

# STAFF REPORT

Case No. 0616-03  
 HTE No. 16-10000018

Planning Commission Hearing Date: June 15, 2016

<b>Applicant &amp; Legal Description</b>	<p><b>Owner:</b> Jerry Zamora, JZ Auto LLC  <b>Representative:</b> Michael Gunning  <b>Legal Description/Location:</b> Lots 15 and 16, Block 2, Chamberlin's Subdivision, located on the northwest corner of Agnes Street and 12<sup>th</sup> Street.</p>			
<b>Zoning Request</b>	<p><b>From:</b> "IL" Light Industrial District  <b>To:</b> "CI" Intensive Commercial District  <b>Area:</b> 0.14 acres  <b>Purpose of Request:</b> To reduce setback requirements in order to allow expansion of an existing auto repair and servicing shop.</p>			
<b>Existing Zoning and Land Uses</b>		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
	<i>Site</i>	"IL" Light Industrial	Commercial	Medium Density Residential
	<i>North</i>	"IL" Light Industrial	Commercial	Medium Density Residential
	<i>South</i>	"IL" Light Industrial	Commercial	Medium Density Residential
	<i>East</i>	"IL" Light Industrial	Commercial	High Density Residential
	<i>West</i>	"IL" Light Industrial	Commercial	Medium Density Residential
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located within the boundaries of the Central Business Development Plan and is planned for medium density residential uses. The proposed rezoning to the "CI" Intensive Commercial District is not exactly consistent with the adopted Future Land Use Map or the Central Business Development Plan but the proposed rezoning is consistent with the plan's direction to transition away from industrial uses that are incompatible with residential uses.  <b>Map No.:</b> 046044  <b>Zoning Violations:</b> None</p>			
<b>Transportation</b>	<p><b>Transportation and Circulation:</b> The subject property has approximately 50 feet of street frontage along Agnes Street, which is an "A2" Secondary Arterial Divided street and 125 feet of frontage on 12<sup>th</sup> Street, which is classified as a Local Residential street.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Agnes Street	"A2" Secondary Arterial Divided	N/A	60' ROW 45' paved	N/A
	12 <sup>th</sup> Street	Local Residential	50' ROW 28' paved	60' ROW 40' paved	N/A

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a rezoning from the "IL" Light Industrial District to the "CI" Intensive Commercial District to reduce setback requirements in order to allow installation of a new metal building for an existing vehicle service business called ZAM Automotive and Transmission Repair ("ZAM").

**Development Plan:** The subject property is currently zoned "IL" Light Industrial District. The "IL" District has setback requirements of 20-foot front and corner yards, five-foot side yards and a 10-foot rear yard, as opposed to the "CI" District which has no setback requirements. The former Zoning Ordinance, which pre-dates the UDC, did not require a rear or side yard setback in the Industrial zoning districts. Like the existing building on the subject property, it is not uncommon to find buildings in the industrial zoning districts built with zero side or rear yard setbacks. The applicant is proposing to expand its existing building, but with the limited area available on the site, the expansion can only occur toward the rear of the property and would need a zero-foot rear yard setback allowance. The rezoning to the "CI" Intensive Commercial District, a zoning district often applied to properties in the Downtown Area, would eliminate the rear yard setback requirement and allow expansion of the existing building. Additionally, the existing building was built without side yard setbacks. A rezoning to the "CI" District would bring the building into compliance with regard to side yard setback requirements. The building expansion would create the ability for the applicant to conduct all automotive repairs inside the building. The proposed flow of automobiles would enter on 12<sup>th</sup> Street and exit onto Agnes Street. Parking is already provided off-site on the adjacent property to the north.

ZAM offers the following services: general auto repair, repair of radiators and air-conditioning systems, installation of remanufactured engines and transmissions, diagnosis of check engine lights, complete computer diagnostics, complete safety analysis, tune-ups, oil changes, brake system repairs, steering and suspension systems repairs, and alignments. ZAM does not do body work, any kind of painting services, or build transmissions or engines. Some of these services are categorized by the City's Unified Development Code ("UDC") as Heavy Vehicle Services as opposed to Limited Vehicle Services. Heavy Vehicle Services are not allowed in the "CI" Intensive Commercial District but are allowed in the "IL" Light Industrial District.

**Existing Land Uses & Zoning:** The subject property is zoned "IL" Light Industrial and consists of an automotive repair shop that offers heavy and limited vehicle services. The surrounding properties are also zoned as the "IL" Light Industrial District. To the north is

a lot for parking that is leased by ZAM Automotive. To the east and west are commercial uses. To the south across Agnes St. is Flash Auto Body Shop, a heavy vehicle service use.

**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 Central Business Development Plan. The proposed rezoning to the "CI" Intensive Commercial District may help to transition this area away from incompatible industrial uses toward uses that are medium density residential or uses that are supportive of residential uses. Additionally, the following are pertinent elements of the Comprehensive Plan and should be considered:

- Plan land uses appropriately for current and future populations and support future development by making a variety of land uses available, while working to ensure compatibility between existing and future land uses, existing and planned infrastructure, and existing natural resources. (Central Business Development Plan, OBJECTIVE LU 1)
- With exception to the industrial use areas permitted and depicted on the Central Business Future Land Use map, new industrial uses and outside storage uses shall be discouraged within the Plan Boundary, and existing industrial zoning or land use changes to another or expanded industrial use shall be discouraged. (Central Business Development Plan, Policy LU 1.4)
- 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)
- Commercial Service Areas designed to serve local neighborhoods should be conveniently located and in harmony with the surrounding neighborhood. (Comprehensive Plan, Commercial Policy Statement g).

**Plat Status:** The subject property is comprised of two platted lots.

**Department Comments:**

- While the rezoning does not match the designation for medium density on the City's Comprehensive Plan, the rezoning to a less intensive district should be considered as beneficial to the long term transition to more residential development in this area near the downtown.
- Based on the lot configuration, the area appears to have been originally platted for residential development in 1891. At some point after the 1900s, the Tex Mex Railroad extended a rail line to the area (one block to the north) which spurred industrial development. In the last 20 years, the Tex Mex Railroad tracks were removed.
- This area should be considered as being in transition toward residential or residential support uses as all of the uses on the block are commercial or residential. Only the underlying zoning of the area is "IL" Light Industrial. This block maybe be a good candidate for a city-initiated rezoning to more closely match the commercial nature of the area and to prevent any new incompatible industrial uses that could interfere with the long term transition to residential in the area.

- Auto repair uses provide a service-oriented use to support nearby residential neighborhoods and future potential residential redevelopment.
- The proposed expansion of a vehicle service use that includes “Heavy” Vehicle Services, such as transmission, radiator, engine and air conditioning repair, is defined as a use requiring an “IL” Light Industrial District. A Special Permit to allow some of the “heavy” repair uses could be used to allow the use on the site and mitigate any negative effects that could occur to nearby commercial businesses and future residential uses.
- Staff’s opinion is that the vehicle service use at this location with some limited Heavy Vehicle Services would not decrease 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 designated residential areas.

**Staff Recommendation:**

Denial of the rezoning from the “IL” Light Industrial to the “CI” Commercial Intensive District and, in lieu thereof, approval of the “CI/SP” Intensive Commercial District with a Special Permit subject to the following conditions:

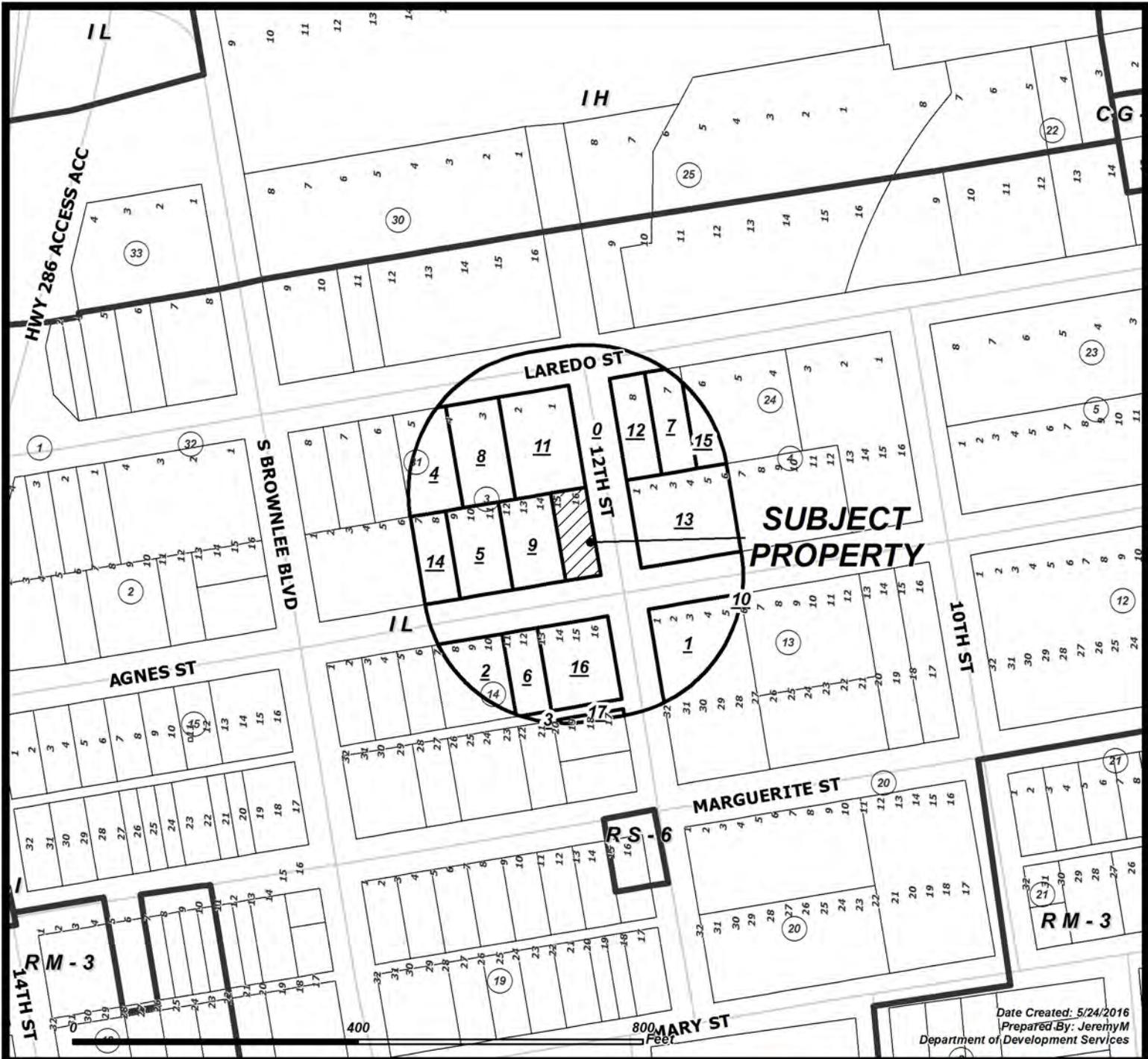
1. **Uses.** The only uses authorized by this Special Permit other than those uses permitted by right in the “CI” Intensive Commercial base zoning district are the general repair of engines, transmissions, or radiators and the general repair or overhaul of air-conditioning systems, which are classified as “Vehicle Service, Heavy” uses.
2. **Limitations.** All vehicle service operations on the Property shall occur within an enclosed structure.
3. **Time Limit.** In accordance with the UDC, this Special Permit shall be deemed to have expired within 12 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.

<b>Public Notification</b>	Number of Notices Mailed – 17 within 200-foot notification area 4 outside notification area
	<b><u>As of June 8, 2016:</u></b>
	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. Site Plan
3. Plat
4. Application
5. Public Comments Received (if any)

K:\DevelopmentSvcs\SHARED\ZONING CASES\2016\0616-03 J.Z. Auto, LLC (Michael Gunning)\PC Documents\Report for PC\_0616-03 J.Z. Auto.docx



Date Created: 5/24/2016  
 Prepared By: Jeremy M  
 Department of Development Services

## CASE: 0616-03 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	

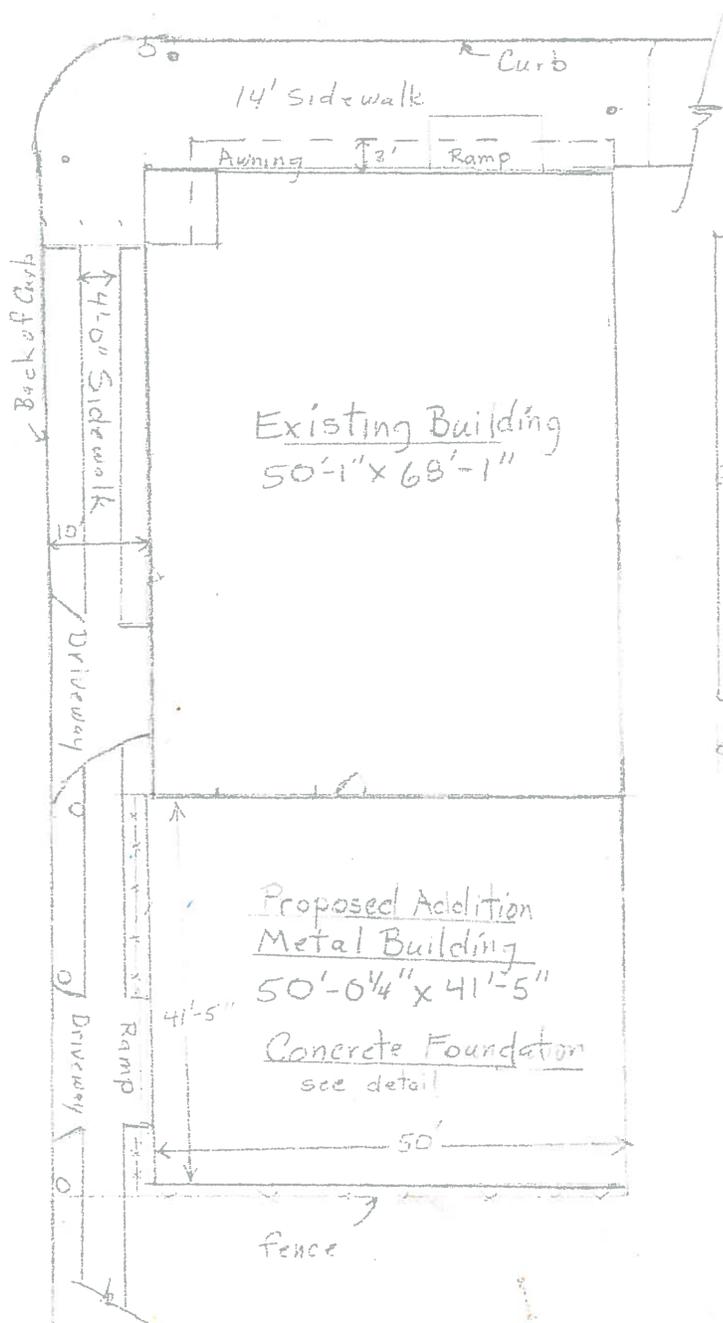
- Subject Property with 200' buffer
- Owners in favor
- Owners within 200' listed on attached ownership table
- Owners in opposition



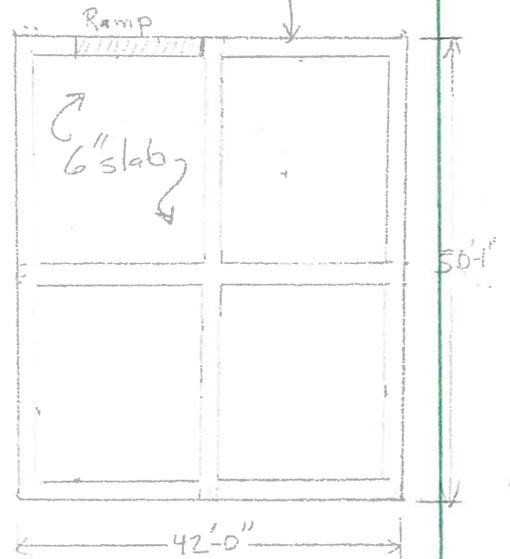
Automotive Shop.

AGNES ST

12th St.



24" W x 36" D Beams



Concrete Foundation  
1/320'  
(LOAD TESTED 1-30-16)



SITE-PLAN  
1"=20'

DLM Engineering, PLLC  
247 Aberdeen Ave  
Corpus Christi, TX 78411  
F-12761

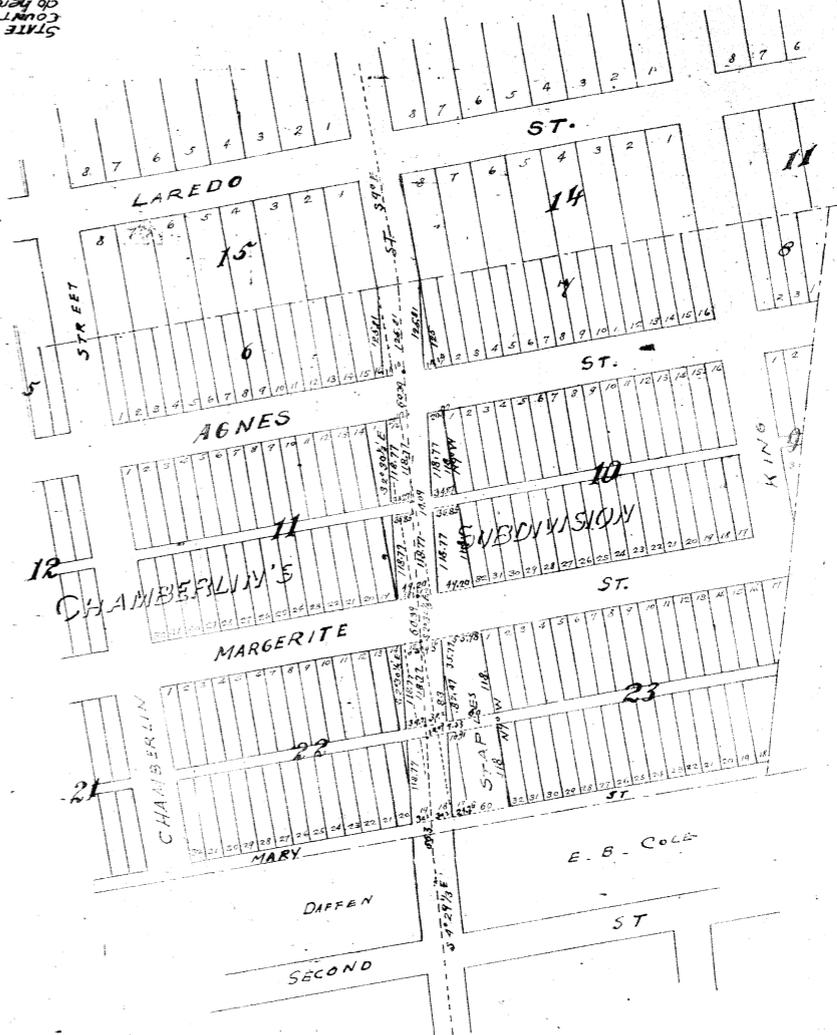
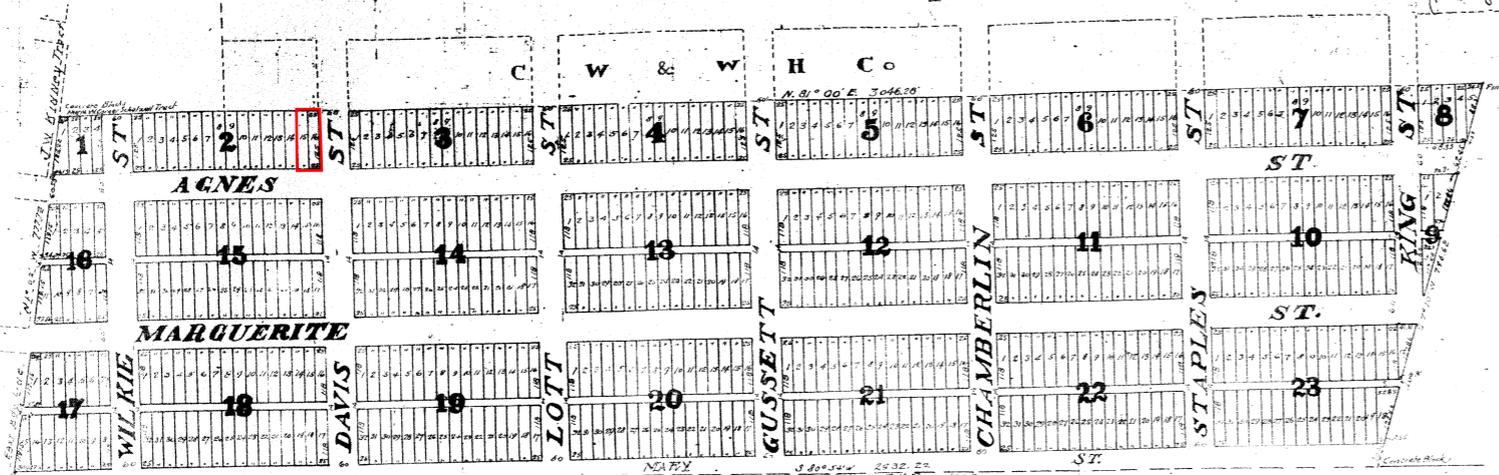
# CHAMBERLIN'S

SUBDIVISION TO  
CORPUS CHRISTI  
1891.

Scale: 1/2 inch = 100 feet

FILED Aug 3<sup>rd</sup> A.D. 1891  
County Clerk Nueces Co. Texas  
(File note on back of original)

Recorded in Plat Book "A" page 16  
this the 14<sup>th</sup> day of April 1908  
at Corpus Christi, Texas  
Clerk of the County Court of Nueces County Texas



State of Texas  
County of Tarrant  
Know all men by these presents that Whereas THE AMERICAN LAND AND INVESTMENT COMPANY is the sole owner of the lands situated in the County of Nueces and State of Texas, and laid out and shown on the Map and plan hereon made, and Whereas it is desired by said owner that said lands be put in shape for urban purposes, therefore, in consideration of the benefits to said owner, the action accruing, if the said owner of said lands does hereby subdivide and plat the same in accordance with the Map and plan hereon made designating the same as CHAMBERLIN'S SUBDIVISION TO CORPUS CHRISTI, and does hereby dedicate and grant to the use of the public the perpetual right of way to and upon all streets and avenues marked and shown on said map and plan, excepting, however, the alley or alleys in each block, laid down and shown as such on the aforesaid map or plan, and are to be private ways, for the use of the proprietors of lots in such block only and such private ways are hereby granted and dedicated to the use of such proprietors.

Witness the hand and seal of the American Land and Investment Company by its President and attested by its Secretary, this 10<sup>th</sup> day of May A.D. 1892, at Fort Worth, Texas.

Attest  
W. L. Lenthrop Secretary  
The American Land and Investment Co.  
By J. H. Lattant President

State of Texas  
County of Tarrant  
I, L. S. Jerrrell, Notary Public in and for the County of Tarrant and State of Texas, do hereby certify that the foregoing instrument as such well known to me to be such person, and the person whose name is subscribed to be foregoing instrument as such President and acknowledged to me that he executed the same for the purposes and consideration and in the capacity therein expressed and on the act and deed of said Company given under my hand and seal of office on this 16<sup>th</sup> day of May A.D. 1892, at Fort Worth, Texas.

THE STATE OF TEXAS, I hereby acknowledge the foregoing Plat on reverse hereof known as "Mussett Addition" to City of Corpus Christi, and designated on said Plat as Blocks Nos. 1, 2, 3, 4, 5, 6, 7, drawn by L. Caldwell surveyor, as my act and deed, and now present the same for record in office of the County Clerk of Nueces Co. Texas Aug 10<sup>th</sup> 1891.

Witness  
W. D. K. Mussett  
Eliza A. + Houselt

THE STATE OF TEXAS, Before me, P. M. Donough, Clerk of the County Court of Nueces County, Texas, on this day personally appeared Eliza A. Musselt well known to me to be the person whose name is subscribed to the foregoing instrument, by making her mark, and acknowledged to me that she executed the same for all the purposes there in expressed.

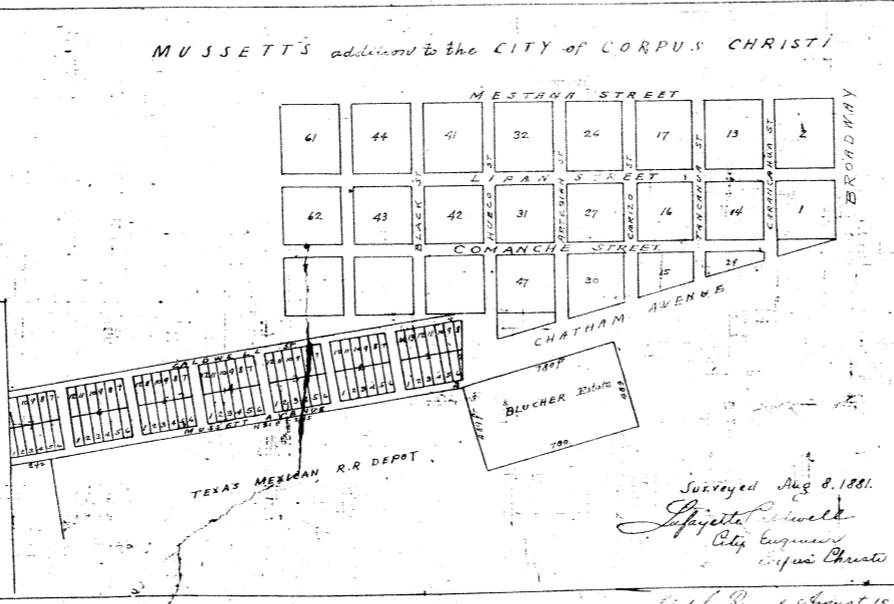
Given under my hand and Seal of office, this 10<sup>th</sup> day of August 1891.

P. M. Donough  
Clerk C. C. Nueces

THE STATE OF TEXAS, Filed for record Aug 10<sup>th</sup> A.D. 1891 and duly recorded County of Nueces September 30<sup>th</sup> A.D. 1891, at 12 o'clock 'M' in Book Q Records of Deeds of Nueces County on pages 365 & 366.

L. S. Given under my hand and official Seal at office in the City of Corpus Christi this 30<sup>th</sup> day of September A.D. 1891.

W. D. K. Mussett  
County Clerk Nueces Co. Texas  
By J. H. Lattant Secretary Deputy.



MAP  
SHOWING CHANGE  
IN LOCATION OF  
STAPLES STREET  
THROUGH  
CHAMBERLIN SUBDIVISION  
Surveyed Jan. 30 - FEB. 1, 1908  
Scale: 1" = 200'  
NOTE: Henry Reardon's line shows New location of Staples Street in City of Corpus Christi.

Filed Jan the 14<sup>th</sup> day  
of April A.D. 1908  
at Corpus Christi, Texas  
Clerk County Court of Nueces Co. Texas

STATE OF TEXAS  
COUNTY OF NUECES  
do hereby certify that this map is a true and correct copy of the map as set forth in the file filed in this office on the 14<sup>th</sup> day of April 1908 given under my hand and seal of office this the 19<sup>th</sup> day of May 1908.

Recorded in Plat Book "A" page 16  
this the 14<sup>th</sup> day of April 1908

clerk County Court Nueces County Texas

STATE OF TEXAS  
COUNTY OF NUECES  
do hereby certify that this map is a true and correct copy of the map as set forth in the file filed in this office on the 10<sup>th</sup> day of August 1891 given under my hand and seal of office this the 10<sup>th</sup> day of August 1900.

Recorded in Plat Book "A" page 16  
this the 14<sup>th</sup> day of April 1908

clerk County Court Nueces County Texas



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.: 0616-03 Map No.: 046044

PC Hearing Date: June 15, 2016 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: J. Z Auto LLC (dba Zamis Auto) Contact Person: Jerry Zamora  
Mailing Address: 1402 Agnes Street  
City: Corpus Christi State: TX ZIP: 78401 Phone: (361) 887-8606  
E-mail: [REDACTED] Cell: (361) 765-0481

2. Property Owner(s): Jerry Zamora Contact Person: Michael Gunning  
Mailing Address: 1402 Agnes Street  
City: Corpus Christi State: TX ZIP: 78401 Phone: (361) 887-8606 off  
E-mail: [REDACTED] Cell: (361) 765-0481

3. Subject Property Address: 1402 Agnes St Area of Request (SF/acres): 6,250 SF.  
Current Zoning & Use: (IL) Light Industrial-Auto Repair Proposed Zoning & Use: C1 Commercial Intensive  
12-Digit Nueces County Tax ID: 1512-0003-0150 Auto repair  
Subdivision Name: Chamberlins subdivision Block: 3 Lot(s): 15, 16  
Legal Description if not platted: \_\_\_\_\_

4. Submittal Requirements:  
 Early Assistance Meeting: Date Held Apr 15, 2016; with City Staff Dolores Wood, Gilbert Garza,  
 Land Use Statement  Disclosure of Interest  Copy of Warranty Deed Miguel Torres, Andrew Dimas  
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 \_\_\_\_\_  
Jerry Zamora  
Owner or Agent's Printed Name

Applicant's Signature \_\_\_\_\_  
Jerry Zamora  
Applicant's Printed Name

Office Use Only: Date Received: 5-18-2016 Received By: D Wood ADP: CB  
Rezoning Fee: 1107.50 + PUD Fee 0 + Sign Fee 20.00 = Total Fee \$ 1127.50  
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.

Purpose: To install new metal building to rear of property to contain all repair and auto services indoors. Two to three additional lifts will be added to accommodate a more efficient operation.

Zam's Automotive employs five persons. Hours of operation are from 8-5 Monday through Friday. The metal building allows the owner to enclose the existing services inside and allow a more efficient flow of autos entering on 12th Street and exiting on Agnes Street.

Current Use: Auto Repair  
Proposed Use: Same (no expansion)  
Existing Blvd: 3,500 sq. ft.  
Proposed Bldg: 2,000 sq. ft.

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

North - IL - Electric Supply Dist.

South - IL - Auto Body Shop

East - IL - Automotive Repair Shop

West - IL - Automotive Repair Shop

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: Michael N. Gunning

Mailing Address: 738 Crestview Dr.

City: Corpus Christi State: TEXAS Zip: 78412

Home Phone: (361) 992-412 Business Phone: (361) NONE Cell: (361) 737-7387

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: Michael Gunning Title: consultant

Printed/Typed Name of Agent: Michael N. GUNNING Date: 5/17/2016

\*Signature of Property Owner: [Signature] Title: owner

Printed/Typed Name of Property Owner: Jerry Zorn Date: 5/17/16

\*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: Zam Automotive (Jerry Zamora)  
STREET: 1402 Agnes CITY: Corpus Christi ZIP: 78401  
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>NA</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>NA</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>NA</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>NA</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: Jerry Zamora Title: owner  
(Print Name)

Signature of Certifying Person: \_\_\_\_\_ Date: 5-16-16