monroe County, Texas.			
DRAWN BY: SB		SCALE: 1"=50'	DATE: 04/02/2009
CHECKED BY: _____		JOB NO: MCL181000	