# **STAFF REPORT**

**Case No.** 0516-01 **HTE No.** 16-10000013

## Planning Commission Hearing Date: May 18, 2016

Applicant & Legal Description	Road.	ant/Owner: Paisano Contr Description/Location: Be lian Colony Lands, and Lot located on the northwest o	ing 3.1 acres out of Lot 1B, Block 1, Crestmor corner of Masterson Dr	nt Unit 11 (0.76				
Zoning Request	To: Area:	From: "RS-6" Single-Family 6 District To: "CN-1" Neighborhood Commercial District Area: 3.86 acres Purpose of Request: To allow commercial uses.						
		Existing Zoning District	Existing Land Use	Future Land Use				
	Site	"RS-6" Single-Family 6	Vacant	Medium Density Residential				
ing a	North	"RS-TF" Two-Family	Low Density Residential	Medium Density Residential				
	South	"CN-1" Neighborhood Commercial	Vacant and Commercial	Commercial				
Existing Lan	East	"RS-6" Single-Family 6 and "CN-1" Neighborhood Commercial	Vacant and Commercial	Low Density Residential and Commercial				
	West	"RS-6" Single-Family 6	Public/Semi-Public	Public/Semi-Public				
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 Map but it is consistent with the Comprehensive Plan Policy Statements and the Southside Area Development Plan. Map No.: 047036 Zoning Violations: None							

**Transportation and Circulation**: The subject property has approximately 250 feet of street frontage along Masterson Drive, which is designated as a "C1" Minor Collector street, and 650 feet of street frontage along Kostoryz Road, which is designated as an "A1" Minor Arterial Undivided street.

R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2014)
Street R.(	Masterson Drive	"C1" Minor Collector	60' ROW 40' paved	60' ROW 36' paved	N/A
Str	Kostoryz Road	"A1" Minor Arterial Undivided	95' ROW 64' paved	120' ROW 65' paved	8,529

### Staff Summary:

Transportation

**Requested Zoning**: The applicant is requesting a rezoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District to allow commercial uses.

**Development Plan:** The property owner requests the rezoning to be able to market the property for the highest and best uses possible. Further, the property owner requests "CN-1" Neighborhood Commercial to be zoned like the other three corners at the intersection of Kostoryz Road and Masterson Drive. There are no specific development plans at this time.

**Existing Land Uses & Zoning**: The subject property is vacant and zoned "RS-6" Single-Family 6 District. North of the subject property is zoned "RS-TF" Two-Family District and consists of low density residential uses. South of the subject property is vacant land and the Navy Army Community Credit Union, zoned "CN-1" Neighborhood Commercial District. East of the subject property is vacant property zoned "RS-6" Single-Family 6 and a recently constructed retail strip center in the "CN-1" Neighborhood Commercial District. West of the subject property is Galvan Elementary School in the "RS-6" Single-Family 6 District.

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

Plat Status: Only a portion of the subject property is platted.

**Comprehensive Plan & Area Development Plan (ADP) 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 Map designation of the property as low density residential, but it is consistent with the Comprehensive Plan Policy Statements

and the Southside ADP. The following policy statements of the Comprehensive Plan and Southside ADP should be considered:

- **Comprehensive Plan General Policy Statement D:** New development should occur in a pattern which is cost effective.
- **Comprehensive Plan Residential Policy Statement E:** Commercial activities which generate large volumes of traffic should have direct access to an arterial road without having to traverse low-density areas.
- **Comprehensive Plan Residential Policy Statement H:** Encouraging infill development on vacant tracts of land within developed areas.
- **Comprehensive Plan Residential Policy Statement I:** Incompatible industrial and commercial land uses should not abut residential areas.
- **Comprehensive Plan Commercial Policy Statement D:** Expansion of commercial uses into or within residential areas may be permitted only if the expansion maintains or improves the residential desirability of the impacted area.
- Southside Area Development Plan Policy Statement: High-intensity commercial and industrial uses should be buffered to provide transition from low-density residential areas through the existence of: A) Main roads; B) Public and institutional buildings; C) Open space; D) Scale of design; and E)Other transitional land uses.

## **Department Comments:**

- The rezoning, while not consistent with the Future Land Use Map, is consistent with policies in the Comprehensive Plan concerning efficient in-fill development, providing commercial uses to serve neighborhood needs, locating commercial uses on arterial roadways, and buffering commercial uses from low density residential areas.
- A change to commercial uses will not alter the overall intent of the Southside Area Development Plan.
- The rezoning is compatible with present zoning of nearby property and to the character of the surrounding area.
- A "CN-1" District would allow uses that are suited for the property.
- The zoning change is not anticipated to have a negative impact upon the surrounding properties.
- Development standards and requirements in the Unified Development Code and adopted construction standards will ensure that eventual development occurs in a manner that will be compatible with adjacent development.

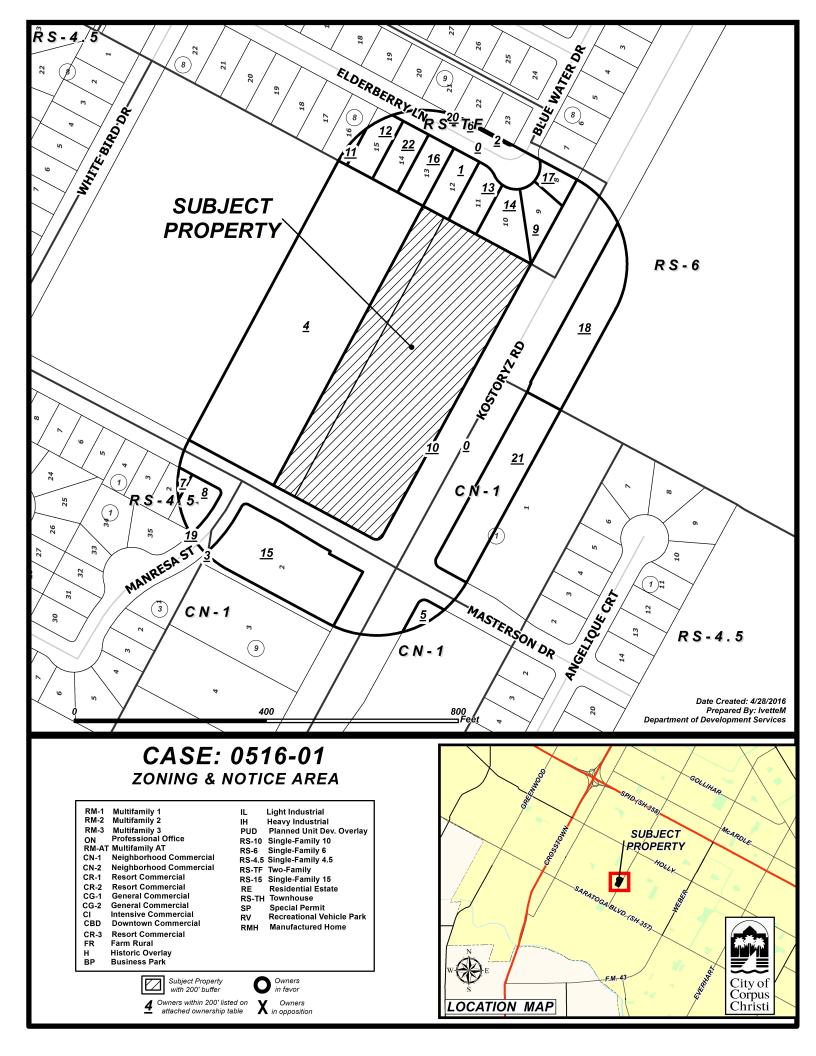
## Staff Recommendation:

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

u	Number of Notices Ma	iled – 22 within 200-foot notification area 3 outside notification area
Notification	<u>As of May 11, 2016</u> : In Favor	<ul> <li>– 0 inside notification area</li> <li>– 0 outside notification area</li> </ul>
Public	In Opposition	<ul> <li>– 0 inside notification area</li> <li>– 0 outside notification area</li> </ul>
	Totaling 0.00% of the I	and within the 200-foot notification area in opposition.

#### Attachments:

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



	1000013
CORPUS CHIRIS	<b>REZONING APPLICATION</b>
	Case No.: Map No.:470 3-6
	Case No.: Map No.: PC Hearing Date: Proj.Mgr: Hearing Location: City Hall, Council Chambers, 1201 Leopard Street
Development Services Dept.	Hearing Location: <u>City Hall, Council Chambers, 1201 Leopard Street</u> Hearing Time: <u>5:30 p.m.</u>
Development Services Dept. P.O. Box 9277 Corpus Christi, Texas 78469-9277 (361) 826-3240 Located at 2406 Leopard Street	* A MAXIMUM OF FIVE REZONINGS CASES ARE SCHEDULED PER HEARING. * INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.
	TANCTORS LLC Contact Person: JESUS REYES
Mailing Address: 13946 P	
City: COMPUS CHRIS	TI State: TX. ZIP: 78418 Phone: (361 ) 478-3273
E-mail:	Cell: (361) 438-3273
2. Property Owner(s): _ <i>丁FSvS</i>	REYES Contact Person: JESUS REYES
Mailing Address: 10946	
City: CORPUS CHRIST	1 State: TX ZIP: 78418 Phone: (361) 438-3273
E-mail:	Cell: (361) 438-3273
3/4み 3. Subject Property Address: 5みの	KOSTORYZ Area of Request (SF/acres): 3.86
Current Zoning & Use: R5-6	VACANT Proposed Zoning & Use: CN-2/RETAIL
12-Digit Nueces County Tax ID: 0	347-0008-0035
Subdivision Name:	
Legal Description if not platted:	CE ATTACHED
4. Submittal Requirements: Early Assistance Meeting: Dat	e Held 4-13-16; with City Staff B. Friestley
Land Use Statement	Disclosure of Interest Copy of Warranty Deed
IF APPLICABLE:	
	is inconsistent with Future Land Use Plan) Site Plan for PUD or Special Permit exhibit if property includes un-platted land (sealed by RPLS) Lien Holder Authorization
Appointment of Agent Form if lan	
I certify that I have provided the City of C	orpus Christi with a complete application for review; that I am authorized to initiate this rezoning
as or on beha	If of the Property Owner(s); and the information provided is accurate.
Owner or Agent's Signature	Applicant's Signature
JESUS         MEYES           Owner or Agent's Printed Name	TESUS パモンES Applicant's Printed Name
	ILIGUL - DUR SS
Office Use Only: Date Received:	<u>4-19-16</u> Received By: <u>BKP</u> ADP: <u>55</u> UD Fee <u>6</u> + Sign Fee <u>20.00</u> = Total Fee <u>171 2.50</u>
No. Signs Required 2 @\$10/sig	
No. Signs required @ \$10/sig	an Sign Posting Date:

# LAND USE STATEMENT

 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.

LEGAL DESCREPTION

1) BOHEMIAN COLONY LANDS 3.1 ACS OUT OF LOT-3 SECTION-8

2) CRESTMONT UNIT-11 LOT 10 BLOCK-I

Applicant requests to rezone the property for commercial uses in order to market the property.

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

North - RS-TF	LDR
South - RS-4.5 & CN-1	VACANT
East - RS-6 & CN-1	VACANT & COMMENCIAL
West - R5 - 4.5	PUBLIC/SEMI-PUBLIC

to do business with the City to provide in answered. If the question is not applicate	as amended, requires all persons or firms seeking he following information. <i>Every question must be</i> ole, answer with "NA".
NAME: <u>PAISANO</u> CONTRACTOR STREET: 13946 FLINTLOCK CITY: CORP	S LLC
STREET: 13946 FLINTLOCK CITY: CORP	<u>VS CHRISTI</u> ZIP: <u>78418</u>
FIRM is: Corporation Partnership Sole Owner	Association Other
DISCLOSURE QUE	STIONS
If additional space is necessary, please use the reverse side of the	
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 n	
Name	Job Title and City Department (if known)
NIA	,
2. State the names of each "official" of the City of C constituting 3% or more of the ownership in the above n Name	orpus Christi having an "ownership interest" amed "firm". Title
<ul> <li>3. State the names of each "board member" of the City of constituting 3% or more of the ownership in the above n Name</li> <li>M / A</li> </ul>	
<ul> <li>4. State the names of each employee or officer of a "consulon any matter related to the subject of this contract and more of the ownership in the above named "firm".</li> <li>Name</li> </ul>	
CERTIFICAT I certify that all information provided is true and correct as of th withheld disclosure of any information requested; and that sup the City of Corpus Christi, Texas	e date of this statement, that I have not knowingly plemental statements will be promptly submitted to as changes occur.
Certifying Person: (Print Name)	Title: OWNER
(Print Name)	
Signature of Certifying Person:	Date: 04-14-2016
	URE OF INTERESTS STATEMENT 5 12 2015 DOC

.

#### 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:	JESUS	REYES		÷	
Mailing Address:	13946	FLINTLOC	K		
City: <u>Conpr</u>	S CHAI.	571	State: TX.	Zip:78	418
Home Phone: ( )6	1 ,438-3273	Business Phone: (	) SAME	_Cell: () <i>SA</i>	ME

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:		OWNER
Printed/Typed Name of Agent: JESUS REYES	1	Date: 04-14-16
*Signature of Property Owner:		owner
Printed/Typed Name of Property Owner: ROMAN ONTIZ	SR.	Date:04-14-16
*Signature of Property Owner: R		Owna _
Printed/Typed Name of Property Owner: <u>ROMAN ONTIZ</u> JR	2.	
*Signature of Property Owner: A Oron		Owner
Printed/Typed Name of Property Owner: GERADO ONTIZ		Date: 04-14-16

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



#### 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).

		11121						
Property Address:	6201	KOST	ONYZ					
		4	BOHEMIAN COL					
Legal Description (	(Subdivision, Lo	t, Block):	CRESTMONT	- UNIT-11	1 LOT	2B	BLOCK-1	
Applicant Name: _	PAISAN	10 CO,	NTAACTON	'S LLC				
Address: 1394	46 FLIN	TLOCK	Ŧ	City/State/Zip:	с, с	<i>て</i> よ.	78418	
Telephone: 661	) 438-32	73	Email:	SEREYES.	-19,	VAHOO	COM	
Application Status	(Select One):	Rezoni	ing Site Plan	Street Closu	re			

**Existing Land Use** 

Tract	Unit of	Zoning	Land Use	I.T.E.	A.M.	Peak	P.M.	Peak
Acres	Measure			Code	Trip	A.M.	Trip	P.M.,
					Rate	Trips	Rate	Trips
3-86	AC	<u>RS-6</u>	MOR	220	0.55		0_67	57
							{	

**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
3.86	ACS	CN-1	RETAIL	826			5.02	452
					Total		Total	

Abutting Streets

Street	Access Proposed	Pavement Width	ROW Width
Name	To Street?	(FT)	(FT)
MASTERSON			
KOSTORY Z			

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 <u>NOT</u> 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** 2016 Date SEC attached culculation

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

к М Рк Нг 57 452	
ITE Rate Trips ITE Code AM Pk HR PM Pk Hr AM Pk Hr 220 0.55 0.67 47 57 826 6.84 5.02 616 452	
ste M Pk Hr 0.67 5.02	1 
ITE Rate M Pk HR PM 0.55 6.84	lopted plan
E Code AI 220 826	ation per ad arking is on
TI 28 90	calcul e for n
Units	used in allowing
Per Ac Density 22 90,100	its per acrea truction and
Unit of Measure Dw Units Sq. Feet	nsity of 22 ur ne storv cons
<ul> <li>Future LU Unit of Measure</li> <li>3.86 MDR Dw Units</li> <li>3.86 Commercial Sq. Feet</li> </ul>	8-22 units Maximum density of 22 units per acrea used in calculation per adopted plan. Maximum building size for one story construction and allowing for parking is on 100 conservents.
Tract Size Acres 3.8 3.8	8-22 units   Maximum build
Adopted Proposed	MDR Commercial

Unit of measure is Trips per 1,000 sq. ft. of gross leaseable (building) area **Commercial Development Assumptions** 

1 story construction

One Parking Space and manuvering area avg size = 350 sq. feet.

Sq. Ft.	168,142	20,000	28,000	48.000	70.100	49.070	119,170	167,170	90,100
	Pk Spaces		80			140	$\sim$		
	A.		350			350		36	
;	Floor Area	20,000		pking @ 1 per 250	70,100		pking @ 1 per 500	Total Development Sq. Ft Building and Parking	Footage
	site lotal Sq. Feet	Building Sq. Ft.	Pking @ 1 per 250	Subtotal - building & pking @ 1 per 250	Building Sq. Ft.	Pking @ 1 per 500	Subtotal - building & pking @ 1 per 500	Total Development S	Total Building Square Footage

