# PLANNING COMMISSION FINAL REPORT

Case No.: 1216-01 Infor No. 16ZN1002

Planning Commission Hearing Date: December 14, 2016

Applicant & Legal Description	<ul> <li>Applicant/Representative: Rick Mostaghasi</li> <li>Owner: AEL Development LLC</li> <li>Location: 4222 Airline Road</li> <li>Legal Description: A 1.994 acre tract of land of a portion of Flour Bluff and Encinal Farm and Garden Tracts, Section 25, Lots 15 and 16 and a 22.651 acre tract of land of a portion of Flour Bluff and Encinal Farm and Garden Tracts, Section 25, Lots 15 and 16, located on the northeast corner of Yorktown Boulevard and Airline Road.</li> </ul>						
Zoning Reques <mark>t</mark>	<ul> <li>From: "RE" Residential Estate District and "FR" Farm Rural District</li> <li>To: "RS-6" Single Family Residential District</li> <li>Area: 24.645 acres</li> <li>Purpose of Request: To develop 120 lots into single family residential homes that range between 2,200 to 2,500 square feet.</li> </ul>						
		Existing Zoning District	Existing Land Use	Future Land Use			
Existing Zoning and Land Uses	Site	"RE" Residential Estate District "FR" Farm Rural District	Vacant Drainage Corridor	Mixed Use Permanent Open Space			
	North	"RS-6" Single Family Residential District	Park Low Density Residential	Permanent Open Space Medium Density Single Family Residential			
	South	"RS-6" Single Family Residential District "RS-4.5" Single Family Residential District	Park Low Density Residential	Permanent Open Space Medium Density Single Family Residential Mixed Use			
	East	"FR" Farm Rural District	Vacant Drainage Corridor	Medium Density Single Family Residential			
	West	"CG-2" General Commercial District	Vacant	Mixed Use			

ADP, Map & Violations	Area Development Plan: The subject property is located within the boundaries of the Southside Area Development Plan (ADP) and is planned for permanent open space and mixed uses. The proposed rezoning to the "RS-6" Single Family Residential District is not consistent with the adopted Plan CC Future Land Use map. Map No.: 042030 Zoning Violations: None					
Transportation	<b>Transportation and Circulation</b> : The subject property has approximately 600 feet of street frontage along Yorktown Boulevard, which is an "A3" Primary Arterial street. The maximum average daily trips for an "A3" is 30,000 to 48,000. The subject property also has approximately 1,300 feet of street frontage along Airline Road Drive and 130 feet of street frontage to Rodd Field Road, which is "A3" Primary Arterial street.					
Ň	Street	Urban Transportation Plan Type	Existing Section	Traffic Volume		
Street R.O.W.	Yorktown "A3" Primary Arterial Boulevard Divided Street		80' ROW 40' paved	145' ROW 20' paved	Information Unavailable	
Str	Rodd Field Road	"A3" Primary Arterial Divided Street	80' ROW 40' paved	90' ROW 50' paved	Information Unavailable	

## Staff Summary:

## **Requested Zoning:**

The applicant is requesting a change of zoning from the "RE" Residential Estate District and "FR" Farm Rural District to "RS-6" Single Family Residential District to develop single family residential homes.

## **Development Plan:**

The applicant proposes to rezone the subject lot, to the "RS-6" Single Family Residential District. The lot is 24.645 acres. The purpose of the rezoning is to develop 120 lots into single family residential homes between 2,200 and 2,500 square feet.

# **Existing Land Uses & Zoning:**

To the north the zoning is "RS-6" Single Family Residential District with a low density residential use. South is zoned "RS-6" Single Family Residential District and "RS-4.5" Single Family Residential District with low density residential uses. East of the subject property the zoning is "FR" Farm Rural District with a vacant use. The lot to the west is zoned "CG-2" General Commercial District and is also vacant. There is a current land use of a drainage corridor that runs along the north of the property.

# 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 platted.

**Plan CC & Area Development Plan Consistency**: The subject property is located within the boundaries of the Southside ADP. The proposed rezoning to the "RS-6" Single Family Residential District is inconsistent with Plan CC and the Future Land Use Map which identifies the area as Mixed Use. Additionally, the following are pertinent elements of Plan CC and the Southside ADP that should be considered:

- Quality housing meets the diverse needs of households at all income levels and all stages of the lifecycle. Support the planning, regulatory and funding initiatives needed to provide a diversity of housing types – rental and ownership, market-rate and assisted – to meet community needs. (Plan CC, Goal 2, page 12)
- Encourage orderly growth of new residential, commercial and industrial areas. (Plan CC, Goal 1, Strategy 4, page 50.)
- Promote a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses based on compatibility, locational needs, and characteristics of each use. (Plan CC, Goal 1, Strategy 5, page 50.)

## **Department Comments**:

- The proposed rezoning is of similar use to the properties to the north and south of the subject property.
- The potential for the property could be utilized at a higher density to serve the proposed extension of Del Mar College to the west of the property.
- The proposed use is consistent with the deed restriction for residential use only, created in 2002.

## Planning Commission and Staff Recommendation (December 14, 2016):

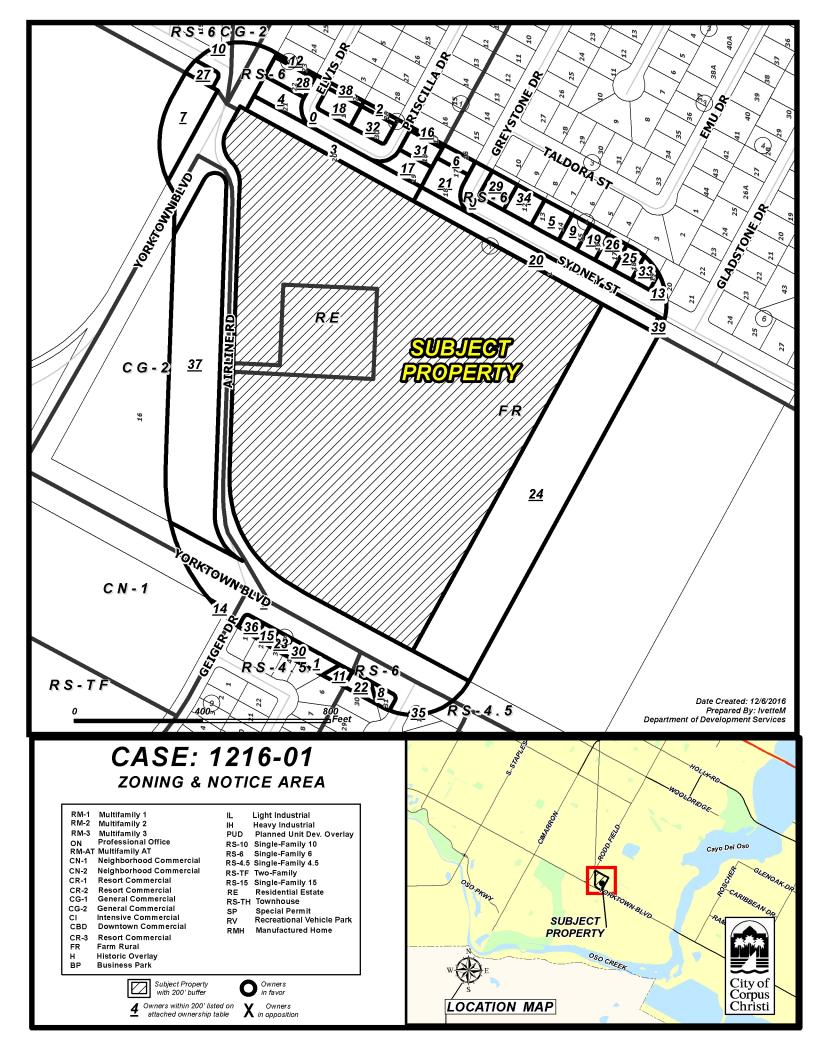
Approval of the change of zoning from the "FR" Farm Rural District and "RE" Residential Estate District to "RS-6" Single Family Residential District.

Vote Results: For: 6 Opposed: 2 Absent: 1

Absent:	
	Number of Notices Mailed – 37 within 200' notification area;
Public lotification	4 outside notification area
atic	As of January 5, 2017:
ld i	In Favor – 1 (inside notification area); 0 (outside notification area)
ĔĹ	In Opposition – 0 (inside notification area); 0 (outside notification area)
ž	
	For 0.00% in opposition.

### Attachments:

- 1. Location Map (Existing Zoning & Notice Area)
- 2. Application
- 3. Returned Opposition/Support (if any)



		16 ZN 100
CORPUS CHAP		<b>REZONING APPLICATION</b>
	nly	Case No.: Map No.:
¥	se O	PC Hearing Date:Proj.Mgr:
Development Services Dept. P.O. Box 9277	Office Use Only	Hearing Location: City Hall. Council Chambers. 1201 Leopard Street         Hearing Time:       5:30 p.m.
Corpus Christi, Texas 78469-9277 (361) 826-3240 Located at 2406 Leopard Street	Off	* A MAXIMUM OF FIVE REZONINGS CASES ARE SCHEDULED PER HEARING. * INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.
1. Applicant: A.e. Deve	bp	mentll Contact Person: Rick Mostahas
Mailing Address: 4833	są	ratosa BIVD PM5423, CCTX, 78412
E-mail:		State: X ZIP: 78413 Phone: (36+) 765-7241
	U A	Cell: (36 745-724) Alleh Azali Hatani Fardy
2. Property Owner(s): 2104	MA	zali, leylah Azali Kontact Person: _ Rick Mostachas.
		rege Bludphy 6/23,
City: COPUT Chiest		State: TX_ZIP: 78413 Phone: (341) 765-7241
		Cell: (361) 765-7241
3. Subject Property Address:		Area of Request (SF/acres): 28.9767
Current Zoning & Use:	<u>UN</u>	CIFIZ Proposed Zoning & Use: RSCEPor Ceopos Sqff both
12-Digit Nueces County Tax ID: 2	_	_
		97 ACS OUT LTS 158 6 Sec 25
		THIS OWN CIS IS AND SHE CS
4. Submittal Requirements:	ata Hak	
Land Use Statement	] Disc	d; with City Staff; osure of Interest Copy of Warranty Deed
IF APPLICABLE:	lin in or	
Metes & Bounds Description with	h exhib	it if property includes un-platted land (sealed by RPLS)
Appointment of Agent Form if la	ndowne	er is not signing this form
(. oral	Corpus alf of th	Christi with a <i>complete</i> application for review; that I am authorized to initiate this rezoning e Property Owner(s); and the information provided is accurate.
Owner or Agent's Signature		Applicant's Signature
Owner or Agent's Printed Name		Applicant's Printed Name
Office Use Only: Date Received:		Received By: ADP:
Rezoning Fee:+ P	UD Fee	=+ Sign Fee= Total Fee
No. Signs Required@ \$10/sig	jn	Sign Posting Date:
DEVELOPMENTSVCS\SHARED\LAND DEVELOPMENT\A	DOLICATI	

Form Revised 5/12/2015

# 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 purpose of this property is to build new home between 220059Ft to 2500 Sqft.

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

North	
South	
East	
West	

C \USERS\TANYAR.000\DESKTOP\DAILY USE\ANNIKA\LAND USE STATEMENT FOR ZONING.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: Rick Hame Mostachas
Mailing Address: 4833 Savatoge BID Pm5 423
City: Corper Chiti State: TX Zip: 7843
Home Phone: 301 705-726 usiness Phone: (1) Cell: (1)

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.

the state of the state of the child state of the child state of the st
*Signature of Agent: Rick Mostachas Title: Asent
Printed/Typed Name of Agent: Hamed Rick Mostaghasi Date: 1113/214
*Signature of Property Owner: Elham Azali E.m. Title: ShareHolder
Printed/Typed Name of Property Owner: <u>Elhan Arcali</u> Date: <u>113216</u> Suylah Bail.
*Signature of Property Owner: 1eylah Azali Title: Shauttolder
Printed/Typed Name of Property Owner: leylah Acai Date: 11312016
*Signature of Property Owner: Alyen Azali Hatani Fardy Shane Holder
Printed/Typed Name of Property Owner: Alson Angli Hatan Fardy 11/3/2014

\*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).

Property Address: 2
Legal Description (Subdivision, Lot, Block): 28,9147 ACS OUT CTS 158 16 Sec 25
Applicant Name: ARI Development
Applicant Name: All Development Address: 4833 Souratosa BIN Pmb 123 City/State/Zip: CCTY, 78413
Telephone: <u>3lel-165-7211</u> Email: ]
Application Status (Select One): Rezoning Site Plan_Street Closure
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 28.94 KeandFR VACEN

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
28.974.	-2		NewHo	mer				-
					Total		Total	

Abutting Streets

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

For City	
A Traffic Impact Analysis IS required. The cons	ultant preparing the TIA must meet with
the City to discuss the scope and requirements o	f 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	r the following reason(s):
Reviewed By:	Date:

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.

MURRAY BASS, JR., P.E., R.P.L.S. NIXON M. WELSH, P.E., R.P.L.S. www.bass-welsh.com 3054 S. ALAMEDA, ZIP 78404 361 882-5521~ FAX 361 882-1265 e-mail: murrayjr@aol.com e-mail: nixmw@aol.com

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

November 2, 2016 12040-M&B-Tract 1.doc

#### TRACT 1 RE to RS-6 Zoning

STATE OF TEXAS §

#### COUNTY OF NUECES §

Description of a 1.994 acre tract of land, more or less, for RS-6 zoning, a portion of Lots 15 and 16, Section 25, 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 28.9767 acre tract of land described by deed recorded at Document No. 2012015834, Official Records of said county, said 1.994 acre tract of land as further described by metes and bounds as follows:

BEGINNING at a point in the east right-of-way line of Airline Road for the northernmost west corner of the tract herein described which bears S02°26'06"W 635.86' from the point of intersection of said east right-of-way line of Airline Road and the southwest boundary line of a 135.00' wide drainage right-of-way described by deed recorded at Volume 2005, Page 880, Deed Records of said county;

THENCE S87°02'53"E 156.44' to a point for interior southwesterly corner of the tract herein described;

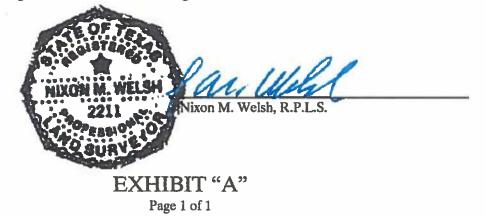
THENCE N02°57'07"E 250.56' to a point for north central corner of the tract herein described;

THENCE S87°02'53"E 295.84' to a point for the northeast corner of the tract herein described;

THENCE S02°57'07"W 278.68' to a point for the southeast corner of the tract herein described;

THENCE N87°02'53"W 452.03' to a point in said east right-of-way line of Airline road for the southwest corner of the tract herein described;

THENCE N02°26'06"E 28.11' along said east right-of-way line of Airline Road to the POINT OF BEGINNING, a sketch showing said 1.994 acre Tract 1 being attached hereto as Exhibit "C".



NMW: sab

MURRAY BASS, JR., P.E., R.P.L.S. NIXON M. WELSH, P.E., R.P.L.S. www.bass-welsh.com 3054 S. ALAMEDA, ZIP 78404 361 882-5521~ FAX 361 882-1265 e-mail: murrayjr@aol.com e-mail: nixmw@aol.com

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

November 3, 2016 12040-M&B-Tract 2.doc

#### TRACT 2 FR to RS-6 Zoning

STATE OF TEXAS

§

#### COUNTY OF NUECES §

Description of a 22.651 acre tract of land, more or less, for RS-6 Zoning, a portion of Lots 15 and 16, Section 25, 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 28.9767 acre tract of land described by deed recorded at Document No. 2012015834, Official Records of said county, said 22.651 acre tract of land as further described by metes and bounds as follows:

BEGINNING at the point of intersection of the southeast boundary line of said Lot 15 and the southwest right-of-way line of a 135' wide drainage right-of-way described by deed recorded at Volume 2005, Page 880, Deed Records of said county, said beginning point for the easternmost corner of the tract herein described; said beginning point bears S29°00'00"W 130.43' from the common easternmost corner of said Lot 15 and northernmost corner of Lot 14, said Section 25, Flour Bluff and Encinal Farm and Garden Tracts;

THENCE S29°00'00"W 1149.57' to a point in the northeast right-of-way line of Yorktown Boulevard for the southernmost corner of the tract herein described;

THENCE N61°00'00"W 646.46' along said northeast right-of-way line of Yorktown Boulevard, being along a line 40.00' northeast of and parallel to the southwest boundary line of said Lot 15, to the point of intersection of said northeast right-of-way line of Yorktown Boulevard and the east right-of-way line of Airline Road, a 60' road right-of-way, for the westernmost south corner or southwest corner of the tract herein described, said southwest boundary line of Lot 15 being the center line of a public road along the half-section line of said Section 25;

THENCE along said east right-of-way line of Airline Road N02°26'06"E 621.29' to a point for west central corner of the tract herein described;

THENCE to interior northwesterly or central corners of the tract herein described as follows:

S87°02'53"E 452.03'; N02°57'07"E 278.68'; N87°02'53"W 295.84', and; S02°57'07"W 250.56';

THENCE N87°02'53"W 156.44' to a point in said east right-of-way line of Airline Road for west central corner of the tract herein described;



Metes and Bounds Description, 22.651 Acre Tract 2, November 3, 2016, Continued;

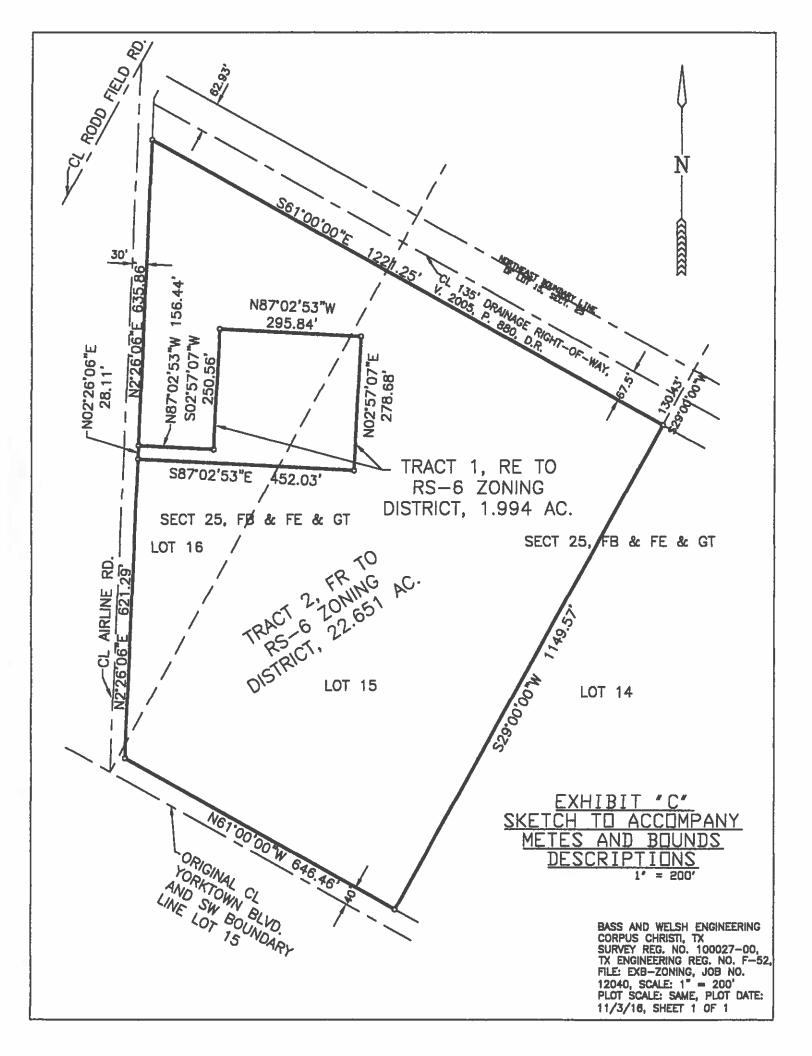
THENCE N02°26'06"E 635.86' along said east right-of-way line of Airline Road to a point for the northernmost corner or northwest corner of the tract herein described at the point of intersection of said east right-of-way line of Airline Road and the southwest right-of-way line of said 135' wide drainage right-of-way;

THENCE along said southwest right-of-way line of 135' wide drainage right-of-way S61°00'00"E 1221.25' to the POINT OF BEGINNING, a sketch showing said 22.651 acre Tract 2 being attached hereto as Exhibit "C".



NMW: sab

# EXHIBIT "B" Page 2 of 2



NAME: STREET: 42335 FIRM is: Ocorporation	Development 2440ga BID CITY:	12, as amended, requires all persons or firms seeking the following information. Every question must be
	DISCLOSURE QU	ESTIONS
If additional space is ne	cessary, please use the reverse side of	
1. State the names	of each "employee" of the City of	Corpus Christi having an "ownership intercet"
Name	more of the ownership in the above	Job Title and City Department (if known)
2. State the names constituting 3% or Name	of each "official" of the City of more of the ownership in the above	Corpus Christi having an "ownership interest" named "firm". Title
3. State the names or constituting 3% or Name	f each "board member" of the City of more of the ownership in the above	of Corpus Christi having an "ownership interest" named "firm". Board, Commission, or Committee
on any matter relat	each employee or officer of a "cons red to the subject of this contract an ship in the above named "firm".	ultant" for the City of Corpus Christi who worked d has an "ownership interest" constituting 3% or Consultant
Certifying Person:	the City of Corpus Christi, Texa	he date of this statement, that I have not knowingly plemental statements will be promptly submitted to s as changes occur.
Signature of Certifying Pe	t. m. X:	Title: Manager of Ael Denepor Date: Oct 131/2016

K UDEVELOPMENTSVCS/SHARED/LAND DEVELOPMENT/APPLICATION FORMS/REZONING/DISCLOSURE OF INTERESTS STATEMENT\_5 12 2015.DOC

To whom it may concern: The City of Corpus Christi

On behalf of AEL Development, we plan of developing the land on Yorktown Blvd. and building new homes.

Thank you Hamed R Mostaghasi Rick's Homes LLC November 7, 2016 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 commission 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.

## CITY PLANNING COMMISSION PUBLIC HEARING NOTICE Rezoning Case No. 1216-01

<u>Ael Development LLC</u> has petitioned the City of Corpus Christi to consider a change of zoning from the <u>"RE" Residential Estate District and "FR" Farm Rural District</u> to the <u>"RS-6" Single Family Residential</u> <u>District.</u> The property to be rezoned is described as:

A 1.994 acre tract of land of a portion of Lots 15 and 16, Section 25, Flour Bluff and Encinal Farm and Garden Tract and a 22.651 acre tract of land of a portion of Lots 15 and 16, Section 25, Flour Bluff and Encinal Farm and Garden Tracts.

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 <u>Wednesday, December 14, 2016</u>, during one of the Planning Commission's regular meetings, which begins at <u>5:30 p.m.</u>, 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: SHEREY HALBROOK	
	_City/State: Corpus Christi, TX
(V) IN FAVOR () IN OPPOSITION	City/State: Corpus Christi, TX Phone: 361-993-8863 78414
REASON: if something has to go there. I gue	ess single family is the
best option. I am concerned about the	e drainage though, if the
Contruction will create more drainage	to the detch.
SEE MAP ON REVERSE SIDE	Halbrook 12-9-16 Case No. 1216-01
Property Owner ID: 29 Infor No. 16ZN1002	Case No. 1216-01 Project Manager: Laura Sheldon

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



29 301300040110 HALBROOK ROBERT S AND SHE 7302 SYDNEY STREET CORPUS CHRISTI, TX 78412

