

# PLANNING COMMISSION FINAL REPORT

Case No. 0115-03

HTE No. 14-10000049

Planning Commission Hearing Date: January 14, 2015

<b>Applicant &amp; Legal Description</b>	<p><b>Applicant/Owner:</b> MPM Development LP  <b>Representatives:</b> Mossa Mostaghasi  <b>Legal Description/Location:</b> King Estates Unit 4, Block 1, Lots 1 through 7, and Block 2, Lots 1 through 28, located near the southeast corner of South Staples Street (FM 2444) and South Oso Parkway.</p>		
<b>Zoning Request</b>	<p><b>From:</b> "RS-22" Single-Family 22  <b>To:</b> "RS-15" Single-Family 15  <b>Area:</b> 23.93 acres  <b>Purpose of Request:</b> To reduce side yard requirements from ten feet to five feet in the 35-lot subdivision.</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>	"RS-22" Single-Family 22	Vacant	Estate Residential
<i>North</i>	"CN-1" Neighborhood Commercial and "FR" Farm Rural	Public Semi-Public	Commercial and Public Semi-Public
<i>South</i>	"FR/SP" Farm Rural with a Special Permit	Low Density Residential	Estate Residential
<i>East</i>	"FR" Farm Rural	Park	Park
<i>West</i>	"RE" Residential Estate	Estate Residential	Estate Residential
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located within the boundaries of the London Area Development Plan and is planned for low density residential uses. The proposed rezoning to the "RS-15" Single-Family 15 District is not consistent with the adopted Future Land Use Plan and the London Area Development Plan.  <b>Map No.:</b> 046030  <b>Zoning Violations:</b> None</p>		
<b>Transportation</b>	<p><b>Transportation and Circulation:</b> The subject property has approximately 1,000 feet of street frontage along South Staples Street, which is designated as an "A3" Primary Arterial Divided street.</p>		

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (XXXX)
		South Staples Street	“A3” Primary Arterial Divided	130’ ROW 79’ paved	140’ ROW 40’ paved

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a rezoning from the “RS-22” Single-Family 22 District to the “RS-15” Single-Family 15 District to reduce side yard requirements from ten feet to five feet in the 35-lot subdivision.

**Development Plan:** Applicant proposes to construct single-family residences ranging in size from 2,500 square feet to 3,500 square feet.

**Existing Land Uses & Zoning:** North of the subject property, across South Staples Street, is the Botanical Gardens in the “FR” Farm Rural District. South of the subject property is low density housing in the “FR/SP” Farm Rural District with a Special Permit for half-acre single-family lots with side yard setbacks of five feet. East of the subject property in the “FR” Farm Rural District is park land owned by the City of Corpus Christ and west is residential estate housing in the “RE” Residential Estate District.

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

**Comprehensive Plan & Area Development Plan (ADP) Consistency:** The subject property is located within the boundaries of the London Area Development Plan. The proposed change of zoning to the “RS-15” Single-Family 15 District is not consistent with the adopted Future Land Use Plan, which slates the property for low density residential use.

**Plat Status:** The subject property is platted and each lot is in excess of 22,000 square feet.

**Department Comments:**

- The properties located south and west of the subject property are developed with single-family uses. The proposed rezoning is consistent with the land use and zoning patterns of adjacent properties.
- The “RS-22” District requires a minimum lot area (half-acre) that accommodates the use of septic systems. If the change of zoning is granted, the development would still require lots to remain at half-acres in size.
- The proposed rezoning would not negatively impact the surrounding properties.
- The property to be rezoned is suitable for uses permitted by the “RS-15” Single-Family 15 District.
- Planning Commission recommended keeping the “RS-22” District while granting a Special Permit to allow reduced side yard setbacks of five feet. Staff and the applicant are also agreeable to the Special Permit.

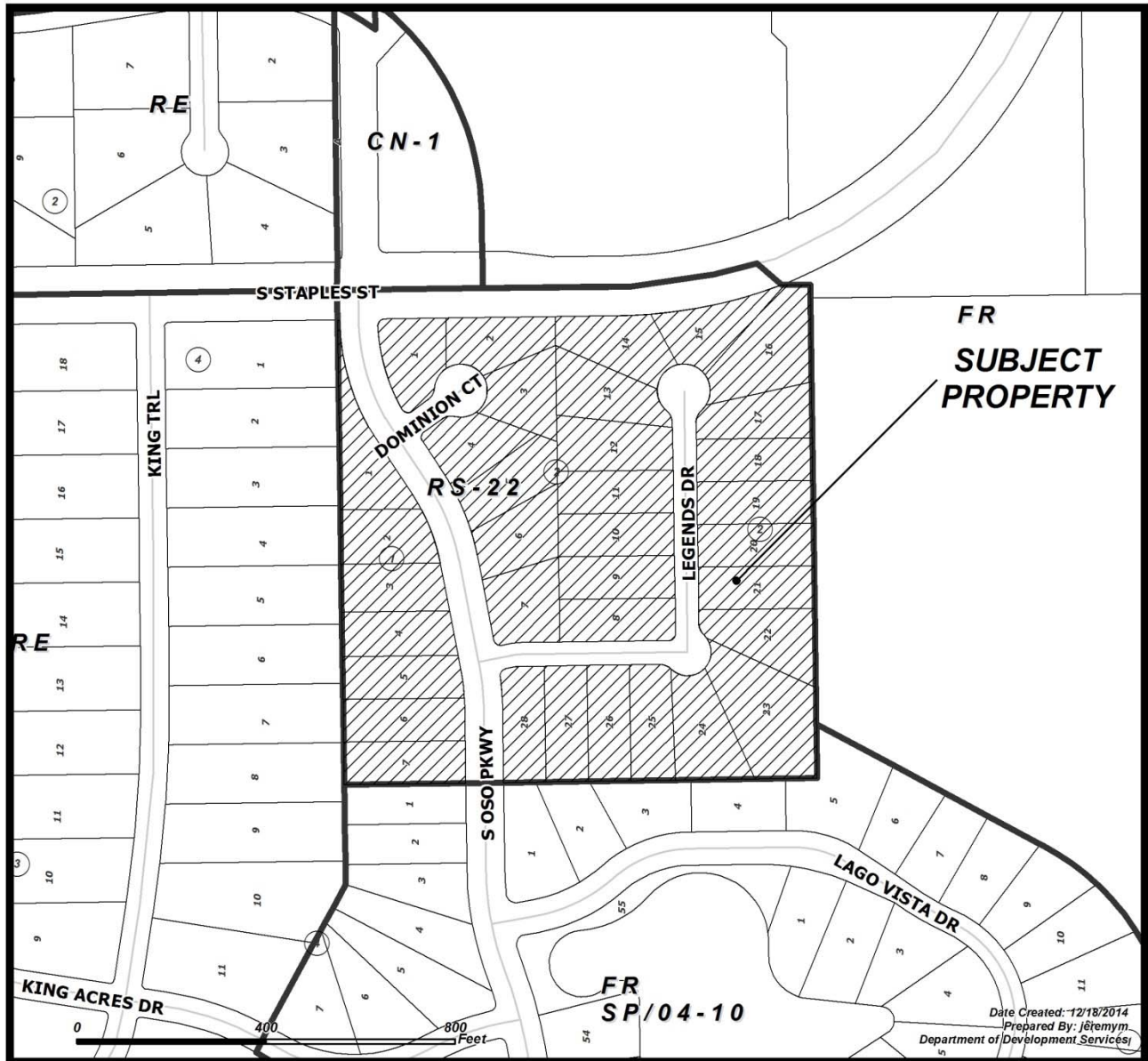
**Planning Commission and Staff Recommendation (January 14, 2015):** Denial of the change of zoning from the “RS-22” Single-Family 22 District to the “RS-15” Single-Family 15 District and, in lieu thereof, approval of a change of zoning to the “RS-22/SP” Single-Family 22 District with a Special Permit subject to the following conditions:

1. **Permitted Uses:** The only uses authorized by this Special Permit are those authorized by the “RS-22” Single-Family 22 District.
2. **Setbacks:** The Property shall provide a minimum side yard setback of five feet. All other setbacks, open space, and height requirements shall comply with the “RS-22” Single-Family 22 District.
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 – 28 within 200-foot notification area 1 outside notification area
	<b><u>As of January 30, 2015:</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. Plat

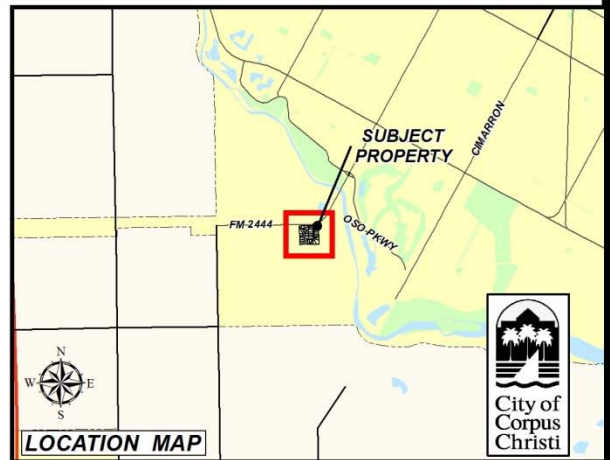


Date Created: 12/18/2014  
 Prepared By: Jętemym  
 Department of Development Services

**CASE: 0115-03**  
**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-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	



CL SOUTH STAPLES STREET (FM 2444)

S89° 58' 05" E 596.19'

S89° 58' 05" E 60.49'

S89° 58' 05" E 596.19'

S89° 58' 05" E 60.49'

N00° 00' 00" E 981.88'

KING ESTATES UNIT 1, BLOCK 4,  
V. 56, P. 179 - 201, H.R.

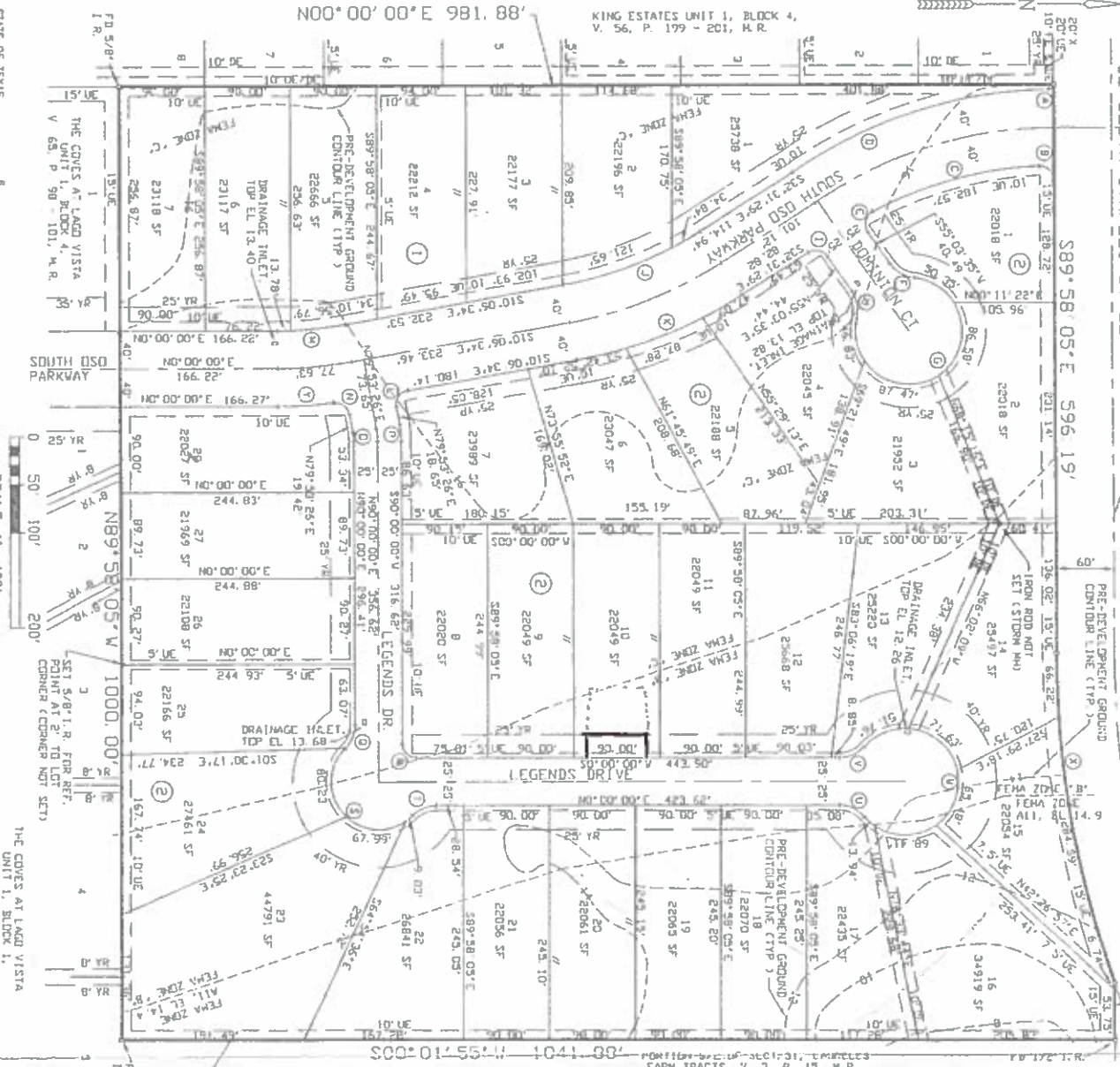


Table with 2 columns: CURVE DATA and BEARINGS. Includes bearings like N48° 16' 22" E and curve data like R=430.00, L=115.61.

MINIMUM FINISHED FLOOR ELEVATIONS  
THE MINIMUM FINISHED FLOOR ELEVATION FOR STRUCTURES IN LOTS HEREBY SHOWN SHALL BE 115.5 OR 24" ABOVE THE HIGHEST CENTRAL LINE OF PAVEMENT ELEVATION OF ADJACENT STREETS WHICH ELEVATIONS SHALL BE SHOWN ON THE PLAT.

STATE OF TEXAS  
COUNTY OF NUECES  
WE, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SUBSCRIBED WITHIN THE BOUNDARIES OF THE FOREGOING PLAT, SUBJECT TO A LIEIN IN FAVOR OF THE CARRIAGE COMPANY THAT WE HAVE HAD SAID LAND SURVEYED AND BOUNDARIES THEREON AS SHOWN ON SAID PLAT, AND THAT WE HEREBY GUARANTEE TO THE PUBLIC USE FOREVER AND THAT THIS PLAT WAS MADE FOR THE PURPOSES OF DESCRIPTION AND DONATION.

STATE OF TEXAS  
COUNTY OF NUECES  
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY WARD MONTAGNINI  
THIS THE 15 DAY OF October 2014

STATE OF TEXAS  
COUNTY OF NUECES  
I, DANIA T. BARRERA, CLERK OF THE COUNTY COURT IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT DATED THE 22 DAY OF October 2014 WITH MY SIGNATURE AND SEAL OF OFFICE, WAS FILED FOR RECORD IN MY OFFICE THE 22 DAY OF October 2014 AT 9:09 O'CLOCK A.M. AND DATED RECORDED THE 22 DAY OF October 2014 AT 9:09 O'CLOCK A.M. IN THE MAP RECORDS OF SAID COUNTY IN VOLUME 68, PAGE 332.

STATE OF TEXAS  
COUNTY OF NUECES  
I, DANIA T. BARRERA, CLERK OF THE COUNTY COURT IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT DATED THE 22 DAY OF October 2014 WITH MY SIGNATURE AND SEAL OF OFFICE, WAS FILED FOR RECORD IN MY OFFICE THE 22 DAY OF October 2014 AT 9:09 O'CLOCK A.M. AND DATED RECORDED THE 22 DAY OF October 2014 AT 9:09 O'CLOCK A.M. IN THE MAP RECORDS OF SAID COUNTY IN VOLUME 68, PAGE 332.

CINDY BUENO  
NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

DATE PLOTTED 10/14/14  
CDMP AND PLAY  
SHEET 1 OF 1

DATE PLOTTED 10/14/14  
CDMP AND PLAY  
SHEET 1 OF 1

DATE PLOTTED 10/14/14  
CDMP AND PLAY  
SHEET 1 OF 1

BK 1, Lots 1-7  
BK 2, Lots 1-28