

# Planning Commission Final Report

Case No. 0816-01

HTE No. 16-10000024

Planning Commission Hearing Date: August 24, 2016

Applicant & Legal Description	<b>Applicant/Owner:</b> Maria G. Lopez <b>Representative:</b> Maria G. Lopez <b>Legal Description/Location:</b> Being a 0.037 acre tract of land, described as the remainder of lot 2, Block 6 of the San Diego Addition Unit 1, located on the east side of Niagara Street between Guadalupe Street and Nogales Street.			
Zoning Request	<b>From:</b> "RS-6" Single-Family 6 District <b>To:</b> "CN-1" Neighborhood Commercial District <b>Area:</b> 0.037 acres <b>Purpose of Request:</b> To allow a fast food restaurant			
Existing Zoning and Land Uses		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
	<i>Site</i>	"RS-6" Single-Family 6	Vacant	Low Density Residential
	<i>North</i>	"RS-6" Single-Family 6/ "CN-1" Neighborhood Commercial	Low Density Residential / Commercial	Low Density Residential / Commercial
	<i>South</i>	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential
	<i>East</i>	"CN-1" Neighborhood Commercial	Vacant	Low Density Residential
	<i>West</i>	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential
ADP, Map & Violations	<b>Area Development Plan:</b> The subject property is located within the boundaries of the Westside Area Development Plan and is planned for low density residential uses. The proposed rezoning to the "CN-1" Neighborhood Commercial District is not consistent with the adopted Future Land Use Map but is consistent with the policies in the Westside Area Development Plan. <b>Map No.:</b> 047041 <b>Zoning Violations:</b> None			

Transportation	<b>Transportation and Circulation:</b> The subject property has approximately 90.03 feet of street frontage along Niagara Street. The applicant, who also owns the abutting Lot 1, intends on combining Lot 1 and 2. Lot 1 is on an existing local street, Guadalupe Street, with 59.56 feet of frontage and Lot 2 is on an existing arterial street, South Port Avenue, with 94.32 feet of frontage.				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume (2012)
	Niagara St.	Local Street	50' ROW 28' paved	50' ROW 28' paved	N/A
	South Port Avenue	A1	95' ROW 64' paved	98'ROW 85'paved	4,730 ADT

**Staff Summary:**

**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 the construction of a commercial use on Lot 2. The applicant also owns the abutting Lot 1 which is zoned a “CN-1” Neighborhood Commercial District and will combine Lot 1 and 2 for commercial use.

**Development Plan:** The applicant is proposing to develop a fast food establishment with a 243 square feet portable building that will have twelve parking spaces. The subject property will be required to maintain a 10 foot rear setback adjacent to the single-family dwellings and no setback along Niagara Street is required. A redevelopment type buffer yard shall be required along the rear property line.

**Existing Land Uses & Zoning:** The subject property is vacant and zoned “RS-6” Single-Family 6 District. The subject property to the north is a combination “RS-6” Single-Family 6 District and “CN-1” Neighborhood Commercial District. To the east is “CN-1” Neighborhood Commercial District and is a vacant property with an arterial access. The property to the south is zoned “RS-6” Single-Family 6 District and is occupied by two single-family residential houses. To the west is zoned “RS-6” Single-Family 6 where there are low density residential uses.

**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 Westside Area Development Plan (ADP). The proposed rezoning is not consistent with the adopted Future Land Use Plan's designation of the property as Low Density Residential but is consistent with the policies in the Westside Area Development Plan and the Corpus Christi Policy Statements. Additionally, the following are pertinent elements of the Comprehensive Plan should be considered:

- The proposed rezoning of "CN-1" Neighborhood Commercial District is following the guidance of the Westside ADP C.1 policy statement that says commercial activities should be placed at locations with good access and visibility. Its key objectives also state to achieve a harmonious arrangement of land uses to create a pleasant living and working environment.
- Commercial uses adjacent to existing or proposed residential areas should be buffered or use sensitive design. (Corpus Christi Policy Statements, Land Use, Residential Policy Statement c.)
- Incompatible industrial and commercial land uses should not abut residential areas... When these uses must abut residential areas, steps shall be taken to minimize conflicts, i.e., provision of open space, landscaping, screening fences, etc. (Corpus Christi Policy Statements, Land Use, Residential Policy Statement i.)

**Plat Status:** The subject property is platted, however, the property owner will be required to replat the entire ownership (Lots 1 and 2) to develop the restaurant use.

**Department Comments:**

- The proposed rezoning deviates from the Comprehensive Plan Future Land Use map as the Future Land Use Map recommends Low Density Residential uses.
- This location in combination with Lot 1 abuts a high-intensity arterial street where single-family uses are not recommended. The location is considered an "in-fill" development site since water, wastewater and stormwater utilities are available to serve the property.
- The location is also one block north from a park and could compliment the park by offering refreshments and food to park goers.
- The proposed rezoning of Lot 2 to the "CN-1" Neighborhood Commercial District will help to service the convenience shopping needs of the neighborhood while protecting the neighborhood from some of the heavier more intense uses permitted in the General Commercial Districts.
- The Zoning Map amendment, while not consistent with the Future Land Use map, is consistent with the policies in the Comprehensive Plan concerning efficient in-fill development, commercial uses to serve neighborhood needs, etc.
- The amendment is compatible with the present zoning and conforming uses of nearby property and to the character of the surrounding area.

- The property to be rezoned is suitable for uses permitted by the zoning district that would be applied by the proposed amendment.
- In staff's opinion the Zoning Map amendment does not have a negative impact upon the surrounding neighborhood.

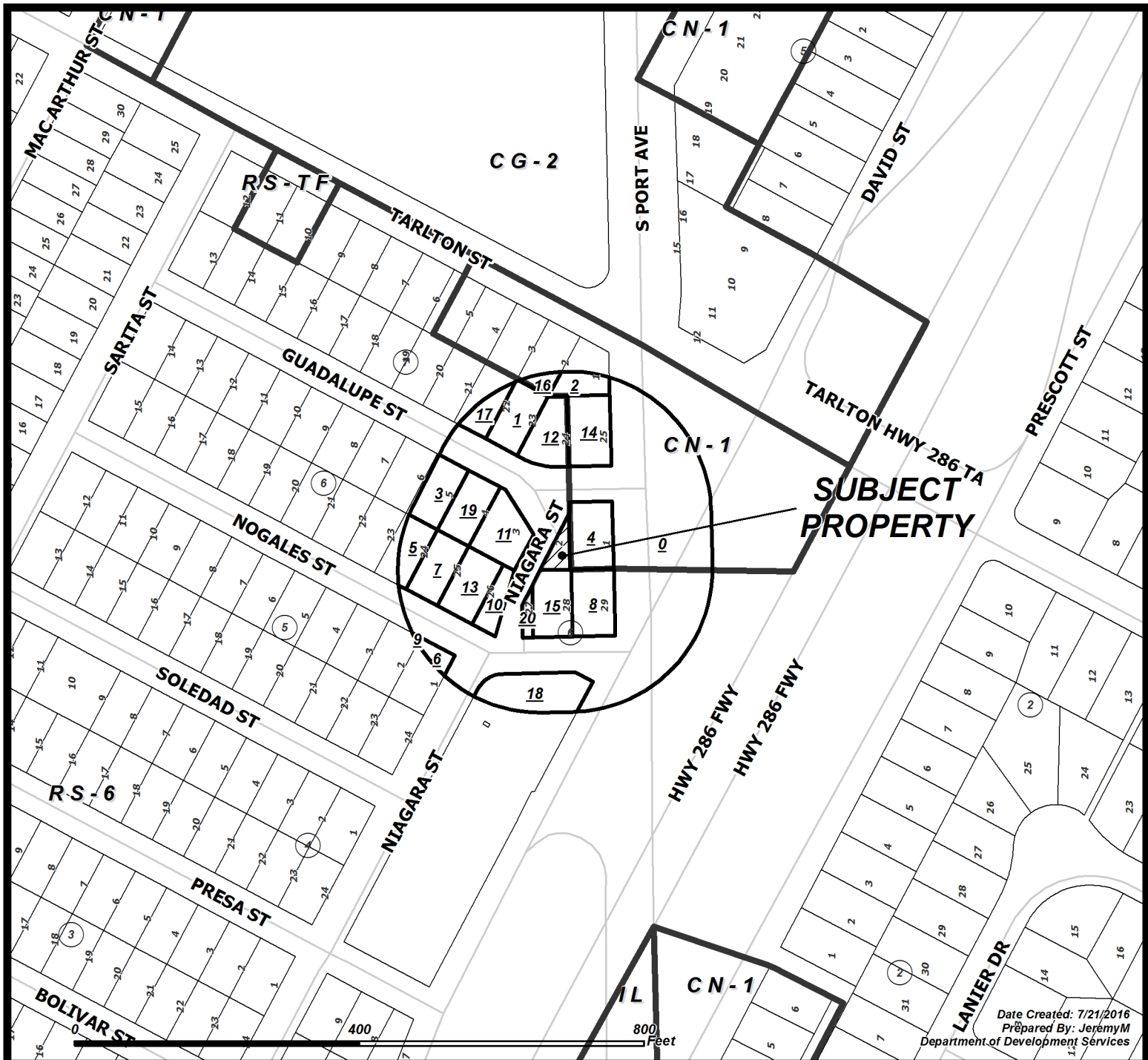
**Planning Commission and Staff Recommendation:**

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

<b>Public Notification</b>	Number of Notices Mailed – 20 within 200-foot notification area 6 outside notification area
	<b><u>As of August 30, 2016:</u></b>
	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: 0816-01

### 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



16-10000024



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.: 0816-01 Map No.: 047041

PC Hearing Date: 8/24/16 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: Tacos La Bamba Contact Person: Maria G. Lopez  
Mailing Address: 2414 Prescott st.  
City: Corpus Christi State: Texas ZIP: 78404 Phone: (361) 438-4287  
E-mail: \_\_\_\_\_ Cell: ( ) \_\_\_\_\_

2. Property Owner(s): Maria G. Lopez Contact Person: Maria G. Lopez  
Mailing Address: 2414 Prescott st.  
City: corpus Christi State: tx ZIP: 78404 Phone: ( ) \_\_\_\_\_  
E-mail: \_\_\_\_\_ Cell: ( ) \_\_\_\_\_

3. Subject Property Address: 3113 S. Port Area of Request (SF/acres): 3,868.18 SF  
Current Zoning & Use: RS-6 Empty Lot Proposed Zoning & Use: CN-1  
12-Digit Nueces County Tax ID: 7 6 1 4 \_ 0 0 0 6 \_ 0 0 1 0  
Subdivision Name: San Diego addition Unit 1 Block: 6 Lot(s): 2  
Legal Description if not platted: \_\_\_\_\_

4. Submittal Requirements:  
☐ Early Assistance Meeting: Date Held \_\_\_\_\_; with City Staff Leticia/Dobros  
☒ 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.

Maria G. Lopez  
Owner or Agent's Signature  
Maria G. Lopez  
Owner or Agent's Printed Name

Maria G. Lopez  
Applicant's Signature  
Maria G. Lopez  
Applicant's Printed Name

Office Use Only: Date Received: 6-21-16 Received By: BKP ADP: \_\_\_\_\_  
Rezoning Fee: 1107.50 + PUD Fee 0 + Sign Fee 30.00 = Total Fee 1137.50  
No. Signs Required 3 @ \$10/sign Sign Posting Date: \_\_\_\_\_

## 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.

The property its a two lots empty land with a total of .21 Acres.

Lot #1 its comertial zoning with 5670 square footage.

Lot #2 has 3,686.18 square footage and its current RS-6 zoning.

The purpose is to open a TOGO fast food establishment.

The proposal includes a potable building of 27' lenght by 9' widht; will have two handycap parking spaces and ten parking lots.

A certified Engineer and a construction company will be on charge of project development .

This establishment will operate seven days a week from 5:00 pm to 11:00 pm and will hire six new employees to begin with.

Please see attached floor plan.

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

North - Guadalupe St. (Market across st.)

South - two Residential houses

East - S. Port Ave

West - Niagara st. residential zone

STATE OF TEXAS

COUNTY OF NUECES

A 0.037 ACRES TRACT OF LAND, BEING THE REMAINDER OF LOT 2, BLOCK 6, OF THE SAN DIEGO ADDITION UNIT 1

Field notes of a 0.037 acres tract of land, being all of Lot 2, Block 6 of the San Diego Addition Unit 1, recorded in Volume 9, Page 21 of the Map Records of Nueces County, Texas; save and except a 0.110 acres tract of land out of said Lot 2, conveyed to the State of Texas by Deed recorded in Volume 1110, Page 383 of the Deed Records of Nueces County, Texas;

Said 0.037 acres tract is comprised of a portion of the Enriquez Villareal Survey, Abstract 1, is located within the City of Corpus Christi, in Nueces County, Texas, and is described by metes and bounds as follows:

**BEGINNING** at a 4 inch concrete monument with brass cap stamped "TEXAS HIGHWAY DEPARTMENT" found in the east line of Niagara Street, the east line of said Lot 2, and the west line of Lot 1, Block 6 of said addition, at an exterior east corner of said 0.110 acres tract, for the north corner of this tract;

Thence S 01°23'05" E along the west line of said Lot 1, the east line of said Lot 2, and the east line of this tract, a distance of 75.57 feet (called S00°56'10"E) to a point at the common corner of Lots 1, 2, 28 and 29, Block 6 of said addition, for the southeast corner of this tract;

Thence S 88°36'56" W along the north line of said Lot 28, the south line of said Lot 2, and the south line of this tract, a distance of 42.23 feet (called S89°03'50"W, 42.36') to a 5/8 inch iron rod found in the east line of said Niagara Street, at the southeast corner of said 0.110 acres tract, for the southwest corner of this tract;

Thence N 27°48'31" E along the east line of said Niagara Street, the southerly east line of said 0.110 acres tract and the west line of this tract, a distance of 86.57 feet (called N28°20'00"E, 86.64') to the **POINT OF BEGINNING**, containing 0.037 acres of land, more or less, subject to any and all easements and agreements of record.

Distances are at surface and Bearings in this description are based on a GPS survey conducted in the Texas Coordinate System, South Zone, NAD1983, in US Feet, with a Combined Scale Factor of 0.99998578.

I, Michael J. MacInnis, Registered Professional Land Surveyor of Texas, do hereby state that this description represents an actual survey made on the ground, under my direction, to the best of my knowledge and ability, this the 11<sup>th</sup> day of April, 2016. A signed and sealed Survey Plat accompanies this description.



A handwritten signature in black ink, appearing to read "M. J. MacInnis".

Registered Professional Land Surveyor  
Texas Registration No. 5874

160305-r1.doc



S. PORT AVENUE  
100' R-O-W

M. R., N. Co., TX.

50' R-O-W

○ Manhole-SW

Ramp

FND. DRILL HOLE  
IN CONCRETE

Curb Line

Drain

(N 89°03'50" E 60.00')

SET DRILL HOLE  
IN CONCRETE

④ FND, CAP

Drain

FND. CAP

NIAGARA STREET

(R.O.W. Varies)

Curb Line

Curb Line

1

Lot 29, Block 6  
Roland Martinez, et. ux.  
Clerk's File No. 2005034118  
O. P. R. N. Co., TX.

② "FND. CAP" DENOTES A  
FOUND 4" CONCRETE  
MONUMENT W/BRASS CAP  
STAMPED "TX. HWY. DEPT."

- 1) Distances are measured at surface and bearings are based on a GPS survey conducted in the Texas Coordinate System, South Zone NAD1983, in US Feet. Combined Scale Factor: 0.99998578.
- 2) There may be existing pipelines not shown on this map. Notify the Texas One Call System (811) to locate existing pipelines before performing any excavation on this property.
- 3) Determined by graphical methods only. This property lies within Flood Zone C, an area of minimal flooding, as shown on FEMA Flood Map No. 485464 016B C, dated July 18, 1985.

PLAT SHOWING SURVEY OF PROPERTY LOCATED AT  
3113 S. PORT AVENUE, CORPUS CHRISTI, TEXAS  
BEING THE REMAINDER OF LOT 2,  
BLOCK 6 OF THE SAN DIEGO ADDITION UNIT 1  
AS SHOWN ON MAP RECORDED IN VOLUME 9, PAGE 21  
OF THE MAP RECORDS OF NUECES COUNTY, TEXAS  
DEED RECORDED IN CLERK'S FILE NO. 2016000345 OF THE  
OFFICIAL PUBLIC RECORDS OF NUECES COUNTY, TEXAS  
SCALE 1" = 25 FEET

I, Michael J. MacInnis, Registered Professional Land Surveyor of Texas, do hereby state that this plat represents an actual survey made on the ground, under my direction, to the best of my knowledge and ability, this the 11th day of April, 2016. A signed and sealed metes & bounds description accompanies this plat.

**Native Survey Co.**  
7092 County Road 4167  
Taft, Texas 78390  
Phone/Fax: 361-528-4233  
Cell: 361-244-2043  
TX Firm No. 10044900



Registered Prof. Land Surveyor  
Texas Registration No. 5874

C:\Projects\2016\160305-r1



## 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: Tacos La Bamba

STREET: 3113 S. Port

CITY: Corpus Christi

ZIP: 78404

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: Maria G. Lopez  
(Print Name)

Title: Owner

Signature of Certifying Person: [Signature]

Date: 6/21/16

## 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: \_\_\_\_\_

Mailing Address: 2414 Prescott st.

City: Corpus Christi State: Texas Zip: 78404

Home Phone: (361- ) 438-4287 Business Phone: ( ) Cell: ( )

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: \_\_\_\_\_ Title: \_\_\_\_\_

Printed/Typed Name of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

\*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: \_\_\_\_\_ Title: \_\_\_\_\_

Printed/Typed Name of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

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