

STAFF REPORT

Case No. 0815-01

HTE No. 15-10000042

Planning Commission Hearing Date: August 12, 2015

Applicant & Legal Description	Applicant/Representatives: Balusek-Frankson Property Owner: Fox Tree & Landscape Nursery, Inc. Legal Description/Location: Being 2.968 acres out of Lot 1, Encino Park, located south of Northwest Boulevard (FM 624) between River Hill Drive and County Road 69.			
Zoning Request	From: "FR" Farm Rural To: "CG-2" General Commercial District Area: 2.968 Purpose of Request: To allow construction of a self-storage facility with upper-story residential unit.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	Site	"FR" Farm Rural	Vacant	Medium Density Residential,
	North	"CG-2" General Commercial	Commercial	Commercial
	South	"FR" Farm Rural	Vacant	Low Density Residential
	East	"CG-2" General Commercial	Commercial	Commercial
	West	"FR" Farm Rural	Vacant	Medium Density Residential
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Northwest Area Development Plan and is planned for medium density residential uses. The proposed rezoning to the "CG-2" General Commercial District is not consistent with the adopted Future Land Use Plan with respect to land use, however, the proposed rezoning is generally consistent with the policies of the Comprehensive Plan and the Northwest Area Development Plan. Map No.: 068050 Zoning Violations: None			

Transportation	Transportation and Circulation: The subject property is a portion of a lot that has approximately 140 feet of frontage on Northwest Boulevard (FM 624). The most northerly portion of the lot (1.935 acres) is zoned “CG-2” General Commercial.				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2012)
	Northwest Boulevard (FM 624)	“A3” Primary Arterial Divided	130’ ROW 79’ paved	155’ ROW 92’ paved	31,060 ADT

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the “FR” Farm Rural District to the “CG-2” General Commercial District to allow the construction of a self-storage facility.

Development Plan. Upon approval of a change in zoning, the applicant intends to develop a self-storage facility on Lot 1 which in its entirety is comprised of 4.903 acres. The facility is planned to consist of four (4) buildings. Building one will include a two-story area for an office (1st floor) and an on-site manager’s residence (2nd floor). The anticipated maximum height of building one is 19’-6”. The size of the buildings will range in area from 12,000 square feet to 20,000 square feet. The buildings will be pre-engineered metal buildings with a 9’-6” eaves height. Office hours of operation will be 8:00 a.m. to 6:00 p.m. with occasional night entry of the storage units. No signage is anticipated on the portion of the lot being rezoned (most southerly 2.968 acres of Lot 1). A site plan has been provided depicting how development is envisioned to occur (Attachment 2).

Existing Land Uses & Zoning: North of the subject property is zoned “CG-2” General Commercial and was previously developed as a landscape nursery. The property South of the subject property is vacant land which is zoned “FR” Farm Rural District. The property immediately East of the subject property is developed with commercial office uses and is zoned “CG-2” General Commercial District. The property West of the subject property is vacant land that is zoned “FR” Farm Rural District.

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 platted and is legally described as Encino Park, Lot 1. A plat of the subject property was recorded in January of 1999. (Volume 59, page 116)

Comprehensive Plan & Area Development Plan Consistency: The Future Land Use Plan designates the property as medium density residential, therefore, the requested

“CG-2” General Commercial District is seemingly not consistent with the Future Land Use Plan. Through analysis, however, Staff finds the designation of Lot 1 in its entirety as “CG-2” General Commercial District to be appropriate. Staff further finds that the requested “CG-2” designation to generally conform to the goals and land use policies contained in the Comprehensive Plan and the Northwest Area Development Plan. Specifically, the following goals and policies are applicable to this request.

- Encourage the renovation or rehabilitation of commercial properties. (General Commercial Policy Statement)
- Expansion of commercial uses into or within residential areas may be permitted only if such expansion maintains or improves the residential desirability of the impacted neighborhood (Comprehensive Plan, Commercial Policy Statement D).
- Encourage all business areas to develop and maintain a pleasing environment. (Comprehensive Plan, Commercial Policy Statement E)
- Commercial Service areas designed to serve local neighborhoods should be conveniently located in harmony with the surrounding neighborhood. (Comprehensive Plan, Commercial Policy Statement G).
- Infill development should be encouraged on vacant tracts within developed areas. (Comprehensive Plan, Residential Policy Statement H)

Uniform Development Code (U.D.C.)

Per U.D.C Table 4.5.2 Permitted Uses (Commercial Zoning Districts), a self storage facility is a permitted use in the “CG-2” General Commercial District subject to limitations. U.D.C. Section 5.2.14 Self-Service Storage, Including Boat and RV Storage, details the limitations pertaining to self storage facilities. Applicable limitations are summarized as follows:

- Use of the facility and its individual storage units shall be limited to storage purposes.
- A gated facility requires a minimum of four off-street vehicle stacking spaces.
- No direct glare from lighting on the site shall be visible from any adjoining lot.

A leasing office and a caretakers quarters are permitted accessory uses to the primary use (U.D.C. Section 5.1.4.H).

Department Comments:

- The designation of Lot 1 in its entirety as “CG-2” General Commercial District is appropriate.

- The designation of the southerly portion of lot 1 and the subsequent development thereof will not have an adverse impact on adjacent medium density residential land.
- The designation of the southerly portion of lot 1 will not alter the character of the area in which it is located.
- The requested “CG-2” designation generally conforms to the goals and land use policies contained in the Comprehensive Plan and the Northwest Area Development Plan.
- Development standards and requirements in the U.D.C. and adopted construction codes will ensure development occurs in a manner that will be compatible with future residential development.
 - Specific development requirements (including but not limited to drainage, setbacks, and infrastructure requirements) will be determined via a subsequent building permit process.

Staff Recommendation:

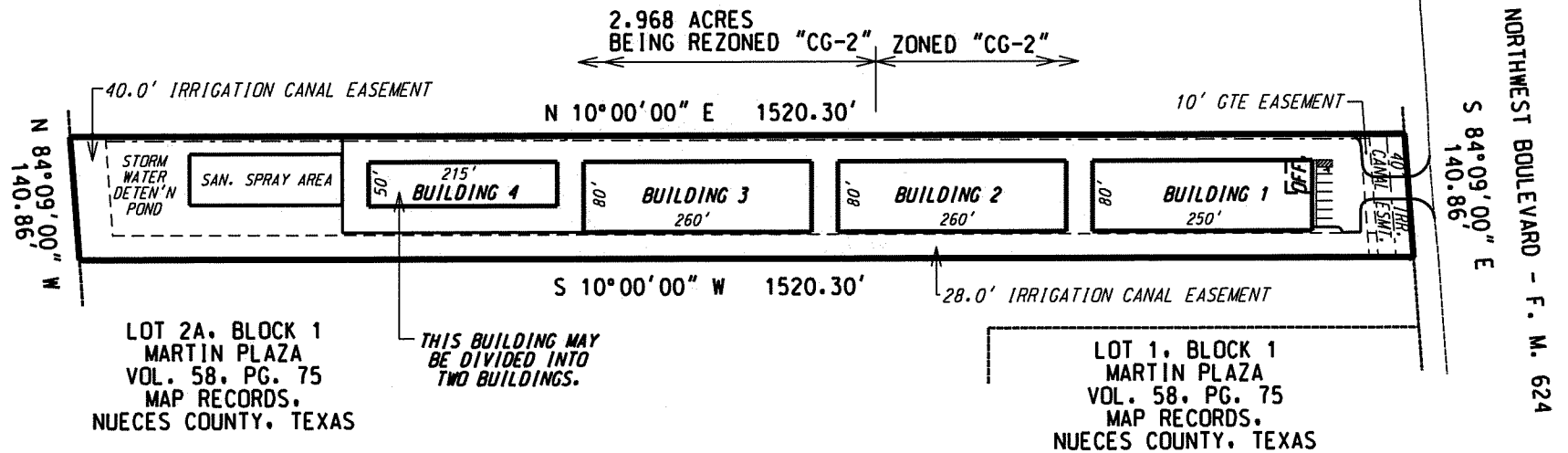
Approval of the change of zoning from the “FR” Farm Rural District to the “CG-2” General Commercial District.

Public Notification	Number of Notices Mailed – 7 within 200-foot notification area 2 outside notification area	
	<u>As of August 5, 2015:</u>	
	In Favor	– 0 inside notification area – 0 outside notification area
	In Opposition	– 0 inside notification area – 0 outside notification area
	Totalling 0.00% of the land within the 200-foot notification area in opposition.	

Attachments:

1. Location Map (Existing Zoning & Notice Area)
2. Site Plan
3. Application





SITE PLAN

LOT 1, ENCINO PARK
VOLUME 59, PAGE 116
MAP RECORDS, NUECES COUNTY, TEXAS
CORPUS CHRISTI, TEXAS

SCALE: 1" = 200'



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.: 0715-07 Map No.: 068050

PC Hearing Date: 8-12-15 Proj.Mgr: Dolores Wood

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: Balusek-Frankson Contact Person: A.C.Frankson

Mailing Address: 308 E. Goodwin Ave.

City: Corpus Christi, TX State: TX ZIP: 77901 Phone: (361) 578-9956

E-mail: [REDACTED] Cell: (361) 920-9956

2. Property Owner(s): Fox Tree & Landscape Nursery, Inc. Contact Person: Dan Caballero, President

Mailing Address: 5949 La Costa

City: Corpus Christi State: TX ZIP: 78413 Phone: (361) 992-6928

E-mail: [REDACTED] Cell: ()

3. Subject Property Address: 14333 Northwest Boulevard Area of Request (SF/acres): 2.968

Current Zoning & Use: FR,Vacant Proposed Zoning & Use: CG-2, Storage Units

12-Digit Nueces County Tax ID: 2328 - 0000 - 0010

Subdivision Name: Encino Park Block: 1 Lot(s): 1

Legal Description if not platted: _____

4. Submittal Requirements:

☒ Early Assistance Meeting: Date Held March, 2012 ; with City Staff Miguel Saldana

☒ 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.

Owner or Agent's Signature

Dan Caballero, President

Owner or Agent's Printed Name

Applicant's Signature

A. C. Frankson

Applicant's Printed Name

Office Use Only: Date Received: 7-9-15 Received By: _____ ADP: NW

Rezoning Fee: \$1692.50 PUD Fee 0 + Sign Fee \$10 = Total Fee \$1702.50

No. Signs Required 1 @ \$10/sign Sign Posting Date: 7/31/15

LAND USE STATEMENT

1. State the purpose of the request and include applicable background information as to the development plan for the property, i.e., usage of property, number and square footage(s) of existing and/or proposed building(s)/unit(s), building(s)/unit(s) height, parking plans/spaces, phasing schedule of development, number of employee(s) associated with the office, business or industrial development, hours of operation, modification or demolition plans for existing structure(s), type, area and setback of signage, etc.

Encino Park is a one lot subdivision consisting of 4.903 acres. The front 600 feet adjacent to Northwest Boulevard (FM 624) is presently zoned CG-2. The back 2.698 acres is presently zoned FR. Proposed zoning change will make the complete subdivision zoned CG-2.

Existing property is vacant. At one time there was a nursery/landscape business on site. A change of zoning is requested to develop a self-storage facility encompassing the complete subdivision.

The description below is for the complete facility encompassing both that portion which is presently zoned CG-2 and that portion being rezoned CG-2. At this time it is anticipated to be a four building facility. The front building will have a two-story office/manager's residence. The largest proposed building is 20,000 square feet in area. The smallest proposed building is 12,000 square feet in area. All buildings will be pre-engineered metal buildings and have a 9'-6" eave height. The office/manager's residence in Building 1 will be 19'-6" in height. The first floor will hold the office and the second floor will house the on-site manager. Employees will consist of the manager, a part-time assistant and a part-time maintenance person. Hours of operation: 8:00 am to 6:00 pm for the office with occasional night entry of units. No signage is anticipated on that portion being rezoned.

2. Identify the existing land uses adjoining the area of request:

North - Vacant, zoned CG-2

South - Open field, zoned CG-2

East - Zoned CG-2

West - Open field, zoned CG-2



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: Fox Tree & Landscape Nursery, Inc., Dan Caballero, President

STREET: 5949 La Costa CITY: Corpus Christi, TX ZIP: 78413

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)
<u>NA</u>	_____
_____	_____

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
<u>NA</u>	_____
_____	_____

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
<u>NA</u>	_____
_____	_____

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
<u>NA</u>	_____
_____	_____

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: Dan Caballero
(Print Name)

Title: President

Signature of Certifying Person: _____

Date: 7/7/15



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: Ganem & Kelly Surveying, Inc. DBA Balusek-Frankson

STREET: 308 E. Goodwin Avenue CITY: Victoria ZIP: 77901

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)

N/A

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

N/A

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

N/A

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

N/A

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:

A.C. Frankson PE
Gary J. Kelly

(Print Name)

Title:

Project Eng'r
Vice President

Signature of Certifying Person:

[Signature]

Date:

07/14/2015

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: A. C. (Courtland) Frankson

Mailing Address: 308 E. Goodwin Ave.

City: Corpus Christi, TX State: TX Zip: 77901

Home Phone: (361) 575-8968 Business Phone: (361) 578-9956 Cell: (361) 920-9956

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

Be the point of contact between myself and the City of Corpus Christi; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications; conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City of Corpus Christi will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Corpus Christi, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have the legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my", or "me" is a reference to the entity.

*Signature of Agent: *A. C. Frankson* Title: P.E.

Printed/Typed Name of Agent: A. C. Frankson Date: 7/9/15

*Signature of Property Owner: *[Signature]* Title: President

Printed/Typed Name of Property Owner: Dan Caballero for Fox Tree & Landscape Nursery, Inc. Date: 7/9/15

*Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

*Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

*Application must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.

**FIELDNOTE DESCRIPTION
FOR
2.968 ACRES OF LAND**

THE STATE OF TEXAS §

COUNTY OF NUECES §

BEING 2.968 acres of land situated in Lot 1 of Encino Park as recorded in Volume 59, Page 116 of the Map Records of Nueces County, Texas.

BEGINNING at a point in the western line of said Lot 1 of Encino Park, said point bears S. 10° 00' 00" W., a distance of 600.00 feet from an existing 5/8 inch iron rod in the south right-of-way line of Northwest Boulevard marking the northwest corner of Encino Park, said point being the northwest corner of the herein described tract of land;

THENCE, S. 84° 09' 00" E., a distance of 140.86 feet to a point in the common line of said Lot 1 of Encino Park and Lot 2A, Martin Plaza as recorded in Volume 58, Page 75 of the Map Records of Nueces County, Texas, said point marking the northeast corner of the herein described tract of land;

THENCE, S. 10° 00' 00" W., (base bearing) a distance of 920.30 feet along said common line of Lot 1, Encino Park and Lot 2A, Martin Plaza to a point at the southeast corner of Encino Park and the herein described tract of land;

THENCE, N. 84° 09' 00" W., a distance of 140.86 feet along the south line of said Encino Park to the southwest corner of Encino Park and the herein described tract of land;

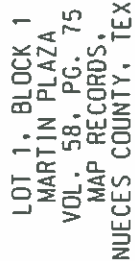
THENCE, N. 10° 00' 00" E., a distance of 25.50 feet to an existing 5/8 inch reference iron rod and CONTINUEING 894.80 feet for a TOTAL DISTANCE OF 920.30 feet along the west line of Encino Park to the PLACE OF BEGINNING, containing within these metes and bounds 2.968 acres of land.

I hereby certify that the above fieldnote description is based on the recorded plat of Encino Park and is true and correct to the best of my knowledge and belief.

A. C. Frankson
A. C. FRANKSON
Registered Professional Land Surveyor
Texas Registration No. 2239

7-14-15
Dated



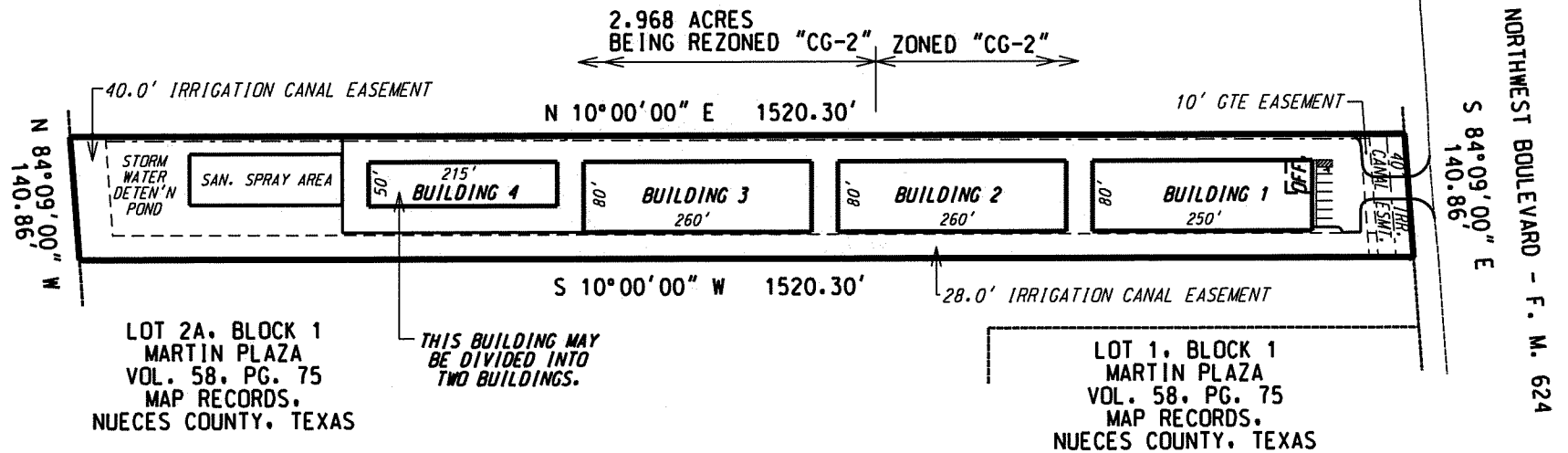


ZONING PLAT
2.968 ACRES SITUATED IN
LOT 1, ENCINO PARK
VOLUME 59, PAGE 116
MAP RECORDS, NUECES COUNTY,
CORPUS CHRISTI, TEXAS



SCALE: 1" = 200'

Rec'd
7-30-15



SITE PLAN

LOT 1, ENCINO PARK
VOLUME 59, PAGE 116
MAP RECORDS, NUECES COUNTY, TEXAS
CORPUS CHRISTI, TEXAS

SCALE: 1" = 200'



Development Services
2406 Leopard Street, Corpus Christi, TX 78408
Phone: (361)826-3240 www.cctexas.com

PEAK HOUR TRAFFIC (PHT) FORM

A Traffic Impact Analysis (TIA) determination must be made prior to the submittal of any rezoning application, site plan or street closure request. The Peak Hour Traffic Generation (PHT) Form is required to be completed for developments that are projected to contain 500 or fewer weekday peak hour (A.M. or P.M.) trips (UDC Section 3.29.4).

Property Address: 14333 Northwest Boulevard

Legal Description (Subdivision, Lot, Block): Encino Park, Lot 1

Applicant Name: A. C. Frankson

Address: 308 E Goodwin Ave.

City/State/Zip: Victoria, TX 77901

Telephone: 361-578-9956

Email: bfa1@gksurveying.com

Application Status (Select One): ☒ Rezoning ☐ Site Plan ☐ Street Closure

Existing Land Use

Tract Acres	Unit of Measure	Zoning	Land Use	I.T.E. Code	A.M. Trip Rate	Peak A.M. Trips	P.M. Trip Rate	Peak P.M. Trips
2.968		FR	Vacant					

Proposed Land Use

Tract Acres	Unit of Measure	Zoning	Land Use	I.T.E. Code	A.M. Trip Rate	Peak A.M. Trips	P.M. Trip Rate	Peak P.M. Trips
2.968	hour	CG-2	Self-Storage Units	151	0.26	18	0.28	20
			72,350 SF		0.28	20	0.29	21
Total						18	Total	20

20

21

Abutting Streets

Street Name	Access Proposed To Street?	Pavement Width (FT)	ROW Width (FT)
Exlst. zoned CG-2 served by Northwest Blvd. (FM 624)	Northwest Blvd.	90' +/-	150'



For City Use Only



A Traffic Impact Analysis IS required. The consultant preparing the TIA must meet with the City to discuss the scope and requirements of the analysis prior to beginning the TIA.



A Traffic Impact Analysis is NOT required. The proposed traffic generated does not exceed the established threshold.



The Traffic Impact Analysis has been waived for the following reason(s):

Reviewed By: Annika G. Yankee

Date: 8/3/2015

Note: This completed and reviewed form must accompany any subsequent application for the IDENTICAL project. CHANGES to the proposed project will require a new TIA determination to be made.

**BALUSEK-FRANKSON
ENGINEERS-SURVEYORS
ENGINEERING FIRM – 9183 SURVEYING FIRM 10177100**

308 E. Goodwin Avenue
Victoria, Texas 77901
Phone (361) 578-9956
Fax (361) 573-6991

July 14, 2015

Ms. Beverly Priestly
beverlyp@cctexas.com

RE: Job No.: 12-008
Zoning Application
Fox Tree and Landscape Nursery, Inc.
2.968 Acres
Corpus Christi, Texas

Dear Ms. Priestley:

According to Mr. Caballero, President of Fox Tree and Landscape Nursery, Inc., there are no liens on the above captioned property.

Please advise if you require additional information.

Sincerely yours,


A. C. Frankson