

ZONING REPORT

Case No.: 0711-02

Planning Commission Hearing Date: March 13, 2013

Applicant & Legal Description	Applicant: Sigifredo Montemayor Owners: Edward Montemayor & Mearary Iveth Montemayor Legal Description/Location: Flour Heights, Block 1, Lot 22, located along the east side of Flour Bluff Drive and approximately 350 feet north of Purdue Road.				
Zoning Request	Request: Special Permit Time Extension Area: 0.74 Acres Purpose of Request: Extend the expiration date of the Special Permit for an additional 12 months.				
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use	
	Site	“CN-1/SP” Neighborhood Commercial District with a Special Permit	Commercial & Low Density Residential	Commercial	
	North	“RS-6” Single-Family 6 District	Low Density Residential	Low Density Residential	
	South	“RS-6” Single-Family 6 District	Low Density Residential	Low Density Residential	
	East	“RS-6” Single-Family 6 District	Low Density Residential	Low Density Residential	
	West	“CG-2” General Commercial	Commercial	Commercial	
ADP, Map & Violations	Area Development Plan: The subject property is located in the Flour Bluff Area Development Plan (ADP) and is planned for a commercial use. Map No.: 037031 Zoning Violations: The landowner was cited by code enforcement for an illegal land use on the property. The Special Permit was granted in order to bring the property into conformity.				
Transportation	Transportation and Circulation: The subject property has approximately 108 feet of frontage along Flour Bluff Drive, which is an “A1” Minor Arterial Undivided street. The property is located approximately 320 feet north of Purdue Road, which is a proposed “C1” Minor Residential Collector street.				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2011)
	Flour Bluff Dr.	“A1” Minor Arterial Undivided	95’ ROW 64’ paved	88’ ROW 22’ paved	14,048 (2011)

Staff's Summary:

Request: The purpose of the request is to extend the time limit of the Special Permit for an additional 12 months.

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

Department Comments:

- The applicant is requesting a time extension for the Special Permit that was issued on January 17, 2012. It has been one year since the approval and there has been no action on the Special Permit. Therefore, 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 metal roofing business and contractor's storage yard. The property was previously zoned "RS-6" Single-Family 6 District. Staff recommended denial of the change of zoning to the "IL" Light Industrial District that was requested.
- The property was previously in violation of the zoning ordinance. The metal roofing shop was in a residential district which did not allow this type of commercial activity. The Special Permit brings the property into conformity with the Unified Development Code.
- The applicant plans to get building permits for the expansion of the commercial business if the Special Permit time extension is approved.

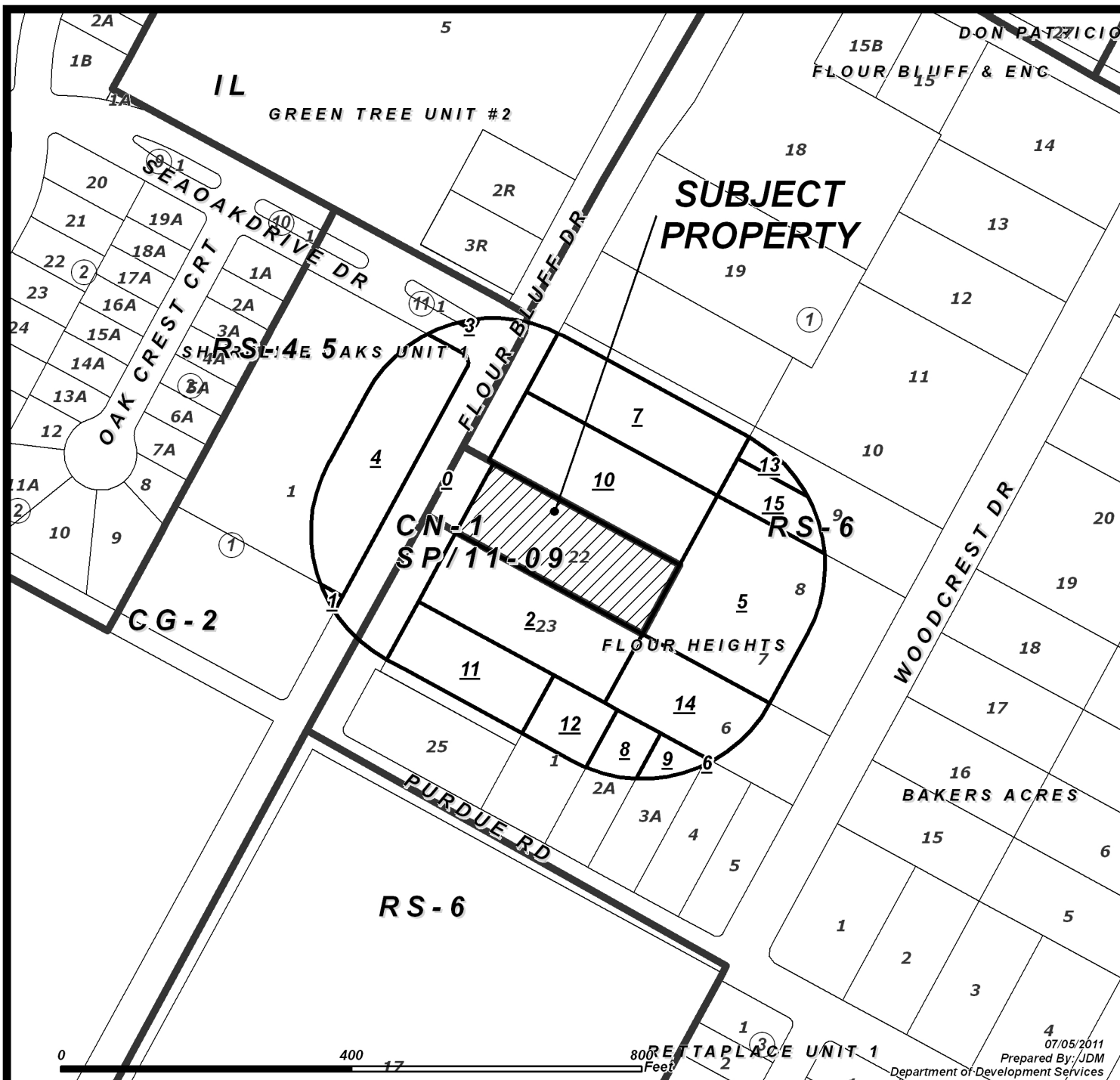
Planning Commission and Staff Recommendation (March 13, 2013):

Approval of the requested Special Permit time extension for an additional 12 months.

Public Notification	Number of Notices Mailed – 15 within 200' notification area; 1 outside notification area	
	<u>As of March 14, 2013:</u>	
	In Favor	– 1 (inside notification area); 0 (outside notification area)
	In Opposition	– 0 (inside notification area); 0 (outside notification area)
For 0.00% in opposition.		

Attachments:

1. Site – Existing Zoning, Notice Area, & Ownership
2. Special Permit Ordinance
3. Site Plan



CASE: 0711-02

2. SITE - EXISTING ZONING, NOTICE AREA & OWNERSHIP

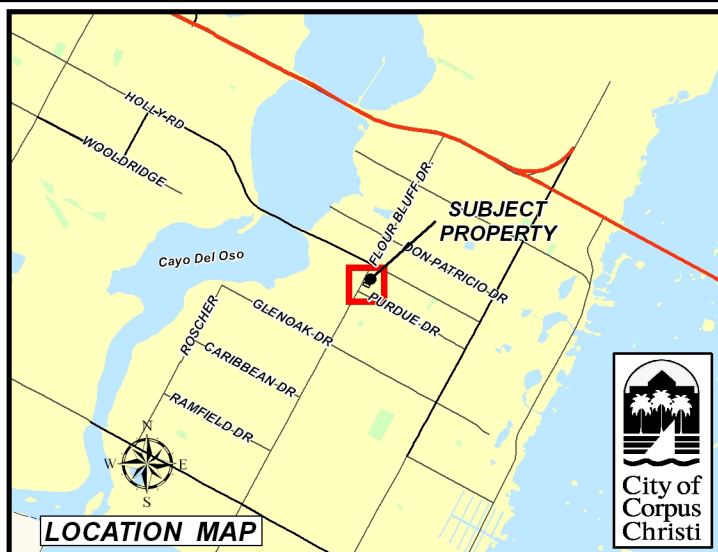
RM-1	Multifamily 1	IL	Light Industrial
RM-2	Multifamily 2	IH	Heavy Industrial
RM-3	Multifamily 3	PUD	Planned Unit Dev. Overlay
ON	Professional Office	RS-10	Single-Family 10
RM-AT	Multifamily AT	RS-6	Single-Family 6
CN-1	Neighborhood Commercial	RS-4.5	Single-Family 4.5
CN-2	Neighborhood Commercial	RS-TF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



Ordinance amending the Unified Development Code (UDC), upon application by Sigifredo Montemayor, by changing the UDC zoning map in reference to Flour Heights, Block 1, Lot 22, from the "RS-6" Single-Family 6 District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit and subject to eight (8) conditions, amending the comprehensive plan to account for any deviations from the existing comprehensive plan; providing a repealer clause; providing a penalty; providing for publication; and declaring an emergency.

WHEREAS, the Planning Commission has forwarded to the City Council its reports and recommendations concerning the application of Sigifredo Montemayor, for amendment to the City of Corpus Christi Unified Development Code (UDC) and corresponding UDC Zoning Map;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, July 20, 2011, during a meeting of the Planning Commission, and on Tuesday, January 10, 2012, during a meeting of the City Council, in the Council Chambers, at City Hall, in the City of Corpus Christi, 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 public health, necessity, convenience and the general welfare of the City of Corpus Christi and its citizens.

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

SECTION 1. That the UDC of the City of Corpus Christi, Texas, is amended by changing the zoning on Flour Heights, Block 1, Lot 22, located along the east side of Flour Bluff Drive and approximately 320 feet north of the Purdue Road intersection, from the "RS-6" Single-Family 6 District to the "CN-1/SP" Neighborhood Commercial District, subject to eight (8) conditions, resulting in a change of future land use from single-family use to a commercial use with a special permit (Zoning Map 037,031) (Exhibit A - "Planning Commission and Staff Recommendation").

SECTION 2. That the Special Permit granted in Section 1 of this ordinance is subject to the following eight (8) conditions:

1. Uses: All uses allowed in the "CN-1" Neighborhood Commercial District, plus the addition of a storage warehouse and limited outdoor storage.
2. Landscaping: Landscaping must be provided in accordance with Article 7.3 of the UDC Landscaping as if new construction in the "CN-1" Neighborhood Commercial District.

3. Screening: Construction of a solid screening fence along the north, east and south property lines. In addition the existing solid screening fence and gate combination must be maintained along the Flour Bluff Drive right-of-way exposure.
4. Lighting: Any and all outdoor lighting shall be shielded and directed away from adjacent neighboring properties and the Flour Bluff Drive street right-of-way.
5. Dumpsters: No dumpster storage permitted within the existing 20 foot street yard.
6. Hours of Operation: Hours of operation shall be 6 a.m. to 9 p.m. Any and all deliveries must occur within this time frame.
7. Storage: All storage will be inside of a building with a provision to allow for the temporary storage of vehicles, equipment, and associated construction materials outside for a time period not to exceed (24) hours.
8. Time Limit: Such Special permit shall be deemed to have expired within twelve (12) months of the date of this ordinance, unless the property is being used as outlined in Condition #1 and in compliance with all other conditions.

SECTION 3. That the UDC and corresponding UDC Zoning Map of the City of Corpus Christi, Texas, effective July 1, 2011, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 4. That to the extent that this amendment to the UDC represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the UDC, as amended by this ordinance.

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

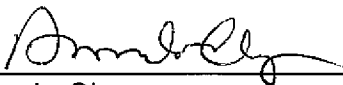
SECTION 6. A violation of this ordinance or requirements implemented under this ordinance constitutes an offense punishable as provided in Section 1.10.1 and/or Article 10 of the UDC.


SECTION 7. That publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 8. That upon written request of the Mayor or five Council members, copy attached, the City Council finds and declares an emergency due to the need for immediate action necessary for the efficient and effective administration of City affairs and suspends the Charter rule as to consideration and voting upon ordinances at two regular meetings so that this ordinance is passed upon first reading as an emergency measure on this 17th day of January, 2012.

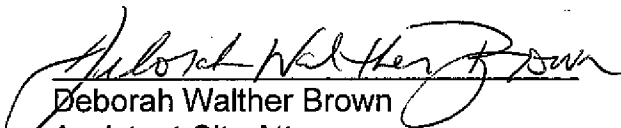
ATTEST:

CITY OF CORPUS CHRISTI


Armando Chapa
City Secretary


Joe Adame
Mayor, City of Corpus Christi

APPROVED AS TO FORM: This 10th day of January, 2012


Deborah Walther Brown
Assistant City Attorney
For City Attorney

Corpus Christi, Texas

17th day of January, 2012

TO THE MEMBERS OF THE CITY COUNCIL

Corpus Christi, Texas

For the reasons set forth in the emergency clause of the foregoing ordinance, an emergency exists requiring suspension of the Charter rule as to consideration and voting upon ordinances at two regular meetings. I/we, therefore, request that you suspend said Charter rule and pass this ordinance finally on the date it is introduced, or at the present meeting of the City Council.

Respectfully,

Respectfully,

Joe Adame
Joe Adame
Mayor, City of Corpus Christi

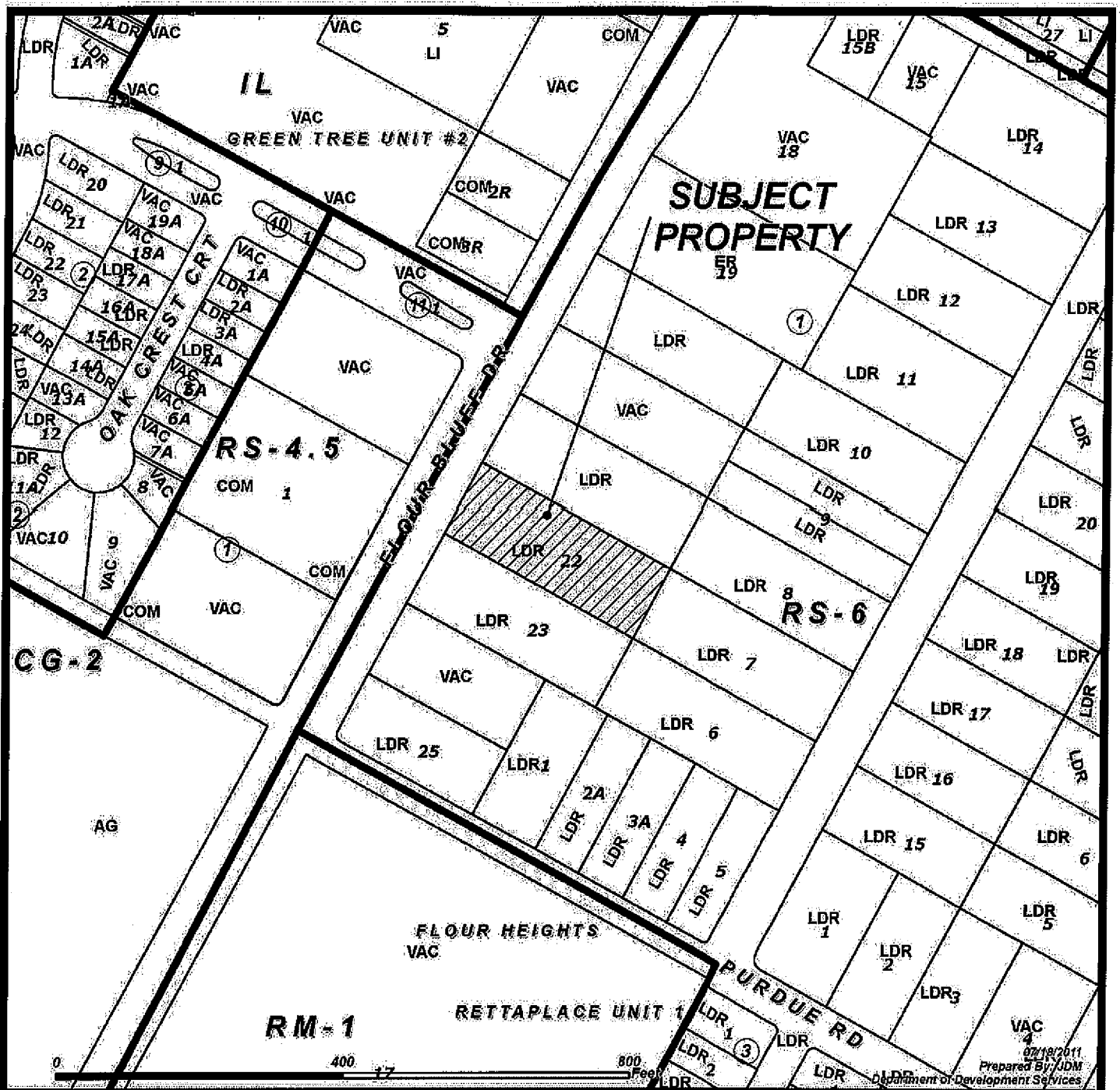
Council Members

The above ordinance was passed by the following vote:

Joe Adame	<u>Aye</u>
Chris N. Adler	<u>absent</u>
Larry Elizondo, Sr.	<u>absent</u>
Priscilla G. Leal	<u>Aye</u>
David Loeb	<u>no</u>
John E. Marez	<u>Aye</u>
Nelda Martinez	<u>Aye</u>
Mark Scott	<u>Aye</u>

District 1 Representative is vacant

EFFECTIVE DATE
<u>1/23/12</u>



CASE: 0711-02

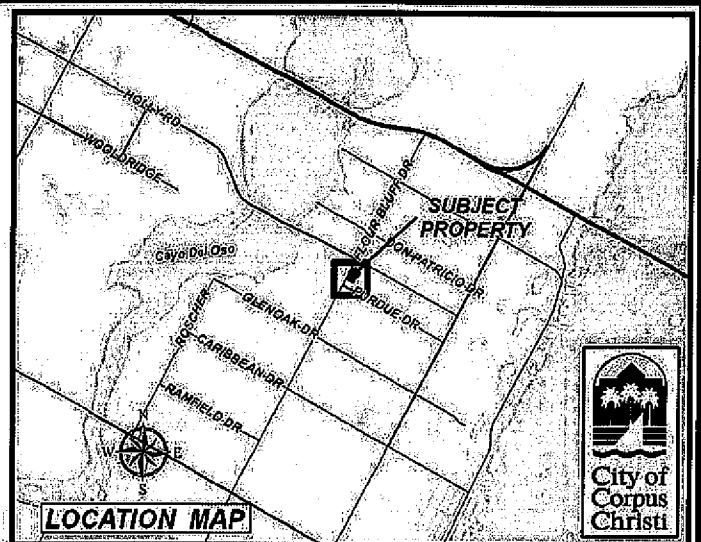
Exhibit A

Planning Commission &
Staff Recommendation

From: "RS-6" Single Family 6

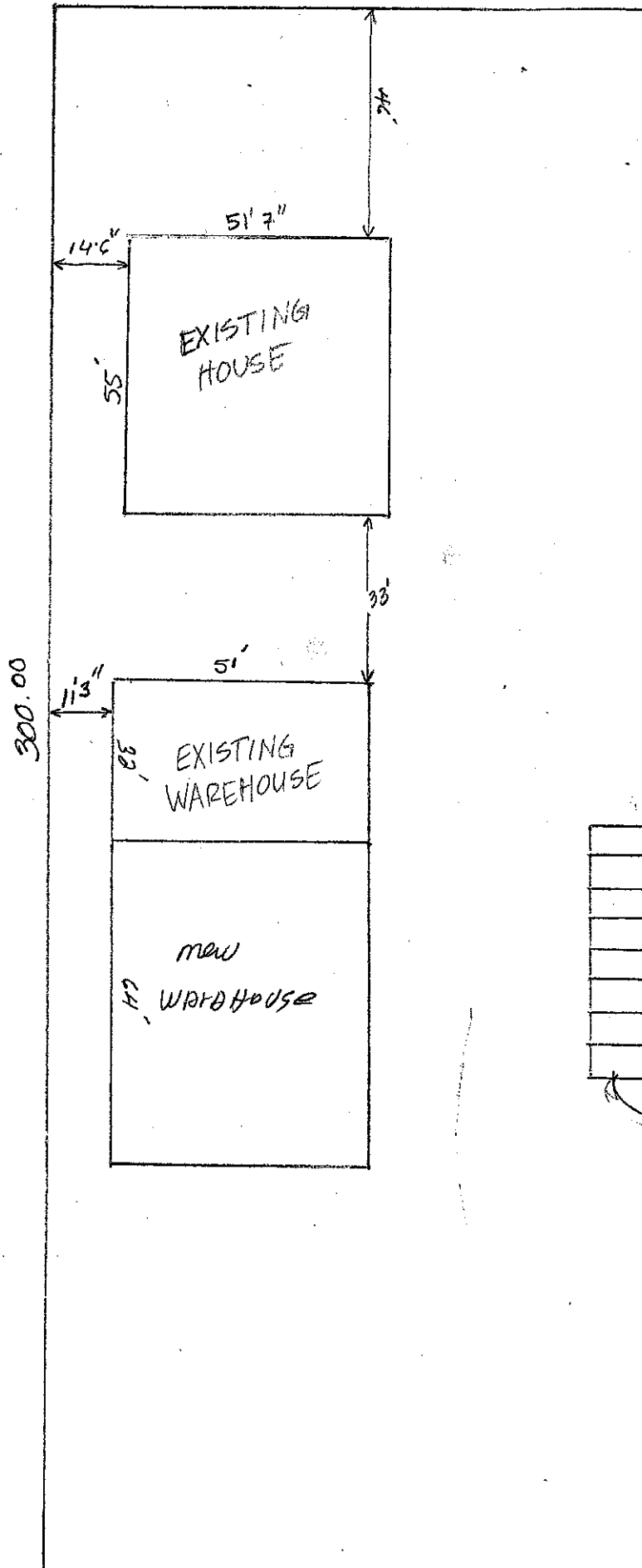
To: "CN-1/SP" Neighborhood Commercial
with a Special Permit

Ordinance No. _____



front

108.40



SCALE 1" = 32'

PARKING
AREA

2217 Flour Bluff