

PLANNING COMMISSION FINAL REPORT

Case No.: 1016-02

HTE No. 16-10000035

Planning Commission Hearing Date: October 5, 2016

Applicant & Legal Description	Applicant/Representative: John Kendall Owner: Jose and Hector Sanchez Location: 3838 Acushnet Drive. Legal Description: Lot 13, Block 7, Saratoga Weber Plaza, located on the north side of Acushnet Drive between Weber Road and Jefferson Street.			
Zoning Request	From: "CG-2" General Commercial District To: "IL" Light Industrial District Area: 0.661 acres Purpose of Request: To allow construction of an automotive repair facility with services expanded beyond light repair work to include heavy vehicle services.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	Site	"CG-2" General Commercial District	Vacant	Commercial
	North	"CG-2" General Commercial District	Commercial	Commercial
	South	"CG-2" General Commercial District and "IL" Light Industrial	Medium Density Residential Commercial	Commercial
	East	"IL" Light Industrial	Light Industrial	Light Industrial
	West	"IL" Light Industrial	Light Industrial	Light Industrial
ADP, Map & Violations	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 "IL" Light Industrial District is not consistent with the adopted Plan CC Future Land Use map nor with the Southside ADP Development Plan. Map No.: 047035 Zoning Violations: None			
Transportation	Transportation and Circulation: The subject property has approximately 120 feet of street frontage along Acushnet Drive, which is a "C1" Minor Residential Collector street. The maximum average daily trips for a "C1" is 1,000 to 3,000.			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Acushnet Dr.	"C1" Minor Residential Collector	60' ROW 40' paved	57' ROW 37' paved	Not Available

Staff Summary:

Requested Zoning:

The applicant is requesting a change of zoning from the "CG-2" General Commercial District to "IL" Light Industrial District for allowance of a heavy vehicle service use. Heavy vehicle service use is not considered a general commercial use.

Development Plan:

The applicant proposes to rezone the subject lot, which is a part of the Saratoga Weber Plaza Subdivision, to the "IL" Light Industrial District. The lot equals 0.66 acres. The purpose of the rezoning is to construct a single story 5,000 square foot building to be used as an automotive repair facility to provide both light and heavy vehicle services.

Existing Land Uses & Zoning:

The subject property is vacant and zoned "CG-2" General Commercial District. North of the subject property is zoned "CG-2" General Commercial District with commercial use for a storage facility. The lots to the east and to the west are zoned "IL" Light Industrial District used as trade offices and a car body shop, respectively. South of the property is zoned "IL" Light Industrial District with a commercial use, and "CG-2" General Commercial with a medium density residential use where the Crosswinds apartments are present.

AICUZ:

The subject property is located within Accident Potential Zone-II (APZ-II) of the Navy's Air Installation Compatibility Use Zones (AICUZ). The proposed heavy vehicle service use is consistent with AICUZ guidelines for use in APZ-II (6.5 UDC). The Navy has commented and does not object to the proposed use.

Plat Status: The subject property is platted.

Comprehensive Plan & Area Development Plan Consistency: The subject property is located within the boundaries of the Southside Area Development Plan (ADP). The proposed rezoning to the "IL" Light Industrial District is not consistent with the Future Land Use Plan's designation of the property as commercial. Several policy statements are available in Plan CC as well as the Southside Area Development Plan to ensure consistency of zone change requests with the Comprehensive Plan:

- 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 15)

- Corpus Christi development patterns support efficient and cost-effective use of resources and high quality of life. (Plan CC, Goals, 1, page 50.)
- Encourage orderly growth of new residential, commercial, and industrial areas. (Plan CC, Strategies, 4, page 50.)
- 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)

Department Comments:

- The proposed rezoning of the subject lot is not consistent with the Plan CC Future Land Use map's designation of the property as commercial.
- The properties immediately to the east and west of the subject property are both zoned "IL" Light Industrial District and have a similar use of vehicle service.
- Industrial development is not compatible with the existing multi-family development across Acushnet Drive.
- Heavy vehicle service is not a permitted use in the "CG-2" General Commercial District.
- For heavy vehicle service, "IL" Light Industrial District would be a suitable use.
- "IL" Light Industrial District zoning would conform to the surrounding east and west zoning and not significantly alter the present neighborhood conditions.
- The properties to the east and west of the subject property were rezoned during the last six years for light industrial uses.

Planning Commission and Staff Recommendation (October 5, 2016):

Approval of the change of zoning from the "CG-2" General Commercial to "IL" Light Industrial District.

Vote Results:

For: 7

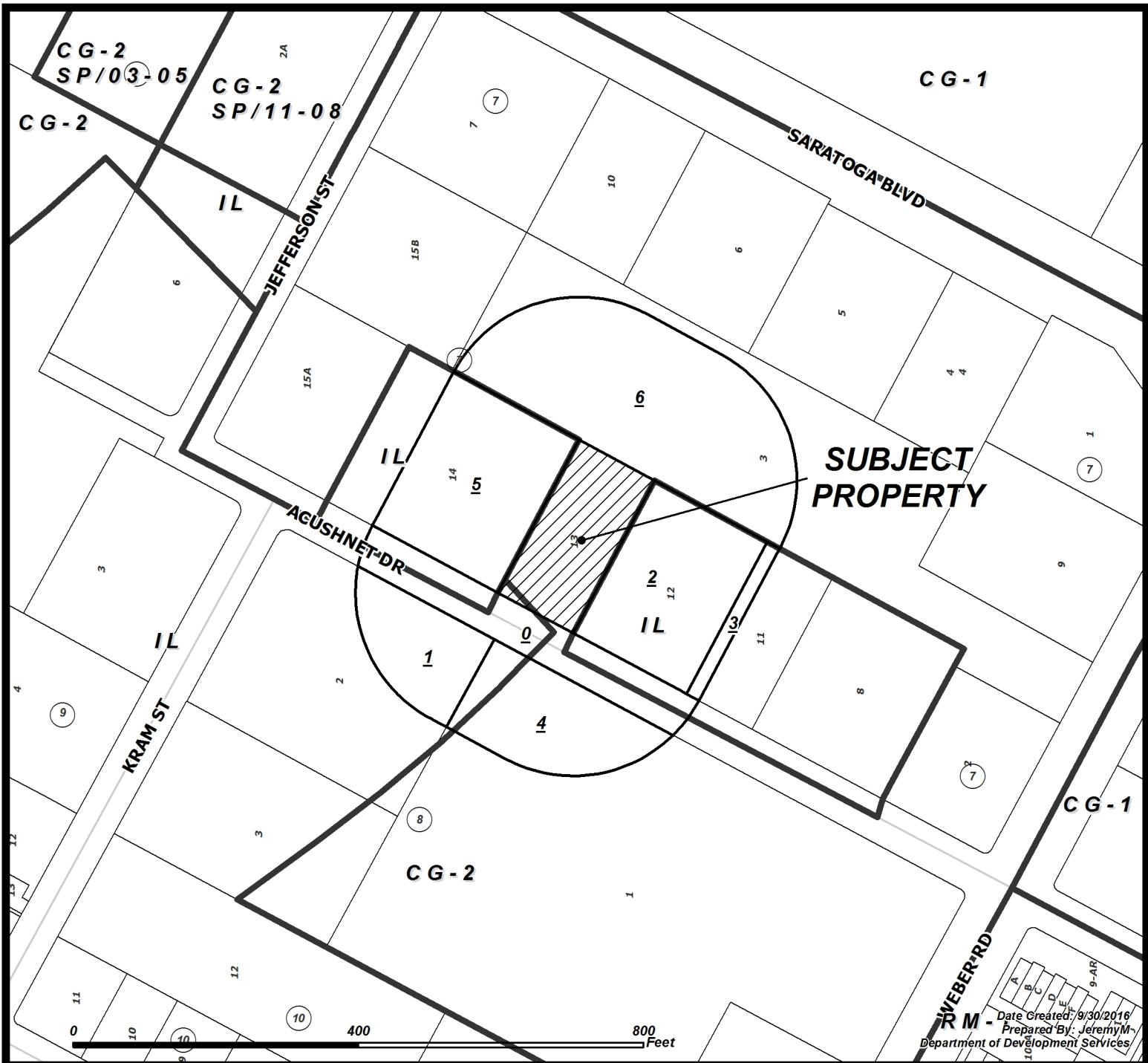
Opposed: 0

Absent: 0

Public Notification	Number of Notices Mailed – 6 within 200' notification area; 4 outside notification area	
	<u>As of October 11, 2016:</u>	
	In Favor	– 0 (inside notification area); 0 (outside notification area)
	In Opposition	– 1 (inside notification area); 0 (outside notification area)
For 32.06% in opposition.		

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

K:\DevelopmentSvcs\SHARED\ZONING CASES\2016\1016-02 Jose & Hector Sanchez (Acushne-John Kendall)\Council Documents\1016-02 Report to Council.docx



CASE: 1016-02

ZONING & NOTICE AREA

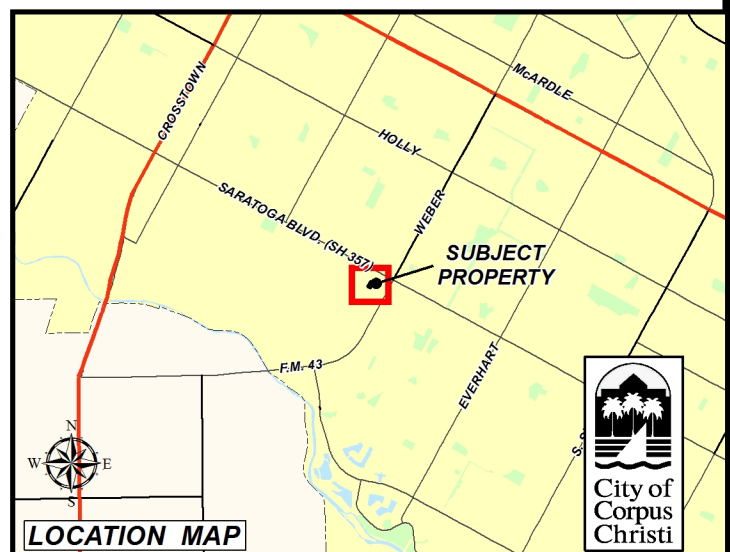
RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF 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

4 Owners within 200' listed on attached ownership table

Owners in favor

X Owners in opposition



239.89'

239.76'

LOT 13, BLOCK 7
SARATOGA WEBER PLAZA

PROPOSED BUILDING

20' YR.



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.: 10/5/16 Map No.: 047035

PC Hearing Date: October 5, 2016 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: JOHN KENDALL Contact Person: JOHN KENDALL
Mailing Address: 5866 S. STAPLES SUITE 301
City: CORPUS CHRISTI State: TX ZIP: 78413 Phone: (361) 808-7860
E-mail: _____ Cell: (361) 960-0039

2. Property Owner(s): JOSE SANCHEZ Contact Person: JOSE SANCHEZ
Mailing Address: 2525 WOOD DRIVE
City: CORPUS CHRISTI State: TX ZIP: 78414 Phone: ()
E-mail: _____ Cell: ()

3. Subject Property Address: 3838 ACUSHNET Area of Request (SF/aces): 28,775⁺ .66 AC
Current Zoning & Use: CG-2 Proposed Zoning & Use: IL
12-Digit Nueces County Tax ID: 7732-0007-0130
Subdivision Name: SARATOGA WEBER PLAZA Block: 7 Lot(s): 13
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.

JOSE G SANCHEZ
Owner or Agent's Signature
JOHN KENDALL
Owner or Agent's Printed Name

[Signature]
Applicant's Signature
[Signature]
Applicant's Printed Name

Office Use Only: Date Received: 8-30-16 Received By: blp ADP: SS
Rezoning Fee: 1,107.50 + PUD Fee 0 + Sign Fee 10.00 = Total Fee 1,117.50
No. Signs Required 1 @ \$10/sign Sign Posting Date: _____

LAND USE STATEMENT

The property in question is .661 acres in area, and currently zoned CG-2, the applicant is requesting a change of zoning to IL light industrial. The applicant intends to build a single story 5,000 square foot building to be used as an automotive repair facility. Under the requirements of CG-2, zoning their facility will be limited in the types of repairs they can perform. The IL district would allow them the opportunity to do more than just light repair work and give them the ability to increase the amount of business they can do.

Once the business is in full operation it will employ four people, and will be open from 8:00 am to 5:00 pm on Monday through Friday and 8:00 am till noon on Saturday.

Land uses of the adjoining areas:

North - CG-2

South - CG-2

East - IL

West - IL



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: JOSE SANCHEZ
STREET: 2525 Wood Ave. CITY: CORPUS CHRISTI ZIP: 78414
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)

NA _____

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

NA _____

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

NA _____

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

NA _____

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: Jose G Sanchez Title: Owner
(Print Name)

Signature of Certifying Person: _____ Date: _____



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: JOHN KENDALL

STREET: 5866 S. STAPLES ST 301 CITY: CORPUS CHRISTI TX ZIP: 78417

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)

NA

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

NA

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

NA

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

NA

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: JOHN KENDALL
(Print Name)

Title: AGENT

Signature of Certifying Person: _____

Date: 8-26-16

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.

**CITY PLANNING COMMISSION
PUBLIC HEARING NOTICE
Rezoning Case No. 1016-02**

Jose G. Sanchez and Hector V. Sanchez have petitioned the City of Corpus Christi to consider a change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District, resulting in a change to the Future Land Use Map from commercial to light industrial uses. The subject property is located at 3838 Acushnet Drive. The property to be rezoned is described as:

Lot 13, Block 7, Saratoga Weber Plaza, located on the north side of Acushnet Drive between Weber Road and Jefferson Road.

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 on Wednesday, October 5, 2016, 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: Patrick Nolan

Address: 6537 Weber

City/State: Corpus Christi TX 78412

() IN FAVOR X IN OPPOSITION

Phone: 361-688-4728

REASON:



Signature

SEE MAP ON REVERSE SIDE
Property Owner ID: 6
HTE# 16-10000035

Case No. 1016-02
Project Manager: Laura Sheldon