

PLANNING COMMISSION FINAL REPORT

Case No. 0216-02

HTE No. 16-10000004

Planning Commission Hearing Date: March 9, 2016

Applicant & Legal Description	Applicant/Owner: Julio and Minerva Reyna and Jose Luis Rodriguez and Maria Juliana Luna Legal Description/Location: Lot Nos. 23-B, 24-B, 25-B and 25, Block 6, Montrose Park, located near the northeast corner of Highland Avenue and Duncan Street.			
Zoning Request	From: "CN-1" Neighborhood Commercial District To: "RS-6" Single-Family 6 District Area: 0.56 acres Purpose of Request: To bring existing residential use into conformity and to allow future single-family uses.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	Site	"CN-1" Neighborhood Commercial	Low Density Residential and Vacant	Commercial
	North	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential
	South	"CN-1" Neighborhood Commercial	Commercial	Commercial
	East	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential
	West	"CN-1" Neighborhood Commercial	Vacant	Commercial
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Westside Area Development Plan. The Future Land Use Map shows the property is planned for commercial uses. The proposed rezoning to the "RS-6" Single-Family 6 District is not consistent with the adopted Future Land Use Map. Map No.: 047043 Zoning Violations: None			
Transportation	Transportation and Circulation: The subject property has approximately 210 feet of street frontage along Highland Avenue, which is a local residential street. The property is located near the northeast corner of Highland Avenue and Duncan Street.			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Highland Avenue	Local Residential	50' ROW 28' paved	60' ROW 28' paved	N/A

Staff Summary:

Requested Zoning: The applicants are requesting a rezoning from the “CN-1” Neighborhood Commercial District to the “RS-6” Single-Family 6 District.

Development Plan: Two single-family dwellings exist on the subject properties and one of the landowners hopes to build a new single-family dwelling on Lot 23B. The applicants are requesting the rezoning to establish the existing residential uses as a permitted use outright, in lieu of, continuing the use as a nonconforming use with the inherent constraints of a nonconforming use. Such constraints pertain to the ability to expand the square footage of existing structures or to repair or replace such structures if more than 50% of the structure is damaged.

The property owners of Lots 23-B, 24-B and 25-B also seeks the rezoning for the purpose of bringing the property into compliance with respect to residential development requirements pertaining to accessory structures. The applicants have multiple storage containers on the subject lots which they seek to replace with sheds for storage of personal household goods. The applicants note an intention to replat two of the subject lots into one lot pursuant to approval of the zoning in order to conform with Unified Development Code (U.D.C.) as it pertains to the requirement that accessory structures be located on the same lot as the primary structure. It is important to note that permitting of unpermitted structures is required and such will be reviewed in accordance with U.D.C. and applicable construction code requirements.

Existing Land Uses & Zoning: The subject property is zoned “CN-1” Neighborhood Commercial District and consists of four lots with a low density residential use on two of the four. To the north of the subject property are low density uses zoned “RS-6” Single-Family 6. A boarded up commercial use exists to the south in the “CN-1” Neighborhood Commercial District. To the east, still in the “CN-1” Neighborhood Commercial District, is vacant land and to the west in the “RS-6” Single-Family 6 District are low density residential uses.

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 comprised of four platted lots.

Comprehensive Plan & Area Development Plan Consistency: The Future Land Use Map designates the subject lots as suitable for Commercial Uses. The subject property

is located within the boundaries of the Westside Area Development Plan (ADP). The proposed rezoning to the “RS-6” Single-Family 6 District is not consistent with Future Land Use Map, however, consideration for changing the Future Land Use Map is warranted.

The subject properties have been zoned “CN-1” Neighborhood Commercial District since prior to 1965. At the time the properties were zoned, residential uses were permitted in the “CN-1” District. Upon adoption of the U.D.C. in 2011, the residential uses became nonconforming as residential uses are no longer permitted in the “CN-1” District.

It is plausible to conclude that the Future Land Use Map designated the subject properties for commercial uses based on the zoning designation of the properties and not based on the existing land uses. An analysis of existing land uses of the subject properties and other properties in the immediate vicinity indicates that it may be more appropriate to change the Future Land Use map to reflect the existing uses.

Department Comments:

- Changing the Future Land Use Map to reflect the existing land uses is appropriate.
- It is staff’s opinion that the proposed rezoning would not negatively impact the surrounding properties.
- An “RS-6” Single-Family 6 District is appropriate given the existing land uses and the longevity of those uses on the subject properties and the immediate vicinity.
- A rezoning to the “RS-6” Single-Family 6 District will establish the existing residential uses as permitted uses outright as opposed to existing as a nonconforming use subject to the constraints of a nonconforming use, such as not being able to reconstruct the dwelling if it is destroyed by natural causes.
- The rezoning is applicable to the designation of the properties and does not constitute approval of any unpermitted structures on the subject properties.
 - Subsequent application processes and review will determine the permitting requirements thereof.

Planning Commission and Staff Recommendation:

Approval of the change of zoning from the “CN-1” Neighborhood Commercial District to the “RS-6” Single-Family 6 District.

Vote:

For: 6

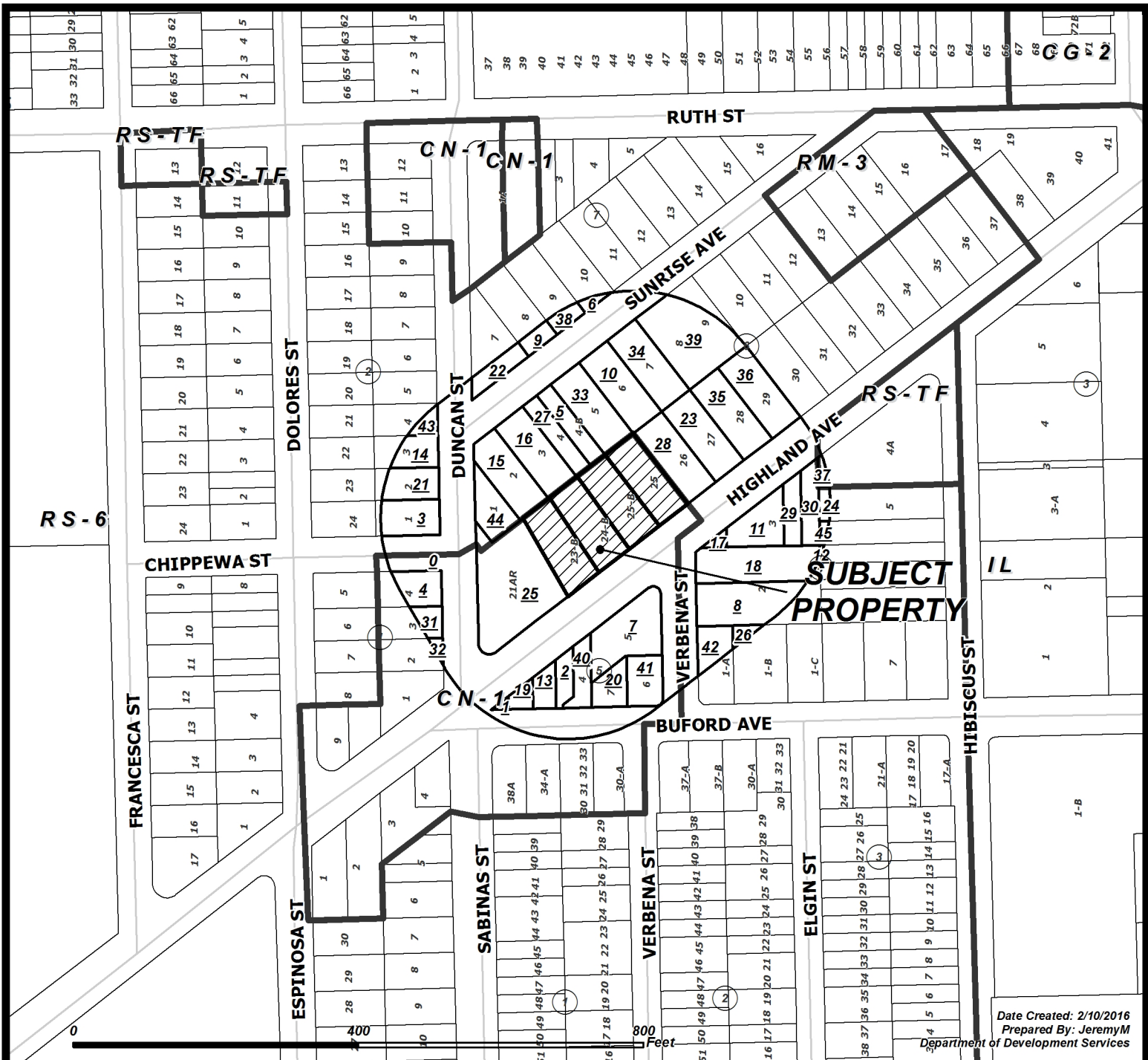
Against: 0

Absent: 2

Public Notification	Number of Notices Mailed – 44 within 200-foot notification area 4 outside notification area
	<u>As of March 22, 2016:</u>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 1 inside notification area – 0 outside notification area
Totaling 1.03% of the land within the 200-foot notification area in opposition.	

Attachments:

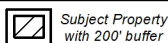
1. Location Map (Existing Zoning & Notice Area)
2. Application
3. Public Comments Received (if any)



Date Created: 2/10/2016
Prepared By: Jeremy M
Department of Development Services

CASE: 0216-02 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	



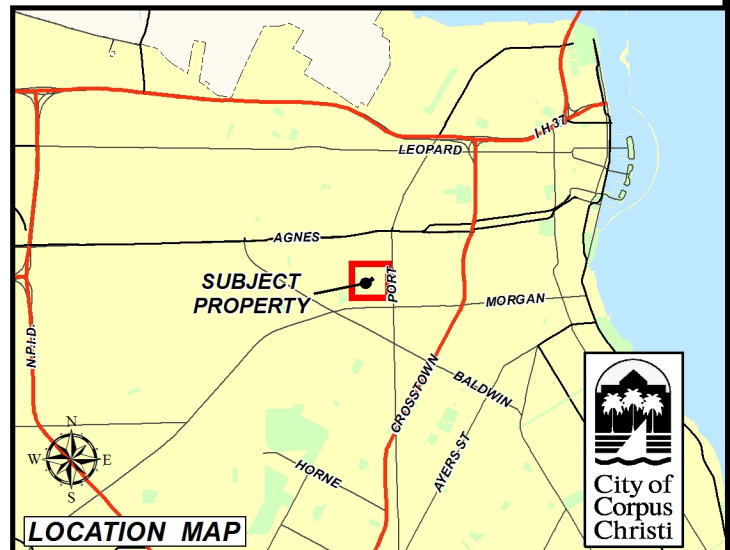
Subject Property
with 200' buffer



Owners
in favor



Owners
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.: 0216-02 Map No.: _____

PC Hearing Date: Feb. 24, 2016 Proj. Mgr: _____

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: Julio and Minerva Reyna Contact Person: Minerva Reyna
Mailing Address: 2922 Highland Ave.
City: Corpus Christi State: TX ZIP: 78405 Phone: (361) 443-0473
E-mail: _____ Cell: (same)

2. Property Owner(s): Julio C. Reyna, Minerva E. Reyna, Jose Luis Rodriguez, and Maria Juliana Luna Contact Person: Minerva Reyna
Mailing Address: 2922 Highland Ave & 2918 Highland Ave.
City: Corpus Christi State: TX ZIP: 78405 Phone: (361) 443-0473
E-mail: _____ Cell: (same)

3. Subject Property Address: 2922 Highland Ave & 2918 Highland Ave. Area of Request (SF/aces): approx. 24,394 SF
Current Zoning & Use: CN-1 Zone / Single-Family Use Proposed Zoning & Use: RS-6 Zone / Single-Family Use
12-Digit Nueces County Tax ID: _____
Subdivision Name: Montrose Park Block: 6 Lot(s): 23B, 24B, 25B, 25
Legal Description if not platted: n/a

4. Submittal Requirements:
☐ Early Assistance Meeting: Date Held _____; with City Staff _____
☐ 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.

JOSE-LUIS-RODRIGUEZ mrc-jr Applicant's Signature
Owner or Agent's Signature
Jose Luis Rodriguez / Maria Juliana Luna n/a
Owner or Agent's Printed Name Applicant's Printed Name

Office Use Only: Date Received: 2-12-2016 Received By: Annika ADP: _____
Rezoning Fee: _____ + PUD Fee _____ + Sign Fee _____ = Total Fee PAID
No. Signs Required _____ @ \$10/sign Sign Posting Date: _____



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.: 0216-02 Map No.: 047043

PC Hearing Date: Feb. 24, 2016 Proj.Mgr:

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: Julio + Mmewa Reyna Contact Person: Mmewa Reyna
Mailing Address: 2922 Highland
City: Corpus Christi State: Texas ZIP: 78405 Phone: (361) 4430473
E-mail: [REDACTED] Cell: (361) 4430473

2. Property Owner(s): Julio + Mmewa Reyna Contact Person: Mmewa
Mailing Address: Same
City: State: ZIP: Phone: ()
E-mail: Cell: ()

3. Subject Property Address: 2922 Highland, Montrose Park LT 23B + 24B BK 6 Area of Request (SF/acres):
Current Zoning & Use: Commercial Proposed Zoning & Use: Residential
12-Digit Nueces County Tax ID: -
Subdivision Name: Montrose Park Lot 25.B, 24B Block: 6 Lot(s): 25.B, 24B, 23B
Legal Description if not platted:

4. Submittal Requirements:
☒ Early Assistance Meeting: Date Held 1/8/16 ; with City Staff Jesse J Hernandez
☒ 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 agent for the Property Owner(s); and the information provided is accurate.

Mmewa & Reyna
Owner or Agent's Signature

[Signature]
Applicant's Signature

Owner or Agent's Printed Name

Applicant's Printed Name

Office Use Only: Date Received: 1/29/2016 Received By: Andrew ADP: WS
Rezoning Fee: 1107.50 + PUD Fee 0 + Sign Fee 10.00 = Total Fee 1117.50
No. Signs Required 1 @ \$10/sign Sign Posting Date: 10.00



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: "NA"
STREET: _____ CITY: _____ ZIP: _____
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: Minerva E. Reyna Title: _____
(Print Name)

Signature of Certifying Person: Minerva E. Reyna Date: _____



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: Jose Luis Rodriguez and Maria Juliana Luna

STREET: 2918 Highland Ave

CITY: Corpus Christi

ZIP: 78405

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: Jose Luis Rodriguez & Maria Juliana Luna
(Print Name)

Title: Property Owners

Signature of Certifying Person:

Jose Luis Rodriguez

Date:

2-11-16

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.

See attached

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

North - Residential

South - Commercial + Residential

East - Commercial + Residential

West - Commercial + Residential

Land Use Statement

To the Corpus Christi City Council members, I Minerva Reyna and my Husband Julio Reyna have resided at 2922 Highland Ave for 22 years and have just recently been notified that our residence is considered commercial property. Also, we have been made aware by code enforcement that our two lots adjacent to our home (MontRose Park Block 6 Lot 24B and 23B) are also commercial property and therefore cannot have any type of storage units, containers, travel trailers, or vehicles parked in our lots. It has also been brought to our attention that since our house is considered commercial property, if anything is to happen to our home such as a fire, flood, storm damage, or any other type of damage we are not allowed to rebuild or repair our home that we have been living in for 22 years.

Due to no knowledge of rules of where storage units can be placed on one's property, we have had a storage unit on our property for 10 years. The (8x40) unit which after 10 years has been damaged due to weather, was replaced 1.5 years ago with another unit (12x32). The (8x40) unit is going to be removed from the property soon. The (12x32) unit is anchored down and in great condition.

Upon receiving a notice to an infraction of code #105.1(8) Building Permit required due to the issue of the land being on commercial property, my husband and I started the process for rezoning of 2922 Highland Ave(Lot25B), Lot 24B, and Lot23B to Residential property. After we get our Residential property status approved, we ask for your consideration for the re-platting of 2922 Highland Ave(Lot25B) and Lot 24B in order to keep my storage unit next door to my home.

Thank you for your time and consideration in this matter.

Persons with disabilities planning to attend this meeting, who may require special services, are requested to contact the Development Services Department at least 48 hours in advance at (361) 826-3240. Personas con incapacidades, que tienen la intención de asistir a esta junta y que requieren servicios especiales, se les suplica que den aviso 48 horas antes de la junta llamando al departamento de servicios de desarrollo, al número (361) 826-3240.

If you wish to address the Commission during the meeting and your English is limited, please call the Development Services Department at (361) 826-3240 at least 48 hours in advance to request an interpreter be present during the meeting. Si usted desea dirigirse a la comisión durante la junta y su inglés es limitado, favor de llamar al departamento de servicios de desarrollo al número (361) 826-3240 al menos 48 horas antes de la junta para solicitar un intérprete ser presente durante la junta.

RECEIVED
MAR 9 2016

DEVELOPMENT SERVICES
SPECIAL SERVICES

**CITY PLANNING COMMISSION
PUBLIC HEARING NOTICE
Rezoning Case No. 0216-02**

Julio C. and Minerva E. Reyna and Jose Luis Rodriguez and Maria Juliana Luna have petitioned the City of Corpus Christi to consider a change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-6" Single Family 6 District, resulting in a change to the Future Land Use Map from commercial to low density residential uses. The property to be rezoned is described as:

Lot Nos. 23-B, 24-B, 25-B and Lot 25, Block 6, Montrose Park, located near the northeast corner of Highland Avenue and Duncan Street.

The Planning Commission may recommend to City Council approval or denial, or approval of an intermediate zoning classification and/or Special Permit. Approval of a change of zoning, if inconsistent with the City's Comprehensive Plan, will also have the effect of amending the Comprehensive Plan to reflect the approved zoning.

The Planning Commission will conduct a public hearing for this rezoning request to discuss and formulate a recommendation to the City Council. The public hearing will be held on Wednesday, March 9, 2016 during one of the Planning Commission's regular meetings, which begins at 5:30 p.m. in the City Council Chambers, 1201 Leopard Street. You are invited to attend this public hearing to express your views on this rezoning request. For more information, please call (361) 826-3240.

TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE DEVELOPMENT SERVICES DEPARTMENT, P. O. BOX 9277, CORPUS CHRISTI, TEXAS 78469-9277. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.

NOTE: In accordance with the Planning Commission By-Laws, no discussion shall be held by a member or members of this Commission with an applicant or appellant concerning an application or appeal, either at home or office, or in person, by telephone call or by letter.

Printed Name: Gilberto Saenz

Address: 3034 Buford City/State: Corpus Christi, TX.

() IN FAVOR (☒) IN OPPOSITION

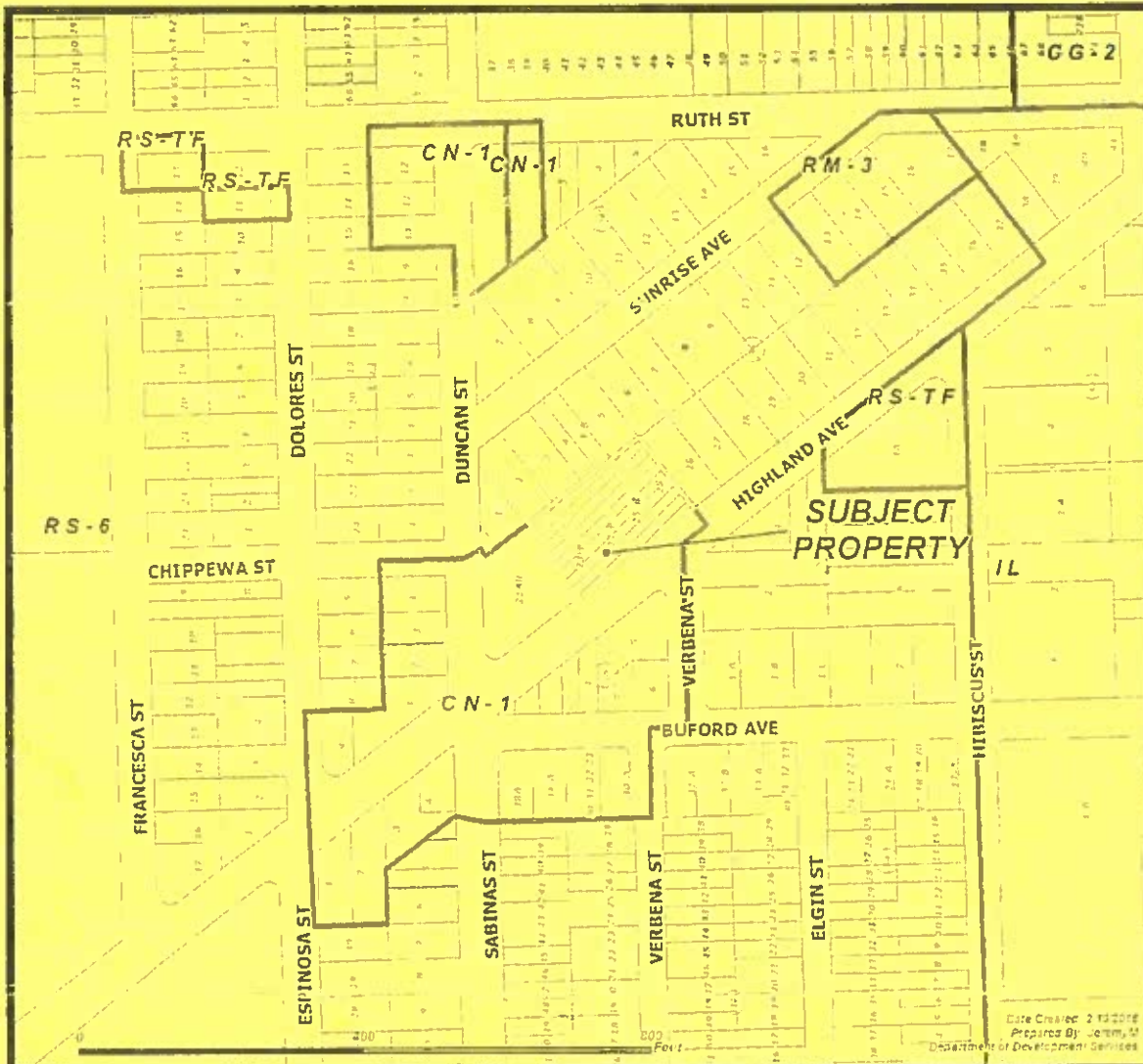
Phone: 361 7790310

REASON: Business should Be Allowed to continue in this area.

Gilberto Saenz
Signature

City of Corpus Christi
Development Services Dept.
P.O. Box 9277
Corpus Christi, Texas 78469

20 532400050110
SAENZ GILBERTO ET AL
3034 BUFORD
CORPUS CHRISTI, TX 78405



CASE: 0216-02 **SUBJECT PROPERTY WITH ZONING**

Subject Property	
RM-1 Multi-Family 1	IL Light Industrial
RM-2 Multi-Family 2	RI Heavy Industrial
RM-3 Multi-Family 3	PUD Planned Unit Dev. Overlay
PO Professional Office	RS-10 Single-Family 10
RU-AT Multi-Family 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
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CJ Intensive Commercial	RV Recreational Vehicle Park
CBD Downtown Commercial	RMH Manufactured Home
CR-3 Resort Commercial	
FR Farm/Rural	
L 4-Story Overlay	
BP Business Park	

