

PLANNING COMMISSION FINAL REPORT

Case No. 0616-01

HTE No. 16-10000016

Planning Commission Hearing Date: June 1, 2016

Applicant & Legal Description	Applicant/Owner: Kitty Hawk Development, Ltd. Representatives: Wayne Lundquist Legal Description/Location: Being a 2.8 acre tract of land encompassing all of Lots 1 through 3, Block 10, Saratoga Place and a portion of Lots 4 through 9 and a portion of Lot 12, Block 10, Saratoga Place, located on the north side of Saratoga Boulevard (State Highway 357) and approximately 120 feet west of Ayers Street.			
Zoning Request	From: "CG-1" General Commercial District To: "IL" Light Industrial District Area: 2.8 acres Purpose of Request: To allow light industrial uses.			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	Site	"CG-1" General Commercial	Vacant	Light Industrial
	North	"IL" Light Industrial	Public/Semi-Public & Vacant	Light Industrial
	South	"IL" Light Industrial	Commercial & Vacant	Light Industrial
	East	"CG-1" General Commercial	Public/Semi-Public	Public/Semi-Public
	West	"IL" Light Industrial	Commercial and Vacant	Light Industrial
ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Southside Area Development Plan and is planned for light industrial uses. The proposed rezoning to the "IL" Light Industrial District is consistent with the adopted Future Land Use Map and the Southside Area Development Plan. Map No.: 049036 Zoning Violations: None			
Transportation	Transportation and Circulation: The subject property has approximately 400 feet of street frontage along Saratoga Boulevard, which is an "A3" Primary Arterial Divided street.			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2013)
	Saratoga Boulevard	"A3" Primary Arterial Divided	130' ROW 79' paved	117' ROW 90' paved	23,092 ADT

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the "CG-1" General Commercial District to the "IL" Light Industrial District to allow the construction of a fencing company with outdoor storage.

Development Plan: The applicant is proposing a fencing company with a 5,000 square foot building and the remainder being outdoor storage. At a minimum, the Unified Development Code would require a 20-foot wide front yard on Saratoga Boulevard, a five-foot wide side yard and a 10 foot-wide rear yard. All outside storage shall be screened from public view in accordance with Section 7.4 of the Unified Development Code. A buffer yard of 10 feet with five landscaping points would be required along the property lines abutting the "CG-1" General Commercial District.

Existing Land Uses & Zoning: The subject property is vacant and zoned "CG-1" General Commercial and designated for future light industrial uses. North and west of the subject property is zoned "IL" Light Industrial and is vacant land designated for future light industrial uses. South of the subject property across Saratoga Boulevard is zoned "IL" Light Industrial, consisting of commercial and vacant land use with a designation for future light industrial uses. East of the subject property is zoned "CG-1" General Commercial and consists of vacant land designated for future public/semi-public uses.

AICUZ: The subject property is **not** located in one of the Navy's Air Installation Compatibility Use Zones (AICUZ) but is adjacent to a Cabaniss Field "CZ" Clear Zone.

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 "IL" Light Industrial District is consistent with the Southside ADP and the adopted Future Land Use Plan's designation of the property as Light Industrial. Additionally, the following are pertinent elements of the Comprehensive Plan and should be considered:

- Corpus Christi Policy Statements, Policy d. under Military Installations recommends: "The City Policies concerning areas adjacent to military airports should be consistent with Air Installation Compatibility Use Zones (AICUZ).
 - o The subject property is not directly under the abutting AICUZ Clear Zone however, the property is still very close and abuts an AICUZ Clear Zone. A

Clear Zone is the closest AICUZ to the end of the airport runway and was purchased by the City to prevent incompatible development.

- The NAS Corpus Christi Joint Land Use Study (JLUS) shows that the subject property is under an area identified as a proposed Military Compatibility Overlay (MCA) area.
 - o The JLUS recommended that the City create a zoning district that addresses appropriate uses that fall under four categories described as: Vertical Obstruction Zone; Light Subzone; Safety Subzone and a Noise Subzone.
 - o The JLUS also showed that the subject property is in a location that could affect not only Cabaniss Field operations but also Corpus Christi International Airport. The Corpus Christi International Airport concern at this location is any light sources from property that could interfere with pilot or airport control tower operations.
 - o In response to the JLUS, the City in 2012, created the “IC” Industrial Compatible District to provide a Light Industrial District that would prevent uses currently allowed in the “IL” Light Industrial District which could create a density of people of more than 50 persons per acre or which could interfere with Navy flight operations.

Plat Status: The subject property will need to be replatted.

Department Comments:

- The property is served by a six lane arterial street that is fully improved and capable of providing adequate service for the proposed light industrial use.
- The property is served by an existing eight-inch water line that runs along the entire Saratoga Boulevard frontage.
- The property does not have access to an existing wastewater line, however there is an existing 20 inch wastewater line at the northeast corner of Saratoga Boulevard and State Highway 286, approximately 175 feet from the Subject Property. The City will determine if there is capacity in the existing wastewater line to serve the subject property during the replatting process.
- The property is suitable for industrial uses in terms of location on an arterial street, and the availability of utility services.
- The property to be rezoned is consistent with the Future Land Use Plan’s designation of the property with light industrial use.
- It is staff’s opinion that the proposed “IL” District rezoning could negatively impact the surrounding properties (Cabaniss Field) by allowing uses that could congregate large groups of people, i.e. businesses with more than 50 persons per acre or allow uses that could interfere with flight operations.
- The recently created Industrial Compatible District would allow the applicant’s desired use and would also be consistent with Joint Land Use Study (JLUS) recommendations for protecting Navy flight operations at Cabaniss Field.

Planning Commission and Staff Recommendation:

Denial of the change of zoning from the "CG-1" General Commercial District to the "IL" Light Industrial District and, in lieu thereof, approval of the "IC" Industrial Compatible District.

Vote Results:

For: Unanimous

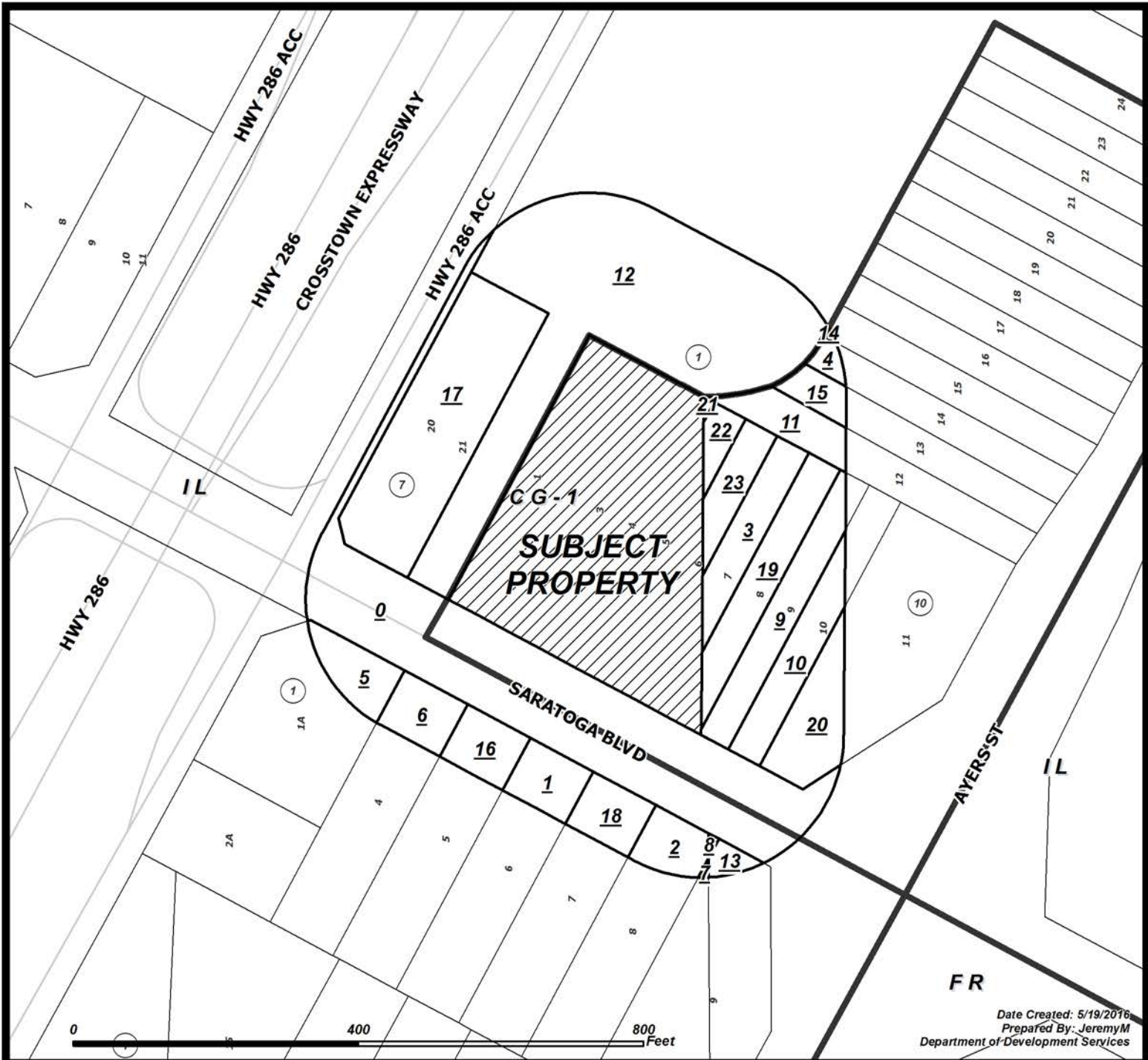
Opposed: 0

Absent: 0

Public Notification	Number of Notices Mailed – 8 within 200-foot notification area 3 outside notification area
	<u>As of June 20, 2016:</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
3. Public Comments Received (if any)



CASE: 0616-01 ZONING & NOTICE AREA

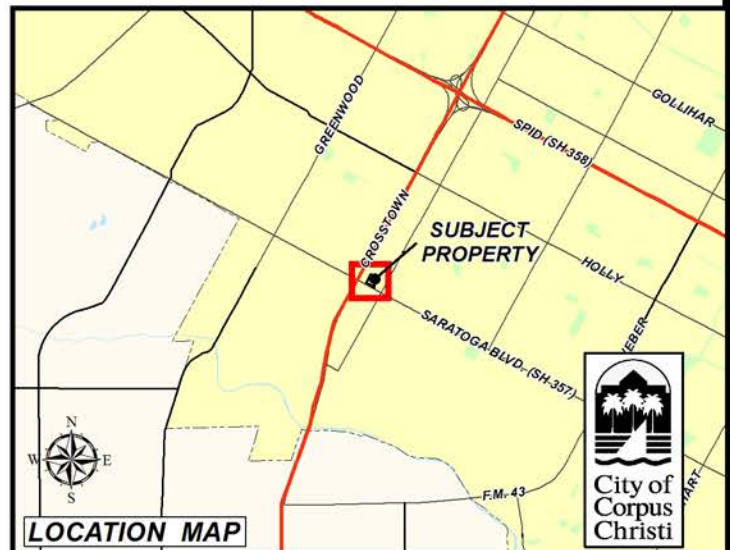
RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF 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 within 200' listed on attached ownership table

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.: 0616-01 Map No.: _____
PC Hearing Date: June 1, 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: Kitty Hawk Develop, LTD Contact Person: John Bratton
Mailing Address: 8230 S. Staples Street
City: Corpus Christi State: TX ZIP: 78413 Phone: 361,442-5067
E-mail: _____ Cell: 361,442-5067

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

3. Subject Property Address: Saratoga Near Ays Area of Request (SF/acre): 2.8 AC
Current Zoning & Use: CG-1 Proposed Zoning & Use: IL-Industrial
12-Digit Nueces County Tax ID: 7729-0010-0010
Subdivision Name: Saratoga Place Block: 10 Lot(s): 112
Legal Description if not platted: _____

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 (scaled 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 on behalf of the Property Owner(s); and the information provided is accurate.

Owner or Agent's Signature: John Bratton
Owner or Agent's Printed Name: JOHN BRATTON

Applicant's Signature: _____
Applicant's Printed Name: _____

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

16-100000016

LOTS 1-3, AND
PORTION OF
LOTS 4-9, 12.
SEE
SURVEY
ATTACHED.

23021. Staples St.

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.

Fencing Company with a 5,000±
SF Building and remainder
being outdoor storage/yard.

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

North - Farmland (vacant)
South - Farmland (vacant)
East - Farmland (vacant)
West - Formerly Police Sub-station



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: Kitty Hawk Development, LTD
STREET: 8230 Staples CITY: Corpus Christi 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)

None

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

None

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

None

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

None

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: JOHN BRATTON Title: Managing Member
(Print Name)
Signature of Certifying Person: [Signature] Date: May 4, 2016

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: Wayne Lundquist
 Mailing Address: 700 Everhart Rd., Suite F-11
 City: Corpus Christi State: TX Zip: 78411
 Home Phone: () N/A Business Phone: (361) 854-4448 Cell: (361) 510-7371

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: [Signature] Title: _____
 Printed/Typed Name of Agent: Wayne Lundquist Date: 5/4/16

*Signature of Property Owner: _____ Title: _____
 Printed/Typed Name of Property Owner: _____ Date: _____

*Signature of Property Owner: _____ Title: _____
 Printed/Typed Name of Property Owner: _____ Date: _____

*Signature of Property Owner: [Signature] Title: Managing Member
 Printed/Typed Name of Property Owner: JOHN BRATTON Date: May 3, 2016

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



SCALE 1" = 50'

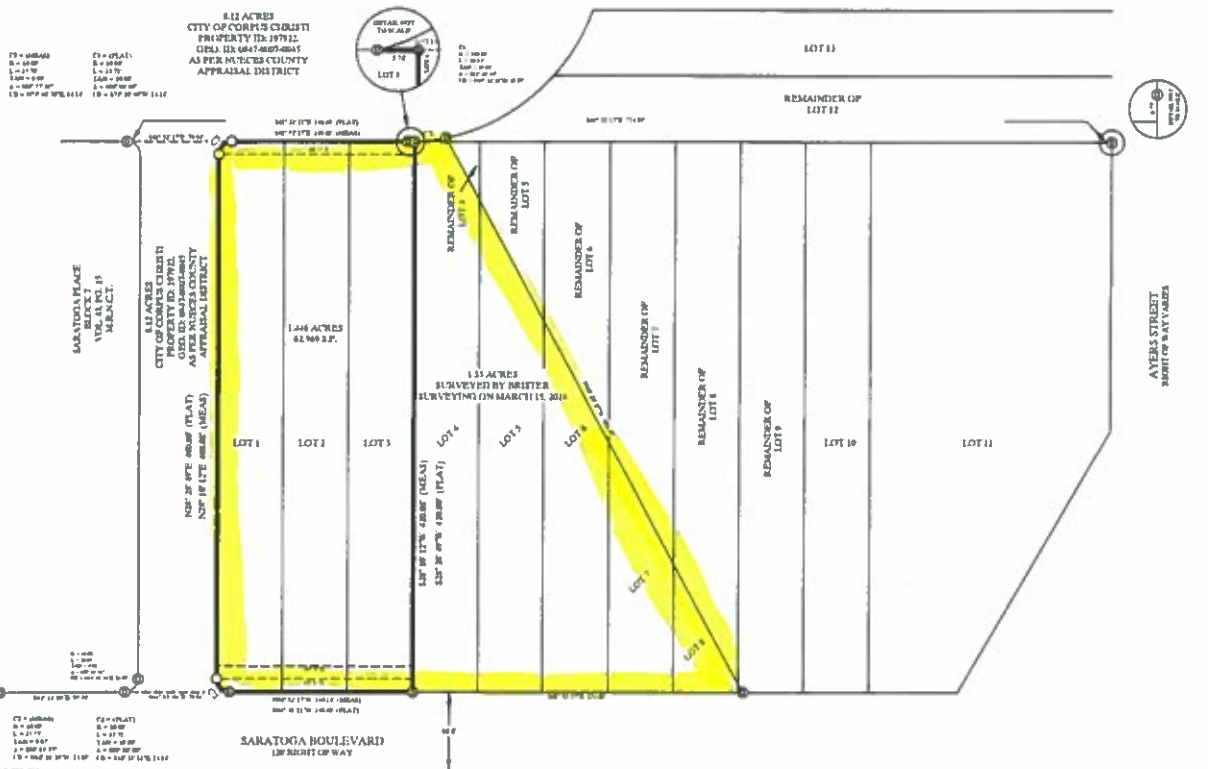
SURVEY OF
A 1.44 ACRES TRACT BEING ALL OF LOTS 1 - 5, BLOCK 16, SARATOGA PLACE, AS SHOWN
ON A MAP RECORDED IN VOLUME 56, PAGE 146, MAP RECORDS, ALBERTA COUNTY, TEXAS.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT



Brister Surveying

4010 Alameda Road, Suite 200
Dallas, Texas 75241
Phone: 972-495-0000
Fax: 972-495-0001
Email: brister@bristersurveying.com
Professional Surveyor No. 1007000



CT = 100.0000
S = 100.0000
E = 100.0000
N = 100.0000
W = 100.0000
SARATOGA PLACE
BLOCK 16
VOLUME 56, PAGE 146
ALBERTA COUNTY, TEXAS

CT = 100.0000
S = 100.0000
E = 100.0000
N = 100.0000
W = 100.0000
SARATOGA BOULEVARD
1/2 SECTION 16, T10N, R10E, S14E
ALBERTA COUNTY, TEXAS

CT = 100.0000
S = 100.0000
E = 100.0000
N = 100.0000
W = 100.0000
AYERS STREET
1/2 SECTION 16, T10N, R10E, S14E
ALBERTA COUNTY, TEXAS

- 5/8" 5" IRON ROD
- POLYHD 3/4" IRON ROD

NOTES:
1. TOTAL SURVEYED AREA IS 1.44 ACRES.
2. MEASURED BEARINGS ARE BASED ON CHORDAL
FUNCTIONING SYSTEM (NAD 83) USING DATUM
3. SET 5/8" IRON RODS IN CORNERS AND SET WHITE YELLOW
PLASTIC CAP LABELED BRISTER SURVEYING



THIS SURVEY WAS NOT IN A FORM THAT
RESEMBLES A SURVEYOR'S MAP OR A TRACT
OF LAND. IT IS NOT A TRACT OF LAND
OR A TRACT OF LAND. IT IS NOT A TRACT
OF LAND. IT IS NOT A TRACT OF LAND.

Donald E. Brister
Surveyor for Brister Surveying, P.C. & SONS, INC.

BY ORDER OF THE BOARD OF SURVEYING
AND MAPPING ENGINEERS, TEXAS
THE BOARD OF SURVEYING AND MAPPING
ENGINEERS, TEXAS
DATE: 03/11/2014
FILE NO: 1007000

FILE NO: 1007000

DATE: 03/11/2014

STATE OF TEXAS
COUNTY OF NUECES

Field notes of a 1.347 acre tract being out of Lots 4 - 9 and Lot 12, Block 10, Saratoga Place, as shown on a map recorded in Volume 50, Page 140, Map Records Nueces County, Texas. Said 1.347 acres also described in a deed recorded in Document No. 2011026100, Deed Records Nueces County, Texas. Said 1.347 acres being more particularly described as follows:

COMMENCING at the intersection of the northwest right of way of Ayers Street and the northeast right of way of Saratoga Boulevard, for the south corner of Lot 11, THENCE with the northeast right of way of Saratoga Boulevard, North $61^{\circ}52'17''$ West, a distance of 164.75 feet to a $5/8''$ iron rod found in the common line of Lot 9 and the northeast right of way of Saratoga Boulevard, for the south corner of this survey, and for the POINT of BEGINNING.

THENCE North $00^{\circ}20'27''$ West, a distance of 481.24 feet to a $5/8''$ iron rod set in the common line of Lot 12 and this survey, for the northeast corner of this survey, and for a point of curvature of a non tangent curve to the right having a radius of 150.90 feet.

THENCE with said curve, a chord bearing of North $67^{\circ}32'44''$ West, and a chord distance of 29.87 feet to a set $5/8''$ iron rod set for the northwest corner of this survey, from WHENCE a $5/8''$ iron rod found bears, North $61^{\circ}52'17''$ West, a distance of 214.17 feet.

THENCE South $61^{\circ}52'17''$ East, a distance of 29.92 feet to a $5/8''$ iron rod set for the common north corner of Lot 3 and Lot 4, and for an inside corner of the survey.

THENCE with the common line of Lot 3 and Lot 4, South $28^{\circ}10'12''$ West, a distance of 420.08 feet to a $5/8''$ iron rod set in the northeast right of way of Saratoga Boulevard, for the common south corner of Lot 3 and Lot 4, and for the west corner of this survey, from WHENCE a $5/8''$ iron rod found in the common line of the northeast right of way of Saratoga Boulevard and Lot 1 bears, North $61^{\circ}52'17''$ West, a distance of 140.14 feet.

THENCE with the northeast right of way of Saratoga Boulevard, South $61^{\circ}52'17''$ East, a distance of 253.65 feet to the POINT of BEGINNING of this tract, and containing 1.347 acres of land, more or less.

Notes:

- 1.) Bearings are based on Global Positioning System NAD 83 (93) 4205 Datum.
- 2.) A Map of equal date accompanies this Metes and Bounds description.
- 3.) Set $5/8''$ iron rod = iron rod set with yellow plastic cap labeled Brister Surveying.

I, Ronald E. Brister do hereby certify that this survey of the property legally described herein was made on the ground this day March 15, 2016 and is correct to the best of my knowledge and belief.

Ronald E. Brister

Ronald E. Brister, RPLS No. 5407
Date: March 17, 2016.



Job No. 16298



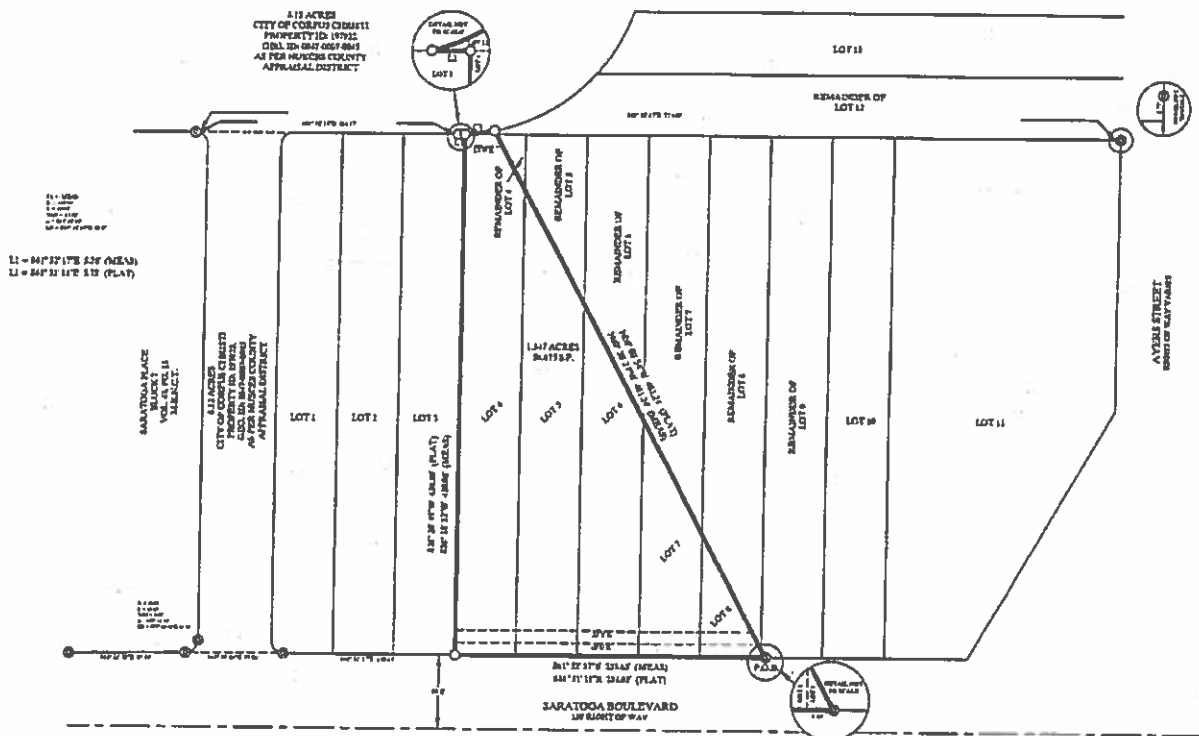
WITTS, DEBRA ANN SILVER FAMILY TRUST
C/F 300 4436144 4436144

SURVEY OF
A 1.311 ACRES TRACT BEING OUT OF LOTS 4 - 8 AND LOT 13, IN BLOCK 18, SARATOGA PLACE, AS SHOWN ON A MAP
RECORDED IN VOLUME 38, PAGE 148, MAP SUFFICIENT, HUNTER COUNTY, TEXAS, SAID 1.311 ACRES TRACT ALSO
DESCRIBED IN A DEED RECORDED IN INSTRUMENT NO. 89-10119, DEED RECORDS, HUNTER COUNTY, TEXAS.



Briser Surveying

1000 The Plaza, Suite 1000
Cape Canaveral, Florida 32911
Tel: 321-470-2000
Fax: 321-470-2000
E-mail: info@theplaza.com
Web: <http://www.theplaza.com>

[illegible]

4) VOR 17% PFL IM UNTERSCHIED
FÜR DIE 1981 PD HINZUNAHME

 = 1/2" DIA. IRON ROD
 = 1" DIA. IRON ROD

NOTES
1.) FOR ALL SURVEYS AREA IS 1.27 ACRES.
2.) MEASURED MEASUREMENTS ARE BASED ON ORIGINAL
FERTILIZATION SYSTEMS AND IN THE FUTURE.
3.) 1/2" 1/2" BROW ROAD AND BROW ROAD SET WITH YELLOW
PLASTIC CAP LAMINATED SURVEY.
4.) A NOTE AND BROW DESCRIPTION OF FLOW.
5.) IS A NOTE AND BROW DESCRIPTION OF FLOW.
6.) IS A NOTE AND BROW DESCRIPTION OF FLOW.

[illegible]

Ronald E. Berts
SPECIAL AGENT IN CHARGE

Page 10 of 10

LOG NO. 14394