

# PLANNING COMMISSION FINAL REPORT

Case No. 0321-02

INFOR No.

**Planning Commission Hearing Date:** April 14, 2021

<b>Applicant &amp; Legal Description</b>	<p><b>Owner:</b> The Estate of Hart F. Smith and Juliana Dunn Smith  <b>Applicant:</b> Urban Engineering  <b>Location Address:</b> 1402 Flour Bluff Drive  <b>Legal Description:</b> Being 39.92 acres out of Lots 6, 7, 8, 9, and 10, Section 41, Flour Bluff and Encinal Farm and Garden Tracts as recorded in Volume A, Pages 41 to 43 of Map Records of Nueces County, Texas, located along the west side of Flour Bluff Drive, south of South Padre Island Drive (State Highway 358), and west of Compton Road .</p>			
<b>Zoning Request</b>	<p><b>From:</b> "RE" Residential Estate District  <b>To:</b> "CG-2 General Commercial District and "RM-2" Multifamily District  <b>Area:</b> 39.92 acres  <b>Purpose of Request:</b> The purpose of the request is for the development of four acres of commercial development and 35 acres of 500-600 apartment units.</p>			
<b>Existing Zoning and Land Uses</b>		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
	<i>Site</i>	"RE" Residential Estate District	Vacant	Low Density Residential
	<i>North</i>	"CG-1" General Commercial District	Commercial	Commercial
	<i>South</i>	"RE" Residential Estate District	Vacant, Drainage, and Low Density Residential	Low Density Residential
	<i>East</i>	"RE" Residential Estate District	Vacant, Public/Semi-Public, and Low Density Residential	Low Density Residential
	<i>West</i>	"RS-6" Single-Family 6 District	Water	Water
<b>ADP, Map &amp; Violations</b>	<p><b>Area Development Plan:</b> The subject property is located within the boundaries of the Flour Bluff Area Development Plan and is planned for Low Density Residential uses. The proposed rezoning to the "CG-2 General Commercial District and "RM-2" Multifamily District is inconsistent with the adopted Future Land Use Map.  <b>City Council District:</b> 4  <b>Zoning Violations:</b> None</p>			

<b>Transportation</b>	<b>Transportation and Circulation:</b> The subject property has approximately 600 feet of street frontage along Flour Bluff Drive which is designated as a “A1” Minor Arterial Street and access via an access easement to South Padre Island Drive (State Highway 358). According to the Urban Transportation Plan (UTP), Minor Arterial Streets can convey a capacity of 15,000 to 24,000 average daily trips.				
<b>Street R.O.W.</b>	<b>Street</b>	<b>Urban Transportation Plan Type</b>	<b>Proposed Section</b>	<b>Existing Section</b>	<b>Traffic Volume</b>
	<b>Flour Bluff Drive</b>	“A1” Minor Arterial	95’ ROW 64’ paved	120’ ROW 66’ paved	Not Available

**Staff Summary:**

**Development Plan:** The subject property is 35 acres. The developer of the property is requesting a change of zoning for the subject property to accommodate a commercial use “CG-2” General Commercial District for the front 4.12 acres and multifamily “RM-2” Multifamily District for the rear 35.80 acres. The “CG-2” District portion anticipates 4 retail sites and the “RM-2” District portion anticipates between 500 and 600 Apartment Units. The applicant has also supplied an alternative proposal covering multiple zoning districts.

**Existing Land Uses & Zoning:** The subject property is currently zoned “RE” Residential Estate District consists of vacant property and has remained undeveloped since annexation in 1961. To the north are various commercial development including a hotel, mini-storage complex, and a Wal-Mart zoned “CG-1” General Commercial District. To the south are large tract single-family residences zoned “RE” Residential Estate District. To the east is a church zoned “CG-1” General Commercial District and a single-family residential subdivision (Oak Terrace Unit 1) zoned “RE” Residential Estate District. To the west is Oso Bay.

**AICUZ:** The subject property not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ). However, the subject property is located adjacent and within 60 feet at its nearest and within 500 feet at the further point from Accident Potential Zone (APZ) 2 of the Air Installation Compatibility Use Zone (AICUZ).

**Plat Status:** The property is not platted.

**Utilities:**

- Water:** 16-inch C900 line along Flour Bluff Drive.
- Wastewater:** 10-inch PVC line along Compton Road.
- Gas:** 2-inch gas line located along Flour Bluff Drive.
- Storm Water:** 60-inch line along Flour Bluff Drive.

**Plan CC & Area Development Plan Consistency:** The subject property is located within the boundaries of the Flour Bluff Area Development Plan and is planned for Low Density Residential uses. The proposed rezoning to the “CG-2” General Commercial District and

“RM-2” Multifamily District is inconsistent with the adopted Flour Bluff Area Development Plan. The proposed rezoning is inconsistent with the following policies of the Comprehensive Plan (Plan CC). The following policies should be considered:

- Encourage the protection and enhancement of residential neighborhoods  
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 convenient access from medium-density residential development to arterial roads. (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Continue to consider the compatibility of proposed uses with military airfield operations when making decisions on rezoning requests. (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Avoid development that is incompatible with the operation of military airfields and the airport. (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- The City encourages development that is compatible with the Naval Air Station, Waldron Field, and Cabaniss Field. A primary concern associated with these Naval facilities is land use compatibility in the Navy's Air Installation Compatible Use Zones (AICUZ). These are areas where, due to frequency of over flights and other factors, a measurable potential for aircraft accidents is present. The geographic areas covered by these zones may change in the future due to changes in operations at the airfields, changes in the aircraft using the runways or other factors. The City should maintain constant contact with the Navy to maintain accurate record of any changes to these zones and change as appropriate any city regulations pertaining to these AICUZs. (Flour Bluff ADP Policy Statement B.5)

**Department Comments:**

- The proposed rezoning is inconsistent with the adopted Comprehensive Plan (Plan CC). The proposed rezoning is also incompatible with the future land use map have a negative impact upon the adjacent properties.
- While the subject property is not located within the AICUZ Overlay, the uses will still be impacted by potential danger of aircraft crashes and the daily impact of aircraft noise.
- Due to the immediate proximity of the AICUZ, the applicant should consider the “CG-1” General Commercial District instead of the “CG-2” District as the retail and office uses will still be allowed. However, the residential aspect of “CG-2” will not be allowed. Additionally, the applicant should consider the “RS-22” Single-family 22 District instead of “RM-2” District as the “RS-22” District is compatible with surrounding uses, the future land use map, and the recommendations of the adjacent APZ.
- 1,074 dwelling units is the maximum possible buildout based on the proposed 35.80 acres of the “RM-2” Multifamily District.

- As previously mentioned, the applicant has supplied an alternative proposal covering multiple zoning districts (attached as Exhibit B). Based on the alternative proposal's net buildable acreage, the number of dwelling units would be as follows:
  - "RM-2" Multifamily District: 300 Units @ 30 du/ac
  - "RM-1" Multifamily District: 308 Units @ 22 du/ac
  - "RS-TH" Townhome District: Dependent on design
  - "RS-22" Single-Family 22 District: 7 units @ 2 du/ac
  - *Total: 615 dwelling units*
- Officials with Naval Air Station-Corpus Christi (NAS-CC) have commented, "Due to the close proximity of the Accident Potential Zone (APZ) and flight track that overflies this parcel (transition from Naval Outlying Landing Field (NOLF) Waldron to NAS-CC) the density level of the proposed site is not recommended."

**Staff Recommendation:**

Denial of the change of zoning from the "RE" Residential Estate District to the "CG-2" General Commercial District and "RM-2" Multifamily District.

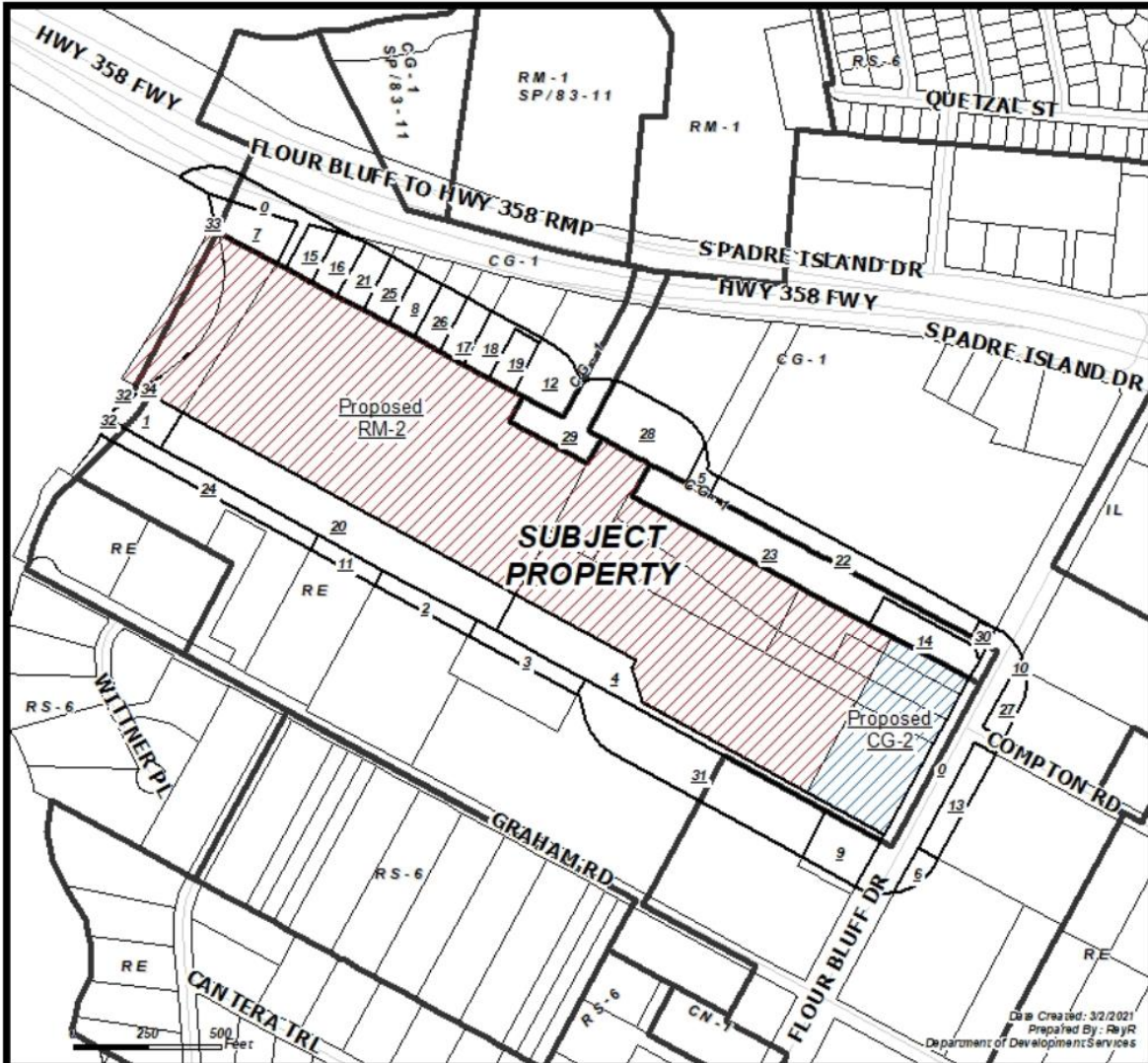
**Planning Commission Recommendation (April 14, 2021):**

Approval of the change of zoning from the "RE" Residential Estate District to the "CG-1" General Commercial District, "RM-2" Multifamily District, "RM-1" Multifamily District, "RS-TH" Townhouse District, and the "RS-22" Single-Family 22 District.

<b>Public Notification</b>	Number of Notices Mailed – 34 within 200-foot notification area 1 outside notification area
	<b><u>As of March 12, 2021:</u></b>
	In Favor – 2 inside notification area – 0 outside notification area
	In Opposition – 2 inside notification area – 8 outside notification area
	Totalling 2.44% of the land within the 200-foot notification area* in opposition.
*Created by calculating the area of land immediately adjoining the subject property and extending 200-foot therefrom. The opposition is totaled by the total area of land that each individual property owner owns converted into a percentage of the total 200-foot notification area. Notified property owner's land in square feet / Total square footage of all property in the notification area = Percentage of public opposition	

**Attachments:**

- A. Location Map (Existing Zoning & Notice Area)
- B. Applicant's Alternative Proposal
- C. Public Comments Received (if any)



**CASE: 0321-02**  
**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
DN Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-5 Single-Family 5
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
CJ 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 in favor  
 Owners within 200' listed on attached ownership table  
 Owners in opposition



WOOD, BOYKIN & WOLTER  
A PROFESSIONAL CORPORATION  
LAWYERS

RALPH R. WOOD (1901-1965)  
MARSHALL BOYKIN III (1925-2014)  
ROBERT C. WOLTER (Retired)  
STEWART N. RICE  
JOHN D. BELL\*  
FREDERICK J. McCUTCHON§  
PETER E. AVOTS  
LUCINDA J. GARCIA  
SCOTT E. LANDRETH  
DANIEL O. GONZALEZ  
JOSEPH B. BAUCUM  
RENATTO GARCIA  
MARIAH N. MAUCK  
RHONNIE N. SMITH

615 NORTH UPPER BROADWAY, SUITE 1100  
CORPUS CHRISTI, TEXAS 78401-0748

TELEPHONE: 361/888-9201  
FACSIMILE: 361/888-8353

\*BOARD CERTIFIED-COMMERCIAL REAL ESTATE LAW  
AND PROPERTY OWNERS ASSOCIATION LAW  
§BOARD CERTIFIED-LABOR & EMPLOYMENT LAW  
TEXAS BOARD OF LEGAL SPECIALIZATION

Writer's email: [jdbell@wbwpc.com](mailto:jdbell@wbwpc.com)

April 8, 2021

Corpus Christi Planning Commission  
Attn: Jeremy Baugh, Chairman  
c/o Development Services

Via email to: [andrewd2@cctexas.com](mailto:andrewd2@cctexas.com)

Re: Case 0321-02; Rezoning of Smith Tract Near SH 358 and Flour Bluff Drive  
Modification of Rezoning Application

Ladies and Gentlemen:

The applicant and property owners initially requested CG-2 and RM-2 Zoning in order to have the flexibility to include a variety of uses in this 40-acre tract in Flour Bluff. This property is adjacent to the most intense commercial corridor in Flour Bluff, and it is separated from the partially-developed residential area to the south by a 140-foot drainage easement previously acquired by the City. It is one of the few large tracts left in Flour Bluff for development with complete utilities and transportation infrastructure.

After receiving the Staff Report recommending CG-1 Zoning in front and only RS-22 Zoning for the remaining 36 acres, we requested additional time to reanalyze the situation. Rezoning the front portion to CG-1 is fine and is consistent with the adjacent properties. The original Land Use Statement for the 36 acres in back made it clear that only 550 to 600 apartment units were planned. The rest of the area would have less-dense residential uses. This property is being planned for a mixed-use development in order to help meet the needs of the U.S. Navy and the rest of this area for housing, but the actual lay-out of the development had not been determined.

Attached is a more specific development plan showing that less than one-third of the rear acreage requires RM-2 zoning. The remainder can be zoned RM-1, RS-TH and RS-22 as indicated in order to substantially reduce the overall density. The maximum number of multi-family units planned remains 600, which translates into 25 units per acre overall. Since the limit for RM-1 is 22 units per acre, we need 10 acres to be RM-2 in order to reach the target. The developer has no interest in greater density but needs some degree of flexibility.

The rest of the property would be developed as townhomes and single-family estate homes in the RS-22 area along Oso Bay, as indicated. After analyzing the site further, the new street for circulation really will have to be located along the drainage ditch on the southern boundary since the bump-outs on the northern boundary make it unfeasible there. The roadway and drainage ditch provide 200 feet of buffer to the partially-developed residential area to the south, and the combination allows for hike and bike trail options that will serve this neighborhood well.

Letter to Corpus Christi Planning Commission  
April 8, 2021  
Page 2

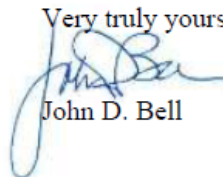
We have confirmed that the entirety of this property is from 50 feet to 500 feet outside the AICUZ-2 area which should have no impact on the development options for this land. Most importantly, this property is not in the direct path of an AICUZ area that could be extended in the future as was the case for the new Carroll High School campus. It is outside the width of what already is an AICUZ-2 path that is 3,000 feet wide. It is unfair to penalize property that clearly is outside the AICUZ area and not within an area planned for extension on the basis that it simply is near an AICUZ area.

The Flour Bluff Area Development Plan currently under review seeks the development of new, pedestrian-friendly, community-oriented projects that will help attract new families and high-quality development in efficient development patterns. Analysis of either the existing Comprehensive Plan or the proposed new Development Plan should find this project in compliance by the following:

- Provide a needed transition between Wal-Mart and the hotel properties along S.P.I.D. and the single-family residential area to the south.
- Create a mixed-use environment that supports low-density commercial development and medium and low-density residential development
- Establish a clear buffer between the mixed-use development and the partially-developed residential area to the south with the existing 140-foot drainage easement and planned 60-foot street right-of-way.
- Afford convenient access for medium-density residential development with an already developed arterial road such as Flour Bluff Drive.
- Maximize the use of existing utility infrastructure capable of supporting residential development of greater than RE and RS-22 density which limits much of Flour Bluff.
- Avoid development that is incompatible with established and potential extensions of AICUZ areas for military airfield operations. (Neither the City nor the Federal government have any limitations for properties *outside* the designated AICUZ areas.)

Please accept this letter as a reasonable compromise offer from the CG-2 and RM-2 zoning request originally submitted. Both the gross acres that would be in the zoning districts and the net developable acres which would govern actual construction are provided. The Planning Commission's approval of zoning consistent with the attached development plan would allow the project to continue and the proposed sale of the property to close. We look forward to the opportunity to discuss this proposed plan at your meeting on April 14.

Very truly yours,



John D. Bell





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.

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**CITY PLANNING COMMISSION  
PUBLIC HEARING NOTICE  
Rezoning Case No. 0321-02**

**The Estate of Hart F. Smith and Juliana Dunn Smith** have petitioned the City of Corpus Christi to consider a change of zoning from the **"RE" Residential Estate District** to the **"CG-2" General Commercial District and "RM-2" Multifamily District, resulting in a change to the Future Land Use Map.** The property to be rezoned is described as:

**Located at or near 1402 Flour Bluff Drive and described as 39.92 acres out of Lots 6, 7, 8, 9, and 10, Section 41, Flour Bluff and Encinal Farm and Garden Tracts as recorded in Volume A, Pages 41 to 43 of Map Records of Nueces County, Texas, located along the west side of Flour Bluff Drive, south of South Padre Island Drive (State Highway 358), and west of Compton Road.**

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 **Wednesday, March 17, 2021**, during one of the Planning Commission's regular meetings, which begins at **5:30 p.m.** in the City Council Chambers, 1201 Leopard Street. PUBLIC COMMENT: To reduce the chance of COVID- 19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of the community, City staff, and City Boards and Commissions. Public testimony and public hearing input for public comment and on all items on the agenda at public meetings of City Boards and Commissions shall be provided in written format and presented to the designated staff member prior to the start of each meeting( s) of the City Boards and/ or Commission. Public comment/ input shall be provided, in writing, in the form of an e- mail limited to one page or by using the PUBLIC COMMENT/INPUT FORM found here: <http://www.cctexas.com/departments/city-secretary>, and shall be e- mailed to the following e- mail address: CatherineG@cctexas.com and/or AndrewD2@cctexas.com. The written public testimony shall be provided to members of the applicable City board or commission prior to voting on measures for that meeting. That written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Gov' t Code 551. 007 and shall constitute a public hearing for purposes of any public hearing requirement under law.

**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: Paul Keller Investments  
Address: PO Box 342349 City/State: Austin, Texas 78734  
 IN FAVOR      ( ) IN OPPOSITION      Phone: 512-422-5804  
REASON:

  
\_\_\_\_\_  
Signature

SEE MAP ON REVERSE SIDE  
INFOR Case No.:  
Property Owner ID: 31

Case No 0321-02  
Project Manager: Andrew Dimas  
Email: AndrewD2@cctexas.com

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.*

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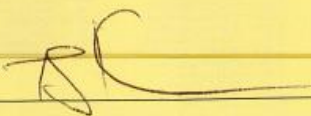
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**TO BE ON RECORD, THIS FORM MUST BE FILLED OUT, SIGNED BY THE CURRENT PROPERTY OWNER(S) AND MAILED IN ITS ENTIRETY TO THE DEVELOPMENT SERVICES DEPARTMENT, P. O. BOX 9277, CORPUS CHRISTI, TEXAS 78469-9277. ANY INFORMATION PROVIDED BELOW BECOMES PUBLIC RECORD.**

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Printed Name: Toon Howard  
Address: 9237 SPID City/State: CC TX  
 IN FAVOR     IN OPPOSITION    Phone: 361-443-0000  
REASON:

\_\_\_\_\_  
Signature 

SEE MAP ON REVERSE SIDE  
INFOR Case No.:  
Property Owner ID: 8

Case No. 0321-02  
Project Manager: Andrew Dimas  
Email: AndrewD2@cctexas.com

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Printed Name: James E. Cass Theresa L. Cass

Address: 1636 Graham Road City/State: Corpus Christi, Texas

( ) IN FAVOR (  ) IN OPPOSITION  
REASON: Phone: 361.232.0952

SEE ATTACHED,  
Reasons for Opposition

[Signature]  
Signature

Theresa L. Cass

SEE MAP ON REVERSE SIDE  
INFOR Case No.:  
Property Owner ID: 2

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Project Manager: Andrew Dimas  
Email: AndrewD2@cctexas.com

**From:** [Catherine Garza](#)  
**To:** [Andrew Dimas \[DevSvcs\]](#); [Craig Garrison](#)  
**Subject:** FW: [EXTERNAL]Continued opposition to modified proposal  
**Date:** Wednesday, April 14, 2021 9:52:04 AM  
**Importance:** High

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-----Original Message-----

From: James Cass <[james.e.cass@gmail.com](mailto:james.e.cass@gmail.com)>  
Sent: Wednesday, April 14, 2021 9:49 AM  
To: Catherine Garza <[catherineg@cctexas.com](mailto:catherineg@cctexas.com)>  
Subject: [EXTERNAL]Continued opposition to modified proposal

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] \_\_\_\_\_

Hello Ms Garza,

Please update our previous letter of opposition to cover the modified proposal. We own and reside on residential property within 200 feet of the Smith property.

We remain opposed to the modified proposal of April 8, 2021 related to proposed rezoning of The Estate of Hart F. Smith and Juliana Dunn Smith property for the same reasons that we opposed the original proposal.

In addition, the high pressure pipeline should be considered at this point rather than at the point of platting since the existence of the very old high pressure and high volume pipeline is potentially dangerous and, therefore, should preclude zoning for high density residential dwellings.

It seems improper for a modified proposal to be considered without sending fresh formal notices to all residential property owners within one-half mile of the Smith Property. The effect of this proposal is significant to the entire residential neighborhood not just to property owners within 200 feet! I believe you must treat all opposition to the original proposal as remaining opposition to the modified proposal.

Thank you, James and Theresa Cass, 1636 Graham Road

Sent from my iPhone

...abilities 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 solicita 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 comisión 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. 0321-02**

The Estate of Hart F. Smith and Juliana Dunn Smith have petitioned the City of Corpus Christi to consider a change of zoning from the **"RE" Residential Estate District** to the **"CG-2" General Commercial District** and **"RM-2" Multifamily District, resulting in a change to the Future Land Use Map.** The property to be rezoned is described as:

**Located at or near 1402 Flour Bluff Drive and described as 39.92 acres out of Lots 6, 7, 8, 9, and 10, Section 41, Flour Bluff and Encinal Farm and Garden Tracts as recorded in Volume A, Pages 41 to 43 of Map Records of Nueces County, Texas, located along the west side of Flour Bluff Drive, south of South Padre Island Drive (State Highway 358), and west of Compton Road.**

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 **Wednesday, March 17, 2021**, during one of the Planning Commission's regular meetings, which begins at **5:30 p.m.**, in the City Council Chambers, 1201 Leopard Street. PUBLIC COMMENT: To reduce the chance of COVID- 19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of the community, City staff, and City Boards and Commissions. Public testimony and public hearing input for public comment and on all items on the agenda at public meetings of City Boards and Commissions shall be provided in written format and presented to the designated staff member prior to the start of each meeting( s) of the City Boards and/ or Commission. Public comment/ input shall be provided, in writing, in the form of an e- mail limited to one page or by using the PUBLIC COMMENT/INPUT FORM found here: <http://www.cctexas.com/departments/city-secretary>, and shall be e-mailed to the following e- mail address: CatherineG@cctexas.com and/or AndrewD2@cctexas.com. The written public testimony shall be provided to members of the applicable City board or commission prior to voting on measures for that meeting. That written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Gov't t Code 551. 007 and shall constitute a public hearing for purposes of any public hearing requirement under law.

**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: EMILIANO ACUNA  
Address: 7110 GRAHAM City/State: CORPUS CHRISTI, TX  
( ) IN FAVOR  IN OPPOSITION REASON: X Phone: 361-443-9009

Signature [Handwritten Signature]

SEE MAP ON REVERSE SIDE  
INFOR Case No.:  
Property Owner ID: 11

Case No. 0321-02  
Project Manager: Andrew Dimas  
Email: AndrewD2@cctexas.com

**Andrew Dimas [DevSvcs]**

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**From:** Catherine Garza  
**Sent:** Monday, March 15, 2021 8:06 AM  
**To:** Andrew Dimas [DevSvcs]; Craig Garrison  
**Subject:** FW: [EXTERNAL]opposing #0321-02

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Barbara <bkilgore@stx.rr.com>  
**Sent:** Sunday, March 14, 2021 2:06 PM  
**To:** Catherine Garza <catherineg@cctexas.com>  
**Subject:** [EXTERNAL]opposing #0321-02

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I live at 1659 Graham Rd. I am in opposition to the rezoning of the property by the Estate of Hart F. Smith and Juliana Dunn Smith. The rezoning case is #0321-02, Ours is a very quiet single family neighborhood which I feel would be compromised by this rezoning. In addition, I would not like to see the city in conflict with the Navy base and this rezoning would cause problems similar to what the CC school district experienced. I can guarantee that the training planes fly directly over this property. The reason I know this is because they fly directly over my house and turn to cross that property to return to the base. From previous experiences, I am aware that the Navy only wants single family dwellings, no apartments or concentration or people in one area. I hope that you consider my concerns. This would not be an appropriate rezoning for this property. Please notify me that you received this email.  
Barbara Kilgore  
1659 Graham Rd.  
361-877-0258

**Andrew Dimas [DevSvcs]**

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**From:** Catherine Garza  
**Sent:** Tuesday, March 16, 2021 12:05 PM  
**To:** Craig Garrison; Andrew Dimas [DevSvcs]  
**Subject:** Fwd: Opposition to Smith Estate rezoning Case No. 0321-02

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Sent from my iPhone

Begin forwarded message:

**From:** Frank Hagler <frank.hagler@gmail.com>  
**Date:** March 16, 2021 at 1:36:11 AM CDT  
**To:** Catherine Garza <catherineg@cctexas.com>, Frank Hagler <frank.hagler@gmail.com>  
**Subject:** **Opposition to Smith Estate rezoning Case No. 0321-02**

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The proposed rezoning of the Smith Estate to allow high density housing very near both Graham Road and Wittner Place is inappropriate.

My property was purchased for very specific reasons. It is a semi-rural 1-acre property surrounded by other semi-rural 1-acre plus size properties. We wanted privacy, quiet, a Cul-de-Sac, and safety. Adding high density housing to this area not only significantly devalues existing and longstanding properties but will have non-trivial impacts upon the neighborhood's privacy, level of noise, and very likely its safety. These changes are wholly unacceptable and incongruent with established zoning in this area.

Clearly, there are more suitable locations in Flour Bluff that do not border larger tracts of land that host well established families in valuable homes.

Additionally water access points and privacy along the Oso Bay shoreline are concerns. The Oso Bay is a protected wetland environment. Currently, there is virtually no foot traffic along its naturally reedy and muddy Eastern shoreline. The shoreline of this fragile ecosystem with its reeds and small mangroves traps trash easily. I have seen only two people walking it the last few years. The addition of high density housing in the proposed location may change both the number of people on this shoreline and the amount of trash significantly for the worse. I have seen a wide variety of wildlife

utilizing this area including a significant number of Cranes. One bird I saw may have even been a Whooping Crane, but I can't be absolutely positive of that.

To summarize for my family, we strongly oppose allowing high density housing to negatively impact the well established nature of our community especially without neighborhood approval.

Thank you for your time,

Frank Hagler  
1713 Wittner Place

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Frank Hagler  
frank.hagler@gmail.com



**Andrew Dimas [DevSvcs]**

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**From:** Catherine Garza  
**Sent:** Wednesday, March 17, 2021 1:22 PM  
**To:** Andrew Dimas [DevSvcs]; Craig Garrison  
**Subject:** FW: Opposition to Rezoning case 0321-02 Estate of Hart Smith

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** susan ludka <sludka@sbcglobal.net>  
**Sent:** Wednesday, March 17, 2021 12:56 PM  
**To:** Catherine Garza <catherineg@cctexas.com>  
**Subject:** Opposition to Rezoning case 0321-02 Estate of Hart Smith

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My husband Larry Ludka and I live at 1631 Graham Road which is approximately 730 feet from the Smith property in question. We stand firmly in opposition to this rezoning for apartment use since apartments are contrary to the existing single family use on the south and east side of the Smith property. We bought our property approximately 30 years ago and, of course, things have changed and homes have been built. Houses have been built on Graham Road on both sides of Flour Bluff Drive, on Wittner Drive, on Cantera Trail, and on Compton Street. All of this is expected but has followed the RE designation of this area. To inject apartments into this residential area makes a mockery of any type of zoning consistency. We purchased our homes based on the residential plan outlined for future development. Using the parcel in question for residential estate use as Compton and Cantera have done is consistent with the neighborhood. We firmly oppose this zoning request to develop apartments.

Other potential issues are gas pipelines that purportedly run under and near this property and the traffic congestion that already exists on Flour Bluff Drive near Compton Street and the Murphy's Gas entrance and the Walmart entrance. Traffic is an uncontrolled disaster in this area with multiple accidents and at least one fatality that I know of and additional traffic from 200-300 apartment units will be extremely dangerous,

I'm sure that Greg Smith would not like apartments and commercial development further down Flour Bluff Drive in his neighborhood and I'm also sure that he chose to live where he can enjoy the benefits of his residential estates neighborhood. Our neighborhoods deserve the same consideration, consistency, and respect.

Please present this at the rezoning hearing and please let me know that you have received this letter, Thank you,

Larry and Susan Ludka

**Andrew Dimas [DevSvcs]**

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**To:** Nina Nixon-Mendez  
**Cc:** Catherine Garza  
**Subject:** RE: Flour Bluff Apartments and Commercial Space

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**From:** Amrita Reitz <[earthymother@gmail.com](mailto:earthymother@gmail.com)>  
**Sent:** Wednesday, March 17, 2021 10:22 AM  
**To:** Paulette Guajardo <[Paulette.Guajardo@cctexas.com](mailto:Paulette.Guajardo@cctexas.com)>; Arlene Medrano <[arlenem@cctexas.com](mailto:arlenem@cctexas.com)>; Alice Acuna <[AliceA@cctexas.com](mailto:AliceA@cctexas.com)>  
**Cc:** Daniel McGinn [ESI] <[DanielMc@cctexas.com](mailto:DanielMc@cctexas.com)>  
**Subject:** Flour Bluff Apartments and Commercial Space

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Good Morning Mayor Guajardo,

My name is Amrita Reitz and I am sending you this email to introduce myself. I just purchased Joe Adame's home in Flour Bluff on Graham Rd. I heard you know the home and you are a Flour Bluff Hornet as will my 3 children be in the near future.

We are very excited to be here in Corpus Christi and I too would like to offer my help on projects to promote the preservation and quality of life here in Corpus Christi. As a family with a long history of civic and public service we would like to work with you with regards to any program or issues affecting Flour Bluff.

I have just met my neighbors here on Graham Rd and the surrounding streets. As we were unpacking the large truck, new friends and neighbors wandered over to introduce themselves and welcome us to the neighborhood.

I was made aware of a huge apartment complex and commercial space being planned right next to our home. I am writing a long letter this evening (I will include you on this email) regarding the impact on Oso Bay, our beautiful wetlands and Flour Bluff School district.

I have a vision about the land next to us being developed into a potential wildlife and sealife sanctuary, possible rehab center for injured animals, and a place that celebrates our unique biosphere. Serving the local area, Texas Parks and Wildlife as well as other agencies who could bring injured animals to a future facility. Thoughts and dreams start just as that a dream.

I am reaching out to potential partners to make such a facility a reality, and hearing of a high density apartment complex/commercial space would take away a premier wetlands area. Such a use is not in keeping with the neighborhood and its connection to local wildlife.

It would be wonderful to meet you sometime. I know your plate must be full right now with an international port, roads, Texas A&M and so much more going on. But this is important. VERY VERY important to address.

Thank you for all your kind attention.

Sincerely,

Amrita Reitz-Rees

**Amrita Reitz**  
505-660-3611 Cell

**From:** [Catherine Garza](#)  
**To:** [Andrew Dimas \[DevSvcs\]](#); [Craig Garrison](#)  
**Subject:** FW: [EXTERNAL]Catherine Garza Subject: Continued opposition to modified proposal / Smith Property  
**Date:** Wednesday, April 14, 2021 10:21:58 AM

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**From:** Karl Folse <kk7surfs@gmail.com>  
**Sent:** Wednesday, April 14, 2021 10:21 AM  
**To:** Catherine Garza <catherineg@cctexas.com>; Karl Folse <kk7surfs@gmail.com>  
**Subject:** [EXTERNAL]Catherine Garza Subject: Continued opposition to modified proposal / Smith Property

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We remain opposed to the modified proposal of April 8, 2021 related to proposed rezoning of The Estate of Hart F. Smith and Juliana Dunn Smith property for the same reasons that we opposed the original proposal. In addition, the high pressure pipeline should be considered at this point rather than at the point of platting since the existence of the very old high pressure and high volume pipeline is potentially dangerous and, therefore, should preclude zoning for high density residential dwellings

Karl Folse  
1721 Wittner Pl, Corpus Christi, TX 78418  
805-708-5354

**Andrew Dimas [DevSvcs]**

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**From:** Catherine Garza  
**Sent:** Wednesday, April 14, 2021 1:29 PM  
**To:** Andrew Dimas [DevSvcs]; Craig Garrison  
**Subject:** FW: Rezoning of The Estate of Hart F. Smith and Juliana Dunn Smith property

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

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**From:** Calhoun Montie <texasmontie@sbcglobal.net>  
**Sent:** Wednesday, April 14, 2021 12:41 PM  
**To:** Catherine Garza <catherineg@cctexas.com>  
**Subject:** Rezoning of The Estate of Hart F. Smith and Juliana Dunn Smith property

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Dear Catherine,

I am a home owner at 1643 Graham Rd., Corpus Christi, Tx 78418. I am opposed to the rezoning of the property of the Estate of Hart E. Smith. If the priority of Flour Bluff residents is being put foremost above all else, the rezoning would not happen.

There are several reasons I believe this.

1. It is too close to the Navy Base where they do practice flights. Reference the accident near Orange Grove with Navy Pilots. If there were apartment residents in the place where an accident like this happens you can only imagine the children and others that would be hurt or worse yet killed.
2. This has been an area where residents own single residential homes. Most bought these homes for privacy reasons.
3. The traffic that would increase with that amount of apartments would be terrible. The oncoming traffic from SPID and Flour Bluff road would be impeded.. The residents if this were to be approved would have a hard time leaving due to traffic.
4. There are old pipelines that could be very dangerous if not checked out properly.
5. In general I am opposed to this rezoning.

Thank you for the opportunity to voice my opinion.

Sincerely, Montie Calhoun

**From:** [Catherine Garza](#)  
**To:** [Andrew Dimas \[DevSvcs\]](#); [Craig Garrison](#)  
**Subject:** FW: Rezoning of Estate of Hart F. Smith & Juliana Dunn Smith, Flour Bluff  
**Date:** Wednesday, April 14, 2021 2:11:08 PM  
**Importance:** High

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**From:** Jack North <jnorth@netcctx.com>  
**Sent:** Wednesday, April 14, 2021 2:07 PM  
**To:** Catherine Garza <catherineg@cctexas.com>  
**Subject:** Rezoning of Estate of Hart F. Smith & Juliana Dunn Smith, Flour Bluff

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Catherine Garza,

By evidence of this letter, I oppose the modified proposal of April 8, 2021 related to the proposed rezoning of the above referenced property.

Thank you for your consideration,  
Jack and Judy North  
1675 Graham Rd.

**From:** [Catherine Garza](#)  
**To:** [Andrew Dimas \[Dev5vcs\]](#); [Craig Garrison](#)  
**Subject:** FW: Opposed!!!  
**Date:** Wednesday, April 14, 2021 10:43:42 AM

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-----Original Message-----

From: Michelle Schoene <[michelle@schoenefamily.com](mailto:michelle@schoenefamily.com)>  
Sent: Wednesday, April 14, 2021 10:26 AM  
To: Catherine Garza <[catherineg@cctexas.com](mailto:catherineg@cctexas.com)>  
Subject: [EXTERNAL]Opposed!!!

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] \_\_\_\_\_

Hello Mrs. Garza,

My name is Michelle Schoene, my family and I live at 1701 Wittner, Corpus Christi TX 78418. We remain opposed to the modified proposal of April 8, 2021 related to proposed rezoning of The Estate of Hart F. Smith and Juliana Dunn Smith property for the same reasons that we opposed the original proposal. PLEASE do not rezone the property!!!

Thank you,  
The Schoene Family

Sent from my iPhone