

PLANNING COMMISSION STAFF REPORT

Case No. 0621-01

INFOR No.

Planning Commission Hearing Date: June 9, 2021

Applicant & Legal Description	<p>Owner: Joshua and Jasania Morales Applicant: Joshua and Jasania Morales Location Address: 13845 Mizzen Street Legal Description: Described as Lot 27, Block 9, Barataria Bay Number 4, located along the south side of Mizzen Street, west of Aquarius Street, and north of a canal (navigation channel).</p>			
Zoning Request	<p>Request: "RS-6" Single-Family 6 to "RS-6/SP" Single-Family 6 Special Permit Area: .1653 acres Purpose of Request: To allow for a Bed and Breakfast Home use as in accordance with section 5.2.8 of the UDC.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
	<i>North</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
	<i>South</i>	"RS-6" Single-Family 6	Water and Low Density Residential	Water and Medium Density Residential
	<i>East</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
	<i>West</i>	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Padre/Mustang Island (ADP), and is planned for Medium Density Residential use. The current zoning is generally consistent with the adopted Comprehensive Plan (Plan CC). Map No.: 030026 Council District: 4 Zoning Violations: Four total violations were issued to Joshua and Jasania Morales (two each) for renting for less than thirty days.</p>			
Transportation	<p>Transportation and Circulation: The subject property has approximately 65 feet of street frontage along Mizzen Street which is designated as a Local Residential Street which can convey a capacity of up to 500 Average Daily Trips (ADT).</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Mizzen Street	Residential Street	50' ROW 28' paved	50' ROW 28' paved	Not Available

Staff Summary:

Current Zoning and Special Permit:

The applicant is requesting a special permit to allow for a Bed and breakfast home. The current zoning is “RS-6” Singly-Family 6 and allows for a Special Permit request for a Bed and Breakfast home. The Unified Development Code (UDC) Section “5.2.8 Bed and Breakfast Home,” allows for a bed and breakfast home, as long as certain specific standards are met:

Section 5.2.8 Bed and Breakfast Home:

A Bed and breakfast home shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

- A. Sleeping accommodations shall not exceed five bedrooms and no more than 10 lodgers shall be accommodated at one time, not including the owner- occupied rooms.
- B. Kitchen and dining facilities may be included to provide meals to guests only. No food preparation shall be permitted in guest bedrooms.
- C. Parking in the street yard of a bed and breakfast home shall be prohibited. All parking shall be screened from an adjacent residential use by an opaque fence or a hedge a minimum of 6 feet in height.
- D. In residential districts, no exterior evidence of the bed and breakfast home shall be allowed, except that one attached sign no larger than 1 square foot in area shall be permitted with no additional advertising of any kind allowed on site. In nonresidential districts, the sign provisions of Section 7.5 shall apply.
- E. The operator shall keep a current request register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.
- F. A temporary use permit in accordance with Section 5.4 shall be required for any party, reception or similar special event that is anticipated to draw more than 10 total guests (including overnight guests) to the bed and breakfast home. Special events subject to the temporary use permit shall be limited to a total of six such functions per calendar year and shall be limited to between the hours of 7 a.m. and midnight. Such events shall be limited to the interior of the bed and breakfast home.

- G. The bed and breakfast home shall be not closer than 1,000 feet to any other bed and breakfast home.

Development Plan:

The subject property is .1653 acres in size. The owner is proposing to establish a bed and breakfast home at this site. The home will have three bedrooms available for lodgers, and four parking spaces. The bed and breakfast and its parking spaces are planned to be screened from the Right of Way with landscaping in accordance section 5.2.8 of the UDC. The property has been a single-family residence since the home's construction in 1981.

Existing Land Uses & Zoning:

The subject property is currently zoned "RS-6" Single-Family 6 District and consists of a single-family detached house, pool, and accessory uses. The house was built in 1981 and is approximately 2,375 square feet. The subject property was platted in 1968 and annexed in 1981. The home is found in a platted development that consists of four "fingerlings" that end with a cul-de-sac surrounded on three sides by a canal. The area to the north, south, east, and west of the property is zoned "RS-6" Single-Family 6 District. The surrounding uses are all single-family homes.

AICUZ:

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

Plat Status:

The property is platted.

Utilities:

Water: 6-inch PVC line located along the north side of Mizzen Street.

Wastewater: 8-inch VCP line located along the south side of Mizzen Street.

Gas: 2-inch Service Line located along the north side of Mizzen Street.

Storm Water: Inlets are found on both sides of Mizzen Street approximately 75' and 80' away from the subject property that lead to 30-inch RCP under Mizzen Street.

Plan CC & Area Development Plan Consistency: The subject property is located within the boundaries of the Padre/Mustang Island (ADP), and is planned for Medium Density Residential use. The change of zoning from "RS-6" Single-Family 6 to "RS-6/SP" Single-Family 6 Special Permit is generally consistent with the adopted Comprehensive Plan (Plan CC). The following policies should be considered:

- Encourage orderly growth of new residential, commercial, and industrial areas (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- 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 (Future Land Use, Zoning, and Urban Design Policy Statement 1).

Department Comments:

- The proposed special permit request is consistent with the adopted Comprehensive Plan (Plan CC) and does not warrant an amendment to the Future Land Use Map.
- The proposed special permit request is compatible with neighboring properties and with the general character of the surrounding area. This special permit request should not have a negative impact upon the surrounding neighborhood.
- Staff believes that Section 5.2.8 of the UDC’s Bed and Breakfast Home requirements and restrictions are adequate to allow for the use to blend into the character of the residential area. It is a legitimate alternative to undocumented or illegal overnight accommodations also known as “short-term rentals.”
- All UDC Requirements for 5.2.8 have been met, or have been communicated by the applicant will be met through a submitted site plan or by application. Requirements such as Section 5.2.8.E “The operator shall keep a current request register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guest,” can be enforced at a later time.

Planning Commission Recommendation:

Denial of the special permit “RS-6/SP” Single-Family 6 District with a Special Permit request to allow for a Bed and Breakfast home.

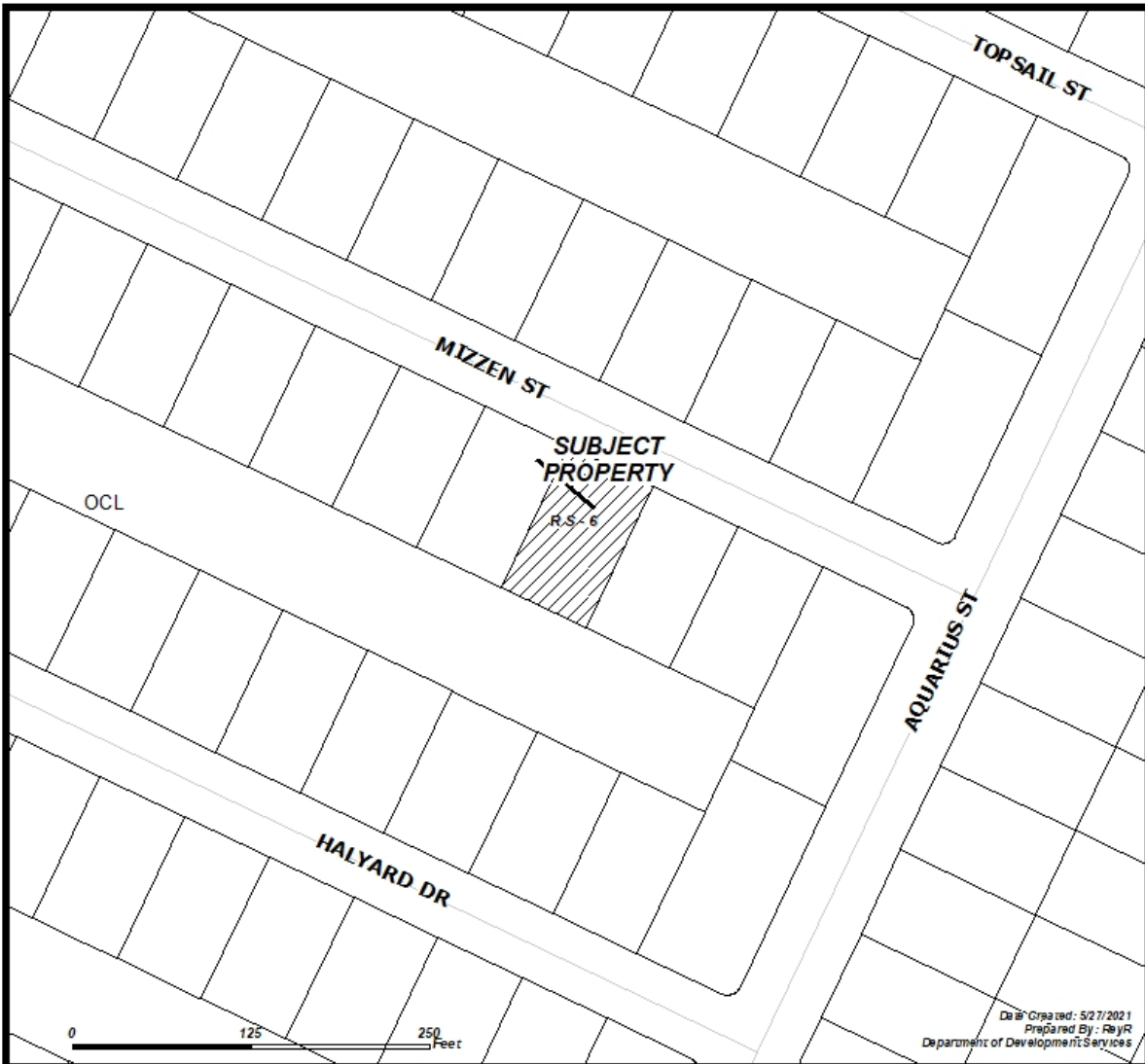
Staff Recommendation:

Approval of the special permit “RS-6/SP” Single-Family 6 District with a Special Permit request to allow for a Bed and Breakfast home.


Public Notification	Number of Notices Mailed – 20 within 200-foot notification area 1 outside notification area
	<u>As of June 21, 2021:</u>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 10 inside notification area – 0 outside notification area
<p>Totaling 45.99% of the land within the 200-foot notification area in opposition.</p> <p>*Created by calculating the area of land immediately adjoining the subject property and extending 200-foot therefrom. The opposition is totaled by the total area of land that each individual property owner owns converted into a percentage of the total 200-foot notification area. Notified property owner’s land in square feet / Total square footage of all property in the notification area = Percentage of public opposition</p>	

Attachments:

- A. Location Map (Existing Zoning & Notice Area)
- B. Public Comments Received (if any)
- C. Applicant Submitted Site Plan



CASE: 0621-01
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-8 Single-Family 8
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF Two-Family
CR-1 Resort Commercial	RS-16 Single-Family 16
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	



13845 Mizzen Proposed Site Plan




Possible buffer plants





Above, with sago palms




Above, with oleander bushes

 Parking space, each a size of 12 ft x 14 ft

 Landscaping buffer of large agave, oleander, or similar sized shrub

 Available rooms (3)

 Drive aisle to parking spots

**CITY PLANNING COMMISSION
PUBLIC HEARING NOTICE
Rezoning Case No. 0621-01**

Joshua and Jasania Morales has petitioned the City of Corpus Christi to consider a change of zoning from the **“RS-6” Single Family 6 District** to the **“RS-6/SP” Single Family 6 District with a Special Permit, not resulting in a change to the Future Land Use Map.** The property to be rezoned is described as:

A property located near 13845 Mizzen Street and described as Lot 27, Block 9, Barataria Bay, located along the south side of Mizzen Street, west of Aquarius Sreet, and north of a navigation canal.

The Planning Commission may recommend to City Council approval or denial, or approval of an intermediate zoning classification and/or Special Permit. 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 **Wednesday, June 9, 2021**, 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: Benjamin Toetobello

Address: 13841 Mizzen

City/State: Corpus Christi TX

() IN FAVOR (✓) IN OPPOSITION
REASON:

Phone: 361 774 7832

Services
y que
allo

B. T.

Signature

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Printed Name: Alvaro + Rosemary Ferreira

Address: 13833 Mizzen St. City/State: Corpus Christi, TX

() IN FAVOR IN OPPOSITION Phone: 479-899-5887

REASON: The subject has been renting the house short term for a long time. ~~That~~ we don't want the extra people.

A FERREIRA

Rosemary Ferreira

Signature

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Printed Name: Matthew and Jeannette Protzeller

Address: 13850 Halyard Dr.

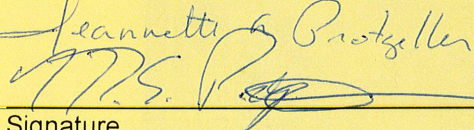
City/State: Corpus Christi

() IN FAVOR IN OPPOSITION

Phone: (928) 246-7086

REASON: Since the San Antonio couple purchased the home in Nov. 2020 the property in question has been operating as short term rentals. In the past several months we have seen a significant increase in the amount of transient traffic in our quiet neighborhood. This increase of traffic by people that do not have ties to this community, in respect for it has lead to an increase in the following issues:

- ① Noise Pollution (loud parties at all times day & night, Dog Barking)
- ② Canal Pollution (cigarette butts, cups, cans, bottles, plastic bags, fish offal thrown into the canal)
- ③ Light pollution

Jeannette A. Protzeller


Signature

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Printed Name: BARBERIO LAS MARIPOSAS III LLC

Address: 13846 MIZZEN

City/State: CORPUS CHRISTI, TX

() IN FAVOR () IN OPPOSITION
REASON:

Phone: 210-275-4593

Barberio LAS MARIPOSAS III, LLC
By Cynthia Barberio Payne, Manager
Signature

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Printed Name: DAVID WALSH

Address: 13829 MIZZEN ST City/State: CORPUS CHRISTI, TX

() IN FAVOR
REASON:

IN OPPOSITION

Phone: 361-774-8724 78418

David Walsh

Signature

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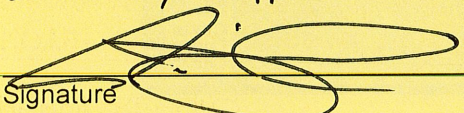
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Printed Name: Chris D. D.

Address: 13842 Halyard Dr. City/State: Corpus Christi, TX

() IN FAVOR IN OPPOSITION Phone: (361) 944-8540
REASON:

I assume this change would permit short-term rentals and don't believe that such a change should be made on a piecemeal basis (lot by lot), but rather for the entire subdivision if there is adequate community support.


Signature

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 commission 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.

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Printed Name: SAM French
Address: 13849 Mizzen Street City/State: Corpus Christi, TX
() IN FAVOR () IN OPPOSITION Phone: 512-695-8704
REASON:

Sam French
Signature

SEE MAP ON REVERSE SIDE
INFOR Case No.: 21ZN1017
Property Owner ID: 20

Case No. 0621-01
Project Manager: Craig Garrison
Email: CraigG@cctexas.com