

STAFF REPORT

Case No. 1117-01

INFOR No. 17ZN1039

Planning Commission Hearing Date: November 15, 2017

Applicant & Legal Description	Owner/Applicant: GMG Partners, LP. Location Address: 718 South Navigation Boulevard Legal Description: Being a 32.10 acre tract out of Lot 1, Block 10, J.C. Russell Farm Blocks, located on the east side of South Navigation Boulevard, north of Bear Lane, and south of Agnes Street (State Highway 44).			
Zoning Request	Request: Special Permit Time Extension Area: 32.10 acres Purpose of Request: Extend the expiration date of the Special Permit for an additional 36 months (3 years). Original SP was approved in 2016 for resource extraction (sand, gravel, dirt, etc.).			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"IL" Light Industrial	Vacant	Light Industrial
	<i>North</i>	"IL" Light Industrial	Vacant	Light Industrial
	<i>South</i>	"IL" Light Industrial	Vacant	Light Industrial
	<i>East</i>	"RS-6" Single-Family	Vacant	Light Industrial
	<i>West</i>	"RS-6" Single-Family	Vacant	Light Industrial
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Westside Area Development Plan and is planned for light industrial uses. The proposed rezoning to the "IL/SP" Light Industrial District with a Special Permit remains consistent with the adopted Future Land Use Plan and the Westside Area Development Plan. Map No.: 050042 Zoning Violations: None			
Transportation	Transportation and Circulation: The subject property has approximately 1,100 feet of street frontage along South Navigation Boulevard, which is an "A1" Minor Arterial and 560 feet of street frontage along a proposed section of Omaha Drive, which is a "C1" Minor Collector and a proposed section of Bates Drive, which is a "C1" Minor Collector.			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	South Navigation Boulevard	"A-1" Minor Arterial	N/A	95' ROW 64' paved	3,467 ADT
	Omaha Drive	"C-1" Minor Collector	60' ROW 40' paved	N/A	N/A
	Bates Drive	"C-1" Minor Collector	60' ROW 40' paved	N/A	N/A

Staff Summary:

Request: The purpose of the request is to extend the time limit of the Special Permit for an additional 36 months (3 years).

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 in the process of platting.

Department Comments:

- The applicant is requesting a time extension for the Special Permit that was issued on May 26, 2015. A time extension is needed in order for the Special Permit to remain valid.
- The original application for a Special Permit was for the continued use of the property as a resource extraction use, specifically the extraction of sand, gravel, dirt, stockpiling thereof and accessory uses including the storage of equipment and structures necessary to conduct operations.
- The applicant plans to continue operations as deemed by the Special Permit.

Staff Recommendation:

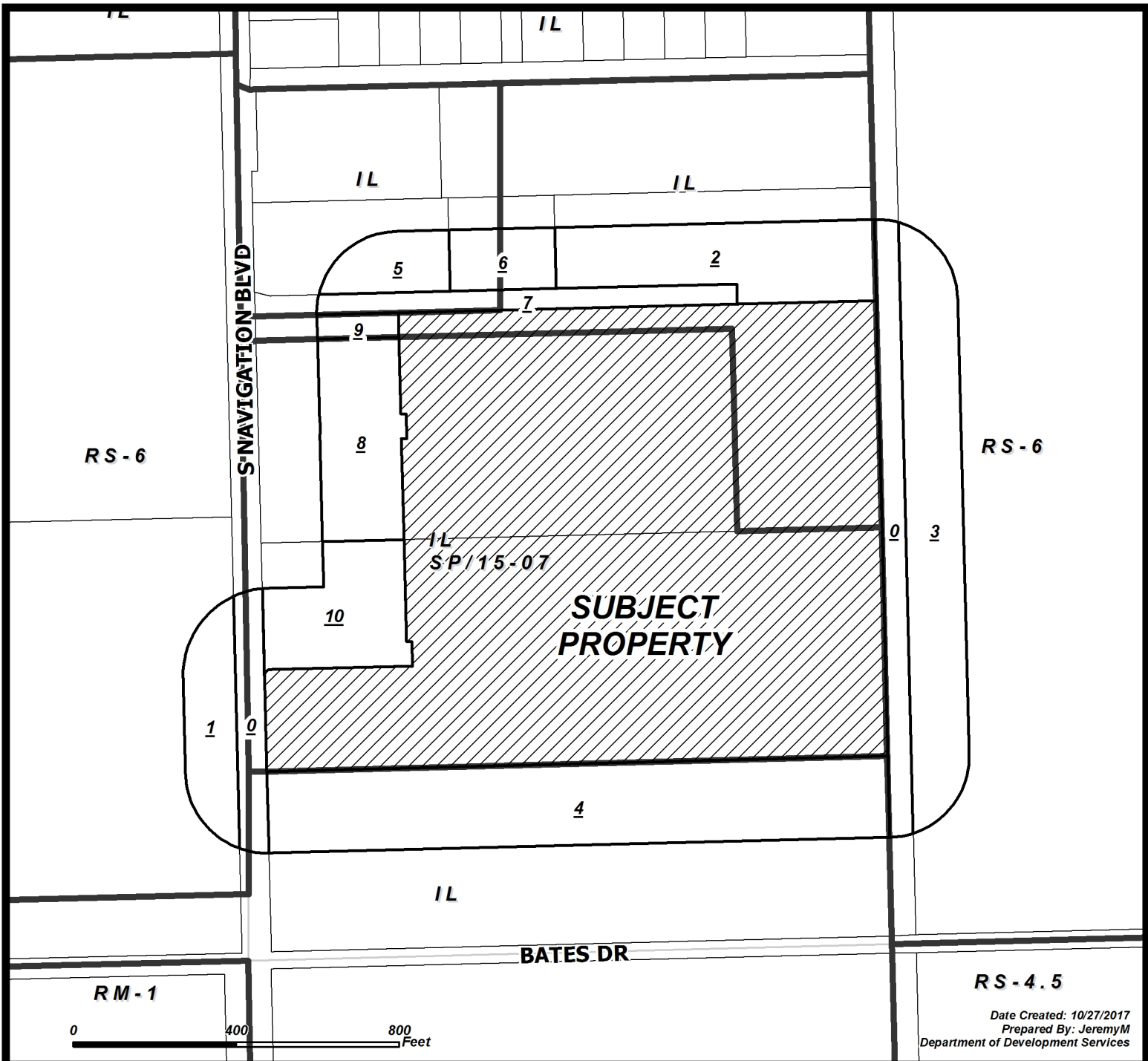
Approval of the requested Special Permit time extension for an additional 36 months (3 years).

Public Notification	Number of Notices Mailed – 20 within 200-foot notification area 5 outside notification area	
	<u>As of November 10, 2017:</u>	
	In Favor	– 0 inside notification area – 0 outside notification area
	In Opposition	– 2 inside notification area – 0 outside notification area
Totaling 42.84% of the land within the 200-foot notification area in opposition.		

Attachments:

- A. Location Map (Existing Zoning & Notice Area)
- B. Special Permit Ordinance
- C. Public Comments Received (if any)

K:\DevelopmentSvcs\SHARED\ZONING CASES\2017\1117-01 GMG Partners, LP. - SP Extension\PC Documents\Staff Report_1117-01_GMG Partners, LP..docx



Date Created: 10/27/2017
Prepared By: JeremyM
Department of Development Services

CASE: 1117-01 ZONING & NOTICE AREA

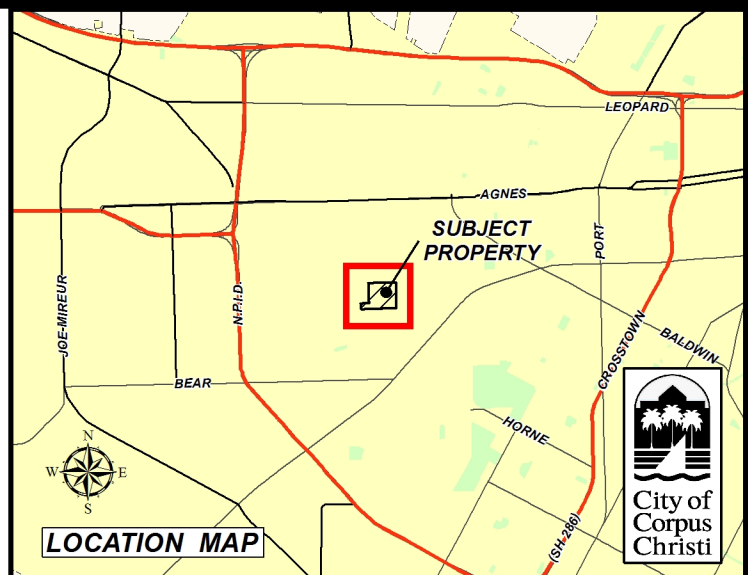
RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	IH	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev. Overlay
ON	Professional Office	RS-10	Single-Family 10
RM-AT	Multifamily AT	RS-6	Single-Family 6
CN-1	Neighborhood Commercial	RS-4.5	Single-Family 4.5
CN-2	Neighborhood Commercial	RS-TF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



Ordinance amending the Unified Development Code ("UDC"), upon application by GMG Partners, LP ("Owner"), by changing the UDC Zoning Map in reference to 34.12 acres out of Lot 1, Block 10, J.C. Russell Farm Blocks, from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for Resource Extraction; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

WHEREAS, the Planning Commission has forwarded to the City Council its final report and recommendation regarding the application of GMG Partners, LP ("Owner"), for an amendment to the City of Corpus Christi's Unified Development Code ("UDC") and corresponding UDC Zoning Map;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, April 22, 2015, during a meeting of the Planning Commission, and on Tuesday, May 19, 2015, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the City Council has determined that this amendment would best serve the public health, necessity, convenience and general welfare of the City of Corpus Christi and its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. Upon application made by GMG Partners, LP ("Owner"), the Unified Development Code ("UDC") of the City of Corpus Christi, Texas ("City"), is amended by changing the zoning on 34.12 acres out of Lot 1, Block 10, J.C. Russell Farm Blocks, located on the east side of South Navigation Boulevard and north of Bates Drive (the "Property"), from "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for Resource Extraction (Zoning Map No. 050042), as shown in Exhibits "A", Exhibit "B" and Exhibit "C." Exhibit A, which is a metes and bounds description of the Property, Exhibit B, which is a location map, and Exhibit C, which is a site plan of the Property, are attached to and incorporated in this ordinance by reference as fully set out herein in their entireties.

SECTION 2. The Special Permit granted in Section 1 of this ordinance is subject to the Owner meeting the requirements of the site plan and the following conditions:

1. Use Regulation: The only use permitted under this Special Permit, other than those allowed by right in the "IL" Industrial District, is resource extraction as described herein; the extraction of sand, gravel, dirt, stockpiling thereof and accessory uses including the storage of equipment and structures necessary to conduct operations.
2. Erosion and Dust Control: Erosion and dust control shall be in accordance with all City, State, and Federal requirements and specifications.

030511

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3. Access: Vehicular access shall be allowed as per the approved site plan and excavation permit.
4. Hours of Operation: Hours of operation shall be limited to the hours between 7:00 A.M. and 5:00 P.M.
5. Restoration: The site shall be restored to pre-existing condition.
6. Time Limit: This Special Permit shall expire in three years or upon termination of the excavation permit, whichever comes first.

SECTION 3. The official UDC Zoning Map of the City is amended to reflect changes made to the UDC by Section 1 of this ordinance.

SECTION 4. The UDC and corresponding UDC Zoning Map of the City, made effective July 1, 2011, and as amended from time to time, except as changed by this ordinance, both remain in full force and effect.

SECTION 5. To the extent this amendment to the UDC represents a deviation from the City's Comprehensive Plan, the Comprehensive Plan is amended to conform to the UDC, as it is amended by this ordinance.

SECTION 6. All ordinances or parts of ordinances specifically pertaining to the zoning of the Property and that are in conflict with this ordinance are hereby expressly repealed.

SECTION 7. Publication shall be made in the City's official publication as required by the City's Charter.

The foregoing ordinance was read for the first time and passed to its second reading on this the 19th day of May, 20 15, by the following vote:

Nelda Martinez	<u>Aye</u>	Brian Rosas	<u>Aye</u>
Rudy Garza	<u>Aye</u>	Lucy Rubio	<u>Aye</u>
Chad Magill	<u>Aye</u>	Mark Scott	<u>Aye</u>
Colleen McIntyre	<u>Aye</u>	Carolyn Vaughn	<u>Aye</u>
Lillian Riojas	<u>Aye</u>		

The foregoing ordinance was read for the second time and passed finally on this the 26th day of May, 20 15, by the following vote:

Nelda Martinez	<u>Absent</u>	Brian Rosas	<u>Aye</u>
Rudy Garza	<u>Aye</u>	Lucy Rubio	<u>Absent</u>
Chad Magill	<u>Aye</u>	Mark Scott	<u>Aye</u>
Colleen McIntyre	<u>Absent</u>	Carolyn Vaughn	<u>Aye</u>
Lillian Riojas	<u>Aye</u>		

PASSED AND APPROVED this the 26th day of May, 20 15.

ATTEST:

Rebecca Huerta
Rebecca Huerta
City Secretary

Nelda Martinez
Nelda Martinez
Mayor

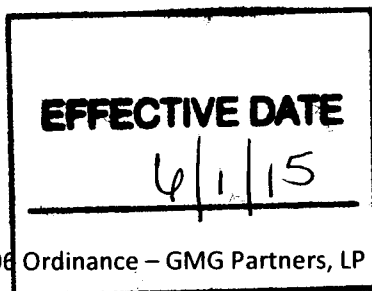


EXHIBIT A

STATE OF TEXAS COUNTY OF NUECES

Field Notes of a 19.497 acre tract of land being out of Lot 1, Block 10, J. C. Russell Farm Blocks, as shown on a map recorded in Volume 28, Pages 58 - 59, Map Records Nueces County, Texas. Said 19.497 acre tract also being the same tract described in deed recorded in Document No. 265201, Deed Records Nueces County, Texas. Said 19.497 acre tract being more particularly described as follows:

COMMENCING at a point in the east right of way of Navigation Boulevard, said point being on the south line of Lot 1, Block 10, the north line of Bates Road, a 40 foot unopened road, from WHENCE a 5/8" iron rod found in the east right of way of Navigation Boulevard, for the common west corner of a 12.24 acre tract out of Lot 3, Block 9, as described in deed recorded in Document No. 1998033842, Deed Records Nueces County, Texas, and a 7.99 acre tract out of Lot 3, Block 9, as described in deed recorded in Document No. 2000010669, Deed Records Nueces County, Texas, bears South 01°26'54" East, a distance of 389.70 feet.

THENCE with the east right of way of Navigation Boulevard, North 01°26'54" West, a distance of 1003.09 feet to a 5/8" iron rod set for the northwest corner of a 19.63 acre tract, as described in a deed recorded in Document No. 795832, Deed Records Nueces County, Texas, the southwest corner of this survey, and for the POINT of BEGINNING.

THENCE with the east right of way of Navigation Boulevard, North 01°26'54" West, a distance of 557.02 feet to a 5/8" iron rod set in the east right of way of Navigation Boulevard, for the southwest corner of a 9.75 acre tract out of Lot 1, Block 10, as described in a deed recorded in Document No. 2006065232, Deed Records Nueces County, Texas, and for the northwest corner of this survey.

THENCE North 88°33'06" East, at a distance of 1499.69 feet pass a 5/8" iron rod set as an offset, and in all a total distance of 1524.69 feet to a 5/8" iron rod set in the west line of Lot 2, the east line of Lot 1, the southeast corner of the said 9.75 acre tract, and for the northeast corner of this survey.

THENCE with the west line of Lot 2, the east line of Lot 1, South 01°26'54" East, a distance of 557.02 feet to a 5/8" iron rod set in the west boundary line of Lot 2, the east line of Lot 1, for the northeast corner of said 19.63 acre tract, and for the southeast corner of this survey.

THENCE South 88°33'06" West, at a distance of 25.00 feet pass a 5/8" iron rod set as an offset, and in all a total distance of 1499.69 feet to the POINT of BEGINNING of this survey, and containing 19.497 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

I, Ronald E. Brister do hereby certify that this survey of the property legally described herein was made on the ground this day January 7, 2014 and is correct to the best of my knowledge and belief.

Ronald E. Brister

Ronald E. Brister, RPLS No. 5407
Date: January 15, 2014



Job No. 131717

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AMOUNT:	
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Exhibit A

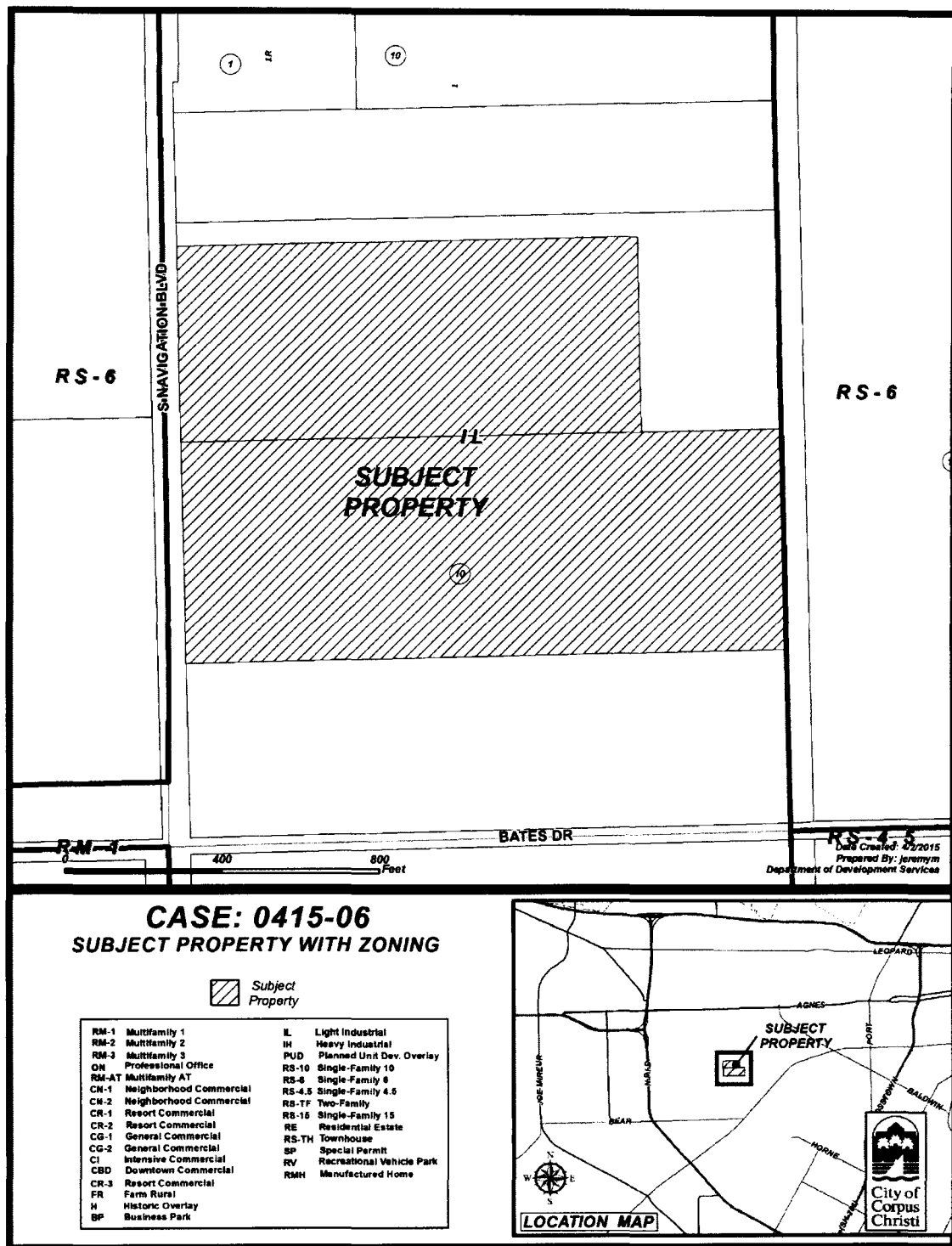


Exhibit B

PUBLISHER'S AFFIDAVIT

State of Texas }
County of Nueces }

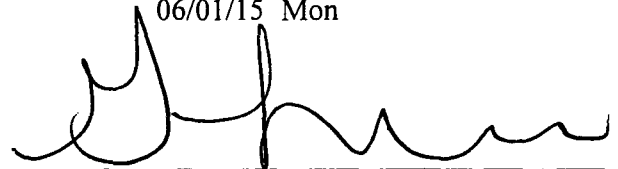
CITY OF CORPUS CHRISTI
Ad # 550344
PO #

Before me, the undersigned, a Notary Public, this day personally came GEORGIA LAWSON, who being first duly sworn, according to law, says that she is LEGAL SALES REPRESENTATIVE AND EMPLOYEE OF THE PUBLISHER, namely, the *Corpus Christi Caller-Times*, a daily newspaper published at Corpus Christi in said City and State, generally circulated in Aransas, Bee, Brooks, Duval, Jim Hogg, Jim Wells, Kleberg, Live Oak, Nueces, Refugio, and San Patricio, Counties, and that the publication of NOTICE OF PASSAGE OF ORDINANCE(S) NO which the annexed is a true copy,

was inserted in the *Corpus Christi Caller-Times* on:
CC-Corpus Christi Caller-Times
CC-Internet - caller.com

06/01/15 Mon

06/01/15 Mon



LEGAL SALES REPRESENTATIVE

On this 3 day of June, 2015 I certify that the attached document is a true and exact copy made by publisher.


Notary Public, State of Texas



Legals

**NOTICE OF PASSAGE OF
ORDINANCE(S)**

NO. 030510, Ordinance amending the Unified Development Code ("UDC"), upon application by Corpus Bayside Investments, LLC ("Owner"), by changing the UDC Zoning Map in reference to Lot 15, Block 2, Flour Bluff Estates #2, from the "CG-1" General Commercial District to the "CG-1/SP" General Commercial District with a Special Permit for a microbrewery; **NO. 030511**, Ordinance amending the Unified Development Code ("UDC"), upon application by GMG Partners, LP ("Owner"), by changing the UDC Zoning Map in reference to 34.12 acres out of Lot 1, Block 10, J.C. Russell Farm Blocks, from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for Resource Extraction; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication. These ordinances were passed and approved on second reading by the City Council on May 26, 2015.
/s/ Rebecca Huerta
City Secretary

VISIT

callerlocalfied.com/classifieds

24/7

PUBLISHER'S AFFIDAVIT

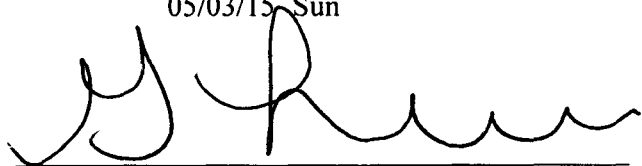
State of Texas }
County of Nueces }

CITY OF CORPUS CHRISTI
Ad # 523939
PO #

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Jim Hogg, Jim Wells, Kleberg, Live Oak, Nueces, Refugio, and San Patricio, Counties, and that the
publication of NOTICE OF PUBLIC HEARING TO CONSIDER which the annexed is a true copy,

was inserted in the *Corpus Christi Caller-Times* on:
CC-Corpus Christi Caller-Times
CC-Internet - caller.com

05/03/15 Sun
05/03/15 Sun

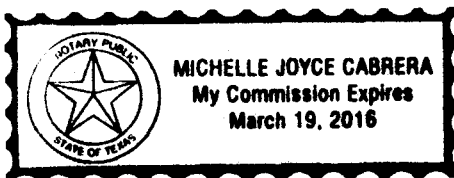


LEGAL SALES REPRESENTATIVE

On this 8 day of May, 2015 I certify that the attached document is a true
and exact copy made by publisher.



Notary Public, State of Texas





**NOTICE OF PUBLIC HEARING
TO CONSIDER RE-ZONING
APPLICATION(S) IN THE CITY
OF CORPUS CHRISTI**

Notice is hereby given that the Corpus Christi City Council will conduct a public hearing on May 19, 2015 during a regular Council meeting which commences at 11:30 a.m. in the Council Chambers, City Hall, 1201 Leopard, to consider the following zoning application(s) which are on file in the Department of Development Services. At said time & place of hearing, persons & parties interested may appear before the City Council:

1. Case No. 0415-05 AAF-Vantage at Corpus Christi, Inc: A change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District on 19.74 acres out of the remainder of a 20.26 acre tract described as Parcel 5, in a Special Warranty Deed from William E. McKinzie, Jr. to William E. McKinzie, Jr. Family Limited Partnership, located on the south side of Up River Road between Deer Run Drive and Carbon Plant Road.

2. Case No. 0415-06 GMG Partners, LP: A change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for Resource Extraction on 34.12 acres out of Lot 1, Block 10, J.C. Russell Farm Blocks, located on the east side of South Navigation Boulevard and north of Bates Drive.

3. Case No. 0415-07 Staples Development, LLC: A change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District on a 15.125 acre tract of land out of a portion of Lots 13 and 14, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, located along the north side of Timbergate Drive approximately 1,300 feet east of South Staples Street

4. Case No. 0415-08 Corpus Bayside Investments, LLC: A change of zoning from the "CG-1" General Commercial District to the "IL" Light Industrial District on Lot 15, Block 2, Flour Bluff Estates #2, located at the northwest corner of Scotland Drive and Naval Air Station Drive.

Information may be obtained by calling or visiting the Department of Development Services at (361) 826-3240, 2406 Leopard Street.

/s/ Rebecca Huerta
City Secretary

WATSON, J. L.
J. L. Watson, Jr.
J. L. Watson, Jr.

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. 1117-01**

GMG Partners, LP. has petitioned the City of Corpus Christi to consider a **Special Permit Time Extension Request for an additional three years.** The property to be rezoned is described as:

Being a 32.10 acre tract out of Lot 1, Block 10, J.C. Russell Farm Blocks, located on the east side of South Navigation Boulevard, north of Bear Lane, and south of Agnes Street (State Highway 44).

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, November 15, 2017**, 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: Driscoll Foundation

Address: 615 N Upper Broadway #1605 City/State: C.C. TX

() IN FAVOR (X) IN OPPOSITION Phone: 361-883-5471

REASON:

Severely impacting the Storm Drainage on Navigation Blvd.

By Craig D. Shoeb
Signature

SEE MAP ON REVERSE SIDE
INFOR Case No.: 17ZN1039
Property Owner ID: 3

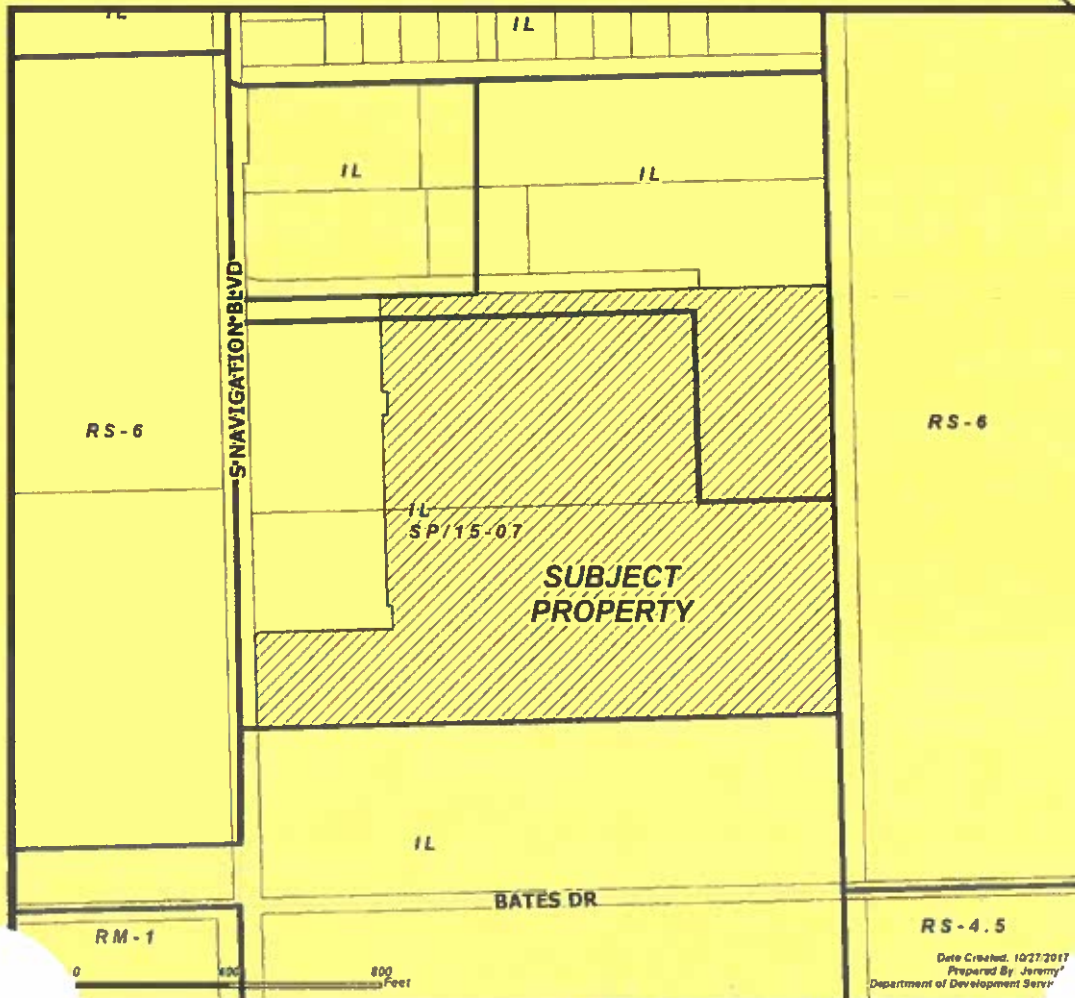
Case No. 1117-01
Project Manager: Andrew Dimas
Email: andrewd2@cctexas.com

City of Corpus Christi
Development Services Dept.
P.O. Box 9277
Corpus Christi, Texas 78469



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DRISCOLL FOUNDATION
615 NORTH UPPER BROADWAY
SUITE 1635
Corpus Christi, TX 78401



CASE: 1117-01
SUBJECT PROPERTY WITH ZONING



RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	BI Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev Overlay
OK Professional Office	RS-10 Single Family 10
RM-AT Multifamily AT	RS-4 Single-Family 4
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CW-2 Neighborhood Commercial	RS-1F Two-Family
CR-1 Resort Commercial	RS-10 Single-Family 10
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CI Intensive Commercial	RV Recreational Vehicle Park
CBD Downtown Commercial	MM-M Manufactured Home
CR-3 Resort Commercial	
FR Farm Rural	
H Historic Overlay	
BP Business Park	



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**CITY PLANNING COMMISSION
PUBLIC HEARING NOTICE
Rezoning Case No. 1117-01**

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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: Craig D. Shook, DRISCOLL FOUNDATION
Address: 615 N. Upper Broadway #1635 City/State: CC TX
() IN FAVOR (☒) IN OPPOSITION Phone: 361-813-1184

REASON:
Severly impeding the storm drainage on Navigation Blvd.

Signature

By Craig D. Shook

SEE MAP ON REVERSE SIDE
INFOR Case No.: 17ZN1039
Property Owner ID: 4

Case No. 1117-01
Project Manager: Andrew Dimas
Email: andrewd2@cctexas.com

City of Corpus Christi
Development Services Dept.
P.O. Box 9277
Corpus Christi, Texas 78469

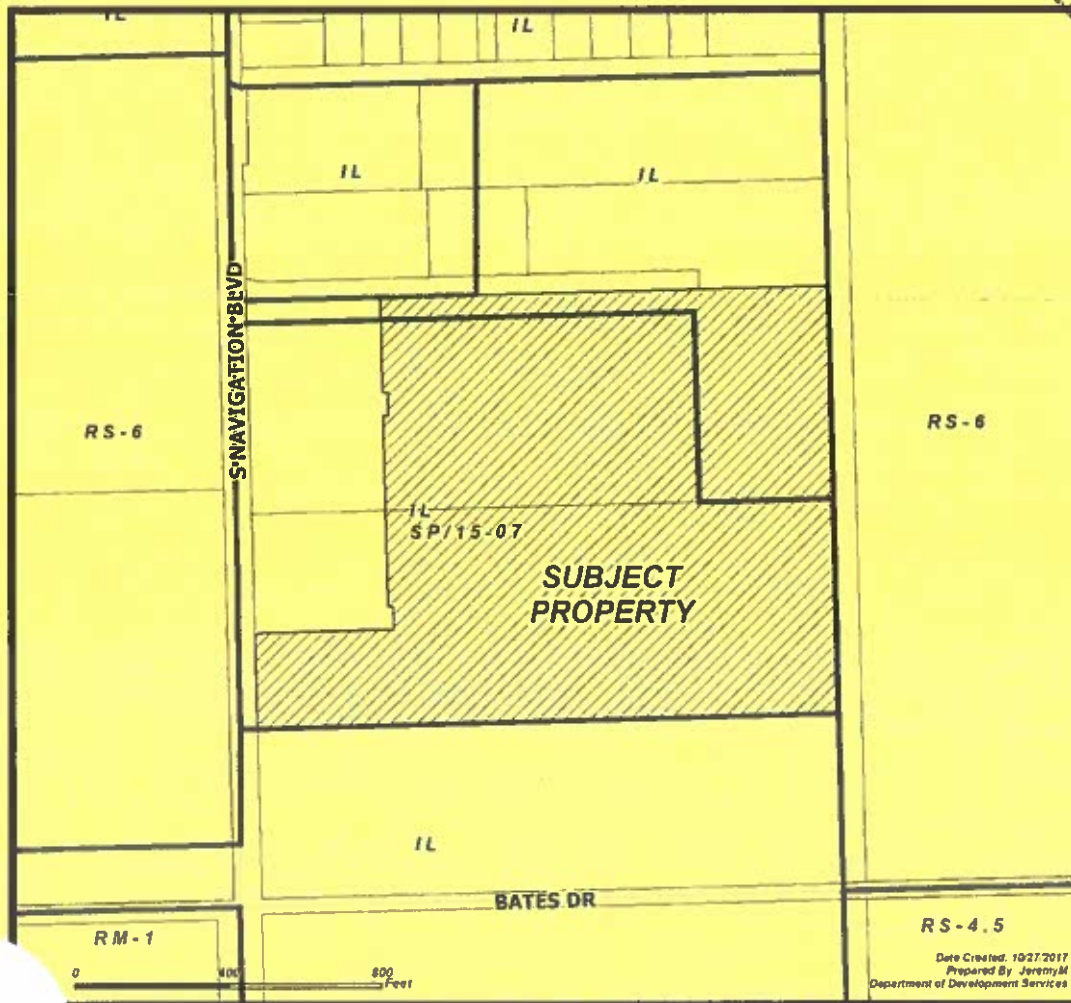


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DRISCOLL FOUNDATION
615 NORTH UPPER BROADWAY
SUITE 1635
Corpus Christi, TX 78401



CASE: 1117-01
SUBJECT PROPERTY WITH ZONING



RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	BI	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev Overlay
Oh	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-TM	Townhouse
CG-2	General Commercial	SP	Special Permit
CI	Intensive Commercial	RV	Recreational Vehicle Park
CBD	Downtown Commercial	NM-H	Manufactured Home
CR-3	Resort Commercial		
FR	Farm Rural		
H	Historic Overlay		
BP	Business Park		

