

PLANNING COMMISSION FINAL REPORT

Case No. 0321-04

INFOR No. 18ZN1032

Planning Commission Hearing Date: March 17, 2021

Applicant & Legal Description	<p>Owner: ERF Real Estate, Inc. Applicant: ERF Real Estate, Inc. Location Address: 4130 South Alameda Street Legal Description: Lot 1, Block 1, Carmelite Home Tract, located on the north side of South Alameda Street, east of Carmel Parkway, and west of Everhart Road.</p>			
Zoning Request	<p>Request: Special Permit Time Extension of 24 months Area: 6.82 acres Purpose of Request: To allow for market conditions to be conducive for future commercial neighborhood development.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	“RS-6” Single-Family 6, “RM-1” Multifamily-1, “CN-1” Neighborhood Commercial, and “RM-1 SP/19-03 Multifamily-1 with a Special Permit”	Vacant	High Density Residential
	<i>North</i>	“RS-6” Single-Family 6 and Drainage ROW	Park and Vacant	Permanent Open Space and Medium Density Residential
	<i>South</i>	“RS-6” Single-Family 6 and “CG-2” General Commercial	Commercial and Low Density Residential	Commercial and Medium Density Residential
	<i>East</i>	“RS-6” Single-Family 6 and Drainage ROW	Park and Low Density Residential	Permanent Open Space and Medium Density Residential
	<i>West</i>	“CN-1” Neighborhood Commercial	Commercial and Professional Office	Commercial
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Midtown Area Development Plan (ADP), formerly known as the Southeast ADP and is planned for high density residential uses. The current zoning is generally consistent with the adopted Comprehensive Plan (Plan CC). Map No.: 043038 Council District: 4 Zoning Violations: None</p>			

Transportation	Transportation and Circulation: The subject property has approximately 570 feet of street frontage along South Alameda Street which is designated as an “A2” Secondary Arterial Street and has approximately 1,140 feet of street frontage along Everhart Road which is designated as an “A1” Minor Arterial Street. According to the Urban Transportation Plan, “A2” Secondary Arterial Streets can convey a capacity between 20,000 to 32,000 Average Daily Trips (ADT).				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	South Alameda Street	“A2” Secondary Arterial	100’ ROW 54’ paved	115’ ROW 65’ paved	12,967 ADT (2015)
	Everhart Road	“A1” Minor Arterial	95’ ROW 64’ paved	87’ ROW 32’ paved	Not Available

Staff Summary:

Current Zoning and Special Permit:

The applicant is requesting a special permit time extension of 24 months to allow for future neighborhood commercial use. Unified Development Code Section (UDC) 3.6.6 and 3.6.7. requires the property owner or applicant to apply for extension for their special permit before the expiration date of their special permit. Expiration date for this special permit is April 1, 2021.

Adopted Special Permit Language:

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 the Unified Development Code (UDC) in Section 5.1.2.A “Household Living”, multifamily uses are allowed by-right at a maximum density of 22 dwelling units per acre, Section 5.1.2.B “Group Living” except boarding, rooming, or lodging house or dormitory, Section 5.1.5.E “Medical Facility” except blood plasma donation center, Minor Emergency Center, or Hospital, Section 5.1.4.C “Office”, Section 5.1.4.F “Restaurant” except for restaurants with a drive-through or drive-in facility as an accessory use, and Section 5.1.4.G “Retail Sales and Service” except convenience goods.
2. **Driveways:** The crossing for vehicular access over the Carmel Parkway drainage ditch is prohibited.
3. **Dumpsters:** All dumpsters or refuse receptacles shall be screened from view from any public right-of-way.
4. **Lighting:** All lighting must be shielded and directed away from single-family 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 limited to 6:00 AM to 9:00 PM.
7. **Landscaping:** In lieu of a standard buffer yard, a yard consisting of a row of canopy trees with a minimum of a 2 ½” caliper shall be placed 30 feet on center along the property line shared with the drainage ditch. Additionally along the shared property line, a solid visual screen consisting of a hedge of plants shall be placed between the trees at least 3 feet in height.
8. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
9. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within twenty-four (24) months of this ordinance, unless a complete building permit application has been submitted or, a certificate of occupancy or UDC compliance has been issued. The Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Development Plan:

The subject property is 6.82 acres in size. The owner is proposing future development of the property. The vacant property was the location of an assisted living facility originally built prior to the former Corpus Christi Zoning Ordinance, which had been in operation until late 2017. The property had been on the market for sale since the closing of the former nursing home and has garnished a great deal of interest from multiple parties. The building has since been demolished in late 2020. The interest has ranged from grocery stores, convenience stores, fast food restaurants, boutique hotels, apartments, etc. According to the owner, to make the property more marketable the property will require the special permit to be extended in order to accommodate its future use.

Existing Land Uses & Zoning:

The subject property is currently zoned “RS-6” Single-Family 6 District, “RM-1”, “RM-1 SP/19-03”, and “CN-1” and has recently become vacant land. The subject property was annexed in 1962 and is vacant. Mount Carmel Assisted Living Center was built in 1953 and designed to look like a Spanish mission. The vacant property was the location of the facility opened in 1954 and was the only assisted living center in Corpus Christi until 1997. To the north is a drainage right-of-way approximately 75 feet in width that is a portion of Carmel Parkway. Adjacent to the drainage ditch is the extension of Carmel Parkway approximately 40 feet in width. North of Carmel Parkway is a residential neighborhood (Lamar Park Unit 9, 1955) zoned “RS-6” Single-Family 6 District. To the south is Everhart Road. Across Everhart is a commercial shopping center (Town & Country Shopping Center) zoned “CG-2” General Commercial District. Also across Everhart Road is a residential neighborhood (Alameda Estates 2, 1945) zoned “RS-6” Single-Family 6 District. To the east is Everhart Road. Across Everhart Road is a

residential neighborhood (Alameda Estates 3, 1948) zoned “RS-6” Single-Family 6 District and Lamar Park. To the west is a commercial shopping center zoned “CN-1” Neighborhood Commercial District and consists of a jewelry store, professional office, a bank, and a liquor store.

AICUZ:

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

Plat Status:

The property is platted.

Utilities:

Water: 6-inch PVC line located along South Alameda Street in front of the subject property.

Wastewater: 8-inch VCP line located along South Alameda Street in front of the subject property.

Gas: 2-inch Service Line located along Everhart Road in front of the subject property.

Storm Water: Inlets located to the south along Everhart Road and the Carmel Parkway ditch to the north.

Department Comments:

- The proposed special permit extension is generally consistent with the adopted Comprehensive Plan (Plan CC) and does not warrant an amendment to the Future Land Use Map.
- The proposed special permit extension is compatible with neighboring properties and with the general character of the surrounding area. This special permit extension does not have a negative impact upon the surrounding neighborhood.
- This site previously consisted of an assisted living facility, built in 1953, that held historic value and was a character defining building for the South Alameda Street corridor. Since the rezoning, the building was completely razed.
- Planning Commission approved staff’s recommendation to approve the initial zoning request of “CN-1” Neighborhood Commercial
- City Council unanimously approved a special permit in lieu of the “CN-1” District on March 26th 2019, after city staff and the surrounding neighborhood had drafted a special permit.

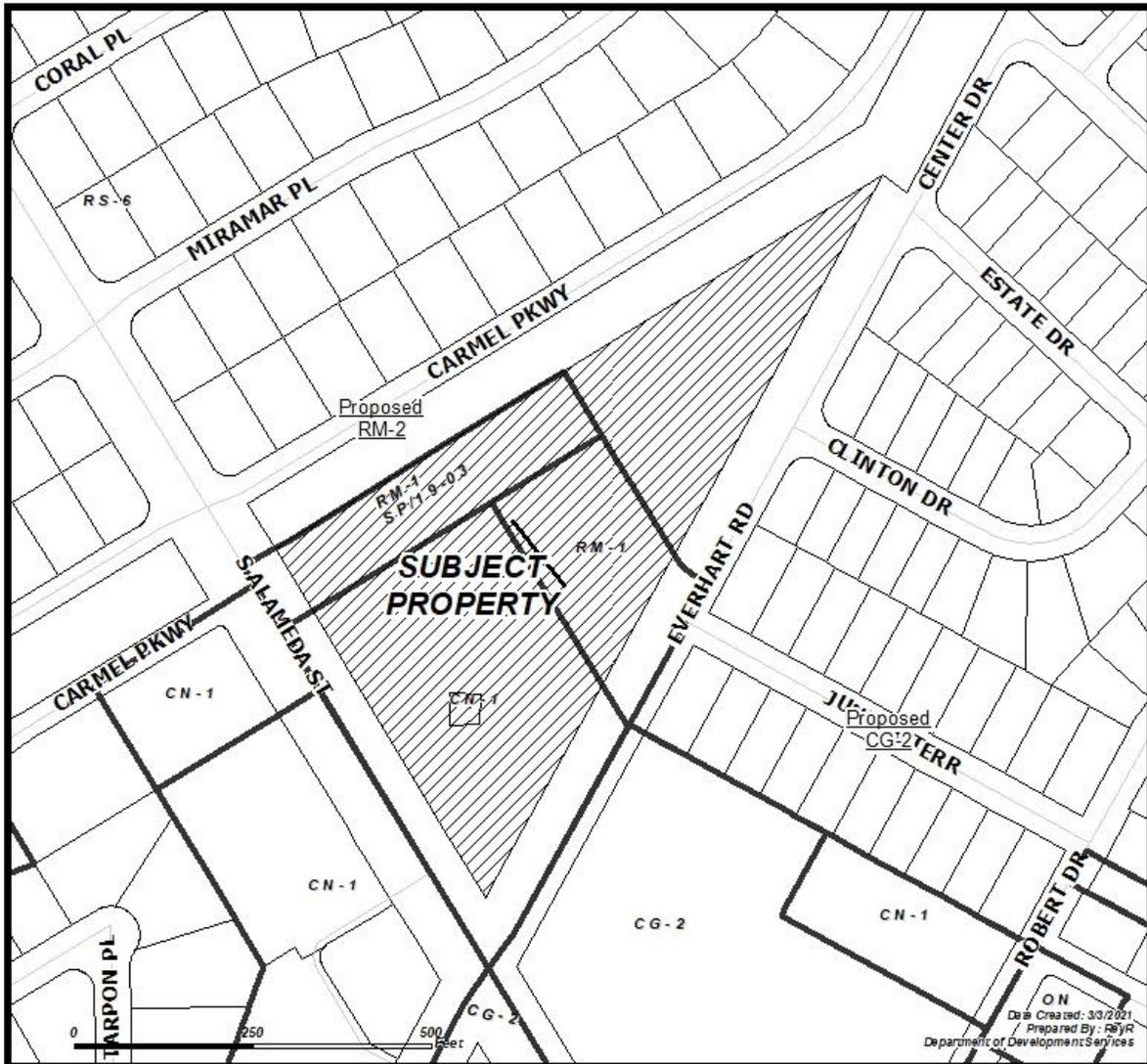
Planning Commission and Staff Recommendation (March 17, 2021):

Approval of the extension of the special permit “RM-1/SP” ordinance number 031728 for another twenty-four months.

Public Notification	Number of Notices Mailed – 35 within 200-foot notification area 5 outside notification area
	<u>As of March 12, 2021:</u>
	In Favor – 1 inside notification area – 0 outside notification area
	In Opposition – 3 inside notification area – 0 outside notification area
	Totaling 3.02% of the land within the 200-foot notification area in opposition.
<small>*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</small>	

Attachments:

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



ON
Date Created: 3/3/2021
Prepared By: RJR
Department of Development Services

CASE: 0321-04
SUBJECT PROPERTY WITH ZONING

Subject Property

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-8 Single-Family 8
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	



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 sugiere 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. 0321-04**

ERF Real Estate, Inc. has petitioned the City of Corpus Christi to consider a Special Permit Time Extension Request on the property described below:

4130 South Alameda Street and Lot 1, Block 1, Carmelite Home Tract, located on the north side of South Alameda Street, east of Carmel Parkway, and west of Everhart Road.

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, March 17, 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. **PUBLIC COMMENT:** To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of the community, City staff, and City Boards and Commissions. Public testimony and public hearing input for public comment and on all items on the agenda at public meetings of City Boards and Commissions shall be provided in written format and presented to the designated staff member prior to the start of each meeting(s) of the City Boards and/or Commission. Public comment/ input shall be provided, in writing, in the form of an e-mail limited to one page or by using the PUBLIC COMMENT/INPUT FORM found here: <http://www.cctexas.com/departments/city-secretary>, and shall be e-mailed to the following e-mail address: CatherineG@cctexas.com and/or CraigG@cctexas.com. The written public testimony shall be provided to members of the applicable City board or commission prior to voting on measures for that meeting. That written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Gov't Code 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law.

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: Melanie Al-Nammari
Address: 4242 Estate Drive City/State: Corpus Christi, TX
() IN FAVOR () IN OPPOSITION REASON: Phone: 361-443-4091 7841

This is a single family zoning area and it's best it stays that way. I am not okay with an apartment complex.

Melanie Nammari Signature

SEE MAP ON REVERSE SIDE
INFOR Case No.:
Property Owner ID: 20

Case No. 0321-04
Project Manager: Craig Garrison
Email: CraigG@cctexas.com



Public Comment & Input Form

Date of Meeting	03-17-2021
Name	Russell Douglas
Address	Street Address: 4225 Estate Dr City: Corpus Christi State / Province: Texas Postal / Zip Code: 78412 Country: United States
Topic	Public comment: Rezoning Case No. 0321-04
Agenda Number	Case # 0321-04
Describe Feedback:	<p>As owner of multiple single family homes within the area of the proposed Rezoning case NO. 0321-04, I am opposed to zoning of the property as Multi-Family (RM-1 Based on the map provided with the notice that I received). The surrounding neighborhoods are all single family dwellings. A multi-level apartment complex, which I assume is the norm for RM-1 zoning, is not conducive to the entire surrounding neighborhood homes and will definitely effect their values. There are currently no apartment complexes within this area-the nearest one being behind the HEB at Robert and Alameda.</p> <p>I have homes at 4202 Estate Drive, 4205 Estate Drive, 4209 Estate Drive, 4221 Estate Drive, 4225 Estate Drive, 4233 Clinton Drive and 4229 Clinton Drive.</p> <p>This rezoning request for multi-family housing should be denied.</p> <p>Sincerely, Russell Douglas</p>

Provide an email to receive a copy of your submission. rustyd@mygrande.net

SI USTED DESEA ATENDER ESTA JUNTA Y DIRIGIRSE A LA COMISION Y SU INGLES ES LIMITADO, ALLI ESTARA PRESENTE PARA AYUDARLE A INTERPRETAR. PARA MAS INFORMACION, FAVOR DE LLAMAR A LA OFICINA DEL SECRETARIO DE LA CIUDAD AL NUMERO (361) 826-3105.

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. PERSONAS CON INCAPACIDADES, QUE INTENTAN ATENDER ESTA JUNTA Y QUE REQUIEREN SERVICIOS ESPECIALES, SE LES SUPLICA QUE DEN AVISO 48 HORAS ANTES DE LA JUNTA LLAMANDO A LA OFICINA DEL SECRETARIO DE LA CIUDAD AL NUMERO (361) 826-3105.

RECEIVED
MAY 20 2021
CITY SECRETARY'S OFFICE

CITY COUNCIL
PUBLIC HEARING NOTICE
Rezoning Case No. 0321-04

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The City of Corpus Christi Planning Commission has recommended approval of the twenty-four (24) month time extension to the Special Permit and zoning ordinance number 031728, with the zoning of "RM-1/SP" Multifamily Residential 1 District with a Special Permit. The City Council may recommend denial of the extension to the Special Permit. The City Council will conduct a public hearing to discuss and act on this rezoning request on **Tuesday, May 25, 2021**, during one of its regular meetings, which begins at **11:30 a.m.** The public hearing will be held **via WebEx video conference. The live stream of the meeting can be viewed online at the following address: www.cctexas.com/cctv.** For more information, please call (361) 826-3105.

PUBLIC COMMENT: To reduce the chance of COVID- 19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of the community, City staff, and City Boards and Commissions. Public testimony and public hearing input for public comment and on all items on the agenda at public meetings of City Boards and Commissions shall be provided in written format and presented to the designated staff member prior to the start of each meeting(s) of the City Boards and/ or Commission. Public comment shall be provided, in writing, in the form of an e- mail limited to one page or by using the PUBLIC COMMENT FORM found here: <http://www.cctexas.com/departments/city-secretary>, and shall be e- mailed to the following e- mail address: CatherineG@cctexas.com and/or CraigG@cctexas.com. The written public testimony shall be provided to members of the applicable City board or commission prior to voting on measures for that meeting. That written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Gov' t Code 551. 007 and shall constitute a public hearing for purposes of any public hearing requirement under law.

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY CURRENT PROPERTY OWNER(S), AND MAILED IN ITS ENTIRETY TO THE CITY SECRETARY'S OFFICE, P.O. BOX 9277, CORPUS CHRISTI, TEXAS 78469-9277. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NAME: SIMON GUERRERO
Please Print

ADDRESS: 4205 JUNIOR TERRACE PHONE NO. _____

() IN FAVOR () IN OPPOSITION

REASONS:

Simon Guerrero
Signature