

STAFF REPORT

Case No. 0815-03
HTE No. 15-10000043

Planning Commission Hearing Date: August 26, 2015

| | | | | |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------|--------------------------------------|
| Applicant & Legal Description | Applicant/Representative: The Clower Company Owner: Cimarron Company Legal Description/Location: Being an 8.922-acre tract of land, a portion of Lots 1 and 2, Section 21, Flour Bluff and Encinal Farm and Garden Tracts, located on the southeast corner of Lipes Boulevard and Cimarron Boulevard. | | | |
| Zoning Request | From: "FR" Farm Rural District To: "CN-1" Neighborhood Commercial District Area: 8.922 Purpose of Request: To allow for development of retail, office and multifamily. | | | |
| Existing Zoning and Land Uses | | Existing Zoning District | Existing Land Use | Future Land Use |
| | <i>Site</i> | "FR" Farm Rural District | Vacant | Medium-Density Residential |
| | <i>North</i> | "FR" Farm Rural District | Public/ Semi-Public | Commercial & Low Density Residential |
| | <i>South</i> | "FR" Farm Rural District | Vacant and Drainage Ditch | Medium-Density Residential |
| | <i>East</i> | "FR" Farm Rural & "RS-6" Single-Family 6 | Vacant & Low-Density Residential | Low-Density Residential |
| | <i>West</i> | "CN-1" Neighborhood Commercial | Medium-Density Residential | Commercial |
| ADP, Map & Violations | Area Development Plan: The subject property is located within the boundaries of the Southside Area Development Plan and is planned for medium-density residential uses. The proposed rezoning to the "CN-1" Neighborhood Commercial District is not consistent with the adopted Future Land Use Plan but is consistent with elements of the Southside Area Development Plan. Map No.: 043031 Zoning Violations: None | | | |
| Transportation | Transportation and Circulation: The subject property has approximately 330 feet of street frontage along Cimarron Boulevard, which is an "A-1" Minor Arterial Undivided street, and 1,270 feet of frontage along Lipes Boulevard, which is a "C-3" Primary Collector. Half of Lipes Boulevard has been constructed by Corpus Christi Independent School District. The developer of the subject property will be responsible for completing construction of the remaining half of Lipes Boulevard, as a C3 Primary Collector. | | | |

| Street R.O.W. | Street | Urban Transportation Plan Type | Proposed Section | Existing Section | Traffic Volume |
|---------------|----------------|--------------------------------|----------------------|----------------------|----------------|
| | Cimarron Blvd. | "A1" Minor Arterial Undivided | 95' ROW 64' paved | 88' ROW 71' paved | N/A |
| | Lipes Blvd. | "C-3" Primary | 75' ROW 50' paved | 70' ROW 38' paved | N/A |

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the "FR" Farm Rural District to the "CN-1" Neighborhood Commercial District to allow for development of office, retail and multi-family uses.

Development Plan: The applicant has plans to market the property for 200+ units of multi-family, office space and/or retail with minimum operating hours of 10 a.m. to 4 p.m. No site plan was provided.

Existing Land Uses & Zoning: North of the subject property, across Lipes Boulevard, is the recently constructed Veterans Memorial High School zoned "FR" Farm Rural District. East of the subject property is vacant land zoned "FR" Farm Rural District and a new subdivision under construction zoned "RS-6" Single-Family 6 District. South of the subject property is vacant land and a drainage ditch zoned "FR" Farm Rural District. West of the subject property is Cimarron Boulevard and a nursing home zoned "CN-1" Neighborhood Commercial District.

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

Comprehensive Plan & Area Development Plan Consistency: The subject property is located within the boundaries of the Southside Area Development Plan (ADP). The proposed rezoning to the "CN-1" Neighborhood Commercial District is not consistent with the adopted Future Land Use Plan's designation of the property as medium-density residential, but consistent with some elements of the Southside ADP. The following are pertinent elements of the Comprehensive Plan and Southside ADP, and should be considered:

- Encouraging infill development on vacant tracts within developed areas (Comprehensive Plan, Residential Policy Statement F).
- Locating medium-density residential development along a collector street with convenient access to an arterial street (Comprehensive Plan, Residential Policy Statement H).
- Providing for a compatible configuration of activities with emphasis on accommodation of existing zoning patterns and the protection of low-density residential activities from incompatible activities (Southside ADP Policy Statement B.1).

- Buffering high-intensity commercial areas from low-density residential areas through the existence of roads, public/institutional buildings, open space, scale of designs, and transitional land uses (Southside ADP Policy Statement B.6).
- Discouraging new high-intensity commercial developments from locating directly adjacent to low-intensity residential areas without an adequate transition or buffer (Southside ADP Policy Statement B.7).
- 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).

Plat Status: The subject property is not platted.

Department Comments:

- It is staff's opinion that the proposed rezoning to the "CN-1" Neighborhood Commercial District would negatively impact the surrounding residential properties and the property to be rezoned is not consistent with the Future Land Use Plan's designation of the property as a medium-density residential use.
- A "CN-1" District would allow uses that are not compatible with the existing residential subdivision farther east and could potentially increase traffic through residential areas on Lipes Boulevard.
- Staff's opinion is that a "CN-1" District rezoning for the entire tract further encroaches into a primarily low-density residential area and does not follow the surrounding development patterns in this area. It would not increase the residential desirability of this neighborhood, which is one of the findings required of the Comprehensive Plan when deciding which commercial uses to allow within residential areas.
- The applicant is amenable to multifamily zoning on the back acreage, but has requested the "RM-2" Multifamily 2 District to allow 30 units per acre. The "RM-2" District is considered high-density residential development under the code.
- An "RM-1" District allows 22 units per acre, which is considered medium-density residential under the code and consistent with the Future Land Use Map of the subject property.
- The applicant does not have a development plan for the property. Many apartments in the Southside area of the city are built at 22 units per acre. Therefore, staff does not support a change to the Future Land Use Map to increase the density from 22 to 30 units per acre.
- The "CN-1" District can accommodate an apartment density of 37 units per acre, which is appropriate at the corner of an A-1 arterial and C-3 collector. An apartment complex can be built on the site with two zoning districts.
- Buffer Yard Requirements: Under staff's recommendation, the development would require two types of buffer yards. A "Type A" buffer between the "CN-1" District and "RM-1" District, which consists of a 10-foot-wide buffer yard and 5 points, as referenced in UDC Table 7.9.7. A "Type B" Buffer Yard would be required between the "RM-1" District and the "RS-6" District, which includes a 10-foot-wide landscaped buffer yard and 10 points.

Staff Recommendation:

Approval of the “CN-1” Neighborhood Commercial District on 4 acres at the intersection of Lipes and Cimarron boulevards (Tract 1).

Denial of the “CN01” Neighborhood Commercial District on the remaining 4.922 acres and, in lieu thereof, approval of the “RM-1” Multifamily 1 District.

| | |
|----------------------------|-----------------------------------------------------------------------------------------------|
| Public Notification | Number of Notices Mailed – 6 within 200-foot notification area 7 outside notification area |
| | <u>As of August 19, 2015:</u> |
| | In Favor – 0 inside notification area – 0 outside notification area |
| | In Opposition – 0 inside notification area – 0 outside notification area |
| | Totaling 0.00% of the land within the 200-foot notification area in opposition. |

Attachments:

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

K:\DevelopmentSvcs\SHARED\ZONING CASES\2015\0815-03 The Clower Company (Cimarron Company)\PC Documents\Report for PC_0815-03
The Clower Company.docx