## PLANNING COMMISSION FINAL REPORT

**Case No.** 0917-03 **INFOR No.** 17ZN1030

Planning Commission Hearing Date: September 20, 2017

<b>Applicant</b>	& Legal	escription
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**Owner:** Mostaghasi Investment Trust

Applicant/Representative: Mostaghasi Investment Trust

Location Address: 5842 Yorktown Boulevard

**Legal Description:** Kings Point Unit 6, Block 1, Lot 1, located on the north side of Yorktown Boulevard, east of Gingerberry Drive and west of Lorie Boulevard.

Zoning Request From: "RS-6" Single-Family 6 District

To: "CN-1" Neighborhood Commercial District

Area: 6.85 acres

Purpose of Request: To allow for the construction of a retail shopping center.

		Existing Zoning District	Existing Land Use	Future Land Use
_	Site	"RS-6" Single-Family 6	Vacant	Commercial
g and s	North	"RS-6" Single-Family 6	Low Density Residential	Medium Density Residential
Existing Zoning Land Uses	South	"RS-6" Single-Family 6 and "CN-1" Neighborhood Commercial	Low Density Residential, Public/Semi- Public, and Commercial	Medium Density Residential, Government, and Commercial
Ē	East	"CN-2" Neighborhood Commercial	Commercial	Commercial
	West	"CG-2" General Commercial	Commercial and Vacant	Commercial

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 consistent with the adopted Future Land Use Map which calls for commercial uses.

**Map No.**: 044031

Zoning Violations: None

**Transportation** 

**Transportation and Circulation**: The subject property has approximately 760 feet of street frontage along Yorktown Boulevard which is designated as an "A3" Primary Arterial Divided Street and approximately 394 feet along Gingerberry Drive which is designated as a Local/Residential Street.

.o.w.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
Street R.(	Yorktown Boulevard	"A3" Primary Arterial	130' ROW 79' paved	130' ROW 103' paved	14,279 ADT (2013)
Str	Gingerberry Drive	Local/Residential	50' ROW 28' paved	63' ROW 43' paved	N/A

## **Staff Summary**:

**Requested Zoning**: The applicant is requesting a rezoning from the "FR" Farm Rural District to the "CN-1" Neighborhood Commercial District to allow for the construction of a retail shopping center.

**Development Plan:** The subject property is comprised of 6.85 acres and is proposed to be a retail shopping center.

Existing Land Uses & Zoning: The subject property is currently zoned "RS-6" Single-Family 6 District and is vacant land. To the north are single-family residences (Kings Point Unit 6 Subdivision) zoned "RS-6" Single-Family 6 District. Kings Point Unit 6 Subdivision was zoned to the "RS-6" Single-Family 6 District is 2005 and the homes that share a property line with the subject property were constructed between 2009 and 2011. To the east, rezoning cases occurred to the "CN-1" Neighborhood Commercial District in 2014 and the "RS-TF" Two Family District in 2004 for the construction of a small shopping center. To the south across Yorktown Boulevard a property was rezoned to "CN-1" Neighborhood Commercial District in 2015 for the purposes of a funeral home. Additionally to the south are single-family residences and a church (Kings Crossing Church of Christ) both zoned "RS-6" Single-Family 6 District. To the west a rezoning occurred in 1984 to the "CG-2" General Commercial District and has remained vacant except for commercial development at the intersection of Yorktown Boulevard and South Staples Street.

**AICUZ:** The subject property is <u>not</u> 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 Southside Area Development Plan (ADP). The proposed

rezoning to the "CN-1" Neighborhood Commercial is <u>consistent</u> with the Future Land Use Map, the Southside ADP, and PlanCC:

- Encourage orderly growth of new residential, commercial, and industrial areas (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).
- Encourage orderly growth of new residential, commercial, and industrial areas. (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).
- Encourage the design of commercial centers in a manner that minimizes the impacts of automobile intrusion, noise and visual blight on surrounding areas (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Screening fences, open space or landscaping can provide an essential buffer between shopping and residential areas (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- The "B-1" Neighborhood Commercial and other commercial zoning regulations, in concert with the Comprehensive Plan policies, should be reviewed and revised as necessary to control the size and use of commercial centers so they remain in scale with their surrounding uses and highway carrying capacity (Policy Statement B.4).

#### **Department Comments:**

- The proposed rezoning is compatible with the Future Land Use Map, PlanCC, and the Southside Area Development Plan (ADP). The proposed rezoning is also compatible with neighboring properties and with the general character of the surrounding area. This rezoning does not have a negative impact upon the surrounding neighborhood.
- The property is currently vacant and is a remaining "RS-6" Single-Family 6 tract and has never been developed.
- Surrounding properties have been rezoned within the past twenty years indicating a pattern towards neighborhood commercial development.
- A zoning case requesting the "RM-1" Multifamily District was withdrawn by the applicant for the same site in January of 2015 for the purposes of constructing 128 apartments. Opposition within the notice area was 27%.
- If the "CN-1" Neighborhood Commercial District is approved, the retail development will still need to abide all requirements of the Unified Development Code (UDC). Specific requirements would entail buffer yards and additional setbacks. Additionally, the "CN-1" District does not allow bars, pubs, taverns, or nightclubs.

## Planning Commission and Staff Recommendation (September 20, 2017):

Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District, in lieu thereof approval of the "CN-2" Neighborhood Commercial District.

#### Vote Results:

For: 4 Opposed: 1 Absent: 3 Abstained: 1

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Number of Notices Mailed - 41 within 200-foot notification area

4 outside notification area

As of September 20, 2017:

In Favor – 0 inside notification area

- 0 outside notification area

In Opposition – 33 inside notification area

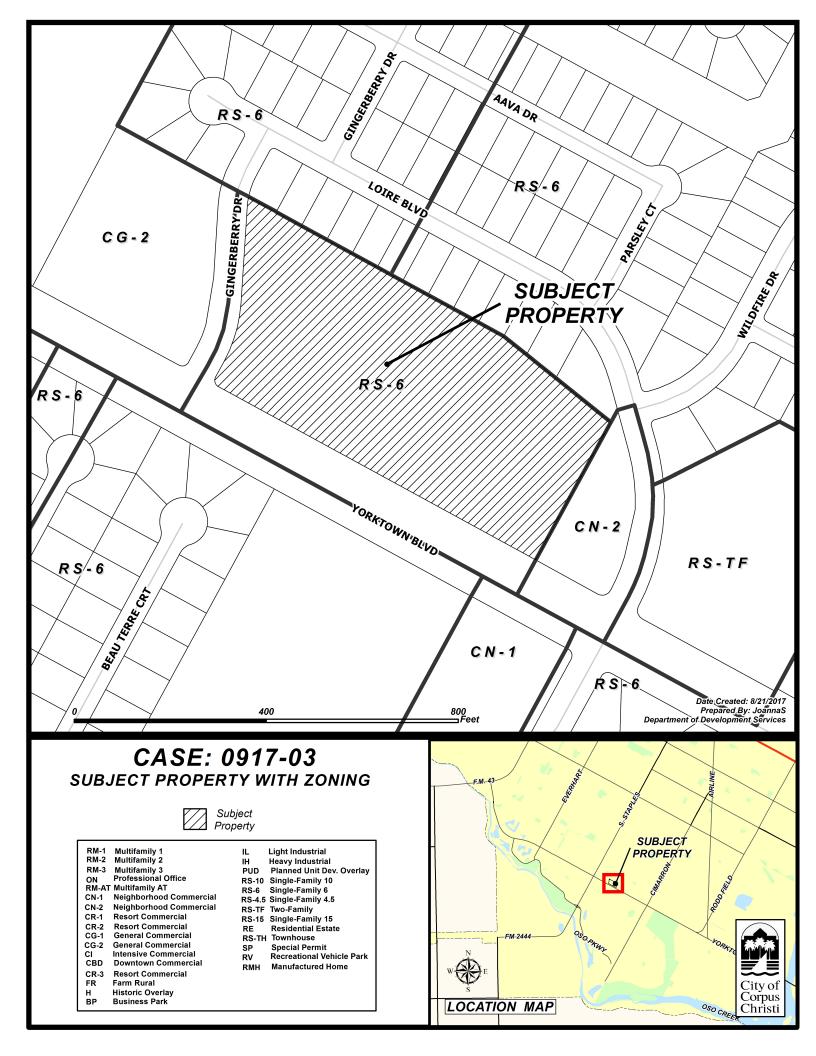
- 21 outside notification area

Totaling 27.75% of the land within the 200-foot notification area in opposition.

#### Attachments:

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

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# CITY PLANNING COMMISSION PUBLIC HEARING NOTICE Rezoning Case No. 0917-03

Mostaghasi Investment Trust has petitioned the City of Corpus Christi to consider a change of zoning from the "RS-6" Single-Family Residential District to the "CN-1" Neighborhood Commercial District, not resulting in a change to the Future Land Use Map. The property to be rezoned is described as:

Kings Point Unit 6, Block 1, Lot 1, located on the north side of Yorktown Boulevard, east of Gingerberry Drive and west of Lorie Boulevard.

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</u>, <u>September 6</u>, <u>2017</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.

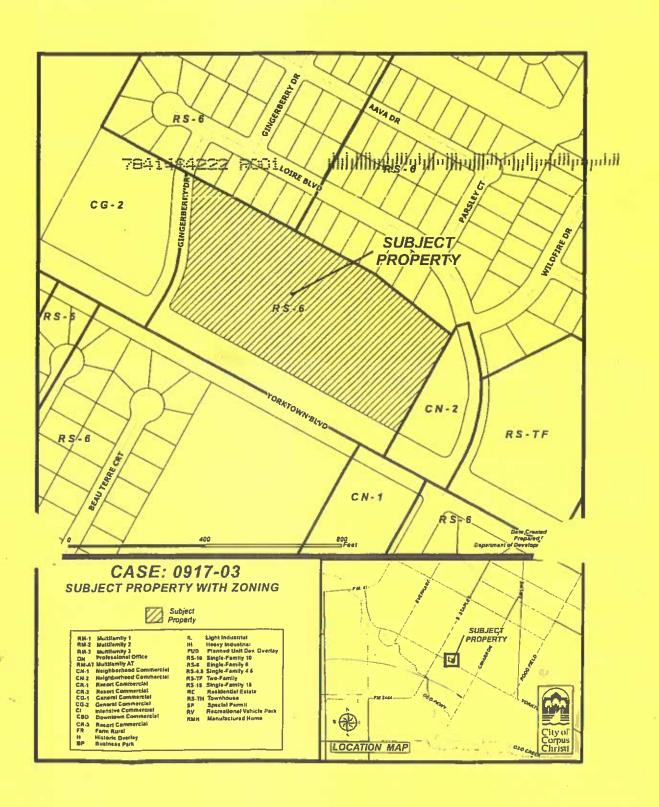
Printed Name: Joe Zeplda  Address: 5710 Loile	City/State: C-C-Tx
( ) IN FAVOR ( ) IN OPPOSITION	Phone: (341) 9601437
REASON:	
	1. 7 4
Signatu	for 3 pm

SEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1030 Property Owner ID:

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



Corpus Christi, TX 78414



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Printed Name: Sharon Kaelin	
Address: 7505 Exeter	City/State:
( ) IN FAVOR (X) IN OPPOSITION	Phone: 361-813-3443
REASON:	
	Jan Kalle

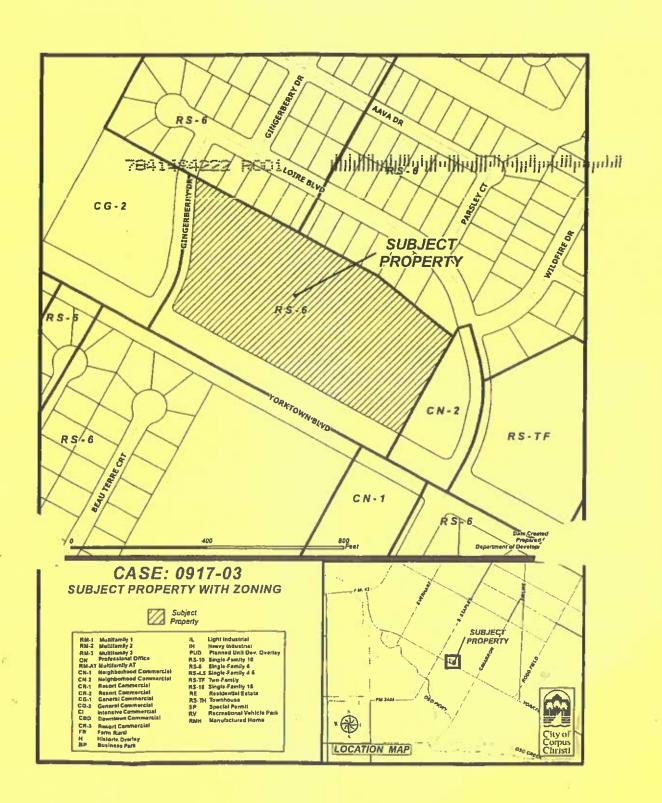
Signature

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Printed Name	hauna m	Salaz	ar	
Address: 58	25 Monts	errot Dr	City/State:	18414
( ) IN FAVOR	(V) IN OPPOSITION		Phone: 361) 5	510-5566
REASON:	•		_	
		<b>C</b> .		

SEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1030

Property Owner ID:

Case No. 0917-03 Project Manager: Andrew Dimas

Email: andrewd2@cctexas.com

Address: 1537 Twine Dr. Printed Name: Ki REASON: ( ) IN FAVOR Do Many houses and Cars. (V) IN OPPOSITION Signature Phone: 361, 993-2814 City/State:

SEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1027 Property Owner ID: 9

#### **Andrew Dimas**

From: Upchurch, Jonathan <Jonathan.Upchurch@fhr.com>

Sent: Thursday, September 14, 2017 3:04 PM

**To:** Andrew Dimas

**Cc:** msbowevil@yahoo.com; Upchurch, Jonathan

**Subject:** FW: Re-zoning #0917-03

This email is to state my opposition to the latest re-zoning attempt of the property at the corner of Gingerberry and Yorktown. As a property owner on Gingerberry, I am concerned at the volume and speed of the traffic that already travels along it. This road is the major artery for all of the neighborhood homes and is used by a great many people as a cut through between Yorktown and Lipes and to the middle school and high school. As it is, my wife and I have already have had close calls with people speeding through and not allowing for residents to slow down and pull into their own driveways. If I want to back into my driveway, I have to pull over and wait for a window of opportunity that sometimes takes several minutes. Adding an additional 150 residences at the end of what is already an overburdened and unsafe residential street would be harmful to the homeowners and their families in that area. Please stick with the zoning as it was originally intended and do not approve re-zoning.

Sincerely, Jonathan Upchurch 7302 Gingerberry Dr Corpus Christi Tx 78414 910-512-6762

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Printed Name: Janet K. Kaspace	24-	
Address: 7501 Exeter Ct		city/State: Corpus Christy Tx
( ) IN FAVOR ( ) IN OPPOSITION		Phone 361 774-0378
REASON:		
	$\bigcirc$	/ ).

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Printed Name: EDWIN FRANCIS	
Address: 4125 WILDFIRE DR.	City/State: CORPUS CHRISTI, TX
( ) IN FAVOR ( ) IN OPPOSITION	Phone: (361) 986 - 0448
REASON:	

Signature

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Printed Name: Kosalita G. Silva

Address: 1418 Parsley Ct. City/State: C. C. TY

() IN FAVOR (FIN OPPOSITION Phone: 361676-8787

REASON:

SEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1030 Property Owner ID:

Case No. 0917-03 Project Manager: Andrew Dimas

Email: andrewd2@cctexas.com

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by telephone call of			
Drinted Name:	Therea P.	Charez	
Address: 576	oa loire	Blvd	City/State: CCTK 78414
	(X) IN OPPOSITION		Phone: 361 4464894
REASON:			
		Reere	al P. Cla

Signature

SEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1030 Property Owner ID:

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Printed Name: Holly Williams	
Address: 6009 Maximus Dr	City/State: Coryous Christi
( ) IN FAVOR ( V) UN OPPOSITION	Phone: 1030-391-1570
REASON:	

Signature Signature

SEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1030 Property Owner ID:

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# CITY PLANNING COMMISSION PUBLIC HEARING NOTICE Rezoning Case No. 0917-03

Kings Point Unit 6, Block 1, Lot 1, located on the north side of Yorktown Boulevard, east of Gingerberry Drive and west of Lorie Boulevard.

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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 Wednesday, September 20, 2017, during one of the Planning Commission's regular meetings, which begins at 5:30 p.m., 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.

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by intelligent can of by	
Printed Name: Melanie Nerly Willis + St	tuar Willis
Address 5833 Loice Blvd	City/State: Corpus Christi, TX Phone: 281-380-7903
() IN FAVOR (X IN OPPOSITION	Phone: <u>281-380-7903</u>
	ril.
Traffic patterns.	101 MII Hth.
Lower home values delange signature	Case No. 0917-03
	Caso No. Contrac

Case No. 0917-03
Project Manager: Andrew Dimas
Email: andrewd2@cctexas.com

OWNER ID:

The second devices planning to attend this meeting, who may require special services, are requested to contact the receiver the receiver the services of (361) 826-3240. Parcents con incaptivistics. In the second to service the services are requested to contact the second to second the services are required to services are required to services are received to services. In the second to the service to second the services of the services of the services of the services (361) 826-3240.

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### CITY PLANNING COMMISSION PUBLIC HEARING NOTICE Rezenting Case No. 0917-03

to build investment Trust has petitioned the City of Corpus Christi to consider a change of zoning the "ICN-0" single-Family 6 District to the "CN-1" Neighborhood Commercial District, not in a change to the Esture Land Use Man, The property to be rezoned is described as:

Kings Point Unit 6, Block 1, Lot 1, located on the north side of Yorktown Boulevard, east of Gingerterry Drive and west of Lorie Boulevard.

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ASSESSED SERVE SERVE CONSTITUTE C

HE MAP ON REVERSE SIDE HE OR Case No.: 172/1030 Property Owner ID: ID Case No. 0917-03 Project Manager: Andrew Dimes E-mail: andrewood Quotestas.com the Development Services Department at least 48 hours in advance of (361) 826-3240. Personal contract to contact to the form in advance of (361) 826-3240. Personal contract to the form is sent to the form of the sent to the form of the sent to th

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### CITY PLANNING COMMISSION PUBLIC HEARING NOTICE Rezoning Case No. 0917-03

Investment Trust has potitioned the City of Corpus Christi to consider a change of zoning 15-5 shade-Family 6 District to the "GN-1" Neighborhood Commercial District, not in a change to the Future Land Line Men. The property to be rezoned is described as:

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MOTE: to accordance with the Planning Commission By-Lavra, no discussion shall be held by a member or regrebers of this Commission with an applicant or appellant concerning an application or appeal, either at home or office, or in person, by interhore call or by letter.

ACCOUNTS TO SAGELLA BANKLOK CHYSLAM COMPS UNITY TO THE SHORE KIN OPPOSITION Phone 360 840 4456

REASON:

PUBLIC SAGETY

DEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1030 Property Owner ID: Signature Bain I bridge Case No. 0017-03

Project Manager Andrew Divises
Email: and week Books as core

with discussions planning to attend this meeting, who may require special services, are requested to contact to contact the reviews Department at least 48 hours in advance at (361) 826-3240. Pursones can instantished to contact the restrict of a seed, a seta furth is our requirem. Movinion aspeciales, to be supposed our den aring 48 to 18 t

Experience to indices the Commission during the meeting and your English is limited, please call the Development Department at (361) 826-3240 at least 48 hours in advance to request an interpreter be present during the Letter disease. display at in commission department in Letter v. as institute, as limited, favor do limiter at the commission of the commission of the letter v. as institute, as limited, favor do limiter at the commission of the commission of

### CITY PLANNING COMMISSION PUBLIC HEARING NOTICE Rezoning Case No. 0917-03

Conscious Investment Trust has petitioned the City of Corpus Christi to consider a change of zoning the TS-5 similar Familie 5 District to the "CN-1" Neighborhood Commercial District, not in a change to the Future Land Use Map. The property to be rezoned is described as:

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NOTE: In accordance with the Planning Commission By-Laura, 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.

PARENTE DENISE BANBUS	CE.
ASSESS S834 AAMA DRIVE	Chystate Corps CURST TR
( ) IN FAVOR ( ) IN OPPOSITION	Phone: 360 845 4556
REASON:	
TRAFFIC C	
Volume	June Guly
SEE MAP ON REVERSE SIDE SIGNAP ON REVERSE SIDE PROSPRY Owner ID: 20	Project Manager: Andrew Ornes Estalt: andrewt@goclases.com

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. 0917-03

Mostaghasi Investment Trust has petitioned the City of Corpus Christi to consider a change of zoning from the "RS-6" single-Family 6 District to the "CN-1" Neighborhood Commercial District, not resulting in a change to the Future Land Use Map. The property to be rezoned is described as:

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	^	
Printed Name:	Carol Watt	
Address: 5	701 Loire Blud	city/State: COVPUS Christy 1X
	(X) IN OPPOSITION	Phone: 361 563 7252
REASON:		

SEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1030 Property Owner ID:

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Address: 25000 New Terre Ct	C ( +1
Died 1000	City/State: C , X
) IN FAVOR IN OPPOSITION	Phone:

Signature Signature

SEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1030 Property Owner ID:

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Printed Name:	isa Silguero		
Address: 5802 Aava			City/State: CC TX
AL-L PACIFIC PARTICIPATION - I AND A STATE OF THE STATE O	(VIN OPPOSITION		Phone: 361-389-0499
REASON:			
		GIM	100

Signature

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this Commission with an applicant or appellant concerning an a by telephone call or by letter.	ppilotaen
Printed Name: Pelia Mendez	
Address: 5722 AAUA DR	City/State: ( 7 / / / / / / / / / / / / / / / / / /
( ) IN FAVOR ( VIN OPPOSITION	Million.
REASON:	

SEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1030 Property Owner ID: Case No. 0917-03 Project Manager: Andrew Dimas

Project Manager: Andrew Dimas Email: andrewd2@cctexas.com

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Printed Name: NULY Abrun	
Address: 5805 Montservat	City/State: Corphi
( ) IN FAVOR (V) IN OPPOSITION	Phone: 3615005 108
REASON:	

Signature

SEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1030 Property Owner ID:

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by telephone call or	by letter.		the same that the same the same to the sam	-		7
Printed Name:	Sandia Hat	toy				784(4
Address: 132	19 Gingerberry	Or	City/State:	-C	TX	10917
( ) IN FAVOR	(X) IN OPPOSITION		Phone:			
REASON:						
			. 1			

Signature

SEE MAP ON REVERSE SIDE INFOR Case No.: 17ZN1030 Property Owner ID: