

PLANNING COMMISSION FINAL 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:

Tract 1 - Approval of the "CN-1" Neighborhood Commercial District on 4.08 acres.

Tract 2 - Denial of the "CN-1" Neighborhood Commercial District on the remaining 4.842 acres and, in lieu thereof, approval of the "RM-1" Multifamily 1 District.

Planning Commission Recommendation:

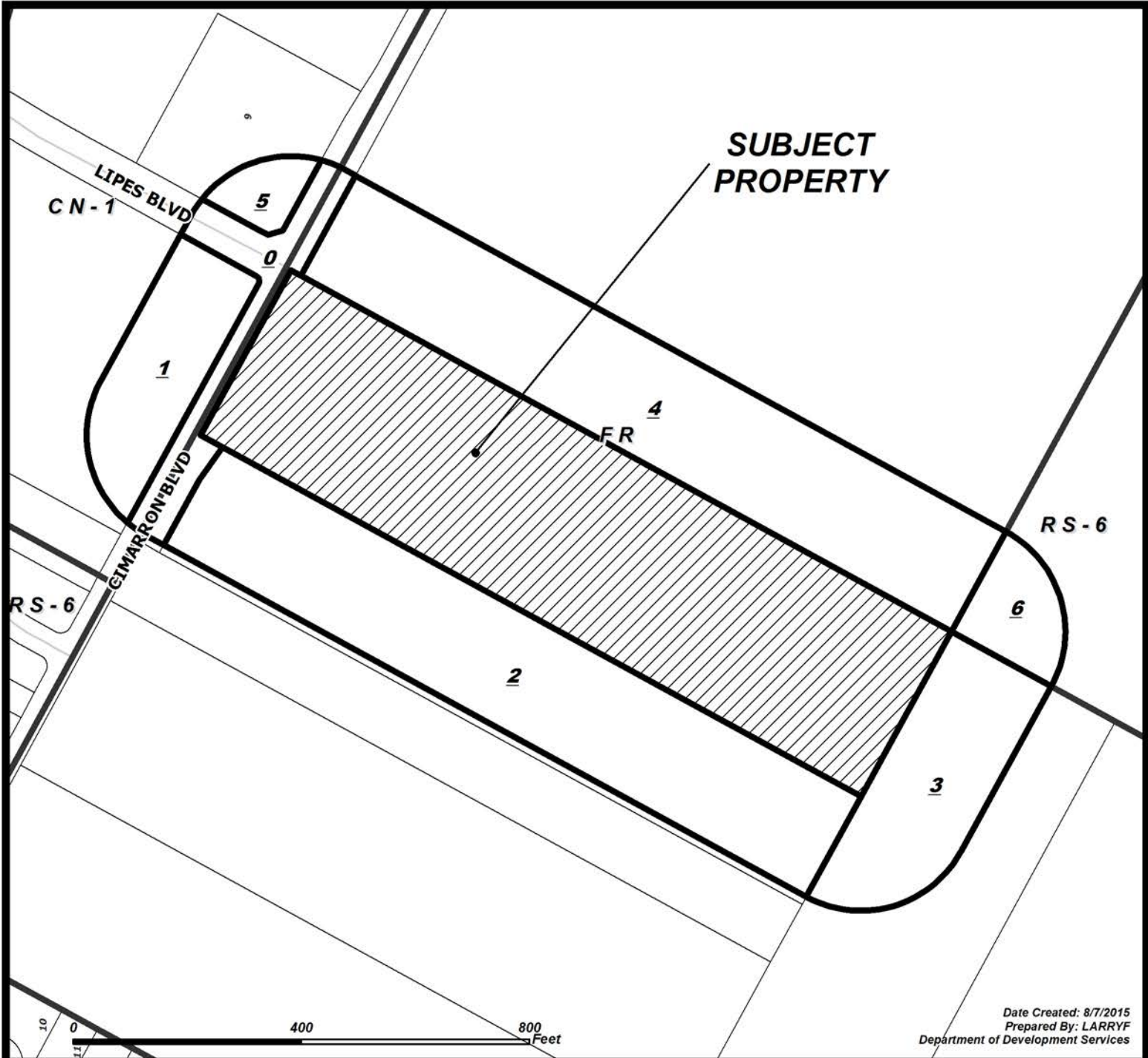
Tract 1 - Approval of the "CN-1" Neighborhood Commercial District on 4.08 acres.

Tract 2 - Denial of the "CN-1" Neighborhood Commercial District on the remaining 4.842 acres and, in lieu thereof, approval of the "RM-2" Multifamily 2 District.

Public Notification	Number of Notices Mailed – 6 within 200-foot notification area 7 outside notification area
	<u>As of September 1, 2015:</u>
	In Favor – 1 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



CASE: 0815-03

ZONING & NOTICE AREA

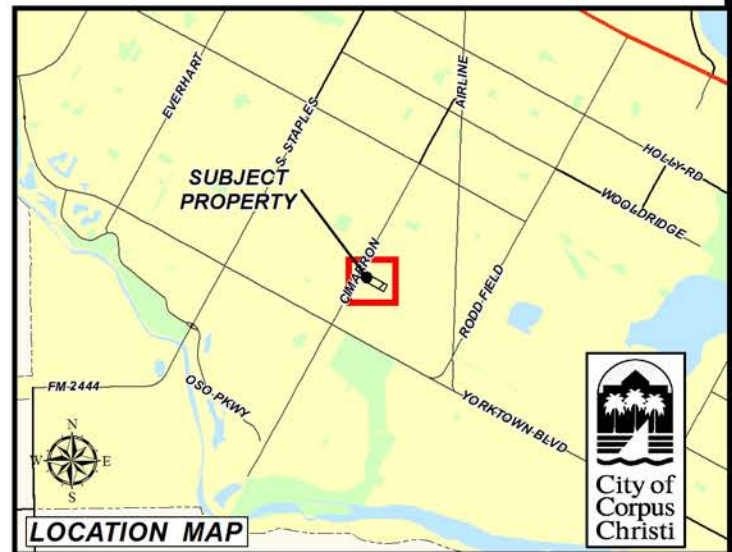
RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF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





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.: 0815-03 Map No.: 043031

PC Hearing Date: 8-26-15 Proj.Mgr: Jessica

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: The Clower Company Contact Person: George B. Clower
Mailing Address: P.O. Box 2525
City: Corpus Christi State: TX ZIP: 78403 Phone: (361) 880-4111
E-mail: [REDACTED] Cell: (361) 688-9542

2. Property Owner(s): Cimarron Company Contact Person: Tim Clower
Mailing Address: P.O. Box 2525
City: Corpus Christi State: TX ZIP: 78403 Phone: (361) 880-4111
E-mail: [REDACTED] Cell: (361) 688-9540

3. Subject Property Address: SEC of Cimarron & Lipes Area of Request (SF/acres): 10+ Acres
Current Zoning & Use: FR - Vacant Proposed Zoning & Use: CN-1 (Multi-Family & Commercial)
12-Digit Nueces County Tax ID: 2476 - 0021 - 0010
Subdivision Name: N/A Block: N/A Lot(s): N/A
Legal Description if not platted: Flour Bluff and Encinal Farm & Garden Tract Section, Lots 1 & 2, Section 21

4. Submittal Requirements:
☒ Early Assistance Meeting: Date Held 6/29; with City Staff Jessica Savage Alford
☒ 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
Tim Clower
Owner or Agent's Printed Name

Applicant's Signature
George B. Clower
Applicant's Printed Name

Office Use Only: Date Received: 7-17-15 Received By: SS ADP: SS
Rezoning Fee: \$1976.75 + PUD Fee ✓ + Sign Fee 3 = Total Fee \$2006.75
No. Signs Required 3 @ \$10/sign Sign Posting Date: 8-11-15

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.

- Office/Retail - Sqft TBD;
- Multi-Family - 200+ units;
- minimum business hours of operation 10 am to 4 pm;
- No demolition required.

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

North - Public School - Veterans HS

South - Farm Land

East - Farm Land

West - Public Street/Senior Housing



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: The Clower Company

STREET: P.O. Box 2525

CITY: Corpus Christi

ZIP: 78403

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

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

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

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

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: George B. Clower
(Print Name)

Title: Vice President

Signature of Certifying Person: _____

Date: 7-15-15



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Name

Job Title and City Department (if known)

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N/A

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Name

Title

N/A

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

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

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: Tim Clower
(Print Name)

Title: Managing General Partner

Signature of Certifying Person. [Signature]

Date: 7-15-15

BASS & WELSH ENGINEERING

Engineering Firm Reg. No. F-52
Surveying Firm Reg. No. 100027-00
P.O. Box 6397
Corpus Christi, TX 78466-6397

June 17, 2015
15040-M&B.doc

Zoning Tract

STATE OF TEXAS §

COUNTY OF NUECES §

Description of an 8.922 acre tract of land, more or less, a portion of Lots 1 and 2, Section 21, Flour Bluff and Encinal Farm and Garden Tracts, a map of which is recorded in Volume "A", Pages 41 – 43, Map Records, Nueces County, Texas, and being a portion of a 10.00 acre tract of land described by deed recorded at Volume 1843, Page 231, Deed Records of said county, said 8.922 acre tract as further described by metes and bounds as follows:

BEGINNING at the point of intersection of the southeast right-of-way line of Cimarron Boulevard and the southwest right-of-way line of Lipes Boulevard for the northernmost corner of the tract herein described, said northernmost corner bears S61°00'00"E 66.50' and S29°00'00"W 20.00' from the common corner of Sections 10, 11, 20 and 21, said Flour Bluff and Encinal Farm and Garden Tracts;

THENCE S61°00'00"E 1253.50' along a line 20.00' southwest of and parallel to the centerline of Lipes Boulevard (common line between said Sections 20 and 21) to a point for the easternmost corner of the tract herein described at the point of intersection of said southwest right-of-way line of Lipes Boulevard and southeast boundary line of said Lot 2;

THENCE along the southeast boundary line of said Lot 2, being along the southeast boundary line of said 10.00 acre tract, S29°00'00"W 310.00' to a point for the southernmost corner of the tract herein described and southernmost corner of said 10.00 acre tract of land;

THENCE N61°00'00"W 1256.95' along the southwest boundary line of said 10.00 acre tract of land to a point for the westernmost corner of the tract herein described in a southeast right-of-way line of said Cimarron Boulevard;

THENCE N35°33'37"E 30.20' along said southeast right-of-way line of Cimarron Boulevard to a point for westerly corner of the tract herein described and southeasterly right-of-way corner of said Cimarron Boulevard;

THENCE N29°00'00"E 280.00' along a line 66.50' southeast of and parallel to said centerline of Cimarron Boulevard (the common line between said Sections 10 and 21) to the POINT OF BEGINNING, a sketch showing said 8.922 acre tract of land being attached hereto as Exhibit "B".



Nixon M. Welsh
Nixon M. Welsh, R.P.L.S.

EXHIBIT "A"

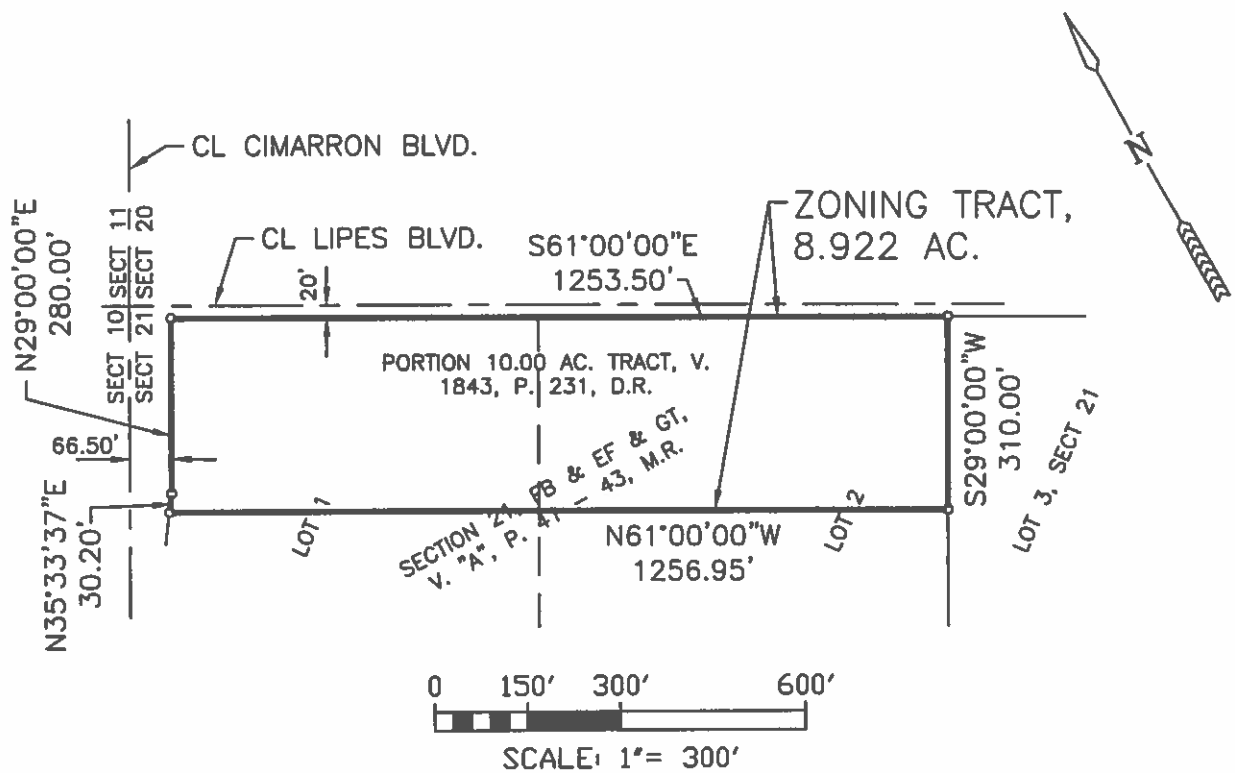


EXHIBIT "B"
SKETCH TO ACCOMPANY
METES AND BOUNDS DESCRIPTION
 1" = 300'

BASS AND WELSH ENGINEERING
 CORPUS CHRISTI, TX
 SURVEY REG. NO. 100027-00,
 TX ENGINEERING REG. NO. F-52,
 FILE: EXB-ZONING, JOB NO.
 15040, SCALE: 1" = 300'
 PLOT SCALE: SAME, PLOT DATE:
 6/17/15, SHEET 1 OF 1