

STAFF REPORT

Case No. 0716-07
 HTE No. 16-1000020

Planning Commission Hearing Date: July 27, 2016

Applicant & Legal Description	<p>Applicant/Owner: V&M Equity Properties (Jean’s Restaurant Supply) Legal Description/Location: Lot 10A, Block 10 Chamberlin’s Subdivision, located on the south side of Agnes Street between South Staples Street and King Street.</p>			
Zoning Request	<p>From: “CI” Intensive Commercial District and “RM-3” Multifamily 3 District To: “CI/SP” Intensive Commercial District with a Special Permit Area: 0.51 acres Purpose of Request: To allow construction of a warehouse for an existing restaurant supply business.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	“RM-3” Multifamily 3 and “CI” Intensive Commercial	Vacant	High Density Residential and Commercial
	<i>North</i>	“RM-3” Multifamily 3 and “CI” Intensive Commercial	Low Density Residential and Commercial	Mixed Use/Medium Density Residential
	<i>South</i>	“RM-3” Multifamily 3 and “CI” Intensive Commercial	Medium Density Residential and Commercial	High Density Residential and Commercial
	<i>East</i>	“RM-3” Multifamily 3	Vacant	High Density Residential
	<i>West</i>	“CI” Intensive Commercial	Commercial	Commercial
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the plan area boundaries of the Central Business Development Plan. The Future Land Use Map designates the subject property for high density residential uses and commercial uses. The proposed rezoning to the “CI/SP” Intensive Commercial District with a Special Permit is not consistent with the adopted Future Land Use Map. Map No.: 045044 Zoning Violations: None</p>			
Transportation	<p>Transportation and Circulation: The subject property has approximately 184 feet of street frontage along Agnes Street, which is designated as an A2 Secondary Arterial street. The maximum desirable average daily trips for an A2 Secondary Arterial street is 20,000 to 32,000 trips.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2013)
	Agnes Street	"A2" Secondary Arterial	100' ROW 54' paved	60' ROW 40' paved	3,049 ADT

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the "RM-3" Multifamily 3 District and the "CI" Intensive Commercial District to the "CI/SP" Intensive Commercial District with a Special Permit to allow for the construction of a warehouse for Jean's Restaurant Supply.

Development Plan: The applicant intends to construct a 3,750 square foot warehouse, office and associated parking lot. The warehouse will be used by the adjacent existing restaurant supply store. In addition, to allow more customer parking at the existing Jean's Restaurant Supply, the new parking lot on Lot 10A will be used for employee parking, delivery vehicle parking and loading of delivery vehicles. A portion of lot 10A will not be paved and reserved for future parking and/or building expansion. The applicant has indicated that the warehouse is likely to have five to 30 deliveries per week to customers and four to five warehouse supply shipments to the warehouse per week. The applicant has indicated that the property will not have any outside storage uses and will contain an office for a warehouse employee.

Existing Land Uses & Zoning: The property to the north across Agnes Street is a car lot and single-family dwelling and is zoned "RM-3" Multifamily and "CI" Intensive Commercial. To the south across an alley consists of a vacant lot, multifamily dwellings and a commercial use (Jean's Restaurant Supply office) with the "RM-3" Multifamily 3 District and the "CI" Intensive Commercial District. East of the subject property is vacant land in the "RM-3" Multifamily 3 District. To the west of the subject property is a commercial use (Jean's Restaurant Supply store) in the "CI" Intensive Commercial District.

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 comprised of a single platted lot.

Comprehensive Plan & Area Development Plan Consistency: The subject property is located within the boundaries of the Central Business Development Plan (ADP). The proposed rezoning to the "CI" Intensive Commercial District is not consistent with the adopted Future Land Use Map's designation of the property as high density residential, however, approval of the change in zoning may further several goals and policies contained in the ADP and the Comprehensive Plan.

The following are pertinent policies of the Comprehensive Plan and the ADP that warrant consideration.

- Infill development should be encouraged on vacant tracts within developed areas (Comprehensive Plan, Residential Policy Statement h).
- Business areas that feature mixed office use and retail activities should be encouraged (Comprehensive Plan, Commercial Policy Statement a).
- Expansion of commercial uses into or within residential areas may be permitted only if such expansion maintains or improves the residential desirability of the impacted neighborhood (Comprehensive Plan, Commercial Policy Statement d).

Department Comments:

- Existing conditions imply an adjustment to the Future Land Use Map may be appropriate to designate the subject property for commercial uses.
- The rezoning of the property and the subsequent development thereof furthers policies pertaining to infill development.
- The “CI” Intensive Commercial District conditionally allows a warehouse use, provided the warehouse is subject to a special permit.
- The property to be rezoned is suitable for uses permitted by the “CI/SP” zoning district. The Special Permit would further limit the property to acceptable uses.
- Commercial uses are appropriately located along an arterial roadway.
- The proposed rezoning would not alter the character of the immediate vicinity.
- The proposed rezoning is not anticipated to negatively impact the surrounding properties.
- The Special Permit request meets all of the review criteria required by UDC Article 3.6.3.

Staff Recommendation:

Approval of the change of zoning from the “RM-3” Multifamily 3 District and the “CI” Intensive Commercial District to the “CI/SP” Intensive Commercial District with a Special Permit subject to the Owner meeting the requirements of the Unified Development Code and the following additional conditions:

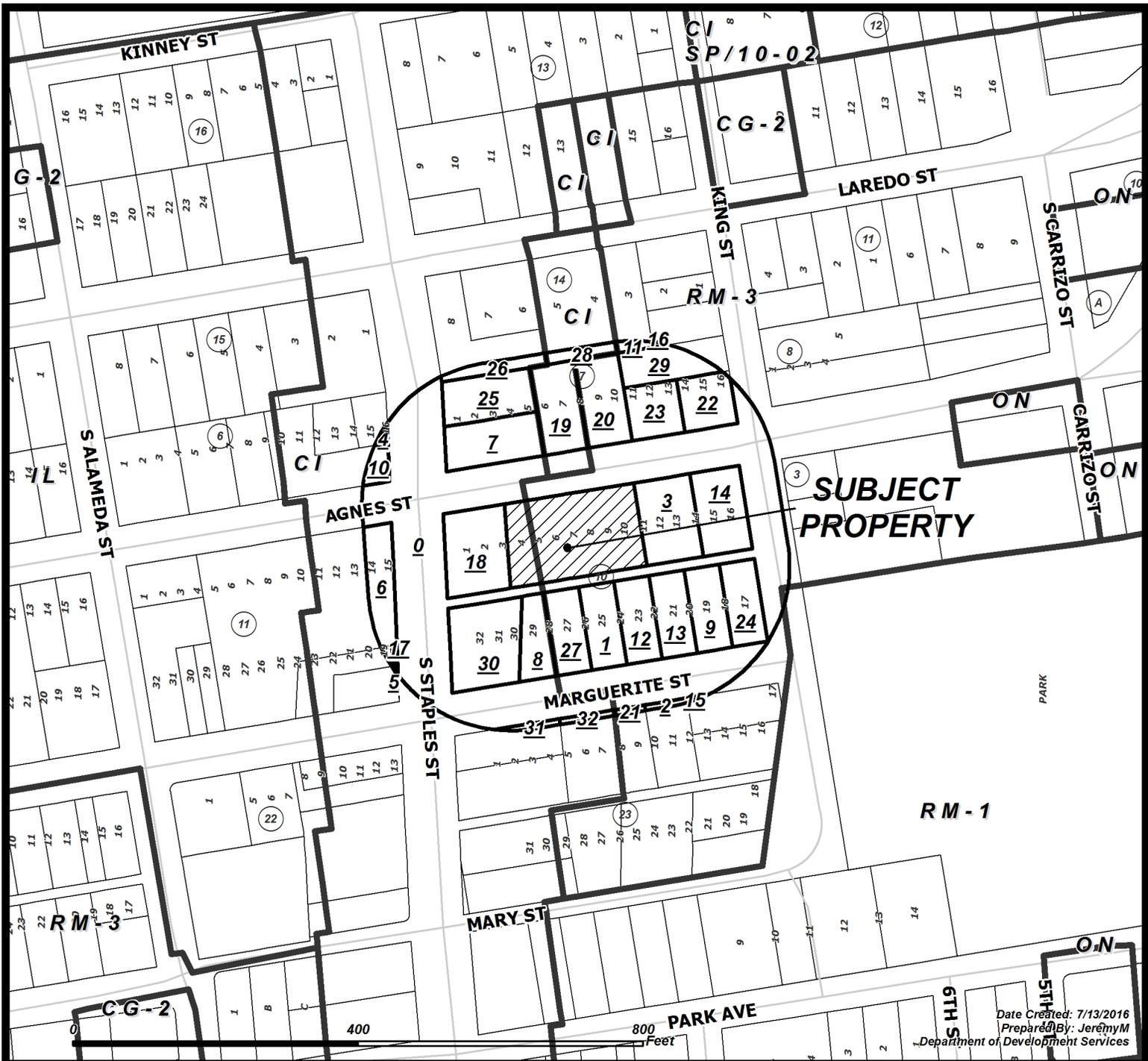
1. **Uses:** The only use authorized by this Special Permit other than uses permitted in the base zoning district is a warehouse for retail goods.
2. **Façade:** The portion of the building facing Agnes Street shall be made of similar architectural materials as the abutting retail building on South Staples Street, currently Jean’s Restaurant Supply.
3. **Lighting:** New freestanding light poles on the Property shall not exceed 15 feet in height. The Owner shall comply with all other UDC lighting requirements. Any nonconforming freestanding lights existing on the Property shall comply with these regulations upon being replaced in their entirety.
4. **Hours of Operation:** 7:30 am to 5:30 pm., Monday through Friday.
5. **Signage:** Off-premise advertising signage is not allowed on the property. Pole mounted signage shall not exceed 64 square feet in area and 20 feet in height.

6. **Dumpster Screening:** Any dumpster located on the Property shall be screened from view from public right-of-way, located behind the street yard and, located at least 35 feet from the nearest residentially zoned property.
7. **Driveways:** Upon development of the Property, one of the existing driveways shall be removed and the remaining driveway shall comply with the Unified Development Code, including maximum driveway width.
8. **Building Height:** The height of buildings on the Property shall not exceed 20 feet.
9. **Time Limit:** This Special Permit shall expire 18 months after approval unless a Certificate of Occupancy has been issued. The Special Permit shall expire if the special permit use is discontinued for more than six consecutive months.

Public Notification	Number of Notices Mailed – 32 within 200-foot notification area 4 outside notification area
	<u>As of July 20, 2016:</u>
	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. Site Plan
3. Landscape Plan
4. Parking Plan
5. Application
6. Public Comments Received (if any)



Date Created: 7/13/2016
 Prepared By: Jeremy M
 Department of Development Services

CASE: 0716-07 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		

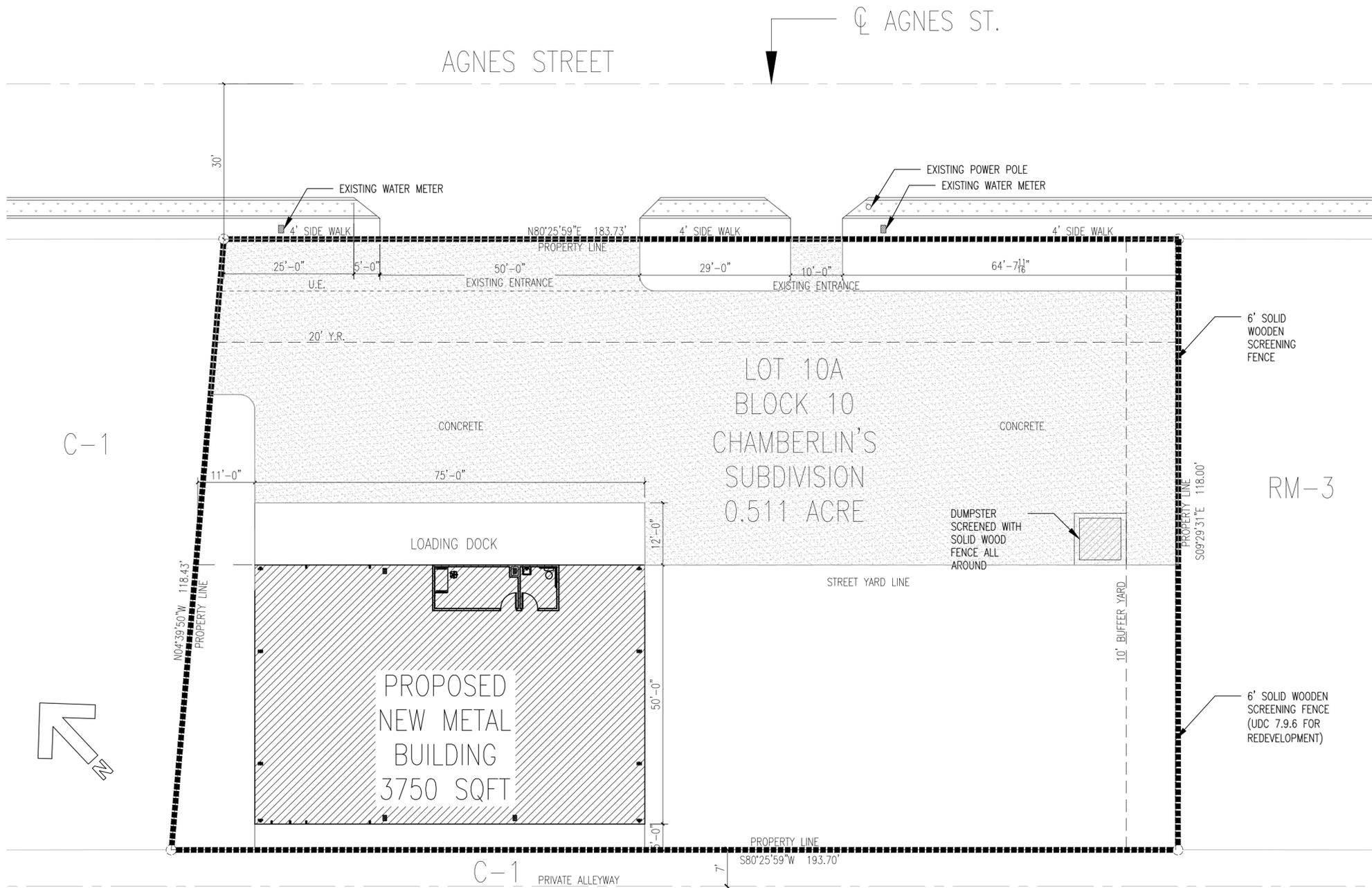
Subject Property with 200' buffer

Owners in favor

4 Owners within 200' listed on attached ownership table

X Owners in opposition





SITE PLAN
1/16" = 1'-0"

LAND USE - COMMERCIAL PARKING REQUIREMENTS: NONE

GENERAL NOTES:
 1. FLATWORK AND PAVING SCOPE OF WORK SHALL NOT EXCEED 8000 SQ FT
 2. MAINTAIN A SOLID WOOD SCREENING FENCE FOR 10' BUFFER YARD
 3. DUMPSTER AREA TO BE SCREENED WITH SOLID WOOD FENCE ALL AROUND

PROJECT INFORMATION

PROJECT: JEAN'S RESTAURANT SUPPLY - STORAGE FACILIT
 ADDRESS: 1021 AGNES
 CUSTOMER: J.R.S.
 PHONE/FAX: -
 E-MAIL: -

THIS DRAWING AND THE INFORMATION IT PROVIDES IS NOT RE-PRODUCIBLE OR USEABLE WITHOUT THE EXPRESS WRITTEN PERMISSION OF JEAN'S RESTAURANT SUPPLY. JEAN'S RESTAURANT SUPPLY IS NOT RESPONSIBLE FOR THE COORDINATION OR REQUIREMENTS OF EQUIPMENT PROVIDED BY OTHERS. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL DIMENSIONS AND CONDITIONS. JEAN'S RESTAURANT SUPPLY IS NOT RESPONSIBLE FOR ANY CHANGE ORDERS OR CHARGES INCURRED TO THE CONTRACTOR/OWNER DUE TO DISCREPANCIES BETWEEN THIS DOCUMENT AND NEW OR EXISTING FIELD CONDITIONS. THE USE OF THIS DRAWING BINDS THE CONTRACTOR/OWNER TO THESE CONDITIONS.

JEAN'S RESTAURANT SUPPLY

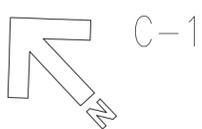
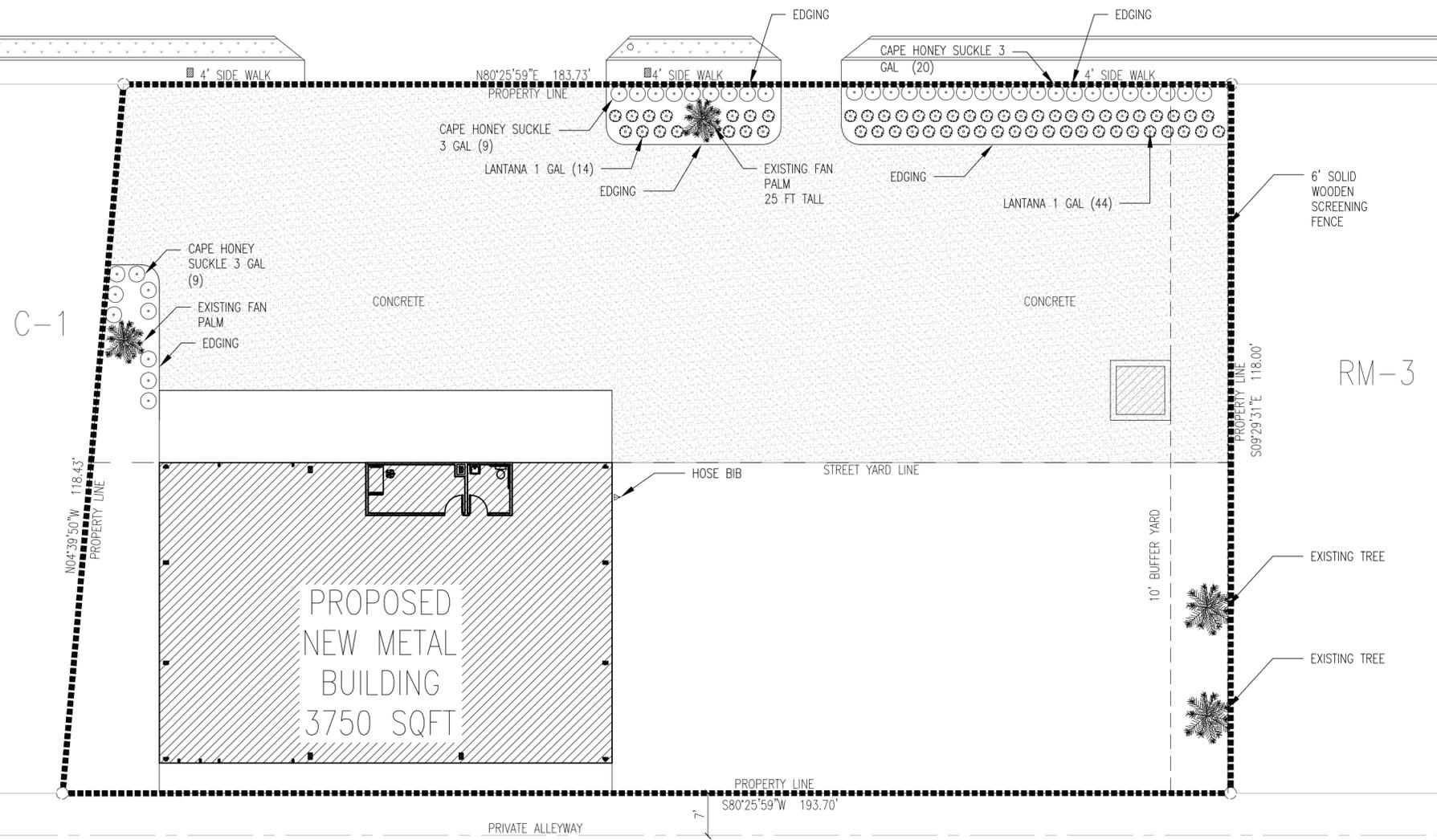
426 S. Staples St., Corpus Christi, TX 78401
 P: (361)884-9800 F: (361)888-7602 TF: 1-800-840-3610
 1213 E. Pecan Blvd. McAllen, TX 78501
 P: (956)688-6290 F: (956)688-6310 TF: 1-866-853-9465
 www.jeansrestaurantssupply.com

SITE PLAN

THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL MEASUREMENTS.

DRAWN BY: B.R.
 DATE: 4-14-15
 SCALE: 1/16" = 1'-0"

AGNES STREET



LANDSCAPE PLAN
1/16" = 1'-0"

LANDSCAPE CALCULATIONS

ZONE: COMMERCIAL C-1
 PRIMARY STREET YARD 100%: AGNES
 STREET YARD AREA: 10386 SQFT
 LANDSCAPE AREA 15% REQUIRED: 1558 SQFT
 LANDSCAPE AREA PROVIDED: 1899 SQ FT
 TOTAL LANDSCAPE POINTS REQUIRED .02: 207 PTS
 50% TREE POINTS REQUIRED: 103 PTS
 TOTAL TREE POINTS PROVIDED: 140 PTS
 TOTAL SHRUB POINTS PROVIDED: 134 PTS
 TOTAL LANDSCAPE POINTS PROVIDED: 274 PTS

BUFFER YARD PROVIDED: 10'
 BUFFER YARD POINTS: 6 PTS (SOLID WOOD SCREENING FENCE)

GENERAL NOTES:

1. FLATWORK AND PAVING SCOPE OF WORK SHALL NOT EXCEED 8000 SQ FT
2. MAINTAIN A SOLID WOOD SCREENING FENCE FOR BUFFER YARD
3. ROOT BARRIER SYSTEM (TYPAR BIO-BARRIER OR EQUIVALENT) SHALL BE SET IN PLACE MIN 2' FROM THE NEAREST UTILITY LINE AND TO A DEPTH OF AT LEAST EQUAL TO OR GREATER THAN THE DEPTH OF THE UNDERGROUND UTILITY.
4. HOSE BIB SHALL BE KEPT WITHIN 75FT OF ALL LANDSCAPED AREAS.
5. EDGING TO BE 1"x6" BEND-A-BOARD EDGE. INSTALL PER MFG'S RECOMMENDED INSTRUCTIONS.
6. CONTRACTOR SHALL BECOME FAMILIAR WITH THE PROPERTY AND LOCATE ALL UNDERGROUND UTILITIES AND MARK THE ACCORDINGLY PRIOR TO EXCAVATION.

PLANT LIST				
QTY	NAME	SIZE	SPACING	POINTS
38	CAPE HONEY SUCKLE TECOMA CAPENSIS	3 GALLON @ 2PTS	4' O.C.	76
58	LANTANA LANTANA CAMARA 'NEW GOLD'	1 GALLON @ 1 PT	32" O.C.	58
2	FAN PALMS (EXISTING) WASHINGTONIA FILIFERA	3.5 TRUNK FT @ 20PT	EXISTING AS SHOWN	140

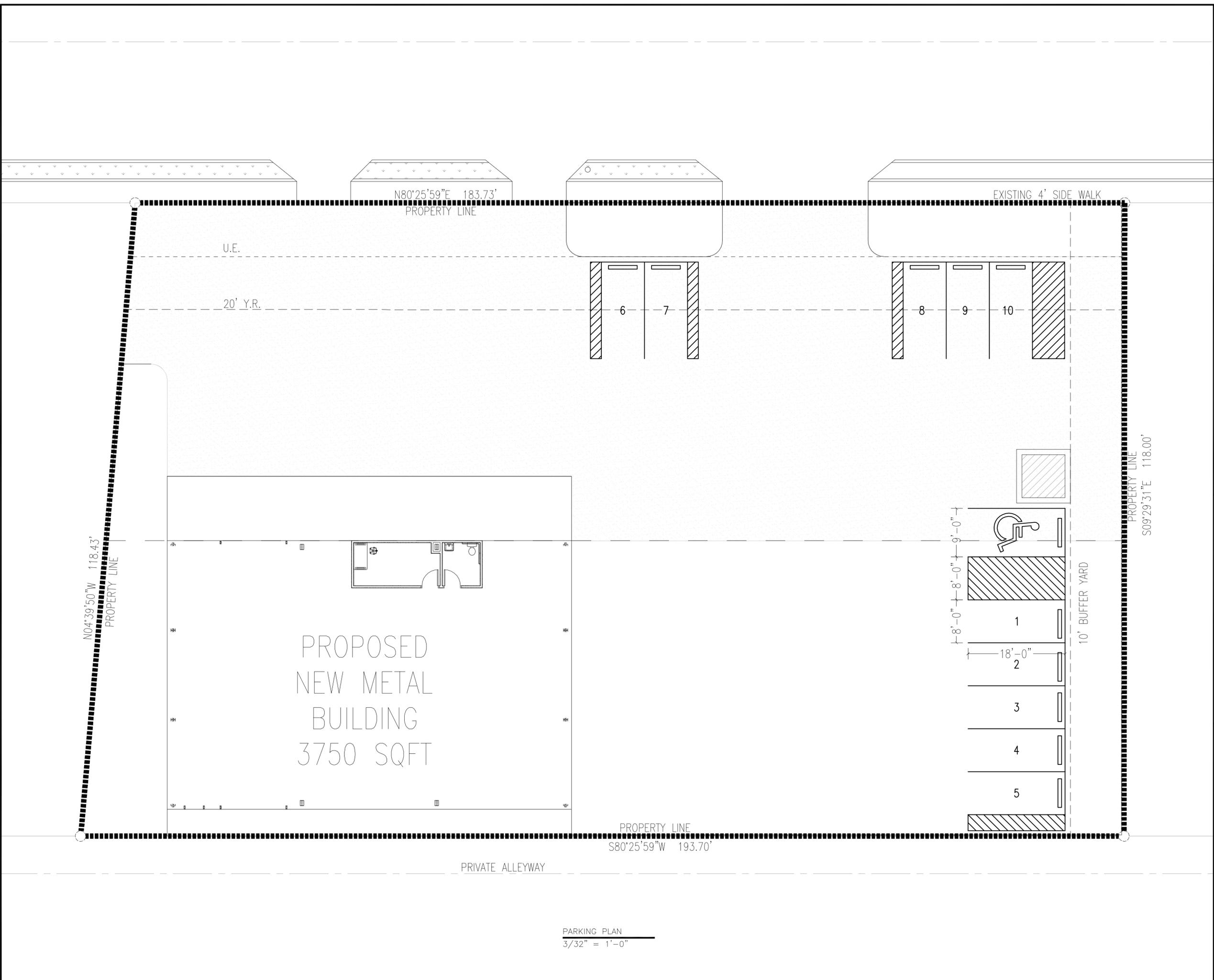
PROJECT INFORMATION
 PROJECT: JEAN'S RESTAURANT SUPPLY - STORAGE FACILITY
 ADDRESS: 1021 AGNES
 CUSTOMER: J.R.S.
 PHONE/FAX: -
 E-MAIL: -

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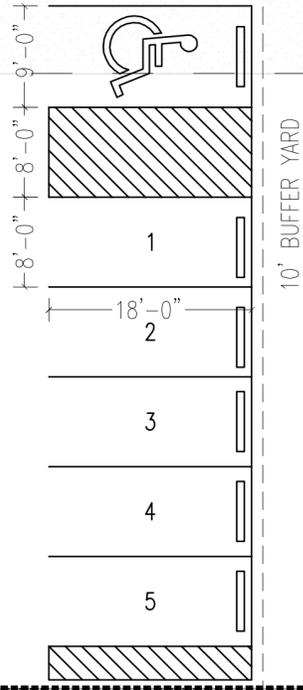
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LANDSCAPING PLAN
 THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL MEASUREMENTS.

DRAWN BY: B.R.
 DATE: 4-14-15
 SCALE: 1/16" = 1'-0"



PROPOSED
NEW METAL
BUILDING
3750 SQFT



PARKING PLAN
3/32" = 1'-0"

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PARKING PLAN
 THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL MEASUREMENTS.

DRAWN BY: B.R.
 DATE: 4-20-15
 SCALE: 1/16" = 1'-0"

A5



Development Services Dept.
P.O. Box 9277
Corpus Christi, Texas 78469-9277
(361) 826-3240
Located at 2406 Leopard Street

Office Use Only

REZONING APPLICATION

Case No.: _____ Map No.: _____

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: Jean's Restaurant Supply Contact Person: Anthony Garcia
Mailing Address: 426 S. Staples
City: Corpus Christi State: TX ZIP: 78401 Phone: (361) 884-9800
E-mail: [REDACTED] Cell: (361) 765-7002

2. Property Owner(s): V & M Equity Properties Contact Person: Vahid Mostaghasi
Mailing Address: 426 S. Staples
City: Corpus Christi State: TX ZIP: 78401 Phone: (361) 884-9800
E-mail: [REDACTED] Cell: ()

3. Subject Property Address: 1021 Agnes St. Area of Request (SF/acres): .51 22,215 sq ft
Current Zoning & Use: Residential / None CI/RM-3 Proposed Zoning & Use: Warehousing, CI/SP
12-Digit Nueces County Tax ID: 1512-0010-0100
Subdivision Name: Chamberlin's Block: 10 Lot(s): 10A
Legal Description if not platted: _____

4. Submittal Requirements:
 Early Assistance Meeting: Date Held _____; with City Staff Annika Gunning
 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.

[Signature]

Owner or Agent's Signature
Anthony Garcia

Owner or Agent's Printed Name

Applicant's Signature

Applicant's Printed Name

Office Use Only: Date Received: 5-17-16 Received By: BKP ADP: _____
Rezoning Fee: _____ + PUD Fee _____ + Sign Fee _____ = Total Fee _____
No. Signs Required _____ @ \$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.

Purpose: Build 3750 square foot metal building as a private Warehouse Storage Facility for merchandise & materials.
Unit is single story w/ construction schedule for completion in October 2016.

Parking: 10 spaces w/ 1 accessible. Warehouse will be staffed w/ 4-6 people. The hours of operation will be 8am-5pm M-F.

Scope of Work: No demolition is required since the current land is undeveloped. A new engineered Foundation will be poured.
Signage will be placed on the building for address purposes. Since it is a private facility and not for show room space, there will be limited signage.

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

North - C1 commercial car lot - Separated by Aynes

South - C1 & RM-3 existing store and residential area

East - RM-3 Existing residential (No structures built)

West - C1 commercial store

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: Anthony Garcia

Mailing Address: [Redacted]

City: Corpus Christi State: TX Zip: 78401

Home Phone: (361) 992-9111 Business Phone: (361) 884-9800 Cell: (361) 765-7002

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: CAD Designer

Printed/Typed Name of Agent: Anthony Garcia Date: 5/18/16

*Signature of Property Owner: [Signature] Title: Owner

Printed/Typed Name of Property Owner: Vahid Mostaghassi Date: 5/18/16

*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: Jean's Restaurant Supply (Taxi Inc. DBA)
STREET: 426 S. Staples CITY: Corpus Christi ZIP: 78401
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)
<u>NA</u>	<u>NA</u>
_____	_____

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
<u>NA</u>	<u>NA</u>
_____	_____

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
<u>NA</u>	<u>NA</u>
_____	_____

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
<u>NA</u>	<u>NA</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: Anthony Garcia Title: CAD Designer
(Print Name)

Signature of Certifying Person: [Signature] Date: 5/18/2006