

ZONING REPORT

Case No. ZN8120

Applicant & Subject Property

District: 4

Owner: Mustang Island LLC

Applicant: Susana Rios

Address: 7213 SH-361 (State Highway 361), located along the east side of State Highway 361, south of Beach View Drive, and north of La Concha Boulevard.

Legal Description: 29.999 Acres out of the Waterbury J.W. Survey 596, Abstract 408, Land Script 167. Refer to attachment (A) Metes & Bounds Description and Exhibit.

Acreage of Subject Property: 10.72 acre(s)

Pre-Submission Meeting: September 6, 2023

Zoning Request

From: "RM-AT" Multi-Family Apartment Tourist District

To: "RV" Recreational Vehicle District

Purpose of Request: To allow for a commercial (overnight accommodation) use; particularly a recreational vehicle park.

Land Development & Surrounding Land Uses

	Zoning District	Existing Land Use	Future Land Use
Site	"RM-AT" Multi-Family Apartment Tourist	Vacant	Planned Development
North	"FR" Farm Rural, "RM-AT" Multi-Family Apartment Tourist	Vacant, Transportation (SH-361)	Planned Development, Transportation (SH-361)
South	"RM-AT" Multi-Family Apartment Tourist	Vacant, Low-Density Residential	Planned Development
East		Vacant	Planned Development
West	"RM-AT" Multi-Family Apartment Tourist, "FR" Farm Rural	Transportation (SH-361), Vacant	Transportation (SH-361), Planned Development

Plat Status: The subject property is not platted; however, a master preliminary plat was approved by Planning commission on July 26, 2023 for the development of the parent parcel. An amendment is required.

Military Compatibility Area Overlay District (MCAOD, Effective August 22, 2022): The subject property is not within a MCAOD District.

Code Violations: A stop work order (Cease and Desist Letter) was issued on May 20, 2022. A plan to mitigate the violation has been approved (from the City, Nueces County, and Texas General Land Office) and is currently underway.

Other: Construction, as defined by Tex. Nat. Res §61.001, Corpus Christi Municipal Code §10-1, seaward of a Dune Protection Line and Beachfront Construction Line, require a permit. Subject property and parent parcel are seaward of both. Activities must match granted permits.

Transportation and Circulation

	Designation	Section Proposed	Section Existing
State Highway 361 (SH-361)	“RA3”, Primary Rural Arterial	4 Lanes, Median V-Ditch, Drainage per Side, 250-Foot ROW	2 Lanes, Drainage per Side, 120-Foot ROW
Transit: The Corpus Christi RTA provides service to the subject property via Bus Route 65 <i>Padre Island Connection</i> , with the nearest stops 9 miles south, at South Padre Island Drive, and another 2 miles north of the subject property.			
Bicycle Mobility Plan: The nearest infrastructure is 9 miles south of the site.			
Utilities			
Gas: None exists. Stormwater: None exists. Wastewater: None exists. Water: None exists.			
Corpus Christi Comprehensive Plan (Plan CC)			
Plan CC: Provides a vision, goals, and strategies, to guide, regulate, and manage future development and redevelopment within the corporate limits and extraterritorial jurisdiction (ETJ) was adopted in 2016. ADP (Area Development Plan): According to Plan CC the subject property is located within the Padre/Mustang Island (Adopted on June 29, 2021). Water Master Plan: Outside ADP/Master Plan Area (Nueces City Water District No.4) Wastewater Master Plan: Outside ADP/Master Plan Area. Stormwater Master Plan: Outside ADP/Master Plan Area (North Beach and the Island are tidally influenced). Roadway Master Plan: Outside ADP/Master Plan Area.			
Public Notification			
Number of Notices Mailed	4 within a 200-foot notification area 1 outside 200-foot notification area		
In Opposition (as of July 24, 2024)	2 inside the notification area 0 outside the notification area 70.89 % in opposition within the 200-foot notification area (2 individual property owners)		
Public Hearing Schedule			
Planning Commission Hearing Date: May 29, 2024 City Council 1 st Reading/Public Hearing Date: July 23, 2024 City Council 2 nd Reading Date: July 30, 2024			

Background:

The subject vacant 10.72-acre tract out of a 29.99-acre parent parcel for a master development that is to include Single-Family uses, commercial (Retail Sales and Services/Restaurant) uses, and a commercial (Overnight Accommodation (Hotel)) use. It is located along the east side of State Highway 361, out of the Mustang Island area, and 2 miles north of the Mustang Island State Park.

The subject property is zoned "RM-AT" Apartment Tourist District, which is typical to the Padre/Mustang Island area. The greatest concentration of this district to the Mustang Island area (measuring approximately 6 miles), north of the Mustang Island State Park's Fish Pass, south of the Port Aransas's city-limit line, and along the east side of State Highway 361. The typical zoning district along the west side of State Highway 361 is "FR" Farm Rural District, the zoning district granted upon annexation, and where zoned otherwise; the result of an amendment to the "FR" district of origin. The area east of State Highway 361, north of the Mustang Island State Park, and south of the Port Aransas city line, was annexed in 2001, while the area west of the highway was annexed 2-3 years prior.

To the north of the parcel, properties are zoned "RM-AT" Multi-Family Apartment Tourist District and "FR" Farm Rural District; however, are vacant. To the east of the area of request is the remaining of the parent-parcel zoned "RM-AT" Multi-Family Apartment Tourist District slated for single-family uses and a hotel development. To the west of the site and State Highway 361, properties are zoned "FR" Farm Rural and "RM-AT" Multi-Family Apartment Tourist District and are vacant.

The applicant is requesting an amendment to the current district to accommodate a recreational vehicle park use with approximately 98 RV stalls. Incidental uses are to include a community center, maintenance/utility support spaces, swimming pools, shower facilities, and laundry room, among other amenities. The amendment is for phase 2 of 2 of the master development. Phase II also includes construction of townhomes per the Preliminary plat approved by Planning Commission on July 26, 2023. Phase I includes a retail center, hotel, and townhomes. There are mitigation efforts attached to the overall site due to violation issued by the Texas General Land Office; which also include the un-permitted filling and dredging of 1.2 acres of wetlands within the jurisdiction of the Army Corps of Engineers. The development will impact the entire 7.64 acres of wetland identified on-site.

The "RV" Recreational Vehicle Park District provides for the development of tourist accommodations that utilize recreational vehicle parks. Recreational Vehicle parks are restricted to the Recreational Vehicle District; which requires a minimum 3-acre site area.

Plan CC Consistency:

The proposed rezoning is/is not consistent with the following Elements, Goals and Strategies for Decision Makers:

- *Future Land Use, Zoning, and Urban Design*
 - Corpus Christi development patterns support efficient and cost-effective use of resources and a high quality of life.
 - Encourage orderly growth of new residential, commercial, and industrial areas.
 - 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.
 - 6. Promote the monitoring of current development to identify infrastructure capacity deficiencies in advance of future development.

Padre/Mustang Island ADP and FLUM Consistency:

The proposed rezoning is consistent with the ADP; however, is inconsistent with the future land use designation of Planned Development. The applicant's proposal is consistent particularly with the vision themes and policy statements and implementation below:

- Blended residential community and destination location:
 - Promote tourist-oriented development.

Staff Analysis:

Staff reviewed the subject property's background information and the applicant's purpose for the rezoning request and conducted research into the property's land development history to include platting, zoning, existing surrounding land uses, and potential code violations. Staff compared the proposed zoning's consistency with the applicable elements of the comprehensive plan. As a result of the above analysis, staff notes the following:

- The proposed rezoning is consistent with many elements of Plan CC; however, it is inconsistent with the future land use designation of Planned Development; therefore, will warrant an amendment to the Future Land Use map.
- While the proposed rezoning is inconsistent with the designation of planned development, the proposed development is part of a master plan that includes a mixture of land uses; and thereby would constitute a planned development. The Comprehensive Plan describes planned developments as lands that are currently undeveloped or underutilized but may be suitable in the future for a variety of uses, taking into account environmental and other constraints.
- The proposed amendment strongly ties into the *Blended Residential Community and Destination Location* vision theme of the ADP; furthering the development goals of the plan. Tourist-oriented developments are encouraged along the east side of State Highway 361. The master development is context-sensitive; respects its environment and supports tourism and nearby residents with the mixture of land uses to be provided.
- The property to be rezoned is suitable for uses permitted by the zoning district that would be applied by the proposed amendment.

Planning Commission and Staff Recommendation (May 29, 2024):

After evaluation of case materials provided and subsequent staff analysis including land development, surrounding uses and zoning, transportation and circulation, utilities, Comprehensive Plan consistency, and considering public input, Planning Commission and staff recommend approval of the change of zoning from the "RM-AT" Multi-Family District to the "RV" Recreational Vehicle District.

- Residents are cognizant that tourism is part of the identity of the area; and the public's input shows acknowledgement that a balance must be maintained between preserving this environment, being a safe family-friendly place, and inviting tourism.
- Staff finds the proposed use and site contextually fitting.
 - Located on a barrier island, access to the coast line along the Gulf of Mexico allow for outdoor recreational activities such as exploration by foot afforded by the preservation of public access; and eco-tourism activities such as fishing, paddling the paddling trails of the Mustang Island State Park, birdwatching, and experiencing other wildlife habitats along the Corpus Christi Bay.
 - When in need of entertainment and dining, the site is located between the City of Corpus Christi and Port Aransas.
- Staff also considered the shifts; whether in site typology, the variety in recreational vehicles, type of users or vehicle owners, which, may include destination tourists, nomadic workers, or even those choosing alternatives to traditional brick-and-mortar homes, and distance to points of attraction may not be an impediment.

Attachment(s):

- (A) Metes & Bounds Description and Exhibit
- (B) Existing Zoning and Notice Area Map
- (C) Wetland Map, Classification, and Description
- (D) Returned Notices

(A) Metes & Bounds Description and Exhibit

A METES AND BOUNDS DESCRIPTION FOR A 10.719 ACRE TRACT REZONING

Being a 10.719 acre tract of land situated in the J.W. Waterbury Survey No. 596, Abstract No. 408, Land Script 167, Nueces County, Texas and being a part of a called 29.999 acre tract described by deed to Mustang Island LLC and being more fully described as follows:

Commencing at a ½-inch iron rod found for the southwest corner of said 29.999 acre tract of land, same being the northwest corner of Lot 2A, Block 1 of Sunrise Shores, according to the plat recorded in Volume 67 Page 464, Map Records, Nueces County, Texas. and being on the southeast line of State Highway 361 (having a 120-foot right-of-way);

THENCE North 30°17'20" East, with the southeast line of said State Highway 361, a distance of 309.44 feet to the point of beginning;

THENCE North 30°17'20" East, a distance of 440.84 feet to a 3/4-inch iron rod with red cap found for the northeast corner of said 29.999 acre tract;

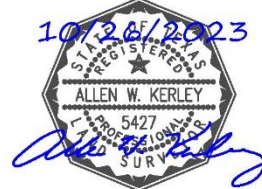
THENCE South 58°23'00" East, with the northeast line of said 29.99 acre tract, a distance of 1,065.24 feet to a point for corner;

THENCE South 31°34'35" West, a distance of 439.98 feet to a point for corner;

THENCE North 58°25'25" West, a distance of 1,055.33 feet, containing 10.719 acres or 466,902 square feet of land.

I CERTIFY THAT THIS SURVEY WAS CONDUCTED
UNDER MY DIRECTION AND SUPERVISION.

10/26/2023



Registered Professional Land Surveyor
Allen W. Kerley, R.P.L.S. No. 5427

DRAWN BY: CDW APPROVED BY: AWK

DATE: 10/19/2023 JOB NO: 2021.1026

DRAWING NAME:
WATERBURY ZONING

SHEET NO: 1 OF 2

PROJECTION: TEXAS STATE PLANE SOUTH CENTRAL
GEO. DATUM: NAD83 | VERT. DATUM: NAVD88
GRID UNITS: US SURVEY FEET

ZONING EXHIBIT

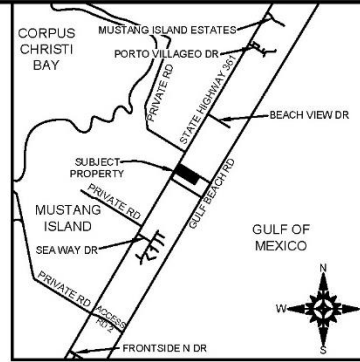
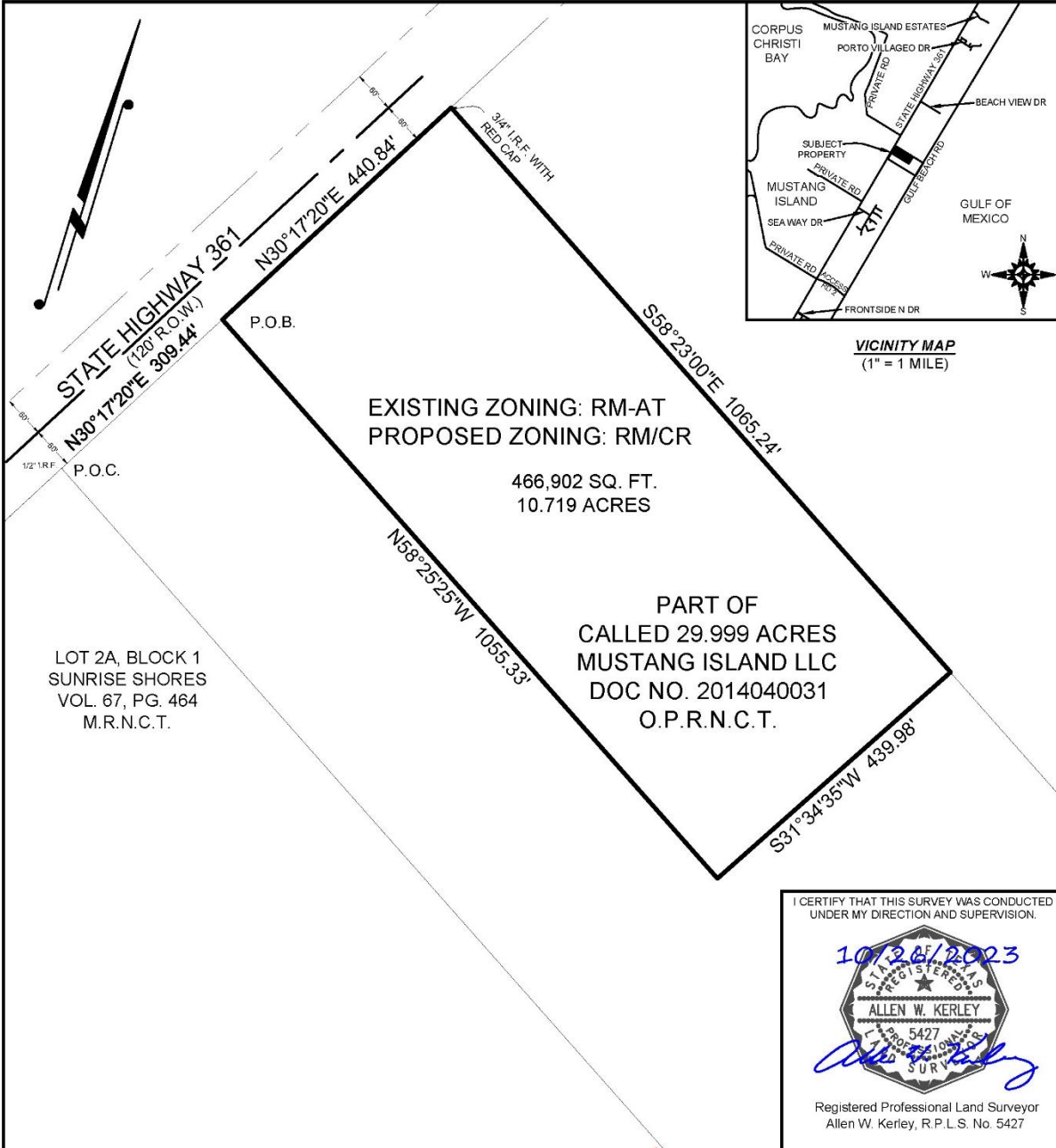
10.719 ACRES
J.W. WATERBURY SURVEY NO. 596
LAND SCRIPT 167
NUECES COUNTY, TEXAS



T. BAKER SMITH
A CENTURY OF SOLUTIONS
3854 FM 1069
Aransas Pass, TX 78336
(361)334-5719 - tbsmith.com
TBSPLS #10194575

REV. NO: 00 REV. DATE: --/--/-- REV. BY: ---

REVISION DESCRIPTION:
--



VICINITY MAP
(1" = 1 MILE)

EXISTING ZONING: RM-AT
PROPOSED ZONING: RM/CR

466,902 SQ. FT.
10.719 ACRES


PART OF
CALLED 29.999 ACRES
MUSTANG ISLAND LLC
DOC NO. 2014040031
O.P.R.N.C.T.

LOT 2A, BLOCK 1
SUNRISE SHORES
VOL. 67, PG. 464
M.R.N.C.T.

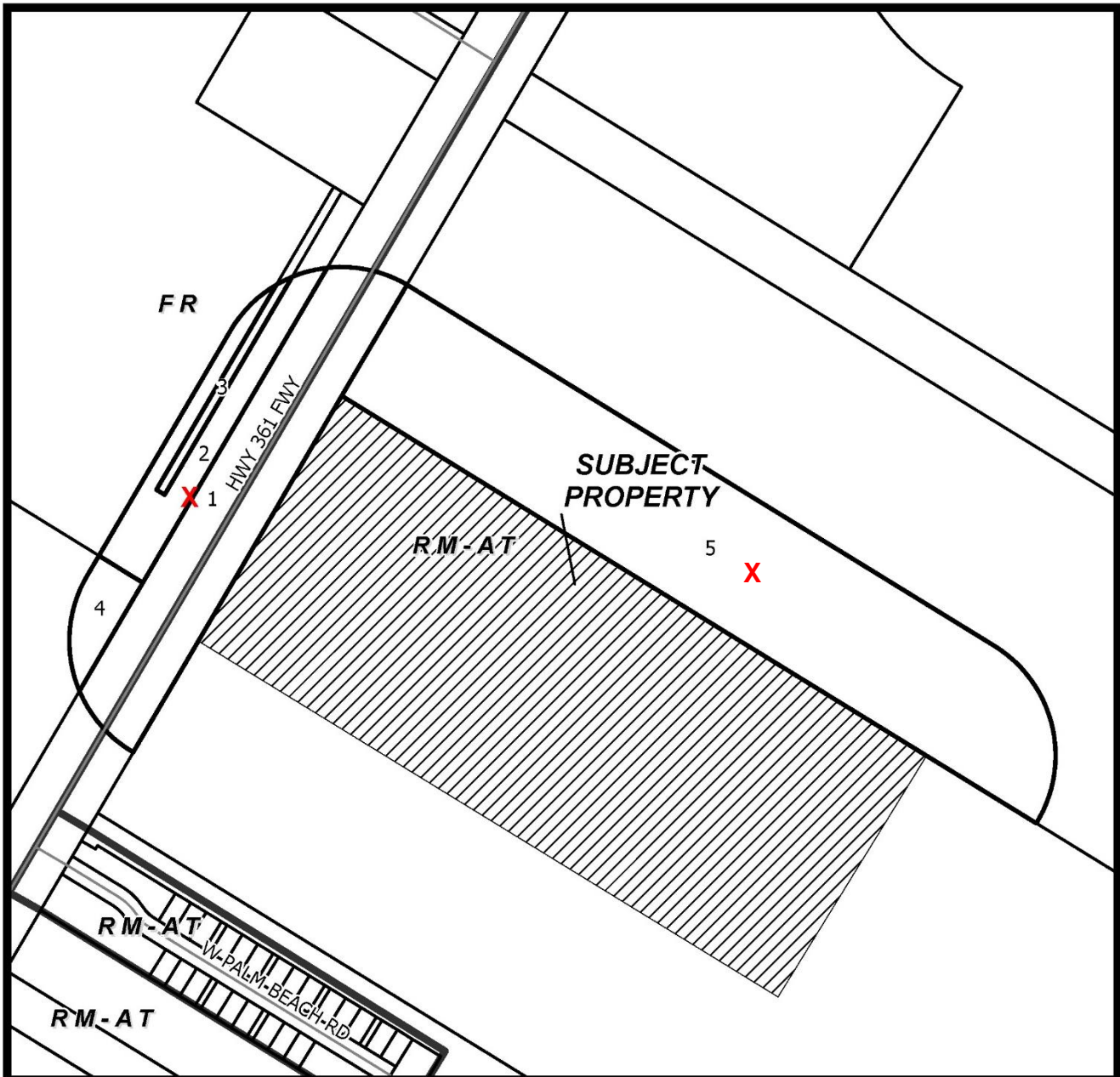
I CERTIFY THAT THIS SURVEY WAS CONDUCTED
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DRAWN BY: CDW		APPROVED BY: AWK	ZONING EXHIBIT	
DATE: 10/19/2023	JOB NO: 2021.1026			
DRAWING NAME: WATERBURY ZONING			<p>10.719 ACRES</p> <p>J.W. WATERBURY SURVEY NO. 596</p> <p>LAND SCRIPT 167</p> <p>NUECES COUNTY, TEXAS</p>	
SHEET NO: 2 OF 2				
PROJECTION: TEXAS STATE PLANE SOUTH CENTRAL GEO. DATUM: NAD83 VERT. DATUM: NAVD88 GRID UNITS: US SURVEY FEET				
 <p>T. BAKER SMITH A CENTURY OF SOLUTIONS 3854 FM 1089 Aransas Pass, TX 78336 (361)334-5719 - tbsmith.com TBP.LS.#10194575</p>				
REV. NO: 00		REV. DATE: --/--/--	REV. BY: ---	
REVISION DESCRIPTION: --				

(B) Existing Zoning and Notice Area Map



CASE: ZN8120

Zoning and 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

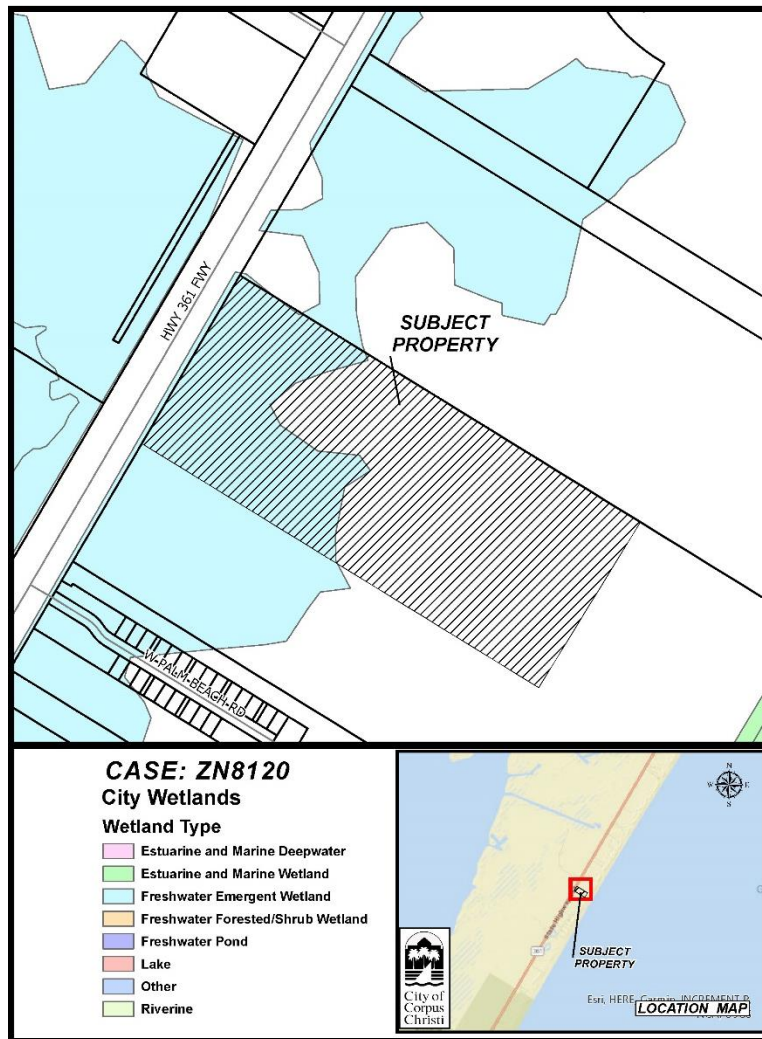
Owners within 200' listed on
attached ownership table



Owners
in opposition



(C) Wetland Map, Classification, and Description



The Freshwater Emergent Wetland habitat is classified as a PEM1A. PEM1A includes:

1. **System Palustrine (P)** : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
2. **Class Emergent (EM)**: Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.
3. **Subclass Persistent (1)**: Dominated by species that normally remain standing at least until the beginning of the next growing season. This subclass is found only in the Estuarine and Palustrine systems.
4. **Water Regime Temporary Flooded (A)**: Surface water is present for brief periods (from a few days to a few weeks) during the growing season, but the water table usually lies well below the ground surface for most of the season.

(D) Returned Notice

PUBLIC HEARING NOTICE
CITY COUNCIL
REZONING CASE No. ZN8120

Mustang Island LLC has petitioned the City of Corpus Christi to consider a change of zoning from the **"RM-AT" Multi-Family Apartment Tourist District** to the **"RV" Recreational Vehicle Park District, resulting in a change to the Future Land Use Map.** The property to be rezoned is described as:

A property located at or near 7213 State Highway 361 (SH 361), being 10.72 acres, as described by metes and bounds, located along the east side of State Highway 361, south of Beach View Drive, and north of La Concha Boulevard.



The City Council will conduct a public hearing and first reading to discuss and act on this rezoning request on **Tuesday, July 23, 2024**, during one of its regular meetings, which begins at **11:30 a.m.** The hearing will be held in the City Council Chambers, **1201 Leopard Street**. You are invited to attend this public hearing to express your views on this rezoning. For more information, call (361) 826-3105.

The City Council may recommend other intermediate zoning classifications and/or Special Permits. 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.

Persons with disabilities planning to attend this meeting, who may require special services, are requested to contact the City Secretary's Office at least 48 hours in advance at 361-826-3105.

Si usted atender esta junta y dirigirse a la commission y su ingles es limitado, alguien estara presente para ayudarle a interpretar. Para mas informacion, por favor llamar a la oficina del secretario de la ciudad al number 361-826-3105.

7 Tex. Admin. Code §211.006(d), Corpus Christi Unified Dev. Code §3.3.4

To be on the record, this form must be filled out, signed by the current property owner(s), and returned in its entirety via mail to the return address on this notice or via email to SaradjaR@cctexas.com.

Property Owner(s) Name: Powen Resorts

Address: 120 Gulfwind Drive, Port Aransas, TX 78373

Phone No.: 361 749 6248

() In Favor (X) In Opposition

Reason:

should be done under Special Permit

S. Saradja
Signature

Planner Assigned: Saradja Registre
Email: SaradjaR@cctexas.com
Phone: 361-826-3574
INFOR Case No. ZN8120
Property Owner ID: 2

PUBLIC HEARING NOTICE
CITY COUNCIL
REZONING CASE No. ZN8120

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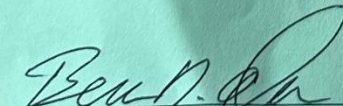
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Property Owner(s) Name: Bruce Allen / Glenn Allen
Address: _____ Phone No.: 603-494-
-4123

() In Favor ☒ In Opposition

Reason: Decline of property value.


Signature

Planner Assigned: Saradja Registre
Email: SaradjaR@cctexas.com
Phone: 361-826-3574
INFOR Case No. ZN8120
Property Owner ID: 5