

PLANNING COMMISSION FINAL REPORT

Case No. 0315-01

HTE No. 15-10000009

Planning Commission Hearing Date: March 25, 2015

Applicant & Legal Description	<p>Applicant/Representative: Craig B. Thompson, P.E. (Naismith Engineering) Owner: Doxa Enterprises, LP. Legal Description/Location: Being 0.826 acres out of Lots 7 and 8, Section 6, Flour Bluff and Encinal Farm and Garden Tract, located west of South Staples Street (FM 2444) and south of Henderson Street.</p>			
Zoning Request	<p>From: "FR" Farm Rural District To: "CG-2" General Commercial District Area: 0.826 acres Purpose of Request: To allow a commercial use.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"FR" Farm Rural	Vacant	Commercial
	<i>North</i>	"CG-2" General Commercial	Vacant	Commercial
	<i>South</i>	"PUD" Planned Unit Development	Single-Family Residential	Single-Family Residential
	<i>East</i>	"CG-2" General Commercial	Commercial	Commercial
	<i>West</i>	"RS-6" Single-Family	Single-Family Residential	Single-Family Residential
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Southside Area Development Plan and is planned for commercial uses. The proposed rezoning to the "CG-2" General Commercial District remains consistent with the adopted Future Land Use Plan. Map No.: 045032 Zoning Violations: N/A</p>			
Transportation	<p>Transportation and Circulation: The subject property has approximately 70 feet of street frontage along South Staples Street (FM 2444), which is an "A-3" Primary Arterial Divided.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2013)
	South Staples Street (FM 2444)	"A-3" Primary Arterial Divided	130' ROW 79' paved	95' ROW 64' paved	20,339 ADT

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the "FR" Farm Rural District to the "CG-2" General Commercial District to allow commercial uses.

Development Plan: The applicant has no plans for development at time of application, but to develop this property in conjunction with the property immediately to the north.

Existing Land Uses & Zoning: The current use of the property is vacant. North and east of the subject property is a commercial business zoned "CG-2" General Commercial District. South and west of the subject property are single-family dwellings zoned "RS-6" Single Family 6 District and a "PUD" Planned Unit Development (Buckingham Estates).

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 Comprehensive Plan and the Southside Area Development Plan (ADP) slate the subject property for commercial uses. The proposed change of zoning of the 0.826 acre property to the "CG-2" General Commercial District is consistent with the adopted Future Land Use Map, and meets the criteria of the Comprehensive Plan and ADP.

Plat Status: The subject property is not platted.

Department Comments:

- The rezoning is consistent with the Comprehensive Plan and the Southside Area Development Plan.
- The rezoning is compatible and maintains character with the adjacent uses to the north, south, east, and west, which include residential and commercial uses.
- The rezoning does not have a negative impact on the surrounding neighborhood.
- The subject property is physically separated from the single-family lots to the south by an alley within the Buckingham Estates subdivision.

Staff Recommendation:

Approval of the rezoning to the “CG-2” General Commercial District.

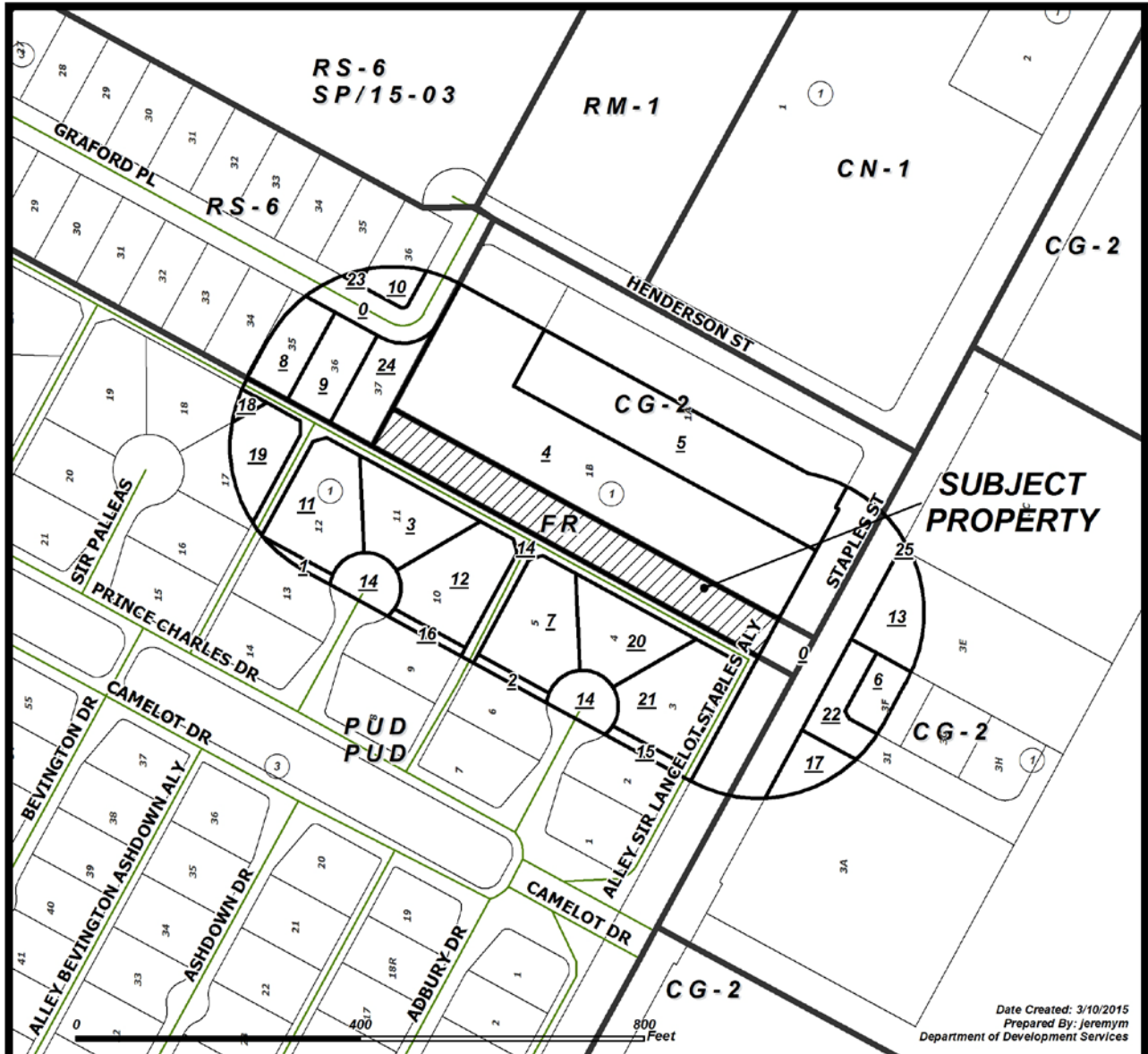
Planning Commission Recommendation (March 25, 2015):

Denial of the rezoning to the “CG-2” General Commercial District and, in lieu thereof, approval of a rezoning to the “CN-1” Neighborhood Commercial District.

Public Notification	Number of Notices Mailed – 25 within 200-foot notification area 12 outside notification area
	<u>As of May 7, 2015:</u>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 2 inside notification area – 1 outside notification area
	Totaling 4.01% of the land within the 200-foot notification area in opposition.

Attachments:

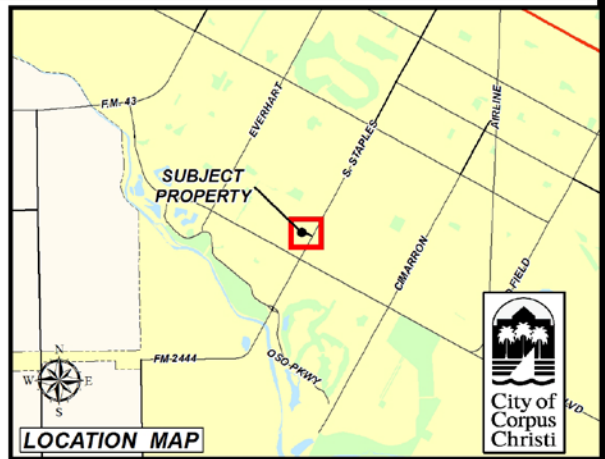
1. Location Map (Existing Zoning & Notice Area)
2. Copy of Public Comments Submitted



CASE: 0315-01
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
C1 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



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 suplica 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. 0315-01**

*Received at
PC hearing 3/25/15*

Doxa Enterprises, LP has petitioned the City of Corpus Christi to consider a change of zoning from the **"FR" Farm Rural District** to the **"CG-2" General Commercial District**, not resulting in a change to the **Future Land Use Plan**. The property to be rezoned is described as:

Being a 0.826 Acre out of Lots 7 and 8, Section 6, Flour Bluff and Encinal Farm and Garden Tract, located west of South Staples Street (FM 2444) and south of Henderson Street.

The Planning Commission may recommend to City Council approval or denial, or approval of different Special Permit conditions. 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 on **Wednesday, March 25, 2015**, during one of the Planning Commission's regular meetings, which begins at **5:30 p.m.** in the City Council Chambers, 1201 Leopard Street. You are invited to attend this public hearing to express your views on this rezoning request. For more information, please call (361) 826-3240.

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: Elvira M Truan

Address: 6902 Sir Geraint City/State: Corpus Christi TX

() IN FAVOR (X) IN OPPOSITION Phone: 361 5498-9215

REASON:
We understand Theo is the owner of property. He owns Katz, The Palace, and at least a billiards business. With ordinance - outdoor patio: noise, smoke, loud talking - all part of normal business of this type. The buffer green necessary - also for potential violence inherent in these businesses. All commercial business down South Staples.

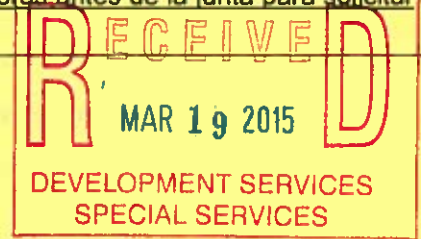
Mrs. Elvira M. Truan
Signature

Property Owner ID: 3
HTE# 15-1000009
The alley between fence line and our house is single car to 1.5 width - full glass back of house. Quality of living / property value decrease -
Case No. 0315-01
Project Manager: Steven Rhea

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Rezoning Case No. 0315-01**



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Printed Name: Ruben R. Herma
Address: 6910 Sirhan Lot City/State: CC, TX, 78413
() IN FAVOR IN OPPOSITION Phone: 361-774-8980

REASON:
area too close to our house -

Signature [Handwritten Signature]

SEE MAP ON REVERSE SIDE
Property Owner ID: 15
HTE# 15-10000009

Case No. 0315-01
Project Manager: Steven Rhea

BUCKINGHAM ESTATES ASSOCIATION
P.O. Box 271646
Corpus Christi, Texas, 78427-1646

March 19, 2015

Planning Commission
City of Corpus Christi
1201 Leopard Street
Corpus Christi, Texas 78401

Dear Planning Commission Members,

The purpose of this letter is to provide comments regarding City Planning Commission Public Hearing Notice for Rezoning Case Number 0315-01, which is scheduled for Public Hearing on 25 March 2015. I am writing this letter in my capacity as Buckingham Estates Homeowners Association President, because previously-scheduled out-of-state business-travel obligations make it impossible for me to appear in person at the 25 March hearing.

Buckingham Estates is a 168-lot gated residential development located at the intersection of South Staples Street and Yorktown Boulevard, and immediately adjoining the property at issue in this case. Consequently, the proposed rezoning action affects the entire development and not merely the homes and lots physically located within the standard 200-foot distance which comprises the normal area for mailing of City rezoning notices.

Unfortunately, the relatively short time available between receipt of City notices (by the small subset of Buckingham Estates owners who actually received a mailed notice, post marked 13 March), and the 25 March hearing, has complicated the challenge of notifying all Buckingham Estates homeowners and obtaining individual comments and signatures from each owner. Consequently, the Association Board of Directors made the unanimous decision to send this letter as the most practical means of providing the Planning Commission with the consensus views of all 168 Buckingham Estates property owners.

Those facts and concerns are as follows:

- 1) The current FR zoning of the property in question in this case has existed for a period of decades, and certainly since the time Buckingham Estates was originally developed in the early 1980s.
- 2) The FR-zoned property has thus been a long-standing, integral factor in defining the status quo nature of the Buckingham Estates development as a gated residential property adjoined on its non-Staples and non-Yorktown sides by other single-family detached homes -- but which does not directly abut any commercial facility. The FR-zoned property in question has thus historically served as a de facto buffer zone between the

Buckingham Estates development and any potential future commercial facility which might understandably be constructed along Staples Street within the more remote (i.e., northern) CG-2-zoned portion of the larger lot in question in this case (of which the FR-zoned portion forms the southern boundary).

3) Rezoning the FR-zoned property in question for CG-2 use will potentially change the nature and curb-appeal property values of the Buckingham Estates development, by making it possible to construct a commercial facility directly up against the Buckingham Estates north fence (i.e., the fence which abuts the FR-zoned property in question).

4) Based on Table 4.5.2 of the City's Unified Development Code, examples of the most concerning types of CG-2-zoned facilities that could be constructed immediately up against the Buckingham Estates fence (i.e., without benefit of the existing FR-zoned buffer) include such facilities as bars, restaurants, convenience stores, service stations, multi-family apartments, etc. (with all the attendant traffic, noise, and potential after-hours activities which might predictably accompany such commercial use developments).

5) Such an end result would completely alter the existing nature of the Buckingham Estates development. It would negatively impact the implicit promise of "peace and quiet living" which provides much of the appeal to potential buyers of Buckingham Estates homes. That in turn has genuine potential to negatively affect our future property values.

6) The fact of the current FR zoning status of the property in question provides an obvious constraint on its developmental use. However, that constraint is not new; it represents a decades-long status quo condition. That constraint is something which predates the current property owner's ownership, so the current property owner was not ignorant of the constraint at the time of purchase. Therefore, retaining the existing FR zoning designation inflicts no harm to, and imposes no new constraints upon, the current owner.

Bottom Line: It appears clear to the homeowners of Buckingham Estates Association that the fairest-possible resolution to this matter for all parties involved is to retain the FR zoning status of the property in question and disapprove its rezoning to CG-2 use.

Should you need to contact me regarding this issue, my email is; craig.kleint@att.net my home number is 361-985-6310, and my cell phone number is 619-384-3737.

Sincerely,



Craig S. Kleint
President, Buckingham Estates Association