

STAFF REPORT

Case No. 0317-03
INFOR No. 17ZN1005

Planning Commission Hearing Date: May 3, 2017

Applicant & Legal Description	<p>Owner: Bruce Callaway Applicant/Representative: Bruce Callaway Location Address: 4502 Kasper Street Legal Description/Location: A 2.95 acre tract of land being the Easterly 205 feet of Lot Two (2), W. C. Lowery Park, a Subdivision of Corpus Christi, Nueces County, Texas, located along the south side of Gollihar Road east of the intersection with Kasper Street, east of Carroll Lane, and west of Weber Road.</p>			
Zoning Request	<p>From: "RS-6" Single-Family 6 District To: "CG-2" General Commercial District Area: 2.95 acres Purpose of Request: To allow for the construction of a mini-storage business.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"RS-6" Single-Family 6	Park	Permanent Open Space
	<i>North</i>	"RS-6" Single-Family 6	Low Density Residential	Low Density Residential
	<i>South</i>	"RS-6" Single-Family 6	Park	Permanent Open Space
	<i>East</i>	"RS-6" Single-Family 6	Park	Permanent Open Space
	<i>West</i>	"RS-6" Single-Family 6	Park and Low Density Residential	Permanent Open Space and Low Density Residential
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Southeast Area Development Plan and is planned for permanent open space uses. The proposed rezoning to the "CG-2" General Commercial is inconsistent with the adopted Future Land Use Map and the Southeast Area Development Plan. Map No.: 045038 Zoning Violations: None</p>			
Transportation	<p>Transportation and Circulation: The subject property has approximately 205 feet of street frontage along Gollihar Road which is designated as an "A1" Minor Arterial Street.</p>			

Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Gollihar Road	"A1" Minor Arterial	95' ROW 64' paved	82' ROW 60' paved	12,541 ADT (2014)

Staff Summary:

Requested Zoning: The applicant is requesting a rezoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District to allow for the construction of a mini-storage business.

Development Plan: The subject property is comprised of 2.95 acres and is proposed to be developed as a mini-storage business.

Existing Land Uses & Zoning: The subject property is zoned "RS-6" Single-Family 6 District. The subject property is the former site of little league baseball fields. The recreational activities have ceased for at least the last five years. To the north and east, across Gollihar Road and Kasper Street are single-family residences and zoned "RS-6" Single-Family 6 District. To the west is a property know as Price Field and is zoned "RS-6" Single-Family 6 District. Price Field is defined as a Special Use Park as per the 2012 Parks Master Plan. To the south, are various football fields zoned "RS-6" Single-Family 6 District and owned by the Southside Youth Football League, Inc.

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

Plat Status: The property is platted.

PlanCC & Area Development Plan Consistency: The subject property is located within the boundaries of the Southeast Area Development Plan (ADP). The proposed rezoning to the "CG-2" General Commercial District is inconsistent with the adopted Southeast ADP. The proposed rezoning is inconsistent with the following policies of the Comprehensive Plan:

- Encourage the protection and enhancement of residential neighborhoods (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- 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 (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Support the separation of high-volume traffic from residential areas or other noise-sensitive land uses (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Placing low intensity activities next to single family uses (Policy Statement B.2.c).

Department Comments:

- The proposed rezoning is incompatible with PlanCC and the Southeast Area Development Plan. However, the proposed rezoning is compatible with neighboring properties and with the general character of the surrounding area.
- The “CG-2” District allows for multifamily residential, retail, and public uses by right. Placing these types of uses on the site of a former landfill would need to be deemed safe by the TCEQ.
- The “CG-2” District opens the possibility of more intense commercial uses across the street from single-family residences. Impact of potential “CG-2” uses could have a negative effect the sports complex at Price Field. Examples of more intense land uses allowed in the “CG-2” District are: Multifamily Residential, Offices, Retail, Restaurants, Bars/Nightclubs, Vehicles Sales, and Vehicle Repair Businesses.
- No other “CG-2” District properties are located within the vicinity of the subject property. The closest “CG-2” District Properties are at the intersection of Gollihar Road and Kostoryz Road (HEB) at 0.65 miles away and the former site of Parkdale Plaza (Wal-Mart) at 0.89 miles away. The property has been a park or center for field sports since 1969.
- The subject property is the site of a former landfill. The currently recorded plat of the property mentions the sanitary fill area and the potential settlement and gas hazard. The plat further states that no structures are to be erected without permission of City staff. The Texas Commission of Environment Quality (TCEQ) will need to be consulted to ascertain if any environmental hazard still exists. Appropriate measures would need to be taken by the owner to ensure the health and safety of adjoining properties.
- However, the “CN-1” Neighborhood Commercial District does also open the possibility of more intense commercial uses adjacent to single-family residences. Examples of uses allowed in the “CN-1” District are: Multifamily Residential, Offices, and Retail Businesses. Bars, Pubs, and Taverns are prohibited in the “CN-1” District.
- Approximately 0.25 miles to the east are other properties zoned “CN-1” Neighborhood Commercial District located at the intersection of Gollihar and McArdle Roads.
- A change of zoning the “CN-1” Neighborhood Commercial District with Special Permit with conditions would allow for the mini-storage use and the commercial district with less intense commercial uses.

Staff Recommendation:

Denial of the change of zoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District, in lieu thereof approval of the “CN-1/SP” Neighborhood Commercial District with a Special Permit (SP) with the following conditions.

1. **Use:** The only use allowed on the Property other than uses permitted in the base zoning districts is a mini-storage facility.
2. **Hours of Operation:** The hours of operation shall be limited from 7:00 AM to 10:00 PM. Activity within the mini-storage facility, except for routine employee activity, shall cease after 10:00 PM. A gated entry and security monitors for the mini-storage facility are required to be installed, remain in place, and maintained.

3. **Lighting:** All security lighting must be shielded and directed away from abutting residences, athletic fields, parks, and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line near all public roadways, athletic fields, parks, and residential development.
4. **Buffer Yard:** A 15-foot wide buffer yard and 15 buffer yard points shall be required along the property boundaries adjacent to residential zoning districts. Canopy trees of 2.5-inch caliper shall be planted every 30 feet on center within the buffer yard.
5. **Vehicular Access:** No vehicular access to or from Kasper Street.
6. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, and Building and Fire Code Requirements.
7. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within twelve (12) months of this ordinance, unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

Public Notification	Number of Notices Mailed – 14 within 200-foot notification area 4 outside notification area
	<u>As of April 28, 2017:</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. Public Comments Received (if any)