

STAFF REPORT

Case No. 0816-04

HTE No. 16-10000030

Planning Commission Hearing Date: August 24, 2016

Applicant & Legal Description	Applicant/Owner: MBA-Mi Mundo Daycare, LLC Representatives: Antonio Martinez Legal Description/Location: Peary Place Annex "D", a 0.4752 acre tract of land, located on the west side of Paul Jones Avenue between Brittany Drive and Argonne Drive.			
Zoning Request	From: "RS-6" Single-Family 6 District To: "CN-1" Neighborhood Commercial District Area: 0.4752 acres Purpose of Request: To allow a commercial daycare facility.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	Site	"RS-6" Single-Family 6	Public/Semi-Public	Commercial
	North	"CN-1" Neighborhood Commercial	Low Density Residential	Commercial
	South	"RS-6" Single-Family 6	Vacant	Medium Density Residential
	East	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential
	West	"CG-2" General Commercial	Commercial	Commercial
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Southside Area Development Plan and is planned for commercial uses. The proposed rezoning to the "CN-1" Neighborhood Commercial District is consistent with the adopted Future Land Use Map and the Southside Area Development Plan. Map No.: 038033 Zoning Violations: None			

Transportation	Transportation and Circulation: The subject property has approximately 150 feet of street frontage along Paul Jones Avenue, which the Urban Transportation Plan designates as a “C3” Primary Collector street. The maximum desirable average daily trips (ADT) for a designated “C3” is 4,000 to 8,500 daily trips. The subject property is located on the west side of Paul Jones Avenue approximately 650 feet south of South Padre Island Drive.				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Paul Jones Avenue	“C3” Primary Collector	75’ ROW 50’ paved	60’ ROW 28’ paved	N/A

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 in order to convert the property into a commercial day care facility.

Development Plan: The applicant is proposing to convert the existing three buildings into a commercial day care facility: one building for infants less than 18 months old; one building for children 19 months and older; and one building for an office. The buildings, which were a former church and residence, are located on a 0.4752 acre tract of land.

Existing Land Uses & Zoning: The subject property is zoned “RS-6” Single-Family 6 and consists of a former church and accessory residential use. North of the subject property is zoned “CN-1” Neighborhood Commercial and is being used as low density residential. South is vacant land in the “RS-6” Single-Family 6 District. East of the subject property is zoned “RS-6” Single-Family 6 with low density residential uses and to the west is zoned “CG- 2” General Commercial, consisting of retail commercial uses.

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 “CN-1” Neighborhood Commercial District is consistent with the Southside ADP and the adopted Future Land Use Plan’s designation of the property as commercial. Additionally, the following are pertinent elements of the Comprehensive Plan and should be considered:

- Commercial service areas designed to serve local neighborhoods should be conveniently located and in harmony with the surrounding neighborhood. (*Policy Statement, Commercial Policy Statement G*)
- Expansion of commercial uses into or within residential areas may be permitted only if such expansion maintains or improves the residential desirability of the impacted neighborhood (Comprehensive Plan, Commercial Policy Statement D).

- True "neighborhood" commercial activities should be aimed toward meeting the daily convenience retail needs of nearby residents for food, pharmaceuticals, personal services, etc.
- Being that Paul Jones Avenue is a primary collector, the requested, "CN-1" Neighborhood Commercial, district allows to propose appropriate land uses and a corresponding transportation network to serve future land uses.
- A "CN-1" Neighborhood Commercial district would facilitate infrastructure planning through a reasonable estimate of future land use, thereby enabling infrastructure to be planned accordingly.

Plat Status: The subject property is platted.

Department Comments:

- The proposed rezoning complies with the Comprehensive Plan:
 - The proposed use of commercial daycare satisfies the residential need for personal services.
 - The proposed daycare is located on a primary collector street that serves approximately 250 low density residential units.
- It is staff's opinion that the proposed rezoning would benefit the surrounding residential properties and the property to be rezoned is consistent with the Future Land Use Plan's designation of the property as commercial.
- A "CN-1" District would allow the use of a commercial daycare and other neighborhood commercial uses that are compatible with the surrounding residential subdivision.
- Staff's opinion is that a daycare use does increase the residential desirability of this neighborhood, which is one of the findings required of the Comprehensive Plan when deciding which commercial uses to allow within residential areas.

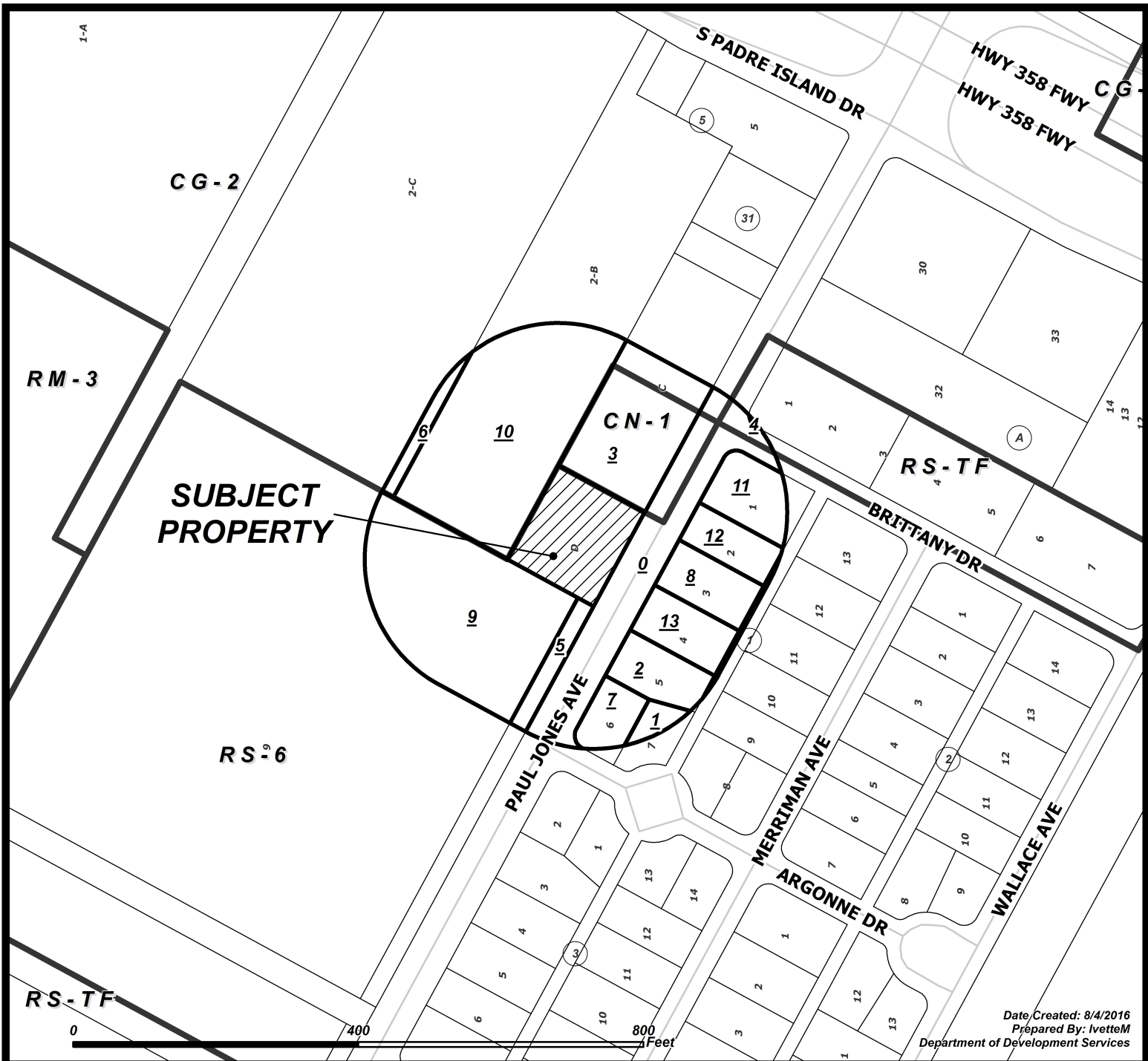
Staff Recommendation:

Staff recommends approval of the change of zoning from the "RS-6" Single-Family 6 District to "CN-1" Neighborhood Commercial District.

Public Notification	Number of Notices Mailed – 13 within 200-foot notification area 2 outside notification area	
	<u>As of August 17, 2016:</u>	
	In Favor	– 0 inside notification area – 0 outside notification area
	In Opposition	– 0 inside notification area – 0 outside notification area
Totalling 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)



CASE: 0816-04 ZONING & NOTICE AREA

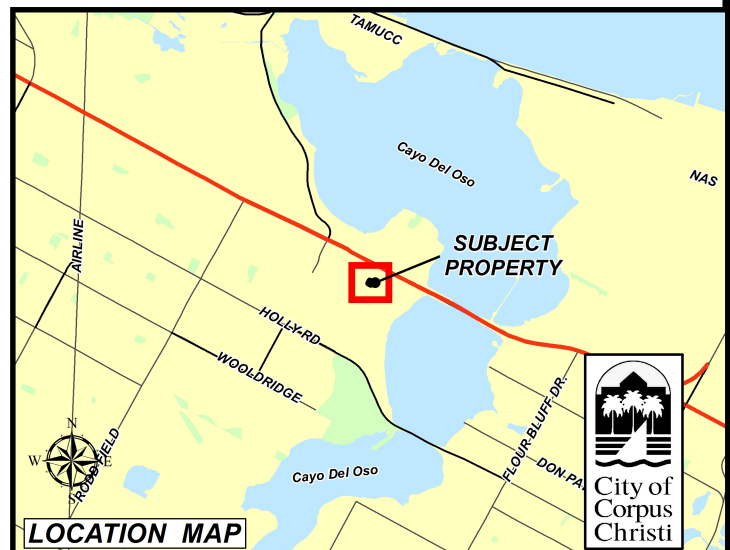
RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF 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 within 200' listed on attached ownership table

Owners in favor

Owners in opposition





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.: 0816-04 Map No.: 038033

PC Hearing Date: August 24, 2016 Proj.Mgr: Priscilla

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: Antonio Martinez Contact Person: Antonio Martinez
Mailing Address: 7245 Dunn's Point Dr.
City: Corpus Christi State: TX ZIP: 78414 Phone: (361) 561-7413
E-mail: tm@mbamimundo.com Cell: (361) 537-1782

2. Property Owner(s): BAPS CORPUS CHRISTI LLC Contact Person: Lee Hassman
Mailing Address: 81 Suttons Lane
City: Piscataway State: NJ ZIP: 08854 Phone: (361) 561-7413
E-mail: tm@mbamimundo.com LEE@CARVEYREALTYESTATE.COM Cell: (361) 815-2121

3. Subject Property Address: 1617 Paul Jones Area of Request (SF/acres): 0.4752
Current Zoning & Use: Church-Residential RS-6 Proposed Zoning & Use: Daycare CN-1
12-Digit Nueces County Tax ID: 6533 0000 0040
Subdivision Name: Peary Place Annex D 150' X 138' Block: Lot(s):
Legal Description if not platted:

4. Submittal Requirements:
☒ Early Assistance Meeting: Date Held 6-8-16 ; with City Staff Priscilla Ramirez
☐ Land Use Statement ☐ Disclosure of Interest ☒ Copy of Warranty Deed
IF APPLICABLE: (Title Co.)
☐ 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

LEE R. HASSMAN

Owner or Agent's Printed Name

Applicant's Signature

Antonio Martinez

Applicant's Printed Name

Office Use Only: Date Received: 7-11-16 Received By: AD ADP: SS

Rezoning Fee: 1107.50 + PUD Fee 0 + Sign Fee 10.00 = Total Fee 1117.50

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



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: MBAMi Mundo Daycare, LLC

STREET: 3202 Rodd Field Road

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)

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:

Antonio Martinez

(Print Name)

Title:

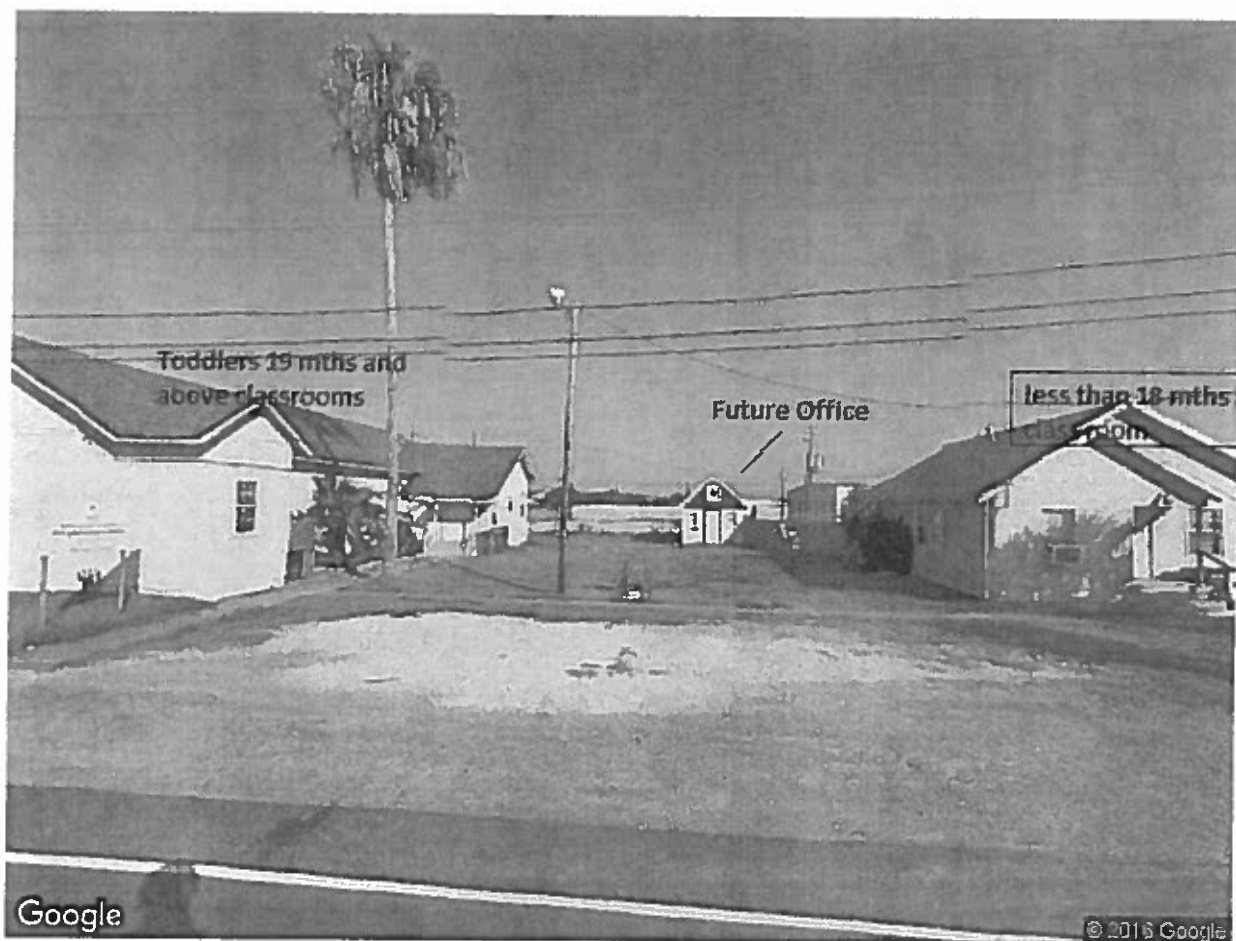
Manager

Signature of Certifying Person:

[Signature]

Date:

8/3/16



The location will be used as a Daycare.

MBA/Mi Mundo Daycare

Children need to learn at their own pace and have the creative and nurturing environment to support their growth. Our staff and curriculum provide an incredibly nurturing environment that leads to success. Mi Mundo daycare opened its doors on August 2013 with the goal of providing a safe, exciting and rewarding learning experience for children. The vision for Mi Mundo was to create a learning environment where children would come and learn using the Montessori philosophy along with learning a second language. There were six students and two staff members when it opened. In November 2013 it started an infant room. Mi Mundo started growing and now holds 57 children. Our current location doesn't offer us the room to continue to grow and provide more children a creative and nurturing environment. Our goals is to grow to 90 children.

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

North - empty lot

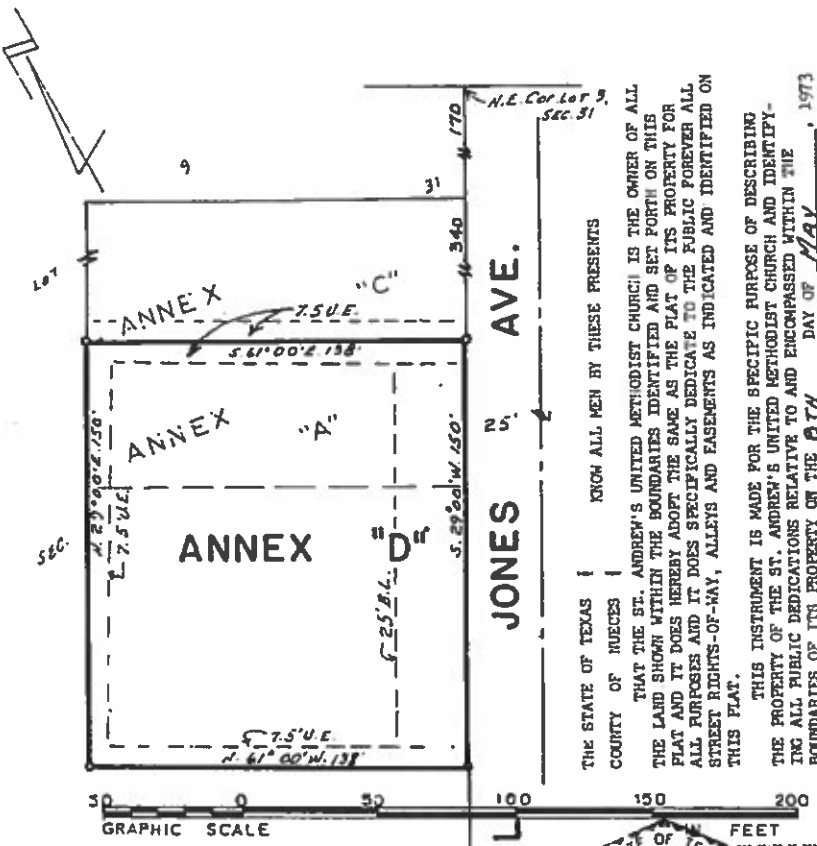
South - Little miss kick ball park

East - residential

West - storage facility

V. 39 P. 141

PR. 171

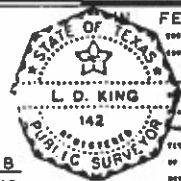


THE STATE OF TEXAS
COUNTY OF NUECES

KNOW ALL MEN BY THESE PRESENTS
THAT THE ST. ANDREW'S UNITED METHODIST CHURCH IS THE OWNER OF ALL
THE LAND SHOWN WITHIN THE BOUNDARIES IDENTIFIED AND SET FORTH ON THIS
PLAT AND IT DOES HEREBY ADOPT THE SAME AS THE PLAT OF ITS PROPERTY FOR
ALL PURPOSES AND IT DOES SPECIFICALLY DEDICATE TO THE PUBLIC FOREVER ALL
STREET RIGHTS-OF-WAY, ALLEYS AND EASEMENTS AS INDICATED AND IDENTIFIED ON
THIS PLAT.

THIS INSTRUMENT IS MADE FOR THE SPECIFIC PURPOSE OF DESCRIBING
THE PROPERTY OF THE ST. ANDREW'S UNITED METHODIST CHURCH AND IDENTIFY-
ING ALL PUBLIC DEDICATIONS RELATIVE TO AND ENCOMPASSED WITHIN THE
BOUNDARIES OF ITS PROPERTY ON THE 8TH DAY OF MAY 1973

W.C. Calk
W.C. CALK, TRUSTEE
ST. ANDREW'S UNITED METHODIST CHURCH



THE STATE OF TEXAS
COUNTY OF NUECES

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY
PERSONALLY APPEARED W. C. CALK, TRUSTEE OF ST. ANDREW'S
UNITED METHODIST CHURCH OF CORPUS CHRISTI, TEXAS, KNOWN TO
ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO
THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME
WAS THE ACT OF THE SAID ST. ANDREW'S UNITED METHODIST CHURCH
OF CORPUS CHRISTI, TEXAS, AND THAT HE EXECUTED THE SAME AS
THE ACT OF THE SAID ST. ANDREW'S UNITED METHODIST CHURCH FOR
THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE
CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE
8TH DAY OF MAY, 1973.



Henry J. Kember
NOTARY PUBLIC IN AND FOR
NUECES COUNTY, TEXAS

NO. 91171
FILED FOR RECORD
AT 4:15 O'Clock P.M.
ON the 11 day of JUN 1973
MRS. HENRY E. GOUGER
Clark County Court, Nueces County, Tex.
By J. L. Gouger, Clerk

THIS PLAT APPROVED BY DEPARTMENT OF DOCUMENTS AND RECORDS, CITY OF CORPUS
CHRISTIAN, TEXAS, THIS 8 DAY OF MAY 1973
James K. Jones, RE.
CLERK OF THE CITY OF CORPUS CHRISTI, TEXAS

THIS PLAT APPROVED MAY 22 1973
BY THE PLANNING COMMISSION OF THE CITY OF CORPUS CHRISTI, TEXAS.
THIS 23 DAY OF MAY 1973
Cecil P. Patten, Chairman
Charles E. Cantrell, Jr., Member

SCALE 1" = 40'
PLAT OF **PEARY PLACE ANNEX "D"**
Being the Southwest 50 feet of Peary
Place Annex "A" as shown by map recorded
in Volume 27 page 39, and 100 feet out of the
Southeast corner of Lot 9 in Section 31 of
the Flour Bluff and Encinal Farm and Garden
Tracts as shown by map of record in Volume
41-43 of the Map Records of Nueces County, Texas

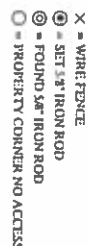
RECORDED IN VOL. 39, PAGE 141
MAP RECORDS OF NUECES COUNTY
AT 10:10 O'Clock A.M.
ON the 12 day of JUNE 1973
MRS. HENRY E. GOUGER
Clark County Court, Nueces County, Texas
By Bruce A. Williams, Deputy



SURVEY OF
A 4.91 ACRE TRACT BEING PLAT IN PLACE ANNEX "D", AS SHOWN ON A MAP
RECORDED IN VOLUME 39, PAGE 141, MAP RECORDS NUECES COUNTY, TEXAS.



Briser Surveying
4415 South Folsom Island Drive, Suite 31
Cape Town, Texas 75118
Office 817-478-1280
Fax 817-478-1823
Email info@briser.com
Web www.briser.com
Firm Registration No. 158772000



NOTES:
1) TOTAL SURVEYED AREA IS 4.75 ACRES
2) MEASURED BEARINGS ARE BASED ON GILBERT POSITIONING SYSTEM MAG 0 (PI) AND DATUM
3) SET 56" FROM RCD = IRON RCD SET WITH YELLOW PLASTIC CAP LABELLED IRSTEN SURVEYING.



THIS SERVICE DOES NOT DECLINE THE FIELD AND INVESTIGATION OR LOCATIONS OF ALL IDENTIFIABLE EVIDENTIAL ACROSS OF WAYS OR UTILITIES ON THE PROPERTY.

[illegible]

100% POLYURETHANE

11/11/2016