



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, April 17, 2019

5:30 PM

Council Chambers

I. Call to Order, Roll Call

Vice Chairman Crull called the meeting to order at 5:30 p.m. and a quorum was established with Commissioner Baugh and Chairman Villarreal absent.

II. Opening Statement

III. Approval of Absences: Commissioners Hovda and Dibble

A motion was made by Commissioner Ezell and seconded by Commissioner Schroeder to approve the absences listed above. The motion passed.

IV. Approval of Minutes

1. [19-0544](#) Regular Meeting Minutes of March 6, 2019
(Minutes have been corrected to reflect "Conditional Approval" for items 3 through 7)

2. [19-0542](#) Regular Meeting Minutes of April 3, 2019

It was noted that a correction to item "2" is needed. The meeting minutes should reflect that Commissioner Zarghouni abstained from item "13". A motion to approve items "1 & 2" with noted correction was made by Commissioner Ezell and seconded by Commissioner Hovda. The motion passed.

V. Consent Public Hearing: (Items A & B) - Discussion and Possible Action

Vice Chairman Crull asked Commissioners if they would like any Consent items pulled to be heard separately during the Public Hearing. No items were pulled and Vice Chairman Crull asked Staff to present the Consent Agenda, items V.A and V.B, numbered 3 through 6. Greg Collins, Development Services, read items "3 through 6" into the record as shown below. New Plat item "3", satisfies all requirements of the Unified Development Code (UDC) and State Law; the Technical Review Committee recommends approval. Time Extension items "5 & 6" satisfy all requirements of the UDC and Staff recommends approval. Staff recommends approval for New Zoning item "6" as stated in Staff's report.

After Staff's presentation, Vice Chairman Crull opened the public hearing for the Consent items. With no one coming forward, the public hearing was closed. A motion to approve Staff's recommendation for items "3 through 6"

was made Commissioner Dibble and seconded by Commissioner Hovda. The motion passed.

A. New Plat Without Variance (Waiver)

- 3. [19-0545](#) 19PL1024
CHAMBERLIN'S BLOCK 14, Lot 17R (FINAL REPLAT - 0.14 ACRE)
 Located west of Twelfth Street and north of Marguerite Street.

Time Extensions

- 4. [19-0547](#) 18PL1075
CAYO DEL OSO SUBDIVISION SECTION 3 (FINAL - 8.55 ACRES)
 Located south of Oso Parkway and east of Brooke Road.
- 5. [19-0548](#) 18PL1077
PADRE HARBOR UNIT 1 (FINAL - 22.14 ACRES)
 Located south of SH 361 and east of South Padre Island Drive (Park Road 22)

B. New Zoning

- 6. [19-0549](#) **Public Hearing - Rezoning Property at or near 0 County Road 33**

Case No. 0419-02 - Braselton Development Company, Ltd:
 Ordinance to consider zoning a property or near 0 County Road 33 (located on the east and west side of County Road 33, south of Oso Creek and north of Farm-to-Market Road 43) that is proposed for annexation into the City of Corpus Christi to the "RS-4.5" Single-Family 4.5 District.

VI. Public Hearing: (Item C) - Discussion and Possible Action

C. Zoning

Tabled Zoning

- 7. [19-0428](#) **Public Hearing - Rezoning Property at or near 2110 Laguna Shores Road**

Case No. 0319-02 - B&A Terra Firma Development, LLC:

Ordinance rezoning property at or near 2110 Laguna Shores Road (located on the west side of Laguna Shores Road, north of Hustlin' Hornet Drive, and south of Lola Johnson Road), and south of South Padre Island Drive (State Highway 368)) from the "RE" Residential Estate District to the "RM-2" Multifamily 2 District.

Andrew Dimas read item "7" into the record as shown above. He gave a brief presentation of the case which was presented at the March 20, 2019 and tabled to the April 3, 2019 Planning Commission meeting in which the applicant requested to table the case again to the April 17, 2019 meeting. After Staff's presentation, Vice Chairman Crull opened the floor for Commissioner comments/questions. Commissioner Hovda asked how the rezoning case can be introduced without confirming if the nearest lift station at Lola Johnson Road is operable and capable to withstand the proposed development. Mr. Dimas stated that during the rezoning process, utility availability is discussed but is not validated until the platting process; utilities must be proved to get the plat recorded. She felt that the reason for the Future Land Use designation is for the protection of the surrounding assets and should be preserved. Commissioner Schroeder pointed out that if the rezoning were to move forward, the proposed development cannot happen if the lift station is not functional. He also pointed out that although there are multi-family districts (vacant) in the surrounding area, apartments have not developed due to the factors such as utility access, environmental issues (wetlands), FEMA requirements and traffic concerns.

After Commissioner comments/questions concluded, Vice Chairman Crull opened the public hearing. Representing the applicant, Miguel Saldana at 4553 Moonlake Ridge addressed the Commission. Mr. Saldana gave a presentation on behalf of the rezoning case. He stated that they plan 264 units (16.5 units per acre). He gave an excerpt from the Legal Effect of the Comprehensive Plan stating that "it does not justify the denial of a plat or the development of land." He gave some statistical data showing that the student enrollment from 2013 to 2018 for the Flour Bluff Independent School District (FBISD) is stagnant or declining. He also provided data for the anticipated demand for apartment units in the area which is forecast to be relatively strong, with an anticipated vacancy rate of 8% by the year 2022. He displayed a preliminary site plan of the apartment complex.

Mr. Saldana confirmed that the proposed project will not include 3-story buildings and detailed the setback requirements for two-story development. He stated he received confirmation from the Utilities Department through correspondence stating the Lola Johnson lift station is available for use and does have adequate capacity for the proposed development. He also confirmed that the proposed development is in the lift station service area. The existing lift station was sized for 68 acres of mixed development. He identified two options for proposed gravity system extensions. He also gave insight as to how they will handle stormwater drainage and plans are reviewed during the platting process.

Mr. Saldana addressed flooding concerns and stated that most of the adjoining residential subdivisions are within the 100-year floodplain; the installation/replacement of septic systems will have to comply with floodproofing requirements. He also gave estimated statistical data for traffic

generation based on 264 apartment units. For the A.M. peak hour, there are 145 generated trips and for the P.M. peak hour, there are 176 trips. The average for daily trips is estimated at 1,370 trips. He said the estimated capacity of Laguna Shores Road, per the Transportation Master Plan, is 3,000 to 3,500 vehicles per day. He mentioned the proposed development will have no access to Lola Johnson Road.

Mr. Saldana addressed the environmental impacts and showed a map from United States Fish and Wildlife (USFW) which shows there are no identified wetlands on the property other than the lake. He stated the proposed project does not encroach on FBISD property or outdoor classes. He informed the Commission that a preliminary endangered species impact evaluation was processed through the USFW and received a statement from Information for Planning and Consultation (IPAC). The response received stated, "There are no critical habitats within your project area under this office's jurisdiction." He said that all best practices for environmental protection will be included in the project design and implemented during construction operations. Mr. Saldana reiterated that the plan is to develop the property similar to the "RM-1" District. Although they initially requested the "RM-2" district, they would prefer rezoning to the "RM-1" District.

The following members of the public came forward to address the Commission and expressed their opposition to the change of zoning request:

Rebecca Root at 325 Lola Johnson Road
Darson Aelvoct at 281 Lola Johnson Road
Reinaldo Figueroa at 221 Lola Johnson Road
John Reilly at 270 Lola Johnson Road
Sharlene Romes at 230 Lola Johnson Road
Franny Bradley at 374 Moore Road

Comments consisted of the environmental impacts and the preservation of the adjacent lake and its wildlife inhabitants such as birds, turtles and fish. The FBISD owns 56 acres that is adjacent to the subject property. They have an Environmental Education Center which consists of outdoor classrooms that, weather permitting, are routinely used by students. Ms. Root stated that she is not against development in the area and wishes to keep the current zoning as Residential Estate. She mentioned that most of the homes in the area are built on stilts and does not understand how apartments can be constructed on current ground conditions. She also read a goal statement from the Flour Bluff Area Development Plan which states it encourages and requires responsible growth that will preserve the existing natural environment. Mr. Reilly stated that the proposed development does not fit with the character of the neighborhood and felt that a change of zoning should benefit the citizens rather than developers. Road conditions on Laguna Shores Road are not suitable to handle an increase of traffic/construction and will cause further deterioration. Current traffic congestion will intensify due to FBISD school hours and affect student's safety; egress/ingress issues in the area will be a struggle. A concern for hurricane evacuation was also raised. Mr. Figueroa stated he does not believe the Lola Johnson lift station is prepared for operation. Residents in the area worry that the proposed project will exacerbate flooding and stormwater problems. Ms. Romes mentioned the involvement of the Army Corp of Engineers with regard to wetlands.

With no one else coming forward, the public hearing was closed. Nina Nixon-Mendez, Director of Development Services, made a few comments in response to Mr. Saldana's presentation. The current threshold to require a Traffic Impact Analysis (TIA) is 500 peak hour trips. As a result, improvements would not be initiated to the existing roadways in the area. It would be the City's responsibility to improve roadways to accommodate traffic in the future but there are no current plans for capital improvements for either Laguna Shores Road or Lola Johnson Road near the property.

A motion was made by Commissioner Dibble to recommend a rezoning to the "RM-1" District. The motion failed for lack of a second. A motion was made by Commissioner Hovda to approve Staff's recommendation for denial of the change of zoning request. The motion was seconded by Commissioner Schroeder. A roll call vote took place with Commissioner Dibble voting "no". The motion passed by a 5 to 1 vote with Commissioner Zarghouni abstaining.

New Zoning

8. [19-0550](#) **Public Hearing - Rezoning Property at or near 10224 Leopard Street**

Case No. 0319-03 - Corpus Christi Storage Solutions, LLC

Ordinance rezoning property at or near 10224 Leopard Street (located on the north side of Leopard Street, east of McKenzie Road, and west of Irma Drive) from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District.

Mr. Dimas read item "8" into the record as shown above. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. He told the Commission that zero public notices were returned in opposition of the change of zoning request and one was returned in favor. Mr. Dimas went over the history of zoning patterns for the surrounding area, UDC requirements and the allowed uses for the change of zoning request. He also listed the municipal facilities available to the subject property.

The purpose of the request is to allow for the parking and storage of trailers, boats, and recreational vehicles as part of an existing mini-storage business. The associated mini-storage business has been in operation since 1974 and has been recently purchased by the current owner to continue the business. The proposed use is generally consistent with the adopted Comprehensive Plan (Plan CC) and is a low impact commercial use. However, the "CG-2" District opens the possibility of more intense commercial uses such as bars and night clubs adjacent to single-family residences. Staff recommends denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District and, in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit (SP) with the following conditions:

1. **Uses:** The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district is a "Boat and Recreational Vehicle Storage" as described in Section 5.1.4.H "Self-Service Storage" of the

Unified Development Code (UDC).

2. **Hours of Operation:** The hours of operation shall be daily from 6:00 AM to 9:00 PM.
3. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.
4. **Buffer Yard:** A Type C Buffer Yard as defined by Section 7.9.5.A of the Unified Development Code (UDC) shall be required where the subject property shares a property line with a residential zoning district and/or residential use.
5. **Lighting:** All security lighting must be shielded and directed away from abutting residences and nearby streets. Cut-off shields are required for all lighting fixtures. No light projection is permitted beyond the property line near all public roadways and residential development.
6. **Use Requirements:** The use must adhere to the requirements of Section 5.2.14 of the Unified Development Code (UDC) in regard to a Boat and Recreational Vehicle Storage use.
7. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
8. **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.

After Staff's presentation, Vice Chairman Crull opened the floor for Commissioner comments/questions. After Commissioner comments/discussion concluded, Vice Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve Staff's recommendation for item "8" was made by Commissioner Hovda and seconded by Commissioner Williams. The motion passed.

9. [19-0551](#) **Public Hearing - Rezoning Property at or near 701 McBride Lane**

Case No. 0419-01 - Vernon and Jennifer Carr:

Ordinance rezoning property at or near 701 McBride Lane (located on the west side of McBride Lane, south of Hampshire Road, and north of Leopard Street) from the "CG-2" General Commercial District to the "IL" Light Industrial District.

Mr. Dimas read item "9" into the record as shown above. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. McBride Lane is essentially the dividing line between light industrial uses and commercial/residential uses on the Future Land Use map. The proposed rezoning is incompatible with neighboring properties. However, the properties to the east, across McBride Lane are light industrial uses.

He told the Commission that zero public notices were returned in opposition of the change of zoning request and one was returned in favor. Mr. Dimas went over the history of zoning patterns for the surrounding area, UDC requirements and the allowed uses for the change of zoning request. He also listed the municipal facilities available to the subject property.

The purpose of the request is to allow for the construction of a welding shop. The owner will be the sole employee at this time. To the west are single-family residences (Ebony Acres, 1946) zoned "RS-6" Single-Family 6 District. An increase in zoning district intensity next to a single-family neighborhood will potentially subject additional residential homes to hazards such as: noise, smoke, vibration, dust, and odors. Staff recommends denial of the change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District, in lieu thereof, approval of the "CG-2/SP" General Commercial District with a Special Permit (SP) with the following conditions.

1. **Uses:** The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district is a "Welding, Machine, and Tool Repair Shop" as described in Section 5.1.5.A "Light Industrial Service" of the Unified Development Code (UDC).
2. **Hours of Operation:** The hours of operation shall be daily from 8:00 AM to 8:00 PM.
3. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.
4. **Lighting:** All security lighting must be shielded and directed away from abutting residences and nearby streets. Cut-off shields are required for all lighting fixtures. No light projection is permitted beyond the property line near all public roadways and residential development.
5. **Indoor Work:** All welding and machine work shall occur only indoors.
6. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, 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.

After Staff's presentation, Vice Chairman Crull opened the floor for Commissioner comments/questions. After Commissioner comments/discussion concluded, Vice Chairman Crull opened the public hearing. Representing the applicant, Wade Spence with GulfTex Properties, addressed the Commission to answer questions. With no one else coming forward, the public hearing was closed. A motion to approve Staff's recommendation for item "9" was made by Commissioner Hovda and seconded by Commissioner Dibble. The motion passed.

VII. Presentation**10. [19-0552](#) Opportunity Zones**

Keren Costanzo, Planning Department, presented item “10” for the record. She began the presentation by giving background information. Opportunity Zones were established by Congress in The Tax Cuts and Jobs Act of 2017. The purpose is to incentivize private investment in historically underserved communities, resulting in economic development and job creation. Opportunity Zones are low-income Census Tracts nominated by governors and certified by the U.S. Department of the Treasury. There is a potential for \$6 trillion of private investment in the City.

Ms. Costanzo displayed several maps showing existing tracts of land that are established as opportunity zones. She explained that the program includes three incentives related to capital gains: temporary tax deferral, reduction in taxes owed & permanent exclusion from taxable income. She explained how opportunity funds work and the potential returns to investors. Per the Economic Innovation Group, “We estimate that the program offers long-term investors a 3.0% higher rate of return annualized and after taxes than a comparable investment outside of the program.” She concluded the presentation by looking at where the program is today and forward. Ms. Costanzo gave additional resources and informed the Commission that a workshop called Keeping PACE with OPPORTUNITY ZONES will take place at the Del Mar Center for Economic Development on April 19, 2019. No action was taken on this item.

VIII. Director's Report

Ms. Nixon-Mendez, Director of Development Services, informed the Commission of the Department’s new Staff member Osei Amo-Mensah. Mr. Mensah has assumed the position of Senior City Planner.

IX. Items to be Scheduled

None.

X. Adjournment

There being no further business to discuss, Vice Chairman Crull adjourned the meeting at 7:15 p.m.