

# ZONING REPORT

Case # ZN7974

## Applicant & Subject Property

**District:** 1  
**Owner:** Leslie Lopez  
**Applicant:** Leslie Lopez  
**Address:** 110 Rolling Acres Drive, located along the west side of Rolling Acres Drive, at the northwest intersection with Leopard Street, and east of McKinzie Road.  
**Legal Description:** Lot 5, Less 13 feet by 110 feet, Block 1, Rolling Acres. See Metes & Bounds.  
**Acreage of Subject Property:** 0.38 acre(s)  
**Pre-Submission Meeting:** June 8, 2024

## Zoning Request

**From:** "RS-6" Single-Family 6 District  
**To:** "ON" Neighborhood Office District  
**Purpose of Request:** The purpose of the request is to allow for retail sales and service (service-oriented); specifically, a beauty shop and retail boutique.

## Land Development & Surrounding Land Uses

	Zoning District	Existing Land Use	Future Land Use
<b>Site</b>	"RS-6" Single-Family 6	Low-Density Residential	Low-Density Residential
<b>North</b>	"RS-6" Single-Family 6	Low-Density Residential	Low-Density Residential
<b>South</b>	"RS-6" Single-Family 6	Transportation (Leopard), Low-Density Residential, Vacant	Transportation (Leopard), Medium-Density Residential
<b>East</b>	"ON" Neighborhood Office	Transportation (Rolling Ac), Commercial	Transportation (Rolling Ac), Commercial
<b>West</b>	"RS-6" Single-Family 6	Low-Density Residential	Low-Density Residential

**Plat Status:** The subject property is platted per MRNCT (Map Records of Nueces County Texas) Volume 11 Page 47. A rezoning must precede the re-plat.  
**Military Compatibility Area Overlay District (MCAOD, Effective August 22, 2022):** The subject property is not within a MCAOD District.  
**Code Violations:** None

## Transportation and Circulation

	Designation	Section Proposed	Section Existing
<b>Leopard Street</b>	"A2" Secondary Arterial Divided	4 Lanes, Median, 100 Feet	4 Lanes, Median, 160 Feet
<b>Rolling Acres Drive</b>	"Local" Residential	1 Lane, & On-Street Parking, 50 Feet	1 Lane, & On-Street Parking, 60 Feet

**Transit:** The Corpus Christi RTA (Regional Transportation Authority) provides service to the subject property via bus route 27 *Leopard*, with stops at Leopard Street and Rolling Acres Drive, and Leopard Street and Round Tree Circle.

**Bicycle Mobility Plan:** The subject property is approximately 800 feet north of a planned off-road multi-use trail, along the Turkey Creek/Kingwood ditch.

**Utilities**

**Gas:** A 4-inch WS line exists along the north side of Leopard Street, and a 2-inch WS line along the east side of Rolling Acres Drive.

**Stormwater:** None. There are storm ditches along Rolling Acres Drive and Leopard Street.

**Wastewater:** A 10-inch VCP exists along the north side of Leopard Street.

**Water:** A 30-inch CIP line exists along the north side of Leopard Street, and an 8-inch PVC line also exists along the west side of Rolling Acres Drive.

**Corpus Christi Comprehensive Plan (Plan CC)**

**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.

**ADP (Area Development Plan):** According to Plan CC the subject property is located within the Northwest Area. The Northwest ADP was adopted on July 9, 2001.

**Water Master Plan:** No improvements have been proposed.

**Wastewater Master Plan:** No improvements have been proposed.

**Stormwater Master Plan:** No improvements have been proposed.

**Roadway Master Plan:** No improvements have been proposed.

**Public Notification**

Number of Notices Mailed	13 within a 200-foot notification area 4 outside 200-foot notification area
In Opposition	0 inside the notification area 0 outside the notification area 0% in opposition within the 200-foot notification area (0 individual property owner)

**Public Hearing Schedule**

**Planning Commission Hearing Date:** April 3, 2024  
**City Council 1<sup>st</sup> Reading/Public Hearing Date:** May 14, 2024  
**City Council 2<sup>nd</sup> Reading Date:** May 21, 2024

**Background:**

The subject 0.38-acre parcel, in the northwest area of the city, is developed with a single-family home. Although the lot is oriented onto Leopard Street, the existing single-family structure is sited at the rear of the property, 135 feet away from Leopard Street, with frontage onto a local residential road, Rolling Acres Drive. The parcel abuts Leopard Street, an "A2" class arterial road, mid-way from McKinzie Road to the west, an existing "A2" class arterial road, and Rand Morgan Road, to the east, a proposed "A2" class arterial road, and is within a

modest "ON" Neighborhood Office District with patches of "RS-6" Single-Family 6 Districts, and large "CG-2" General Commercial districts to its east and west.

The properties to the north, east, and west, of the subject property of the Rolling Acres Unit 2 Subdivision of 1948, are zoned "RS-6" Single-Family 6 District with low-density residential uses. The properties to the south of the subject parcel and Leopard Street, of the Rolling Acres Subdivision of 1946, are zoned "RS-6" Single-Family 6 District, with low-density residential use and a few vacant parcels.

The "ON" Neighborhood Office District permits office uses, apartments, commercial parking, overnight accommodation uses except for a bed and breakfast home, educational facilities, government facilities except for detention facilities, medical facilities, places of worship, and community services uses. The applicant is requesting an amendment to the zoning map allow for retail sales and service (service-oriented); specifically, a beauty shop and retail boutique. Retail sales and services use is permitted as an accessory to a principal use in the "ON" Neighborhood Office District.

**Plan CC (City of Corpus Christi Comprehensive Plan) Consistency:**

The proposed rezoning is consistent with the following goals and strategies for Decision Makers:

- *Housing and Neighborhoods:*
  - The design of new developments promotes a broader sense of neighborhood and community rather than creating isolated subdivisions or apartment complex developments with a lack of interconnection.
    - Encourage appropriate transitions between commercial and residential developments and between high and low-density residential developments.
- *Future Land Use, Zoning, and Urban Design*
  - Corpus Christi development patterns support efficient and cost-effective use of resources and a 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.
    - Promote the monitoring of current development to identify infrastructure capacity deficiencies in advance of future development.
  - Corpus Christi has well-designed neighborhoods and built environments.
    - Encourage residential infill development on vacant lots within or adjacent to existing neighborhoods.
    - Promote interconnected neighborhoods with appropriate transitions between lower-intensity and higher-intensity land uses.
    - Support the separation of high-volume traffic from residential areas or other noise-sensitive land uses.
    - Screening fences, open spaces, or landscaping can provide an essential buffer between shopping and residential areas.

## **Northwest ADP (Area Development Plan) and FLUM (Future Land Use Map)**

### **Consistency:**

The proposed rezoning is inconsistent with the FLUM designation of Low-Density Residential; however, it is consistent with the following policies/statements of the ADP:

- The expansion of business uses along Northwest Boulevard (F.M. 624) or any other arterial street 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 Northwest Boulevard, Leopard Street, and other arterial streets and calls for their continuance. Surrounding low-density residential activities should be buffered from higher-density commercial uses at the intersections with medium-density residential, office or light commercial uses.

### **Staff Analysis:**

Staff reviewed the subject property's background information and the applicant's purpose for the rezoning request and conducted research into the property's land development history to include platting, zoning, existing surrounding land uses, and potential code violations. Staff compared the proposed zoning's consistency with the applicable elements of the comprehensive plan. As a result of the above analysis, staff notes the following:

- The proposed rezoning is consistent with many goals of Plan CC; however, it is inconsistent with the FLUM's designation of Low-Density Residential. The request to amend the current zoning districts will warrant an amendment to the FLUM.
- Staff observed that the property is part of the Northwest Area Development Plan, adopted on January 9, 2001, which called for maintaining the Leopard Street commercial corridor character that persisted long before its adoption.
- Plan CC calls for well-designed neighborhoods, well-built environments, and development patterns that support a high quality of life.
  - The Rolling Acres Unit 2 subdivision along the north side of Leopard Street, with 1,150 feet of frontage, was arranged with lots that also face Leopard Street, a commercial corridor that the nearly 24-year-old ADP acknowledged. Most of these lots, back-to-back with developed residential lots, over the years have been rezoned to "ON" Neighborhood Office District. The applicant's proposal indicates the subdivision of the original 0.5-acre parcel, to maintain the single-family use at the rear of the property with access on Rolling Acres Drive and develop the remaining parcel with retail sales and services use.
  - The "ON" Neighborhood Office District differs from its broader commercial district counterparts in the provision for office development mostly, by mainly limiting retail sales and services and restaurant uses. The "ON" District is most appropriate adjacent to most residential uses due to its very limited hazards and nuisances such as lower traffic generation; however, it only permits the applicant's proposed uses as an accessory use to a principal use.
  - Leopard Street is a commercial corridor with general commercial districts that are lined with residential subdivisions beyond. While staff finds it appropriate to maintain the existing pattern; granting a broader zoning district will allow uses able to impact neighboring properties, therefore, preservation and protection of the residential uses beyond is essential.

- Preservation and protection of the nearby uses will include restrictions on lighting, building height, signage, vehicular screening, and limits on the type of retail use.

**Staff Recommendation:**

After evaluation of case materials provided and subsequent staff analysis including land development, surrounding uses and zoning, transportation and circulation, utilities, Comprehensive Plan consistency, and considering public input, staff recommends **denial of the “ON” Neighborhood Office District in lieu thereof the “ON/SP” Neighborhood Office District with Special Permit.** The recommendation ensures compatibility with surrounding properties and character. The special permit is subject to the following conditions:

1. **Use:** The only use allowed on the subject property other than uses permitted in the base zoning districts is retail sales and service (service-oriented), specifically a salon and retail boutique.
2. **Buffer Yard:** A 10-foot-wide buffer yard and 10-foot buffer yard points shall be required along the property boundaries adjacent to residential zoning districts.
3. **Lighting:** All lighting shall be shielded, and pole lights shall be of the full cut-off type. All light fixtures within 50 feet of the property boundaries adjacent to residential zoning districts shall be no greater than 15 feet in height.
4. **Building Height:** The building height requirement shall adhere to UDC Section 4.2.8.C Modification of Height Regulations.
5. **Hours of Operation:** The hours of operation shall be limited from 7:00 AM to 10:00 PM. Customer access after 10:00 PM shall be prohibited.
6. **Signage:** Freestanding signage along Rolling Acres Drive is prohibited.
7. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code.
8. **Other Requirements:** The conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.
9. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within 12 months of this ordinance unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

**Attachment(s):**

- (A) Metes & Bounds Description and Exhibit.
- (B) Existing Zoning and Notice Area Map.

## (A) Metes & Bounds Description and Exhibit

STATE OF TEXAS  
COUNTY OF NUECES

Field notes of a 0.382 acre tract out of Lot 5, Block 1, "Rolling Acres Subdivision No. 2" as shown on the plat recorded in Volume 11, Page 47, Map Records Nueces County, Texas. Said 0.382 acre tract being more particularly described as follows:

**BEGINNING** at a 5/8" re-bar found at the intersection of the northeast right of way of Leopard Street and the northwest right of way of Rolling Acres Drive, in the southeast line of said Lot 5, and for the south corner of this survey.

**THENCE** with the common line of the northeast right of way of Leopard Street and this survey, North 58°43'13" West, a distance of 124.84 feet to a 5/8" re-bar found in the northeast right of way of Leopard Street, in the common line of Lots 4 and 5, of said Block 1, and for the west corner of this survey.

**THENCE** with the common line of said Lots 4 and 5, and this survey, North 31°18'20" East, a distance of 133.19 feet to a 5/8" re-bar set in the common line of said Lots 4 and 5, and for the north corner of this survey.

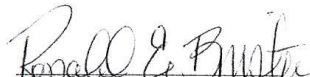
**THENCE** across said Lot 5 with the northeast line of this survey, South 58°43'13" East, a distance of 124.84 feet to a 5/8" re-bar set in the northwest right of way of Rolling Acres Drive, in the southeast line of said Lot 5, and for the east corner of this survey, from **WHENCE** a 5/8" re-bar found for the east corner of said Lot 5, bears North 31°18'20" East, a distance of 76.74 feet.

**THENCE** with the common line of the northwest right of way of Rolling Acres Drive, said Lot 5, and this survey, South 31°18'20" West, a distance of 133.19 feet to the **POINT of BEGINNING** and containing 0.382 acres of land, more or less.

Notes:

- 1.) Bearings are based on Global Positioning System NAD 83 (93) 4205 Datum.
- 2.) A Map of equal date accompanies this Metes and Bounds description.
- 3.) Set 5/8" re-bar = re-bar set with yellow plastic cap labeled Brister Surveying.

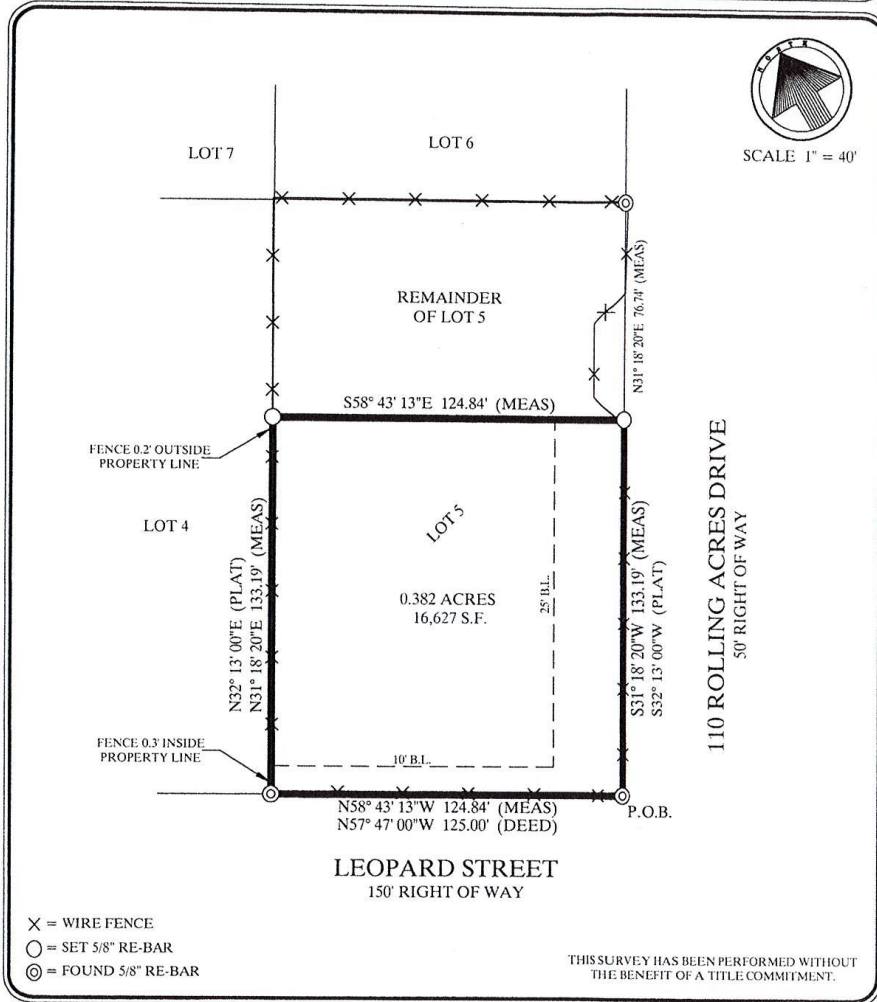
I, Ronald E. Brister do hereby certify that this survey of the property legally described herein was made on the ground this day August 12, 2023 and is correct to the best of my knowledge and belief.

  
Ronald E. Brister, RPLS No. 5407  
Date: August 14, 2023.



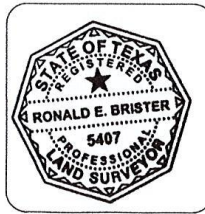
Job No. 231565

SURVEY OF  
A 0.382 ACRE TRACT OUT OF LOT 5, BLOCK 1  
"ROLLING ACRES SUBDIVISION NO. 2" AS SHOWN ON THE PLAT RECORDED  
IN VOLUME 11, PAGE 47, MAP RECORDS NUECES COUNTY, TEXAS.



**Brister Surveying**

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Corpus Christi, Texas 78411  
Off 361-850-1800  
Fax 361-850-1802  
bristerurveying@corpus.tnbc.com  
Firm Registration No. 10072860



BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED WITHIN ZONE X AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT MAPS COMMUNITY PANEL 48355C.0280 G DATED OCTOBER 13, 2022 AND  IS  IS NOT LOCATED IN A DESIGNATED 100 YEAR FLOOD ZONE.

SURVEY DATE AUGUST 14, 2023

JOB NO. 231565

NOTES:

- 1) TOTAL SURVEYED AREA IS 0.382 ACRES.
- 2) MEASURED BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD83 (01)405 DATUM.
- 3) SET 5/8" RE-BAR - STEEL RE-BAR SET WITH YELLOW PLASTIC CAP LABELED BRISTER SURVEYING.
- 4) A METES AND BOUNDS DESCRIPTION OF EQUAL DATE ACCOMPANIES THIS SURVEY.

THIS SURVEY DOES NOT INCLUDE THE RESEARCH, INVESTIGATION, OR LOCATIONS OF ALL SERVITUDES, EASEMENTS, RIGHT OF WAYS, OR UTILITIES ON THIS PROPERTY.

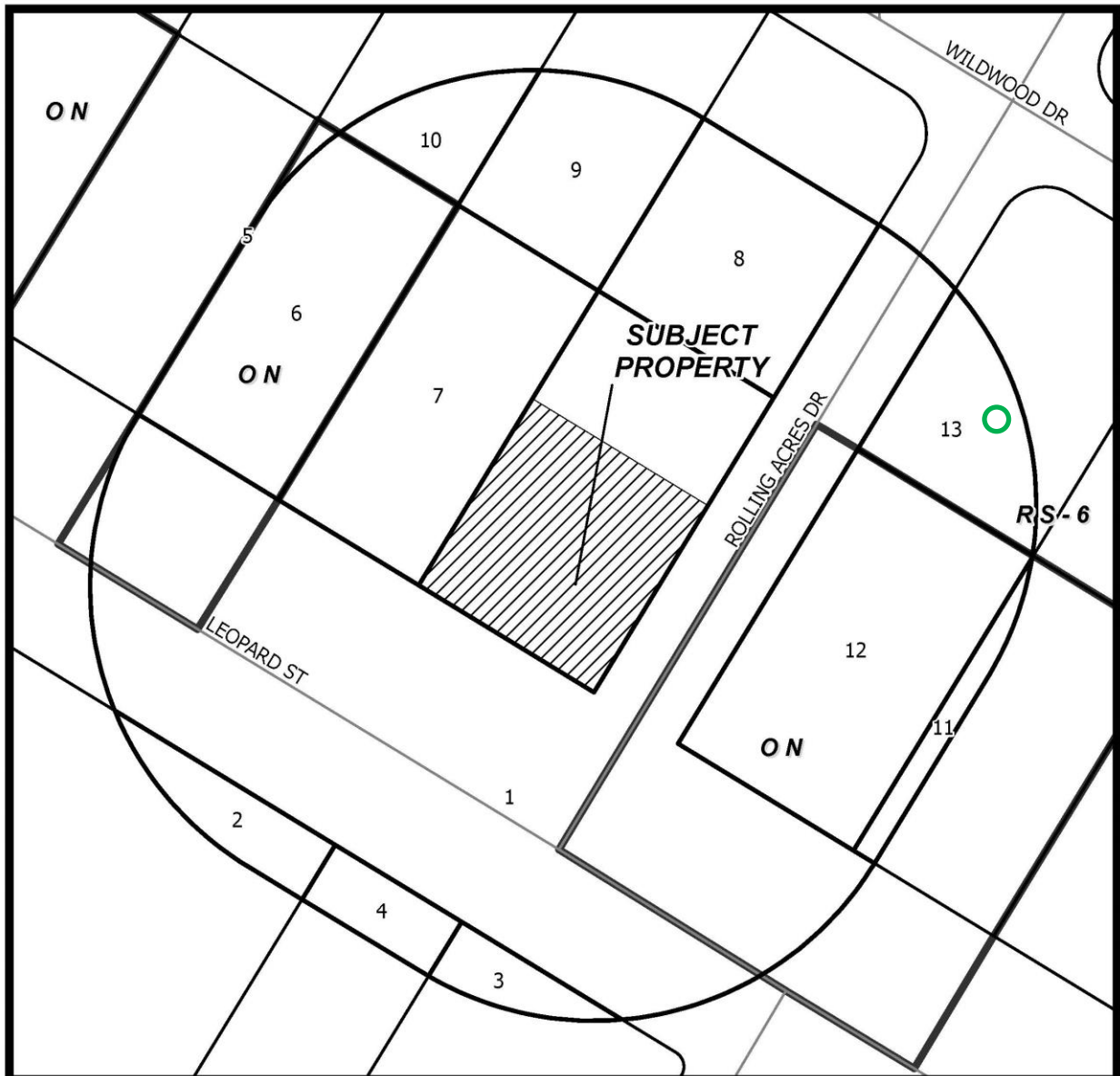
I, RONALD E. BRISTER DO HEREBY CERTIFY THAT THIS SURVEY OF THE PROPERTY LEGALLY DESCRIBED HEREIN WAS MADE ON THE GROUND THIS DAY AUGUST 12, 2023 AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Ronald E. Brister*

RONALD E. BRISTER R.P.L.S. NO. 5407



**(B) Existing Zoning and Notice Area Map**



**CASE: ZN7974**  
**Zoning and 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

