

MINUTES
REGULAR PLANNING COMMISSION MEETING
Council Chambers - City Hall
May 9, 2012
5:30P.M.

COMMISSIONERS:

Rudy Garza, Chairman
A. Javier Huerta, Vice-Chairman
Mark Adame *Absent*
Marco Castillo
Gabriel Guerra *Absent*
Evon J. Kelly *Absent*
Govind Nadkarni
John C. Tamez

STAFF:

Sylvia Carrillo, Assistant Director
Dan McGinn, AICP, Interim Manager,
Land Development
Miguel S. Saldana, AICP, Senior Planner
Annika Gunning, Interim Senior Planner
Andrew Dimas, City Planner
Lisa Aguilar, Assistant City Attorney
Linda Williams, Recording Secretary

Si usted quiere dirigirse a la comision y su ingles es limitado, habra un interprets de espaliol a ingles en la junta para ayudarle.

I. CALL TO ORDER

The meeting was called to order by Chairman Garza at 5:43 p.m. and a quorum was declared.

II. APPROVAL OF MINUTES

Motion to **approve** the April 25, 2012 minutes was made by Commissioner Nadkarni and seconded by Commissioner Tamez. Motion passed with Commissioners Adame, Guerra and Kelly absent.

III. PUBLIC HEARING AGENDA ITEMS

C. ACTION ON THE JOINT EROSION RESPONSE PLAN FOR NUECES COUNTY AND THE CITY OF CORPUS CHRISTI

Robert Payne, Planning Department, addressed the commission. Mr. Payne stated that Staff gave a presentation on the Plan at the April 11, 2012 meeting. Mr. Payne continued that last week Staff met with the Corpus Christi Surf Riders' Foundation and the Island Strategic Action Committee and both organizations provided positive input. Mr. Payne stated that on Wednesday, the Nueces County Joint Board (Nueces County Commission and the Nueces County Beach Management Advisory Committee) met and recommended that the plan be approved by the Nueces County Commissioners' Court.

Mr. Payne continued one item was changed since the presentation was first presented to the Planning Commission in early April. In the plan presented in April, the setback stated 200 feet and it was changed to 350 feet. Mr. Payne referenced Section 10-13, Code of Ordinances that establishes the erosion setback line. The ordinance and plan will be the same. The Erosion Plan was about using modern construction techniques and minimizing storm damage in the event of a hurricane. Mr. Payne stated State law was passed stating cities located near coastal areas had to adopt an Erosion Response Plan and such plan had to be reviewed by the Texas General Land Office. Mr. Payne stated "Beachfront Certificates" and "Dune Permits" were exempted from the 350 foot setback. Mr. Payne continued that platted lots that were within the 350 foot setback could be built on if the structure met all building standards. The structure had to be certified by a licensed Professional Engineer and the structure must be relocatable on pylons. Mr. Payne restated that the only change in the plan was the setback to 350 feet. The document was corrected and will match the proposed ordinance to adopt the Erosion Response Plan.

Commissioner Tamez asked if there was an issue regarding the minimum width on the public beach and Mr. Payne answered that the issue was the narrowing of the beach in certain areas. Chairman Garza asked if the recent ruling by the Texas General Land Office would have an impact on Corpus Christi and Mr. Payne answered that currently the ruling would not impact us, but it would affect Galveston. Commissioner Tamez asked if the setback of 90 feet for the vegetation line would prevent encroachment onto private land and Mr. Payne answered yes. Mr. Payne continued that the State's passing of the "Open Beach Act," set the tone of how this would be handled. Mr. Payne cited that the Sessions' court case ruling determined that the house was located on a portion of the beach as a result of a "rolling easement" and the court ruled that it was still considered as private property.

Vice Chairman Huerta asked Staff if a final consensus had been determined in setting the vegetation line and, if so, which line would be used as a marker to establish the setback. Mr. Payne answered no final determination has been made, but the definition of a "vegetation line" and its purpose makes the determination even more difficult.

After Mr. Payne's comments concluded, the public hearing was opened. Mr. Cliff Schlabach, Chairman of the Corpus Christi Surf Riders' Foundation, addressed the commission. Mr. Schlabach stated the organization has studied the plan because they have vested interest in ensuring the beaches are protected and maintained. Mr. Schlabach congratulated both Nueces County and the City for working together in creating the plan. Mr. Schlabach continued that the plan was very well researched and put together. Mr. Schlabach continued that the organization was very much behind and in favor of the plan. Mr. Schlabach stated initially, there were several concerns concerning the plan, but they were resolved at the meeting. The 350-foot setback was one of the major items of concern. Mr. Schlabach stated he had spoken with Angela Sunlee with the Texas General Land Office and she highly praised the City and Nueces County for working together in creating the plan and stated it was one of best plans that had been presented to the GLO in a long time. The plan provides a lot of information and the organization fully supports it. After all comments concluded, the public hearing was closed.

A motion to **approve** the joint Erosion Response Plan for Nueces County and the City of Corpus Christi was made by Commissioner Nadkarni and seconded by Commissioner Castillo. Motion passed with Commissioners Adame, Guerra and Kelly absent.

