

ZONING REPORT

Case No.: 1116-02

HTE No. 16-10000039

Planning Commission Hearing Date: November 16, 2016

Applicant & Legal Description	<p>Applicant/Representative: Cliff Atnip Owner: Lu Keiu Thi Location: 5333 and 5337 South Staples Street. Legal Description: Gardendale No. 2, Block 4, Lot 20-B and Lot 21, located on the northwest corner of South Staples Street and Curtis Clark Drive.</p>			
Zoning Request	<p>From: "CN-1" Neighborhood Commercial District To: "CG-2" General Commercial District Area: 0.8584 acres Purpose of Request: To demolish existing improvements and redevelop the corner. The applicant is considering a small retail center, standalone restaurant, or bar.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"CN-1" Neighborhood Commercial District	Commercial	Commercial
	<i>North</i>	"CG-2" General Commercial District	Commercial	Commercial
	<i>South</i>	"CG-2" General Commercial District	Commercial	Commercial
	<i>East</i>	"CG-2" General Commercial District	Commercial	Commercial
	<i>West</i>	"RS-6" Single Family Residential District	Vacant	Low Density Residential
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Southside Area Development Plan (ADP) and is planned for commercial uses. The proposed rezoning to the "CG-2" General Commercial District is consistent with the adopted Plan CC Future Land Use map and with the Southside ADP. Map No.: 043035 Zoning Violations: None</p>			
Transportation	<p>Transportation and Circulation: The subject property has approximately 205 feet of street frontage along South Staples Street, which is an "A2" Secondary Arterial street. The maximum average daily trips for an "A2" is 20,000 to 32,000. The subject property also has approximately 235 feet of street frontage along Curtis Clark Drive, which is a Local Residential street. The maximum average daily trips for a Local Residential street is 500.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	South Staples Street	"A2" Secondary Arterial Divided Street	100' ROW 54' paved	96' ROW 64' paved	42,595
	Curtis Clark Drive	Residential Street	60' ROW 40' paved	50' ROW 28' paved	Information Unavailable

Staff Summary:

Requested Zoning:

The applicant is requesting a change of zoning from the "CN-1" Neighborhood Commercial District to "CG-2" General Commercial District for redeveloping the property.

Development Plan:

The applicant proposes to rezone the subject lot, which is a part of Gardendale No. 2, to the "CG-2" General Commercial District. The lot is 0.8584 acres. The purpose of the rezoning is to demolish the existing improvements and redevelop the corner into a retail center, standalone restaurant, or bar.

Existing Land Uses & Zoning:

To the north, south, and east of the subject property the zoning is "CG-2" General Commercial with commercial uses. The lot to the west is zoned "R-6" Single Family Residential and is vacant.

AICUZ:

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

Plat Status: The subject property is platted.

Plan CC & Area Development Plan Consistency: The subject property is located within the boundaries of the Southside ADP. The proposed rezoning to the "CG-2" General Commercial District is consistent with Plan CC and the Future Land Use Map which identifies the area as Commercial. Additionally, the following are pertinent elements of Plan CC and the Southside ADP that should be considered:

- Be business-friendly. Establish a climate that attracts new industries and supports business growth and entrepreneurship as well as streamlined regulations that also protect environmental resources and quality of life. (Plan CC, Principles, page 14)
- Promote interconnected neighborhoods with appropriate transitions between lower-intensity and higher-intensity land uses. (Plan CC, Goal 3, Strategy 4, page 51.)

- Support the separation of high-volume traffic from residential areas or other noise sensitive land uses. Encourage the design of commercial centers in a manner that minimizes the impacts of automobile intrusion, noise and visual blight on surrounding areas (Plan CC, Goal 3, Strategy 5, page 51.)
- High-intensity commercial and industrial areas should be buffered to provide transition from low-density residential areas through the existence of:
 - A) Main roads;
 - B) Public and institutional buildings;
 - C) Open space;
 - D) Scale of design; and
 - E) Other transitional land uses.(Southside Area Development Plan, Policy Statement B.6)
- Preserve and protect the residential nature of the Gardendale Neighborhood from Curtis Clark south to Cain Drive and from Everhart east to Staples.
 - A) Prevent the development of non-residential uses into the interior of the neighborhood; and
 - B) Limit intrusion of new commercial or expansion of existing commercial development along the western and eastern edges of the neighborhood parallel to Everhart and Staples Streets(Southside Development Plan, Policy Statement B.10)
- Limited commercial expansion will be allowed along the west and east sides behind the Staples Street and Everhart Road commercial corridors. Sensitivity to the remaining residential neighborhood will likely be achieved by limiting expansion of commercial development to the following conditions
 - A) Total depth of commercial development between the street row line (Staples or Everhart Road) and the neighborhood shall generally not exceed 300’;
 - B) Require replatting to combine lots in order to access Staples Street or Everhart Road;
 - C) A standard screening fence and tree planting buffer will be required between the commercial properties and the remaining residential neighborhood. This buffer will be consistent with the requirements in the “B-1A” Neighborhood Business Zoning district; and
 - D) Implementation of this policy should be on a case by case basis through special permit and replatting process.(Southside Area Development Plan, Policy Statement B.11)

Department Comments:

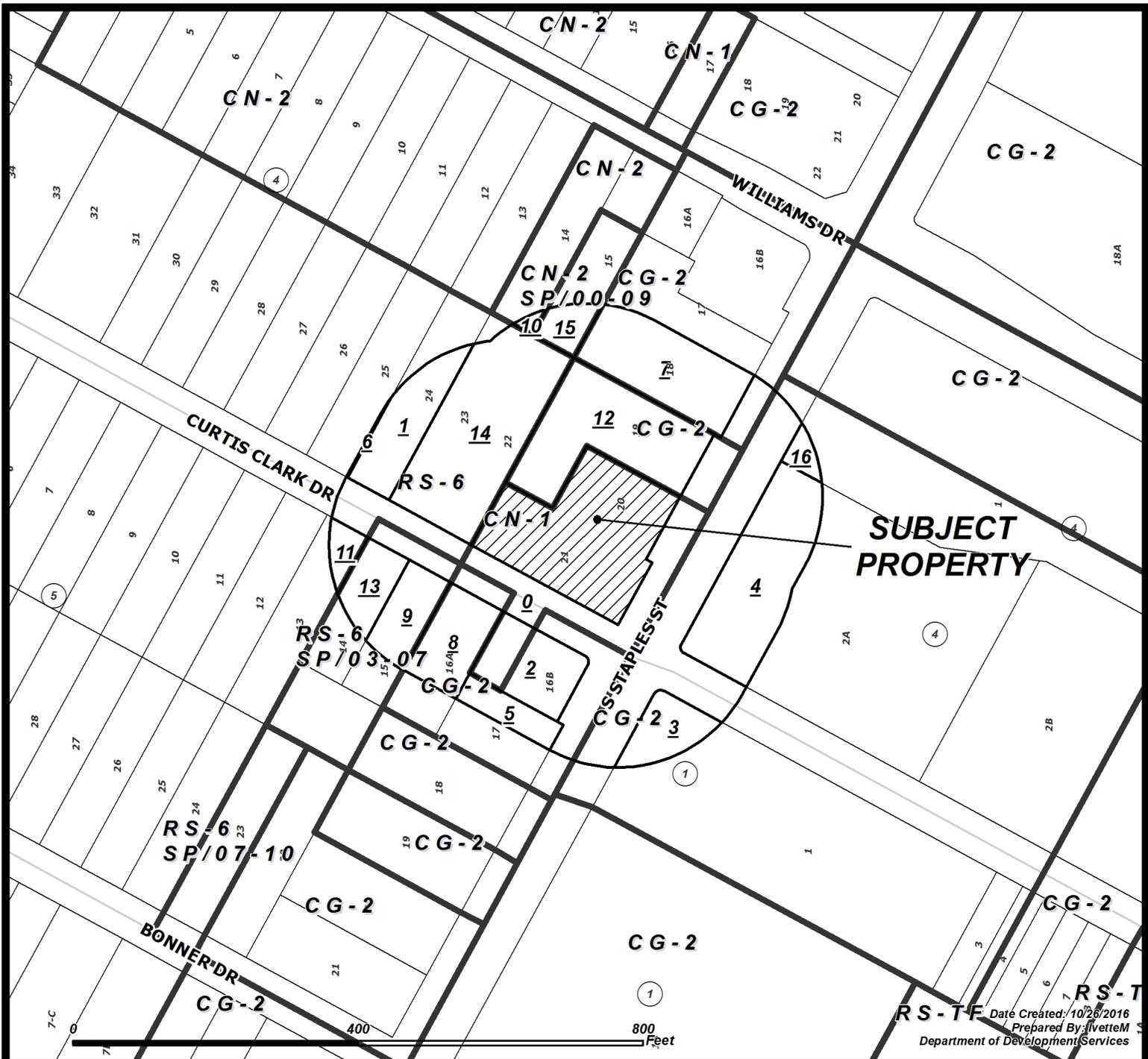
- The proposed rezoning does not encroach past the established line of existing “CG-2” General Commercial District.
- The rezoning to “CG-2” General Commercial District would be consistent with existing uses fronting Staples Street.
- The Unified Development Code contains provisions that would protect neighboring residential property through the use of setbacks, screening, and cutoff lights.

Staff Recommendation:

Approval of the change of zoning from the “CN-1” Neighborhood Commercial District to “CG-2” General Commercial District.

Public Notification	Number of Notices Mailed – 16 within 200’ notification area; 4 outside notification area
	<u>As of November 9, 2016:</u>
	In Favor – 0 (inside notification area); 0 (outside notification area)
	In Opposition – 0 (inside notification area); 0 (outside notification area)
	For 0.00% in opposition.

- Attachments:
1. Location Map (Existing Zoning & Notice Area)
 2. Application
 3. Returned Opposition/Support (if any)

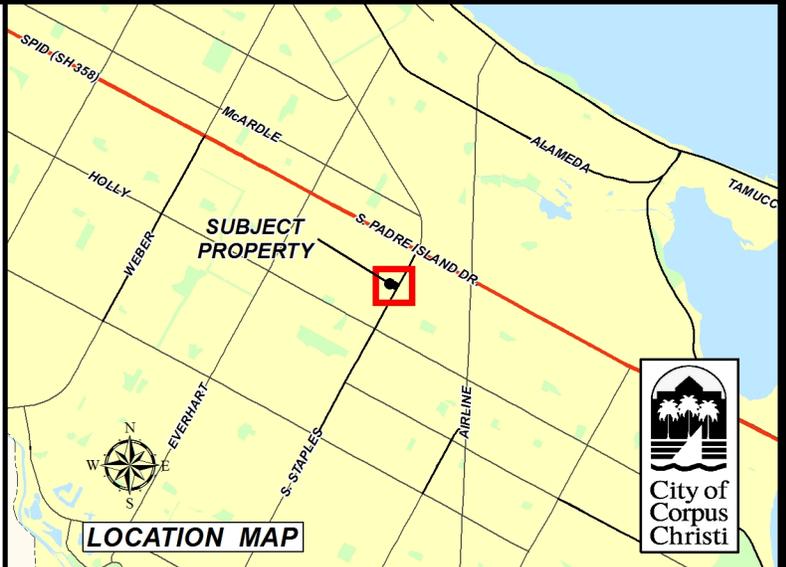


RS-TF Date Created: 10/26/2016
 Prepared By: Jivette M
 Department of Development Services

CASE: 1116-02 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





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.: _____ Map No.: 043035

PC Hearing Date: _____ 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: ELAINE HOFFMAN Contact Person: ELAINE HOFFMAN
Mailing Address: 5826 BEAR LN
City: CORPUS CHRISTI State: TX ZIP: 78405 Phone: (361) 851-1000
E-mail: _____ Cell: (361) 765-9362

2. Property Owner(s): LU KEIU THI (HELEN) Contact Person: _____
Mailing Address: 5333 STAPLES
City: CORPUS CHRISTI State: TX ZIP: 78411 Phone: (_____) _____
E-mail: N/A Cell: (361) 876-8588

3. Subject Property Address: 5333 STAPLES Area of Request (SF/acres): 37,390 SF
Current Zoning & Use: CN-1 Proposed Zoning & Use: CG-2
12-Digit Nueces County Tax ID: 2709-0004-0210 AND 2709-0004-0200
Subdivision Name: GARDENDALE #2 B Block: 4 Lot(s): 20B
Legal Description if not platted: _____

4. Submittal Requirements:
 Early Assistance Meeting: Date Held _____; with City Staff _____
 Land Use Statement Disclosure of Interest Copy of Warranty Deed
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.

Heeekw
Owner or Agent's Signature
Keen Lu Thi
Owner or Agent's Printed Name

Elaine B. Hoffman
Applicant's Signature
Elaine B. Hoffman
Applicant's Printed Name

Office Use Only: Date Received: 10-5-16 Received By: A.D ADP: SS
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.

APPLICANT, HAS A PURCHASE CONTRACT ON THE SUBJECT SITE. THEY INTEND TO DEMOLISH THE EXISTING IMPROVEMENTS AND REDEVELOP THE CORNER. OPTIONS THEY ARE LOOKING AT ARE A SMALL RETAIL CENTER OR SINGLE STAND ALONE RESTAURANT OR BAR.

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

North - CARWASH

South - CURTIS CLARK DR.

East - STAPLES RD.

West - CAR WASH + VACANT LAND.

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: CLIFF ATNIP

Mailing Address: 700 EVERHART

City: CORPUS CHRISTI State: TX Zip: 78411

Home Phone: (361) 992-3220 Business Phone: (361) 854-4449 Cell: (361) 510-4232

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: [Signature] Title: REAL ESTATE BROKER

Printed/Typed Name of Agent: CLIFF ATNIP Date: 9-22-16

*Signature of Property Owner: [Signature] Title:

Printed/Typed Name of Property Owner: HELEN LU Date:

*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: CLIFF ATNIP
STREET: 700 FUEZHAET CITY: CORPUS CHRISTI ZIP: 78411
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)
_____	_____
_____	_____

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
_____	_____
_____	_____

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
_____	_____
_____	_____

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
_____	_____
_____	_____

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: CLIFF ATNIP Title: AGENT
(Print Name)

Signature of Certifying Person: [Signature] Date: 9-22-16



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NAME: ELAINE HOFFMAN
STREET: 5826 BEAR LN CITY: CORPUS CHRISTI ZIP: 78405
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_____	_____

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Name	Consultant
<u>n/a</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: Elaine B. Hoffman Title: _____
(Print Name)

Signature of Certifying Person: Elaine B. Hoffman Date: 10/5/16



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NAME: HELEN LU
STREET: 5333 STAPLES CITY: CORPUS CHRISTI ZIP: 78411
FIRM is: Corporation Partnership Sole Owner Association Other _____

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Name	Consultant
_____	_____
_____	_____

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: _____ Title: _____
(Print Name)

Signature of Certifying Person: *Helen Lu* Date: _____



27 54 100 162 216 Feet
Copyright

WILLIAMS

CURTIS CLARK

STAPLES

RS-6

CG-2

RS-6

CG-2

CN-1

CG-2

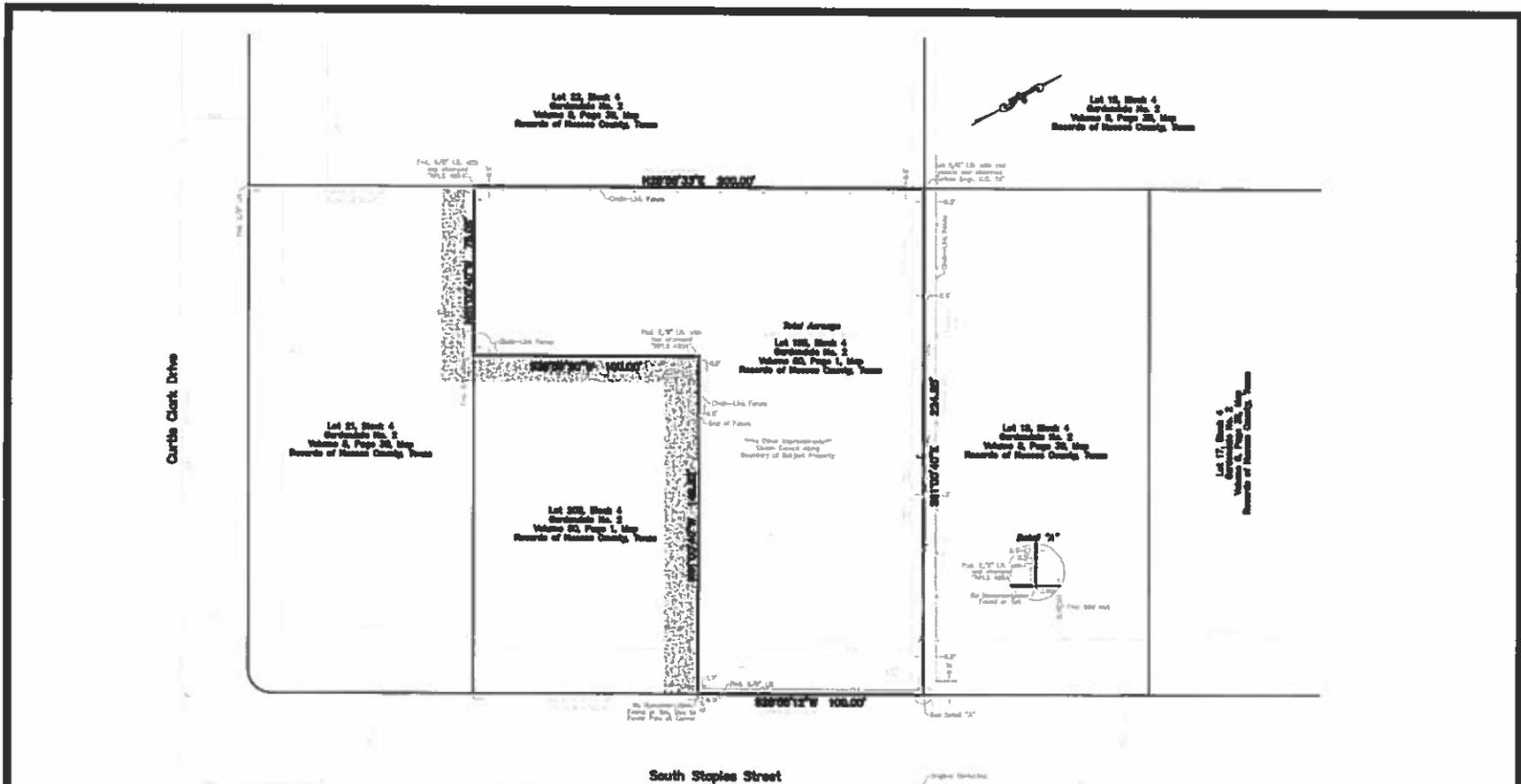
CN-2

CN-2

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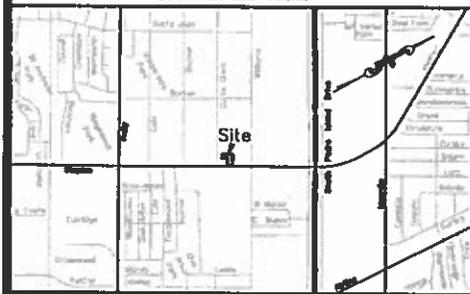
5754



Flood Note:

By graphic plotting only, this property is in Zone "C" of the Flood Insurance Rate Map, Community Panel Number 485484 0303 C, City of Corpus Christi, Texas, which bears an effective date of July 18, 1995 and is not in a Special Flood Hazard Area.

LOCATION MAP N.T.S.



General Notes:

- 1.) Bearings based on the recorded plat of Lots 198 and 208, Gardendale No. 2, a map of which is recorded in Volume 80, Page 1, Map Records of Nueces County, Texas.
- 2.) Some features shown on this survey may be out of scale for clarity.
- 3.) Declaration is made to original purchaser of the survey; it is not transferable to any additional or subsequent owners.
- 4.) This survey was prepared from field data obtained on July 12, 2007.
- 5.) This survey was prepared without the benefit of a current title commitment. Surveyor has made no investigation or independent search for assessments of record, encumbrances, restrictive covenants, ownership title relations, or any other facts that an accurate title search may disclose.

Surveyors Certificate:

Teo Upton, Michèle Harbick & Heymann, LLP
 We, Urban Engineering, have made an on the ground field survey, under my direction and supervision, of the property legally described hereon of observable, aboveground evidence of buildings, structures and other improvements situated on the premises have been shown, said property has come to and from a dedicated marking, this survey substantially conforms to the current Manual of Practice for Land Surveying in Texas, published by the Texas Society of Professional Surveyors, for a Category 1B, Condition 2 Land Title Survey.

URBAN ENGINEERING

Juan J. Salazar, R.P.L.S.
 License No. 4608



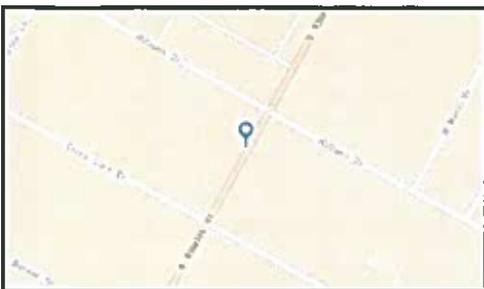
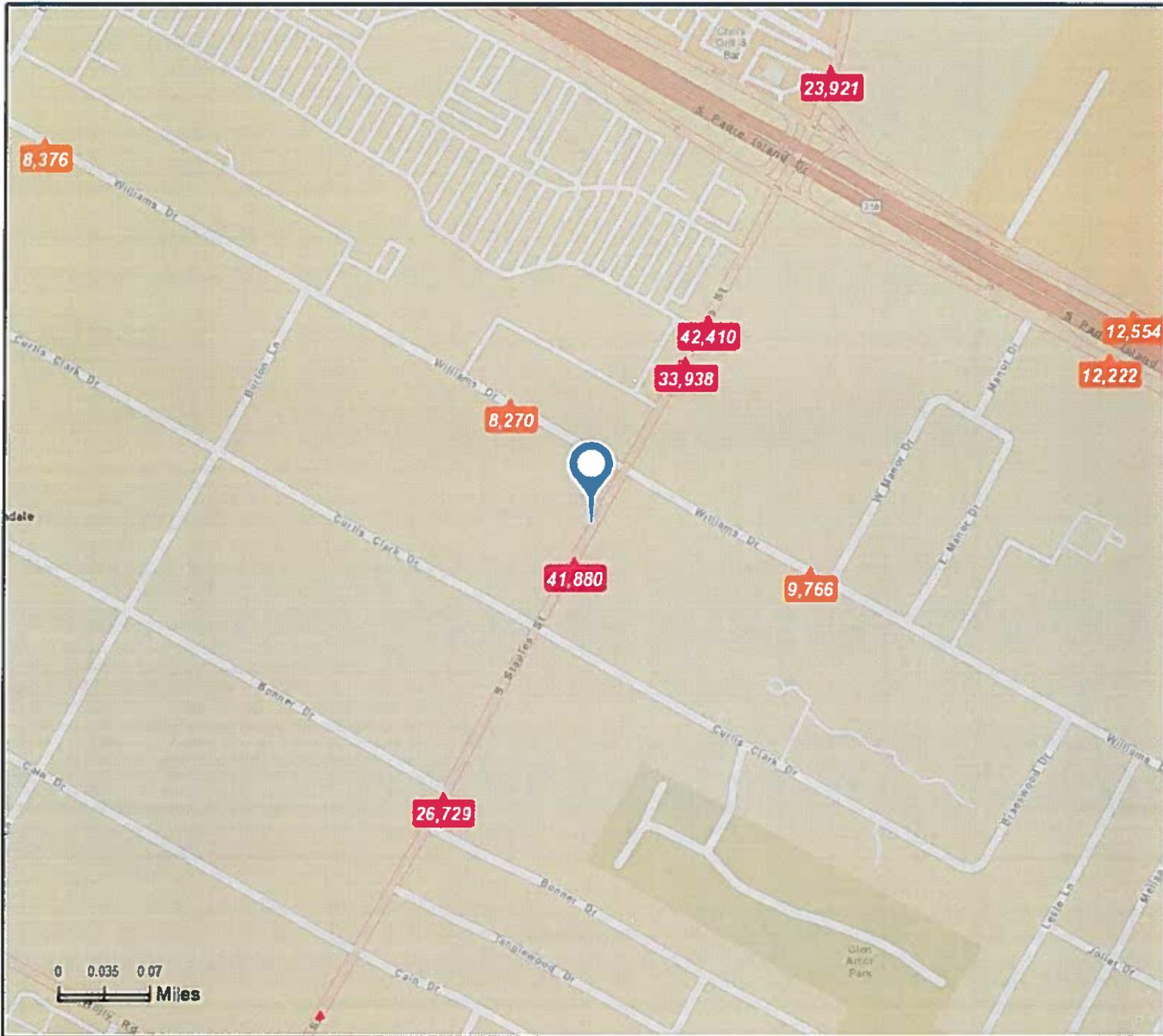
REV. BY	DATE	DESCRIPTION	APPROVED
 2725 BARRAGE, CORPUS CHRISTI, TEXAS 78404-4328 (361) 884-3101 FAX (361) 884-8801			
BOUNDARY SURVEY OF			
A 0.889 acre tract of land being all of Lot 198, Block 4, Gardendale No. 2, a map of which is recorded in Volume 80, Page 1, Map Records of Nueces County, Texas.			
DRAWN BY: <u>DS</u>		SCALE: 1" = 30' JOB NO: 02040700	
CHK'D. BY: _____		DATE: 7/23/07 SHEET: 1 OF 1	



Traffic Count Map - Close Up

5333 S Staples St, Corpus Christi, Texas, 78411
Rings: 1, 3, 5 mile radii

Prepared by E
Latitude: 27.704
Longitude: -97.372



- Average Daily Traffic Volume**
- ▲ Up to 6,000 vehicles per day
 - ▲ 6,001 - 15,000
 - ▲ 15,001 - 30,000
 - ▲ 30,001 - 50,000
 - ▲ 50,001 - 100,000
 - ▲ More than 100,000 per day



Source: © 2016 Kallbrate Technologies

July 01, 201