



City of Corpus Christi

1201 Leopard Street
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Meeting Minutes

Planning Commission

Wednesday, June 28, 2017

5:30 PM

Council Chambers

I. Call to Order, Roll Call

Vice Chairman Lippincott called the meeting to order and a quorum was established with Commissioner Hastings and Chairman Villarreal absent.

II. Approval of Minutes

1. [17-0775](#) Regular Meeting of June 14, 2017

A motion to approve item "1" was made by Commissioner Schroeder and seconded by Commissioner Crull. The motion passed.

III. Public Hearing Agenda Items - Discussion and Possible Action

A. Plats

New Plats

Ratna Pottumuthu, Development Services, read items "2 & 3" into record as shown below. Ms. Pottumuthu stated the plats satisfy all requirements of the Unified Development Code (UDC) and State Law; the Technical Review Committee recommends approval.

After Staff's presentation, Vice Chairman Lippincott opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve items "2 & 3" was made by Commissioner Crull and seconded by Commissioner Baugh. The motion passed.

2. [17-0776](#) **17PL1049** BANCROFT-DODGE FARM LOTS, LOT1A (FINAL - 0.154 ACRES) Located south of IH 37 and east of Up River Road.

3. [17-0777](#) **17PL1037** MCWHORTER TRACT, BLOCK 1, LOT 1 (FINAL - 0.692 ACRES) Located on the southeast corner of Mueller Street and Lancaster Drive.

B. Zoning

4. [17-0778](#) **Case No. 0617-02 - Margaret A. Markins and Linda Kay Cox:** A change of zoning from the “FR” Farm Rural District to the “CN-1” Neighborhood Commercial District. The property to be rezoned is described as Flour Bluff and Encinal Farm and Garden Tract, Section 20, 5 acres out of Lot 26, located along the west side of Airline Road, north of Lipes Boulevard, and south of Saratoga Boulevard.

Andrew Dimas, Development Services, read item “4” into record as shown above. The subject property is comprised of 3.91 acres and is proposed to be a small retail shopping center approximately 10,000 square feet in size. The property is currently vacant and is a remaining “FR” Farm Rural tract and has never been developed; Medium Density Residential uses are indicated on the Future Land Use Map. Surrounding properties have been rezoned within the past twelve years indicating a pattern towards commercial development. 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. He informed the Commission that one public notice was returned in opposition of the change of zoning request and zero notices were returned in favor. Staff recommends approval of the requested change of zoning.

After Staff’s presentation, Vice Chairman Lippincott opened the public hearing. With no one coming forward the public hearing was closed. A motion to approve item “4” was made by Commissioner Crull and seconded by Commissioner Baugh. The motion passed.

C. Text Amendment

5. [17-0780](#) Amending Article 8, Section 8.1, subsection 8.1.6.A entitled “Acceptance of Improvements” of the UDC by changing the duration of the materials and workmanship warranty for all private and public infrastructure improvements from one to two years from the date of final (100%) acceptance.

Bill Green, Interim Director of Development Services, presented item “5” as shown above. He informed the Commission that at the April 27, 2017 City Council Workshop on New Residential Street Construction, Staff was given a motion of direction to revise the “duration of the materials and workmanship warranty for all private and public infrastructure improvements from one to two years from the date of final (100%) acceptance”. It was also presented at the May 17, 2017 Planning Commission meeting in which they recommended approval of Staff’s recommendation of the 2 year warranty. The proposed amendment is being presented again today for additional discussion with public input.

Mr. Green went over the current process of how public improvements/construction are approved and inspected by Development Services/Engineering Services. He informed the Commission that there are 7 to 10 warranty inspections executed per year. He compared other current municipal policies including Houston, San Antonio and Galveston. Staff recommendation remains to revise the current amendment from a one year warranty to a two year warranty.

After Staff's presentation, Vice Chairman Lippincott opened the public hearing. Trey Sommers at 401 Santa Monica Place and President of the Coastal Bend Builders Association, addressed the Commission with his concerns. He feels that keeping the affordability of housing is an issue and if the proposed amendment is changed then the cost will increase by 10 to 15 percent for the homebuyer. He would also like to see a report on how many inspections are called back as the result of poor workmanship.

Bart Braselton with Braselton Homes at 5905 Lago Vista Drive addressed the Commission with his concerns. He stated that in his extensive career as a home builder he has never been called back on a warranty issue for a street so he does not understand what has caused the initiation of the proposed amendment. Mr. Braselton would also like to see data that reflects a pattern for a large amount of street failures in the second year. Mr. Braselton agrees with Mr. Sommers in that the proposed amendment would cause a significant increase in cost per lot for a homebuyer.

Moses Mostaghassi with MPM Development at 6854 Guinevere Street addressed the Commission with his concerns. He agrees with his colleagues puzzlement as to why the one year warranty is an issue and would like the reasoning behind why the City feels that two years is better than one year. He informed the Commission that as the developer, any warranty issues he has experienced, primarily deal with the sidewalks being damaged by concrete trucks. Those types of damages should be the responsibility of the builder. He said there are many other factors involved that affect the streets survival during residential construction. Mr. Mostaghassi feels the proposed amendment needs more review to possibly reflect a 75% rule instead of 100% acceptance of infrastructure improvements or be geared more towards reassessing design standard requirements.

With no one else coming forward, the public hearing was closed. Upon hearing input from the development community, Vice Chairman Lippincott made a suggestion to table this item for further review and a future meeting date since not all Commissioners are present. Mr. Green suggested that the Commission explain in more detail what research they would like for Staff to further provide. The Commission agreed for Staff to provide further data on why/how the issue originated. The Commission would like solid documentation as to the kinds of incurred damages and whether the damages are caused by abuse/neglect or poor workmanship. They would also like for Staff to assess internal policies/timelines. The Commission would like for Staff to hold more community outreach with the development community to get a more accurate point of view; further assessment in comparison with other Texas city policies.

After comments and discussion concluded, Commissioner Hovda made a

motion to table item "5" for a future Planning Commission meeting and Commissioner Crull seconded. The motion passed.

IV. Director's Report

None.

V. Items to be Scheduled

None.

VI. Adjournment

There being no further business to discuss, Vice Chairman Lippincott adjourned the meeting at 6:20 p.m.