

ZONING REPORT

Case # 0723-05

Applicant & Subject Property			
<p>City Council District: 1 Owner/Applicant: Circle K Stores INC Address: 11102 Up River Road, located along the north side of Interstate Highway 37 Access Road, north of Up River Road, and west of Guth Road. Legal Description: Being described as 0.62 acres out of Lot 2, Block 2, Noakes Partition (See Metes and Bounds) Acreage of Subject Property: 0.62 acres. Pre-Submission Meeting: June 2023.</p>			
Zoning Request			
<p>From: "RS-6" Single-Family 6 District To: "CG-2" General Commercial District Purpose of Request: To allow for the expansion of an existing convenience store and diesel fuel sales.</p>			
Land Development & Surrounding Land Uses			
	Zoning District	Existing Land Use	Future Land Use
Site	"RS-6" Single-Family 6	Vacant	Flood Plain Conservation
North	"RS-6" Single-Family 6	Vacant	Flood Plain Conservation
South	"CG-2" General Commercial	Vacant	Flood Plain Conservation, Low-Density Residential, Commercial
East	"RS-6" Single-Family 6	Low-Density Residential, Commercial	Low, Medium & High-Density Residential, Commercial
West	"CG-2" General Commercial	Vacant, Commercial	Flood Plain Conservation, Commercial
<p>Plat Status: An Application for Land Subdivision has been submitted. Military Compatibility Area Overlay District (MCAOD, Effective August 22, 2022): The subject property is not located in the MCAOD. Code Violations: None.</p>			
Transportation and Circulation			
	Designation-Urban Street	Section Proposed	Section Existing
IH 37 Access	F1 Freeway/Expressway	NA	2 Lanes, 40 Feet

Up River Road	C1 Collector	2 Lanes, 60 Feet	2 Lanes, 60 Feet
<p><i>Note: Signalized intersection exists at Violet Road and Up River Road Intersection, dead ending at the subject property. Property egress is less than 500 feet to freeway ingress.</i></p>			
<p>Transit: The Corpus Christi RTA provides service to the subject property (.5 miles) via Bus Route 27.</p>			
<p>Utilities</p>			
<p>Gas: A 6' WS line along the Up River Road. Stormwater: A Storm Ditch along Up River Road. Wastewater: No current service. Water: A 20" CIP line along Up River Road.</p>			
<p>Corpus Christi Comprehensive Plan</p>			
<p>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. Area Development Plan (ADP): According to Plan CC the subject property is located within the Northwest Area Development Plan (Adopted on January 9, 2001). Water Master Plan: Proposed increase to a 24-inch service line. Wastewater Master Plan: No improvements have been proposed. Stormwater Master Plan: No improvements have been proposed.</p>			
<p>Public Notification</p>			
Number of Notices Mailed	<ul style="list-style-type: none"> • 11 within the 200-foot notification area • 2 outside the 200-foot notification area 		
In Opposition	<ul style="list-style-type: none"> • 0 inside the notification area • 0 outside the notification area • 0% in opposition within the 200-foot notification area (0 individual property owners) 		
<p>Public Hearing Schedule</p>			
<p>Planning Commission Hearing Date: July 26, 2023 (Tabled) Planning Commission Hearing Date: August 23, 2026 City Council 1st Reading/Public Hearing Date: October 10, 2023 City Council 2nd Reading Date: October 17, 2023</p>			

Comprehensive Plan (Plan CC) Consistency:

Future Land Use, Zoning, & Urban Design

- Corpus Christi development patterns support efficient and cost-effective use of resources and high quality of life.
 - Encourage the protection and enhancement of residential neighborhoods.
 - 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.
- Corpus Christi has well-designed neighborhoods and built environments.
 - Screening fences, open spaces, or landscaping can provide an essential buffer between shopping and residential areas.

Northwest Area Development Plan (ADP) Consistency:

- The expansion of business uses should be planned and zoned so that the traffic-carrying capacity of the street is protected.
 - The plan recognizes the many existing commercial uses located along arterial streets and calls for their continuance. However, every available means should be used to manage traffic flow/access (e.g., access management devices, marginal access controls, driveway use restrictions, etc.) from adjacent new uses and protect the City's investment in an efficient transportation system.
 - This nodal approach to high-density development will help to preserve traffic flow on arterial streets and concentrate traffic generation at signalized intersections where it can be efficiently managed. The depth of such commercial developments should not exceed a depth of 300 to 500 feet.

Future Land Use Map (FLUM) Consistency: The proposed rezoning is inconsistent.

- Designated Future Land Use: Flood Plain Conservation.
- Note: Although the FLUM designation is Flood Plain Conservation, the property is not located in a Special Flood Hazard Area.

Staff Analysis:

- The applicant has requested to rezone the southern 0.62-acre portion of the property out of an approximately 23-acre tract of land; expanding the existing "CG-2" zoned area 150 feet farther northwest of the existing convenience store to allow for the addition of a 3-lane canopy diesel accompanied by 9 automobile parking spaces.
- The rezoning request is consistent with many goals and strategies for decision-makers. Plan CC encourages the proper placement of land uses based on compatibility and locational needs, and characteristics of each use. The subject property is located at the intersection of Interstate Highway 37 Access Road (Up River Road) and Violet Road (a primary collector).
- The neighboring area is characterized by residential subdivisions that line Interstate Highway 37, which is a designated scenic corridor, and the general commercial uses at intersections, supported by neighborhood commercial uses, and vacant land beyond

designated for floodplain conservation. Commercial uses include retail, a restaurant, and two construction companies.

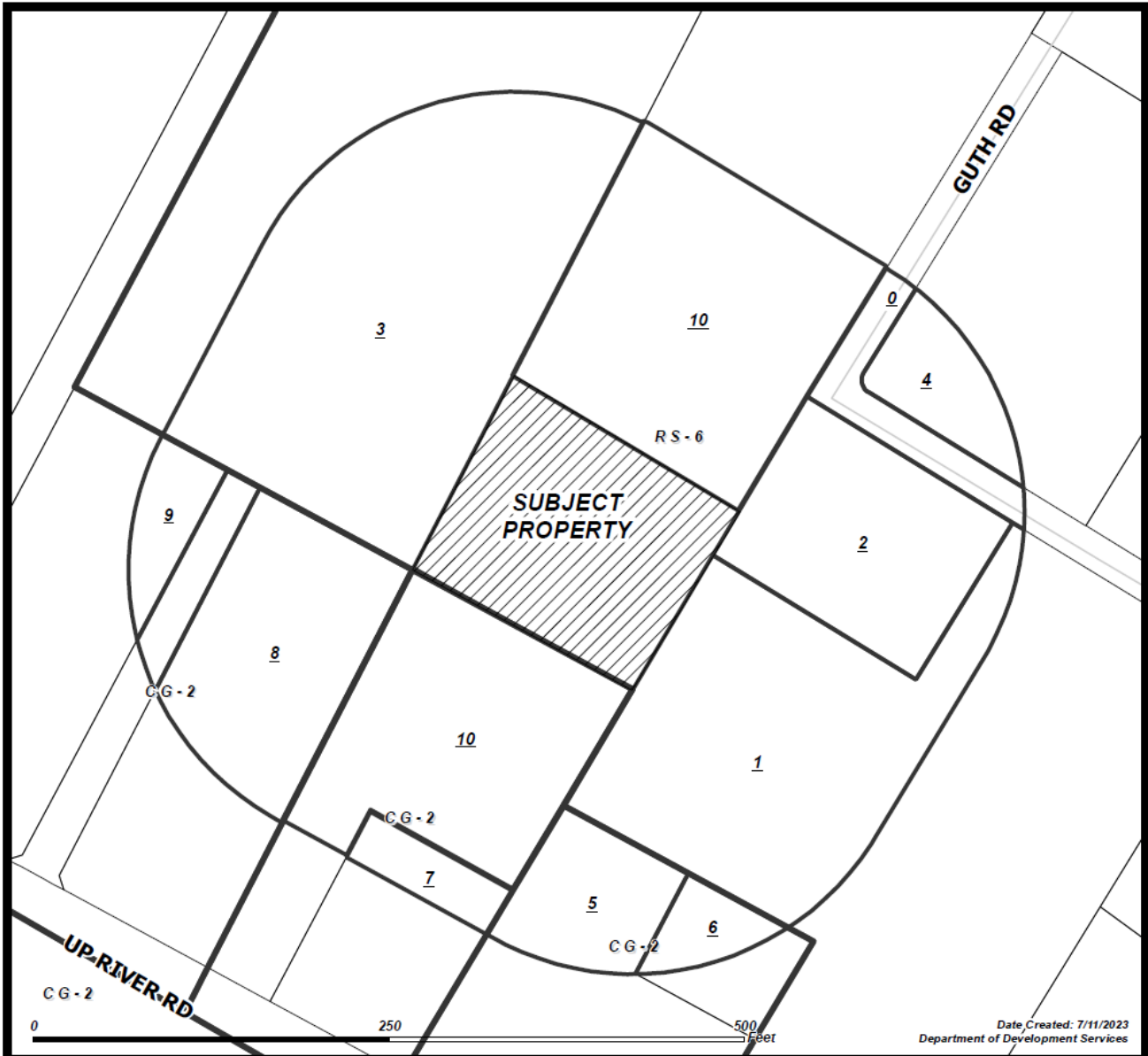
- The rezoning request will not have an adverse impact on the surrounding neighborhood. Fuel sales is a permitted use in the most restrictive commercial district, and when abutting a residential district is subject to strict development standards such as landscaping buffer yards, setbacks, and visual screening.
- The development addresses a locational need for large truck fueling.
- Immediate access from Interstate Highway 37 (less than 500 feet) makes the site appropriate, limiting traffic intrusion into the neighborhoods. The approval would be accommodating an existing use and is within an existing “CG-2” District node.
- IH 37 is part of the Texas Highway Freight Network and one in sixteen jobs in Texas is directly supported by freight transportation.
- No new driveways will be created and therefore the project does not require formal TxDOT driveway permitting.
- TxDOT was contacted for input regarding this rezoning request and stated they do not see an issue.

Planning Commission and Staff Recommendation (August 23,2023): Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District.

Attachments:

- A. Existing Zoning and Notice Area Map
- B. Metes and Bounds with Exhibit
- C. Site Plan
- D. TxDOT Correspondence

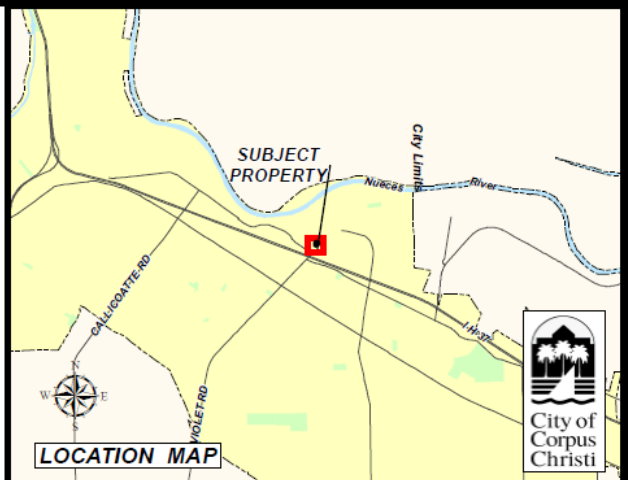
ATTACHMENT A: EXISTING ZONING AND NOTICE AREA



**Case # 0723-05
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
4 Owners within 200' listed on attached ownership table
 Owners in opposition



ATTACHMENT B: METES AND BOUNDS

LEGAL DESCRIPTION

BEING a 0.624 acre tract of land out of the Fred Steubing Survey, Abstract No. 808, situated in the City of Corpus Christi, Nueces County, Texas, being a portion of Lot 2, Block 2 of Noakes Partition, a subdivision of record in Volume 36, Page 16 of the Plat Records of Nueces County, Texas, and being more particularly described by metes and bounds as follows:

COMMECING at a 1/2 inch iron rod found in the North right-of-way line of Up River Road (variable width right-of-way), being the Southwest corner of said Lot 2, Block 2, and being the Southeast corner of Lot 2, Block 3 of Noakes Partition, a subdivision of record in Volume 62, Page 50 of said Plat Records, from which an aluminum TxDOT monument found at the Southwest corner of Lot 3 of said Block 3 bears N61°16'49"W, a distance of 274.62 feet;

THENCE, N27°36'02"E, leaving the North right-of-way line of Up River Road, along the West line of said Lot 2, Block 2, being the common East line of said Lot 2, Block 3, a distance of 315.01 feet to the **POINT OF BEGINNING**, being the Northeast corner of said Lot 2, Block 3, and being an exterior ell corner in the East line of a called 22.125 acre tract of land conveyed to Rick's Homes, LLC by deed of record in Document Number 2019011202 of the Official Records of Nueces County, Texas;

THENCE, N27°36'02"E, continuing along the West line of said Lot 2, Block 2, being the common East line of said 22.125 acre tract, a distance of 154.29 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set;

THENCE, S58°54'20"E, leaving the East line of said 22.125 acre tract, over and across said Lot 2, Block 2, a distance of 185.24 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the East line of said Lot 2, Block 2, being the common West line of a called 3.139 acre tract of land conveyed to Neal Ward by deed of record in Document Number 2021029432 of said Official Records, from which a 2 inch iron pipe found at an angle point in the East line of said Lot 2, Block 2 bears N31°05'26"E, a distance of 2,919.24 feet;

THENCE, S31°05'26"W, along the East line of said Lot 2, Block 2 and the common West line of said 3.139 acre tract, a distance of 146.71 feet to a point, from which an aluminum TxDOT monument found in the North right-of-way line of Up River Road, being the Southeast corner of Lot 1-R of said Block 2, and being the Southwest corner of a called Tract 2 - 1.01 acre tract of land conveyed to Circle K Stores Inc. by deed of record in Document Number 2015047900 of said Official Records, bears S31°05'26"W, a distance of 315.73 feet;

THENCE, N61°16'49"W, leaving the West line of said 3.139 acre tract, over and across said Lot 2, Block 2, a distance of 175.99 feet to the **POINT OF BEGINNING**, and containing an area of 0.624 acres (27,163 square feet) of land, more or less.

This document was prepared under 22 Texas Administrative Code §138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Bearings are based on GPS observations utilizing the AllTerra RTK Network; North American Datum of 1983 (Adjustment Realization 2011).

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a Registered Professional Land Surveyor under the laws of the State of Texas

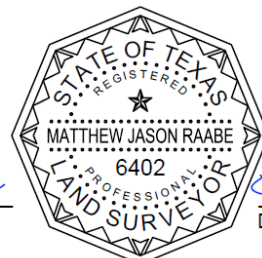
PAGE 1 OF 2



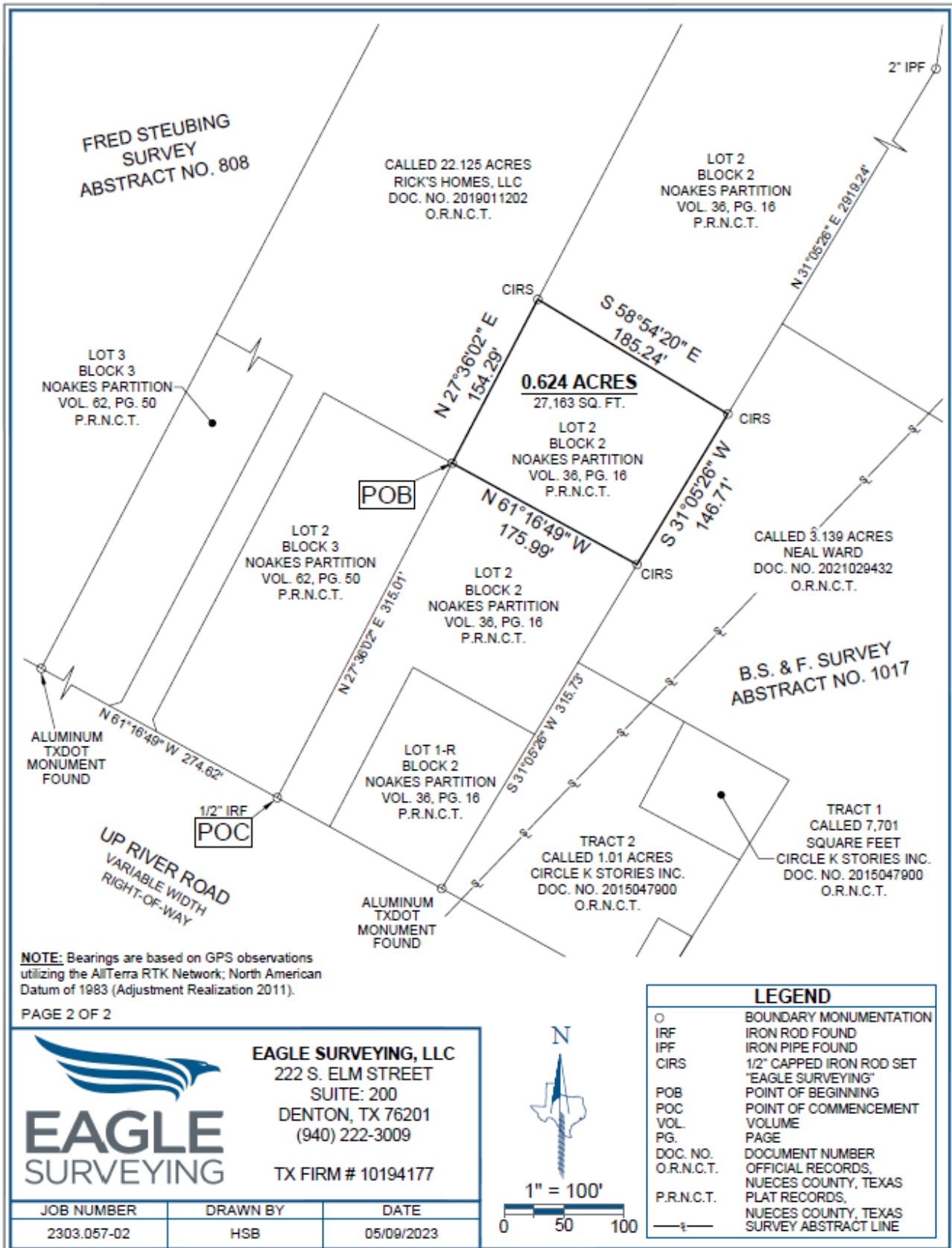
EAGLE SURVEYING, LLC
222 S. ELM STREET
SUITE: 200
DENTON, TX 76201
(940) 222-3009
TX FIRM # 10194177

JOB NUMBER	DRAWN BY	DATE
2303.057-02	HSB	05/09/2023

Matthew Raabe
Matthew Raabe
R.P.L.S. # 6402



05-16-23
Date

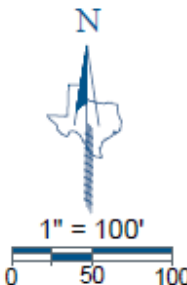


NOTE: Bearings are based on GPS observations utilizing the AllTerra RTK Network; North American Datum of 1983 (Adjustment Realization 2011).

PAGE 2 OF 2

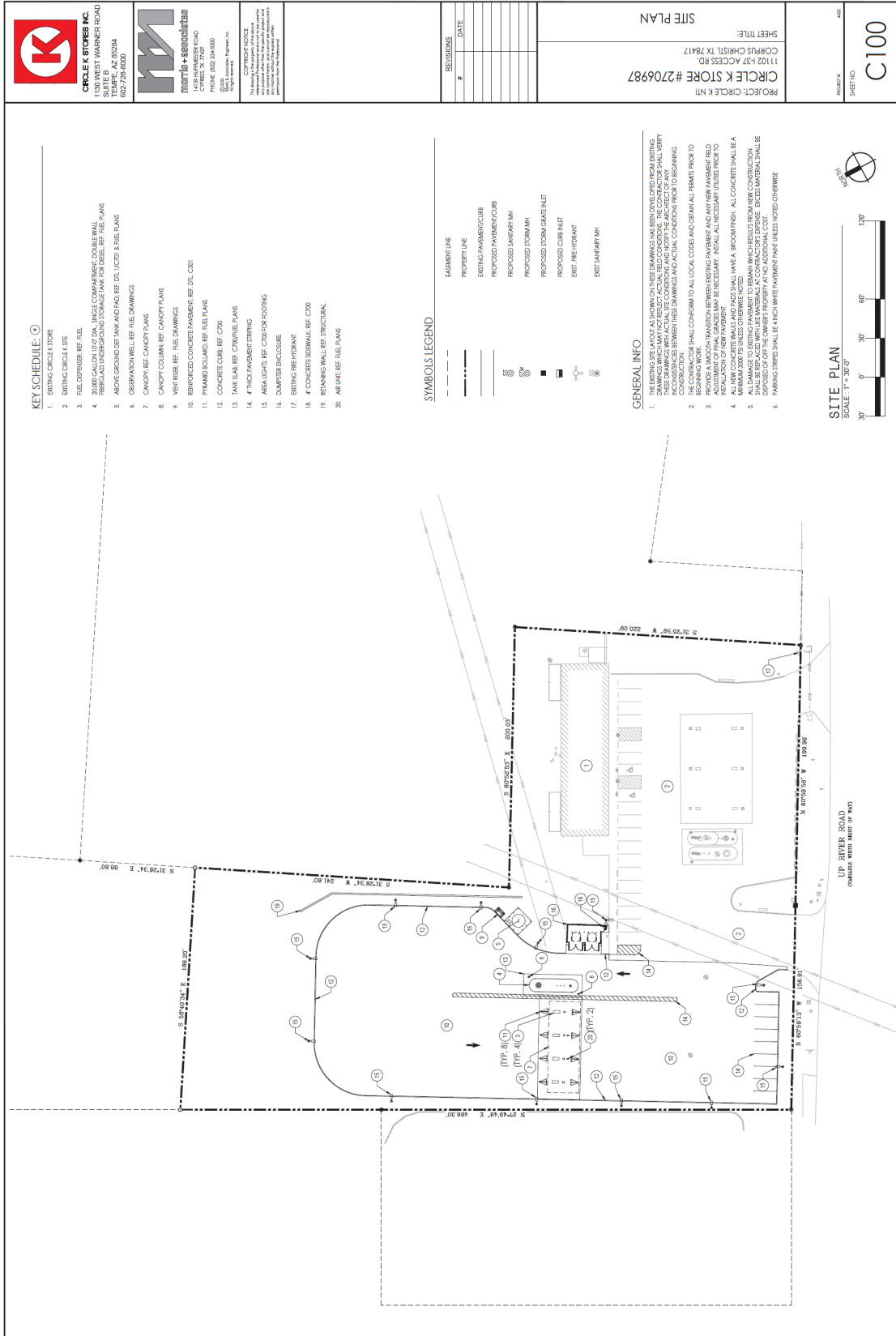
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JOB NUMBER	DRAWN BY	DATE
2303.057-02	HSB	05/09/2023



LEGEND	
○	BOUNDARY MONUMENTATION
○	IRON ROD FOUND
○	IRON PIPE FOUND
○	CIRS
○	1/2" CAPPED IRON ROD SET "EAGLE SURVEYING"
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
VOL.	VOLUME
PG.	PAGE
DOC. NO.	DOCUMENT NUMBER
O.R.N.C.T.	OFFICIAL RECORDS, NUECES COUNTY, TEXAS
P.R.N.C.T.	PLAT RECORDS, NUECES COUNTY, TEXAS
— —	SURVEY ABSTRACT LINE

ATTACHMENT C: SITE PLAN



CIRCLE K STORES INC.
11101 WEST WARRNER ROAD
SUITE B
TEMPE, AZ 85284
602.726.6600

MWH
1419 HARMER ROAD
CHANDLER, AZ 85226
480.420.8000
www.mwh.com

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REVISIONS	DATE

SITE PLAN
PROJECT: CIRCLE K #2706987
11102 E 37th ACCESS RD.
CORPUS CHRISTI, TX 78417
SHEET TITLE:
SHEET #

PROJECT #
SHEET NO.
C100

- KEY SCHEDULE:**
- EXISTING CIRCLE STORE
 - EXISTING CIRCLE LIFE
 - FUEL DISPENSER REF. FUEL
 - 20000 GALLON U.C/DAL. SINGLE COMPARTMENT DOUBLE WALL FIBERGLASS UNDERGROUND STORAGE TANK FOR DIESEL. REF. FUEL PLANS
 - ABOVE GROUND DEF. TANK AND PAD. REF. D/L/C/D/I & FUEL PLANS
 - OBSERVATION WELL. REF. FUEL DRAWINGS
 - CANOPY REF. CANOPY PLANS
 - CANOPY COLUMN REF. CANOPY PLANS
 - 10FT RISER. REF. FUEL DRAWINGS
 - REINFORCED CONCRETE PAVEMENT. REF. D/L C/D/I
 - PYRAMID ISOLAND. REF. FUEL PLANS
 - CONCRETE CURB. REF. C700
 - TANK LARS. REF. C700/FUEL PLANS
 - 4" FIBRE PAVEMENT STRIPS
 - RESALUR. REF. C700 FOR POORING
 - EMERGENCY ESCAPE ROUTE
 - EXISTING REHYDRANT
 - 4" CONCRETE SERRVAL. REF. C700
 - REINFORCING WALL. REF. STRUCTURAL
 - AR LINE. REF. FUEL PLANS

- SYMBOLS LEGEND**
- DASHED LINE
 - PROPERTY LINE
 - EXISTING PAVEMENT/CURB
 - PROPOSED PAVEMENT/CURB
 - PROPOSED SLOPE/STAIR
 - PROPOSED FORM MH
 - PROPOSED DORM GATE INLET
 - PROPOSED CURB INLET
 - EXIST. REHYDRANT
 - EXIST. LAMP/ART MH

GENERAL INFO

- THE EXISTING LOTS AS SHOWN ON THESE DRAWINGS HAS BEEN OFFERED FROM EXISTING DRAWINGS WHICH MAY NOT REFLECT ACTUAL FIELD CONDITIONS. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND RECORD ANY DISCREPANCIES BETWEEN THESE DRAWINGS AND ACTUAL CONDITIONS PRIOR TO BEGINNING WORK.
- THE CONTRACTOR SHALL CONFORM TO ALL LOCAL CODES AND ORDINANCES APPLICABLE TO THE BEGINNING WORK.
- ALL UTILITIES SHALL BE IDENTIFIED AND MARKED PRIOR TO ANY EXCAVATION WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO THE START OF ANY WORK.
- INSTALLATION OF NEW PAVEMENT SHALL BE DONE IN A BROOM FINISH. ALL CONCRETES SHALL BE A MINIMUM 4000 PSI UNLESS OTHERWISE NOTED.
- ALL DAMAGE TO EXISTING PAVEMENT TO REMAIN WHICH RESULTS FROM NEW CONSTRUCTION SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXCESS MATERIAL SHALL BE DISPOSED AT THE OWNER'S PROPERTY AT NO ADDITIONAL COST.
- PAVING STRIPES SHALL BE 4 INCH WHITE PAVEMENT PAINT UNLESS NOTED OTHERWISE.

SITE PLAN
SCALE: 1" = 30'
30' 60' 90' 120'

ATTACHMENT D: TxDOT CORRESPONDENCE

From: [Fidencio Lopez](#)
To: [Bria Whitmire](#); david.brink@txdot.gov; [Ernest Longoria](#)
Cc: [Saradja Registre](#); [Michael Guerrero](#); [Elena Buentello](#); [Nina Nixon-Mendez](#); [Jose Gutierrez](#)
Subject: RE: Rezoning Case - Requesting TxDOT Input
Date: Monday, August 14, 2023 11:05:41 AM
Attachments: [image001.png](#)

[[**WARNING:** External e-mail. Avoid clicking on links or attachments. We will **NEVER** ask for a password, username, payment or to take action from an email. When in doubt, please forward to SecurityAlert@cctexas.com.]]

Good Morning,

We would need to see the drainage calculation to ensure runoff into TxDOT ROW does not increase. This would not need to go through our formal driveway permitting process. If increased traffic is expected, please provide that as well. Other than those concerns, we do not see an issue.

Thank you,

Fidencio "JR" Lopez, P.E.

Assistant Area Engineer
TxDOT- Corpus Christi Area Office
361.808.2525 (o)
361.537-9258 (c)



From: Fidencio Lopez
Sent: Thursday, August 10, 2023 2:36 PM
To: Bria Whitmire <briaw@cctexas.com>; David Brink <David.Brink@txdot.gov>; Ernest Longoria <Ernest.Longoria@txdot.gov>
Cc: Saradja Registre <SaradjaR@cctexas.com>; Michael Guerrero <MichaelG12@cctexas.com>; Elena Buentello <ElenaB@cctexas.com>; Nina Nixon-Mendez <NinaM@cctexas.com>
Subject: RE: Rezoning Case - Requesting TxDOT Input

Good Afternoon,

We're currently reviewing the provided documents.

Fidencio "JR" Lopez, P.E.

Assistant Area Engineer
TxDOT- Corpus Christi Area Office
361.808.2525 (o)
361.537-9258 (c)

