

PLANNING COMMISSION FINAL REPORT

Case No.: 1213-02
 HTE No. 13-1000041

Planning Commission Hearing Date: December 4, 2013

Applicant & Legal Description	<p>Applicant/Owner: MPM Development, LP Legal Description/Location: Being a 23.206-acre tract of land out of a portion of the south half of Section 31, Laureles Farm Tracts, located on the south side of South Staples Street (FM 2444), approximately 360 feet east of King Trail.</p>			
Zoning Request	<p>From: "FR" Farm Rural District To: "RS-22" Single-Family 22 District Area: 23.206 acres Purpose of Request: To develop a single-family subdivision.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
<i>Site</i>		"FR" Farm Rural	Vacant & Park	Estate Residential & Park
<i>North</i>		"FR" Farm Rural & "CN-1" Neighborhood Commercial	Public Semi-Public & Vacant	Low Density Residential & Public Semi-Public
<i>South</i>		"FR/SP" Farm Rural with a Special Permit	Low Density Residential	Estate Residential
<i>East</i>		"FR" Farm Rural	Park	Park
<i>West</i>		"RE" Residential Estate	Estate Residential	Estate Residential
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the London Area Development Plan (ADP) and is planned for estate residential and park uses. The proposed change of zoning to the "RS-22" Single-Family 22 District is not consistent with the adopted Future Land Use Plan. Map No.: 046030 Zoning Violations: None</p>			
Transportation	<p>Transportation and Circulation: The subject property has approximately 880 feet of frontage along South Staples Street (FM 2444), which is designated as a proposed "A3" Primary Arterial Divided street, and is approximately 360 feet east of King Trail, which is a local residential street.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2010)
	S. Staples St.	"A3" Primary Arterial Divided	130' ROW 79' paved	120' ROW 40' paved	7,651 ADT
	S. Oso Pkwy.	"P1" Parkway Collector	80' ROW 40' paved	80' ROW 40' paved	N/A

Staff Summary:

Requested Zoning: The applicant is requesting a change of zoning from the "FR" Farm Rural District to the "RS-22" Single-Family 22 District to allow construction of a single-family subdivision with minimum 22,000 square-foot and 100-foot wide lots.

Development Plan: A total of 37 lots are planned with lot sizes of approximately one-half acre. Half-acre lots are required south of the Oso Creek because wastewater lines are not available; therefore, septic systems are necessary. The minimum lot size for a single-family house to have a septic system is one-half acre. The future extension of South Oso Parkway, which will be constructed prior to the development of the neighborhood, is located within the subject property. Per the Oso Parkway Plan, driveways located along the Oso Parkway shall maintain a spacing of 150 feet.

Existing Land Uses & Zoning: North of the subject property is the South Texas Botanical Gardens and Nature Center zoned "FR" Farm Rural District and vacant land zoned "CN-1" Neighborhood Commercial District. East of the subject property is park land zoned "FR" Farm Rural District. South and west of the subject property are single-family subdivisions zoned "FR/SP" Farm Rural District with a Special Permit for one-half acre lots and "RE" Residential Estate District respectively.

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

Comprehensive Plan & Area Development Plan (ADP) Consistency: The subject property is located within the boundaries of the London Area Development Plan. The proposed change of zoning to the "RS-22" Single-Family 22 District is not consistent with the adopted Future Land Use Plan, which slates the property for an estate residential use.

Plat Status: The subject property is not platted. A plat has been submitted for review.

Department Comments:

- The properties located south and west of the subject property are developed with single-family uses. The proposed rezoning is consistent with the land use and zoning patterns of adjacent properties.

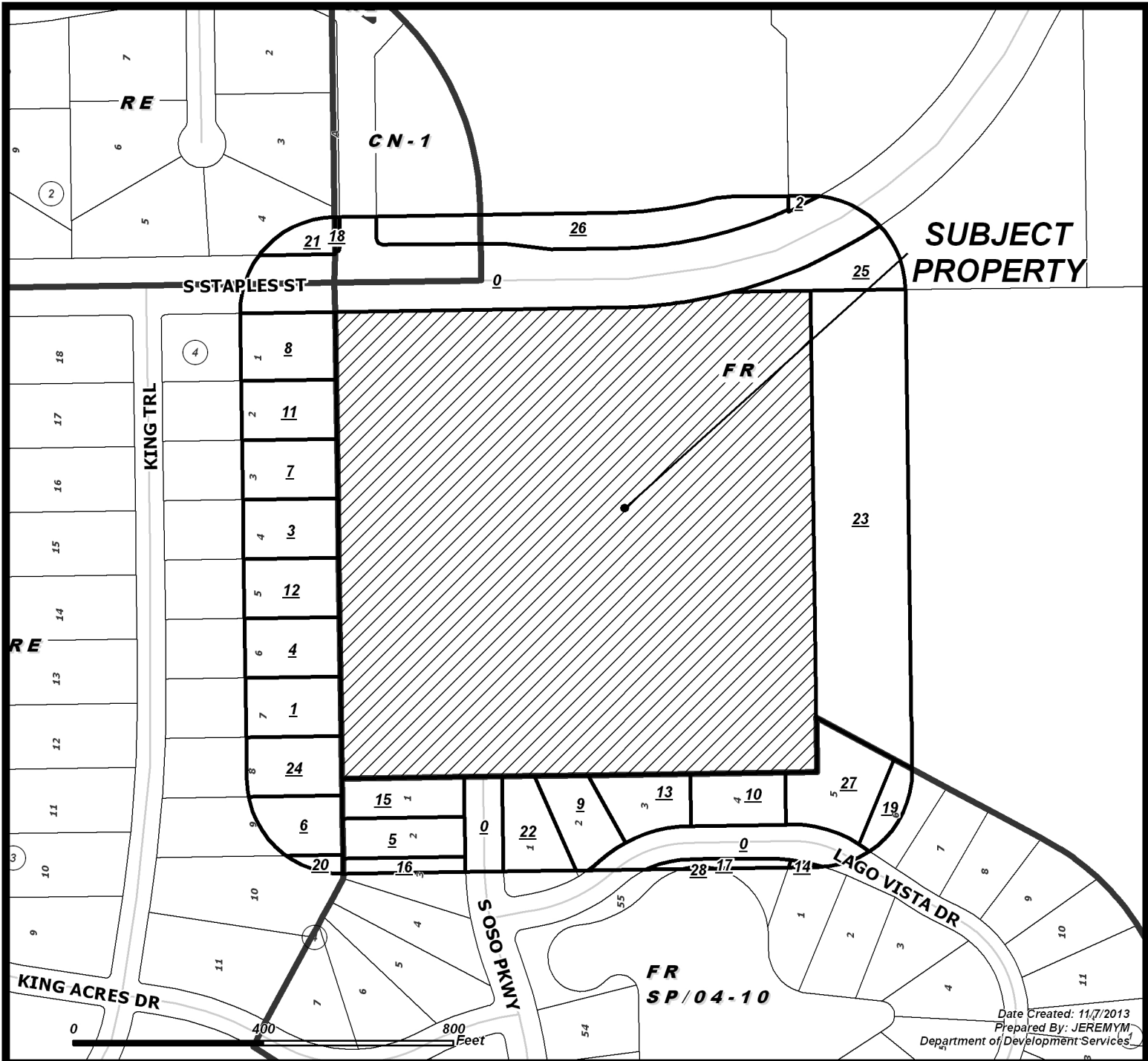
- The “RS-22” Single-Family 22 District was recently created for subdivisions located south of the Oso Creek. The “RS-22” District requires a minimum lot area that accommodates the use of septic systems. If wastewater becomes available south of the Oso Creek, the “RS-22” District would require lots to remain at half-acre lot sizes and larger setbacks.
- The proposed rezoning would not negatively impact the surrounding properties. Although inconsistent with the Future Land Use Plan’s designation of the property as an “estate residential” use, half-acre lots are consistent with the subdivision south of the subject property and appropriate for this location.
- The property to be rezoned is suitable for uses permitted by the “RS-22” Single-Family 22 District.

Planning Commission and Staff Recommendation (December 4, 2013):

Approval of the change of zoning from the “FR” Farm Rural District to the “RS-22” Single-Family 22 District.

Public Notification	Number of Notices Mailed – 28 within 200’ notification area; 1 outside notification area
	<u>As of December 5, 2013:</u>
	In Favor – 0 (inside notification area); 0 (outside notification area)
	In Opposition – 1 (inside notification area); 0 (outside notification area)
For 1.09% in opposition.	





- Attachments:
1. Location Map (Existing Zoning & Notice Area)
 2. Proposed Subdivision Layout

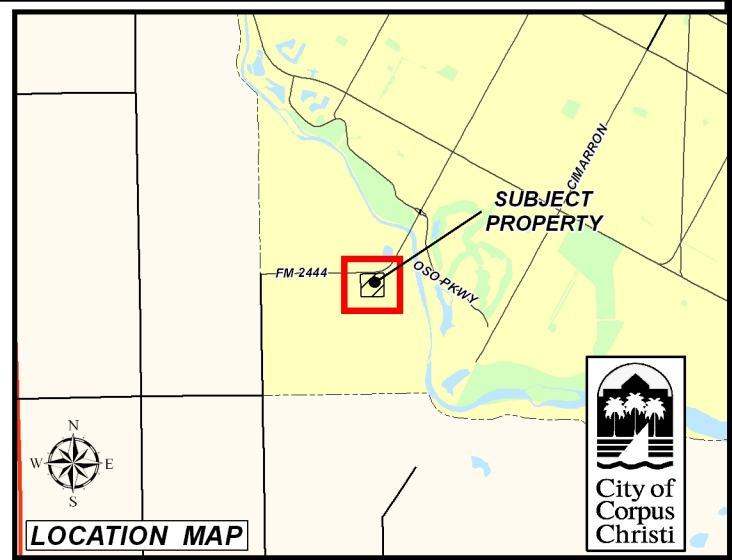


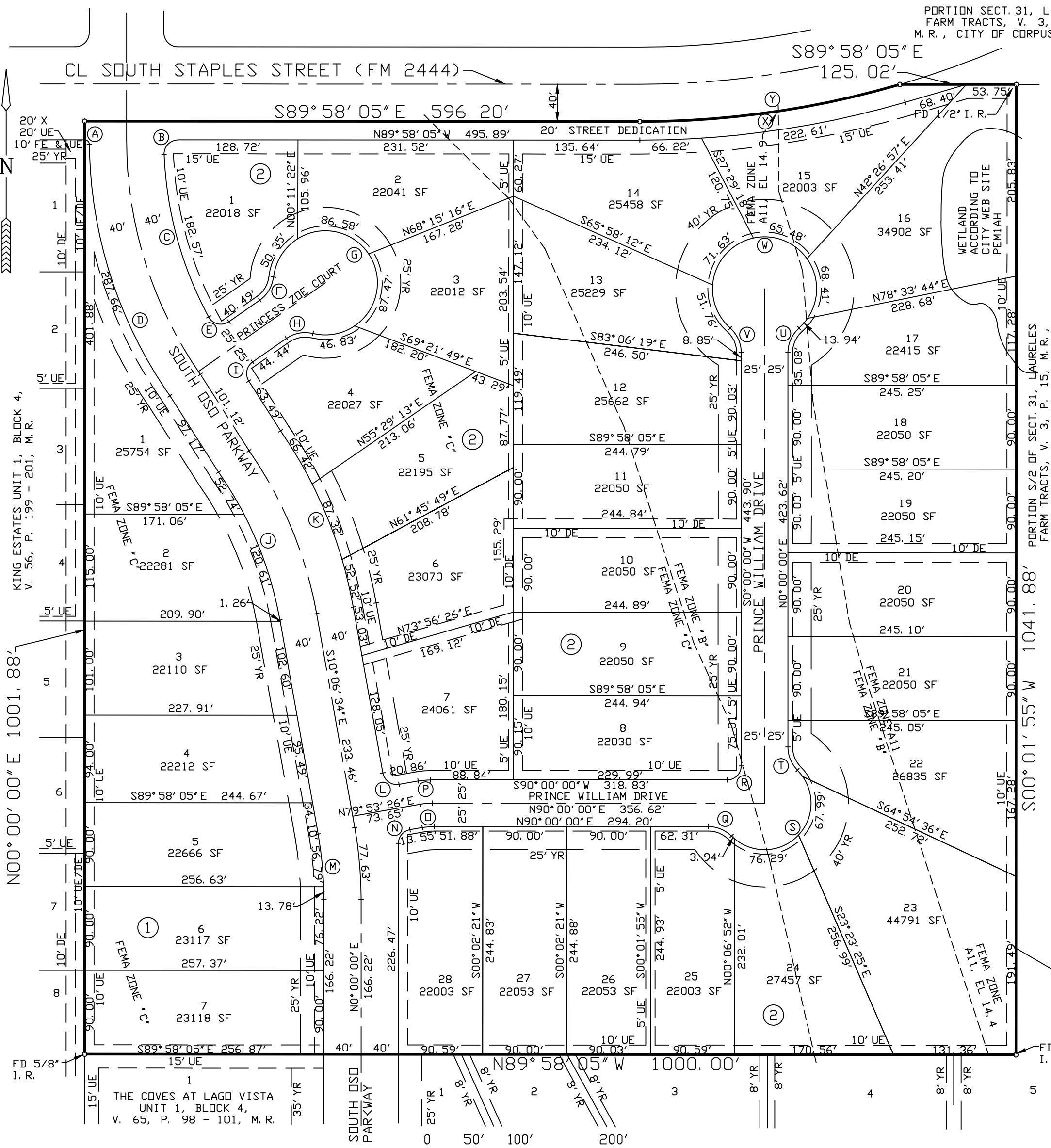
Date Created: 11/7/2013
 Prepared By: JEREMY M
 Department of Development Services

CASE: 1213-02 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
-  Owners in favor
-  Owners within 200' listed on attached ownership table
-  Owners in opposition





- PORTION SECT. 31, LAURELES FARM TRACTS, V. 3, P. 15, M. R., CITY OF CORPUS CHRISTI
- NOTES:
1. THE YARD REQUIREMENT, AS DEPICTED, IS A REQUIREMENT OF THE UNIFIED DEVELOPMENT CODE (UDC) AND IS SUBJECT TO CHANGE AS THE ZONING MAY CHANGE.
 2. THE RECEIVING WATER FOR STORM WATER RUNOFF FROM THIS PROPERTY IS THE OSO CREEK. THE TCEQ HAS NOT CLASSIFIED THE AQUATIC LIFE USE FOR THE OSO CREEK, BUT IT IS RECOGNIZED AS AN ENVIRONMENTALLY SENSITIVE AREA. THE OSO CREEK FLOWS DIRECTLY INTO THE OSO BAY. THE TCEQ HAS CLASSIFIED THE AQUATIC LIFE USE FOR THE OSO BAY AS "EXCEPTIONAL" AND "OYSTER WATERS" AND CATEGORIZED THE RECEIVING WATER AS "CONTACT RECREATION" USE.
 3. SET 5/8" I.R.'S AT ALL CORNERS UNLESS OTHERWISE NOTED.
 4. THE BASIS OF BEARINGS IS THE COMMON EAST BOUNDARY LINE OF KING ESTATES UNIT 1, AND WEST BOUNDARY LINE OF THE SUBJECT SITE, NORTH, AS SHOWN.
 5. THE SITE IS IN FEMA ZONE A11 (EL VARIES 14.4 TO 14.9), ZONE B, AND ZONE C. FEMA ZONES ARE FROM FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 485494 0520 D, REVISED JUNE 4, 1987, FOR NUECES COUNTY, TX, UNINCORPORATED AREAS.
 6. NO DRIVEWAY ACCESS TO SOUTH STAPLES STREET.
 7. THE TOTAL AREA OF THIS PLAT IS 23.206 ACRES INCLUDING STREET DEDICATIONS.

CURVE DATA

A) D=90°58'20" R=5.00' T=5.09' L=7.94' CB=S44°49'12"E CH=7.13'	B) D=92°16'22" R=15.00' T=15.61' L=24.16' CB=N43°53'44"E CH=21.63'	C) D=26°09'06" R=400.00' T=92.90' L=182.57' CB=N19°19'00"W CH=180.99'	D) D=34°20'12" R=480.00' T=148.29' L=287.66' CB=S17°46'19"E CH=283.37'
E) D=96°32'52" R=15.00' T=16.82' L=25.28' CB=N76°39'59"W CH=22.39'	F) D=48°45'01" R=35.00' T=15.86' L=29.78' CB=S30°41'05"W CH=28.89'	G) D=277°30'03" R=56.00' T=49.11' L=271.22' CB=N34°56'25"W CH=73.85'	H) D=48°45'01" R=35.00' T=15.86' L=29.78' CB=N79°26'06"E CH=28.89'
I) D=87°35'05" R=15.00' T=14.38' L=22.93' CB=N11°16'03"E CH=20.76'	J) D=24°49'51" R=400.00' T=88.06' L=173.35' CB=S22°31'29"E CH=19.26'	K) D=24°37'13" R=480.00' T=104.75' L=206.26' CB=N22°25'10"W CH=13.22'	L) D=90°00'00" R=15.00' T=15.00' L=23.56' CB=N55°06'34"W CH=26.84'
M) D=10°06'34" R=400.00' T=35.38' L=70.58' CB=S05°03'17"E CH=70.49'	N) D=79°53'26" R=15.00' T=15.00' L=23.56' CB=S45°00'00"W CH=21.21'	O) D=10°06'34" R=75.00' T=76.60' L=13.23' CB=N84°56'43"E CH=13.22'	P) D=10°06'34" R=75.00' T=76.60' L=13.23' CB=S84°56'43"W CH=13.22'
Q) D=45°05'57" R=15.00' T=14.53' L=27.55' CB=S67°27'02"E CH=26.84'	R) D=90°00'00" R=15.00' T=15.00' L=23.56' CB=S45°00'00"W CH=21.21'	S) D=180°11'54" R=50.00' T=288.991' L=157.25' CB=N45°00'00"E CH=100.00'	T) D=45°05'57" R=35.00' T=14.53' L=27.55' CB=N22°32'58"W CH=26.84'
U) D=48°46'54" R=35.00' T=15.87' L=29.80' CB=N24°23'27"E CH=28.91'	V) D=48°43'09" R=35.00' T=15.85' L=29.76' CB=S24°21'35"E CH=28.87'	W) D=277°30'03" R=56.00' T=49.11' L=271.22' CB=N89°58'08"W CH=73.85'	X) D=16°17'54" R=995.37' T=142.53' L=283.14' CB=N81°52'58"E CH=282.19'
Y) D=16°17'54" R=1015.37' T=145.40' L=288.83' CB=N81°52'58"E CH=287.86'			

STATE OF TEXAS §
 COUNTY OF NUECES §

WE, _____ (NAME), HEREBY CERTIFY THAT WE ARE THE HOLDERS OF A LIEN ON THE LAND EMBRACED WITHIN THE BOUNDARIES OF THE FOREGOING MAP AND THAT WE APPROVE THE SUBDIVISION AND DEDICATION FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

BY: _____
 TITLE: _____

STATE OF TEXAS §
 COUNTY OF NUECES §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ (NAME), _____ (TITLE), OF _____
 THIS THE _____ DAY OF _____, 20____

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS §
 COUNTY OF NUECES §

THE FINAL PLAT OF THE HEREIN DESCRIBED PROPERTY WAS APPROVED BY THE DEPARTMENT OF DEVELOPMENT SERVICES OF THE CITY OF CORPUS CHRISTI, TEXAS

RENEE T. COUTURE, P.E.
 DEVELOPMENT SERVICES ENGINEER

DATE _____

STATE OF TEXAS §
 COUNTY OF NUECES §

THE FINAL PLAT OF THE HEREIN DESCRIBED PROPERTY WAS APPROVED ON BEHALF OF THE CITY OF CORPUS CHRISTI, TEXAS BY THE PLANNING COMMISSION.

THIS THE _____ DAY OF _____, 20____

CHAIRMAN PHILLIP J. RAMIREZ, A.I.A., LEED AP
 SECRETARY MARK E. VAN VLECK, P.E.

STATE OF TEXAS §
 COUNTY OF NUECES §

I, NIXON M. WELSH, REGISTERED PROFESSIONAL LAND SURVEYOR OF BASS & WELSH ENGINEERING, HEREBY CERTIFY THAT THE FOREGOING PLAT WAS PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION, IS TRUE AND CORRECT AND THAT WE HAVE BEEN ENGAGED TO SET ALL LOT CORNERS UPON COMPLETION OF SUBDIVISION CONSTRUCTION IMPROVEMENTS WITHOUT DELAY.

THIS THE _____ DAY OF _____, 20____

NIXON M. WELSH
 REGISTERED PROFESSIONAL LAND SURVEYOR,
 TEXAS NUMBER 2211

STATE OF TEXAS §
 COUNTY OF NUECES §

APPROVED BY THE CORPUS CHRISTI-NUECES COUNTY HEALTH DEPARTMENT. THIS THE _____ DAY OF _____, 20____ ANY PRIVATE WATER SUPPLY AND/OR SEWAGE SYSTEM SHALL BE APPROVED BY THE CORPUS CHRISTI-NUECES COUNTY HEALTH DEPARTMENT PRIOR TO INSTALLATION.

PUBLIC HEALTH ENGINEER

STATE OF TEXAS §
 COUNTY OF NUECES §

I, DIANA T. BARRERA, CLERK OF THE COUNTY COURT IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT DATED THE _____ DAY OF _____, 20____ WITH ITS CERTIFICATE OF AUTHENTICATION, WAS FILED FOR RECORD IN MY OFFICE THE _____ DAY OF _____, 20____ AT _____ O'CLOCK _____M., AND DULY RECORDED THE _____ DAY OF _____, 20____ AT _____ O'CLOCK _____M. IN THE MAP RECORDS OF SAID COUNTY IN VOLUME _____, PAGE _____, INSTRUMENT NUMBER _____

WITNESS MY HAND AND SEAL OF THE COUNTY COURT IN AND FOR SAID COUNTY AT OFFICE IN CORPUS CHRISTI, NUECES COUNTY, TEXAS, THE DAY AND YEAR LAST WRITTEN.

BY: DEPUTY _____
 DIANA T. BARRERA, CLERK COUNTY COURT NUECES COUNTY, TEXAS

STATE OF TEXAS §
 COUNTY OF NUECES §

WE, MPM DEVELOPMENT, LP, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND EMBRACED WITHIN THE BOUNDARIES OF THE FOREGOING PLAT, SUBJECT TO A LIEN IN FAVOR OF _____ THAT WE HAVE HAD SAID LAND SURVEYED AND SUBDIVIDED AS SHOWN, THAT STREETS AND EASEMENTS AS SHOWN HAVE BEEN HERETOFORE DEDICATED, OR IF NOT PREVIOUSLY DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC USE FOREVER, AND THAT THIS PLAT WAS MADE FOR THE PURPOSES OF DESCRIPTION AND DEDICATION.

THIS THE _____ DAY OF _____, 20____

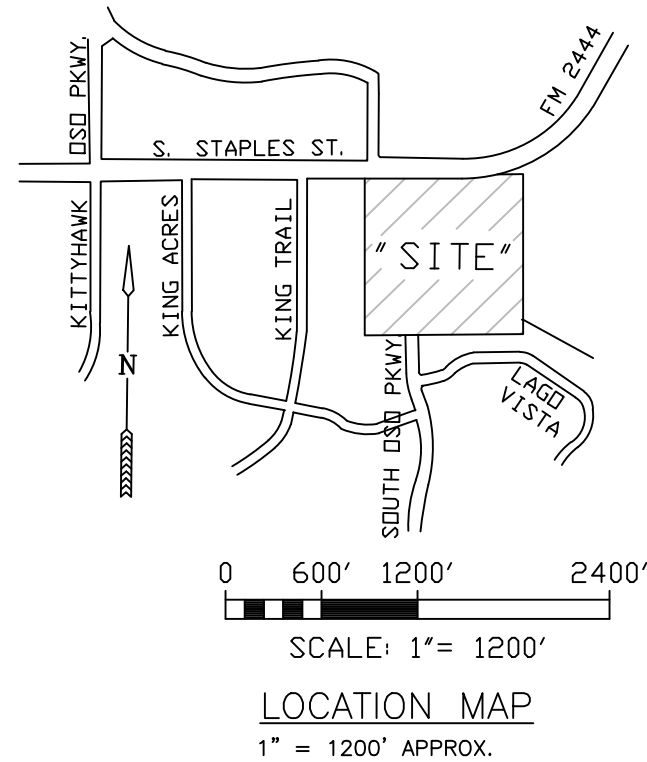
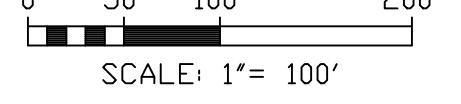
STATE OF TEXAS §
 COUNTY OF NUECES §

VAHID MOSTAGHASI, GENERAL PARTNER

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY VAHID MOSTAGHASI.

THIS THE _____ DAY OF _____, 20____

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS



PLAT OF KING ESTATES UNIT 4
 A 23.206 ACRE TRACT OF LAND, MORE OR LESS, A PORTION OF THE SOUTH HALF OF SECTION 31, LAURELES FARM TRACTS, A MAP OF WHICH IS RECORDED IN VOLUME 3, PAGE 15, MAP RECORDS, NUECES CO., TX.
CORPUS CHRISTI, NUECES COUNTY, TEXAS

BASS & WELSH ENGINEERING
 FIRM NO. F-52, 3054 S. ALAMEDA ST.
 CORPUS CHRISTI, TEXAS 78404

DATE PLOTTED: 11/25/13
 COMP. NO.: PLAT
 JOB. NO.: 13057
 SCALE: 1" = 100'
 PLAT SCALE: SAME
 SHEET 1 OF 1