



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### Planning Commission

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Wednesday, May 30, 2018

5:30 PM

Council Chambers

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#### I. Call to Order, Roll Call

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

#### II. Approval of Minutes

1. [18-0654](#) Regular Meeting Minutes of May 16, 2018

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

#### III. Public Hearing (Items 2 - 8) - Discussion and Possible Action

##### A. Plats

##### New Plats

Greg Collins, Development Services, read items "2 & 3" into the record as shown below. Mr. Collins 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, Chairman Villarreal opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve items "2 & 3" was made Commissioner Dibble and seconded by Commissioner Baugh. The motion passed.

2. [18-0650](#) 18PL1044  
MAHAN ACRES, BLOCK 3, LOTS 11A & 11B (REPLAT - 0.48 ACRES)  
Located north of McArdle Road and east of Kostoryz Road.

3. [18-0652](#) 18PL1042  
THE VINEYARDS UNIT FIVE, BLOCK 1, LOT 1 (FINAL - 2.64 ACRES)  
Located south of Saratoga Boulevard (State Highway 357) and west of Rodd Field Road (State Highway 357).

**B. New Zoning****4. [18-0655](#) Public Hearing - Rezoning Property at or near 6000 Yorktown Boulevard****Case No. 0218-03 - William B. Miller, Jr:**

Ordinance rezoning property at or near 6000 Yorktown Boulevard (located on the north side of Yorktown Boulevard, east of Loire Boulevard, and west of Cimarron Boulevard), from the "RS-6" Single-Family 6 District to the "IL" Light Industrial District.

Andrew Dimas, Development Services, read item "4" into the record as shown above. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. The subject property is located midblock between South Staples Street and Cimarron Boulevard. He stated the purpose of the rezoning request is for the sale of the property and to bring an existing nonconforming use of a building (32,099 square feet/30 feet in height) into conformity with the land's zoning. The building was constructed in 1973 (prior to annexation). The use of the property has been for distribution purposes (Del Mar Distribution Company) since its inception. He informed the Commission that zero public notices were returned in favor and two notices were returned in opposition of the change of zoning request. He also went over the zoning patterns for the surrounding area along with the UDC requirements for the change of zoning request. Staff recommends denial of the requested change of zoning, and in lieu thereof, approval of the "CN-1/SP" Neighborhood 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 "Warehouse and Freight Movement" as described per the Unified Development Code (UDC) except the following listed uses: bus barn, coal and coke storage and sales, lumber yard or other building material establishment, milk distributing station, and the stockpiling of sand, gravel, or other aggregate materials.
2. **Setback:** A setback at a minimum of 20 feet shall be maintained from any residential property. No buildings or storage is allowed within the setback.
3. **Outdoor Storage:** Outdoor storage is prohibited.
4. **Lighting:** All lighting must be shielded and directed away from abutting residences and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line.
5. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.
6. **Hours of Operation:** The hours of operation shall be daily from 6:00 AM to 9:00 PM.
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 or, a certificate of occupancy or UDC compliance has been issued. The Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

After Staff's presentation, the floor was opened for comments/discussion by Commissioners. Vice Chairman Lippincott asked how Staff reached their recommendation as opposed to recommending the "CG-2" General Commercial district. Staff has recommended uses for the building that are in line with a warehouse/distribution center use while restricting uses that may pose a risk or nuisance to neighboring single-family residences. Mr. Dimas stated the character of the Yorktown Boulevard mid-block corridor between South Staples Street and Cimarron Boulevard is primarily lower intensity commercial uses. Additionally, the proposed Del Mar College south side campus will be located approximately 1.5 miles to the east of the subject property which will increase traffic on the Yorktown Boulevard corridor. Vice Chairman Lippincott felt that because of the large size of the existing building on the property, the "CN-1" Neighborhood Commercial district is limiting its use.

Further discussion took place regarding the zoning classification of the subject property during and after time of annexation and the legal annexation notification process to property owners. It was noted by Mr. Dimas that it is not specifically known how the property owner was notified nor is there a record of contention by the property owner regarding the zoning classification of "RS-6" Single Family Residential. He added that without the knowledge of the use for the property, it is a challenge for Staff to customize a Special Permit.

After all comments/discussion concluded, Chairman Villarreal opened the public hearing. Representing the owner, Jim Boller at 5922 Parkland Avenue, addressed the Commission and conveyed that the owner is in opposition of Staff's recommendation. He stated the "CN-1" district is not suitable for the existing building on the property and the "CN-1" district will devastate the asset of the owner's property. It is not in the owner's interest to create a nuisance for his surrounding neighbors. The owner also feels that his property did not encroach upon the neighborhood since it existed before the annexation. He noted that the owner was not aware of the "RS-6" classification at the time of annexation nor did he receive a notice. Discussion took place regarding what options/restrictions the owner would be amenable to and the uses allowed in an "IL" district. Mr. Boller stated that the owner is willing to continue to meet with Staff to discuss more options. Commissioner Williams expressed concerns about "IL" districting opening up the possibility of noise from bars and music venues. Commissioner Hovda pointed out that the proposed rezoning to the "IL" district is not consistent with the adopted Comprehensive Plan (Plan CC).

Mark Adame at 5242 Greenbriar Place, addressed the Commission and informed them he is representing a potential buyer interested in the property (no use specified) and the final rezoning action is contingent upon their decision to purchase the property. Past interested buyers have been in many industries, including self-storage, HVAC (heating, ventilation and air conditioning), distributors, a pool supply company and wholesalers. He cited section 5.1 Commercial Use Categories of the UDC and stated there are other use options listed that can be considered an appropriate use for the property. He felt that Staff should reassess this section. He stated that the existing building has been used as a distribution facility for many years and cannot be

repurposed for much else. He informed the Commission that he has met with Staff and is open to continue to discuss more options. He added that it is not in his client's interest to create a nuisance for the surrounding neighbors.

With no one else coming forward the public hearing was closed. Further discussion amongst Commissioners took place regarding the outcome of granting an "IL" district. Mr. Dimas stated that if an "IL" district is granted, uses by right cannot be legally restricted even if the Special Permit has expired. A motion to table item "4" to the June 27, 2018 Planning Commission meeting was made by Commissioner Crull and seconded by Commissioner Hovda. The motion passed.

5. [18-0656](#)

**Public Hearing - Rezoning Property at or near 1752 Flour Bluff Drive**

**Case No. 0518-02 - Siecoast Development, Inc:**

Ordinance rezoning property at or near 1752 Flour Bluff Drive (located on the west side of Flour Bluff Drive, south of Graham Road, and north of Don Patricio Road), from the "RM-1" Multifamily 1 District to the "CN-1" Neighborhood Commercial District.

Mr. Dimas read item "5" into the record as shown above. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. The subject property is currently zoned "RM-1" Multifamily 1 District and consists of vacant land. He informed the Commission that zero public notices were returned in opposition of the change of zoning request and one notice was returned in favor. He also went over the zoning patterns for the surrounding area along with the UDC requirements for the change of zoning request. Mr. Dimas presented a plat to show that approximately 46% of the subject site has a large utility easement by American Power Electric; any future development cannot occur within the easement. He added that pavement for parking is allowed in the easement since it is not a structure. Staff recommends approval of the requested change of zoning.

After Staff's presentation, Chairman Villarreal opened the public hearing. Clifford Zarbock at 1802 Josea Court addressed the Commission in support of the change of zoning request and felt that the subject property is suitable for the "CN-1" Neighborhood Commercial District. With no one else coming forward the public hearing was closed. A motion to approve Staff's recommendation for item "5" was made by Vice Chairman Lippincott and seconded by Commissioner Baugh. The motion passed.

6. [18-0657](#)

**Public Hearing - Rezoning Property at or near 4549 Violet Road**

**Case No. 0518-03 - Elaine Pittman and James Massur:**

Ordinance rezoning property at or near 4549 Violet Road (located on the west side of Violet Road, south of Interstate 37, and north of Leopard Street), from the "RS-6" Single-Family 6 District to the "RV" Recreational Vehicle Park District.

Mr. Dimas read item "6" 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 stated the purpose of the rezoning request is to allow for the construction of a 73-pad recreational vehicle park. The Future Land Use section of Plan CC identifies the area with a "Mixed Use" designation. According to Plan CC, a "Neighborhood Village" under the "Mixed Use" designation is a smaller, walkable, mixed-use village that can be as small as a few blocks around an intersection.

Mr. Dimas also went over the zoning patterns for the surrounding area along with the UDC requirements for the change of zoning request. According to section 6.1.2.D.2 of the UDC, "Trailer pads shall be rented by the day or week only and the occupant of a trailer pad shall remain in the same Recreational Vehicle Park not more than 180 continuous days." To the west of the subject property is a private pipeline easement (development cannot occur within the easement) approximately 50-feet in width which will act as a buffer between the proposed Recreational Vehicle "RV" park and the neighboring multifamily apartment complex.

Mr. Dimas presented a site plan to further detail that the only access to the proposed RV Park will be through Violet Road. He also mentioned that discussion has occurred to extend a portion of Church Street for the purpose of emergency access only. He informed the Commission that zero public notices were returned in favor of the change of zoning request and one notice was returned in opposition. Staff recommends approval of the requested change of zoning.

After Staff's presentation, Chairman Villarreal opened the public hearing. Representing the owner, Cliff Zarbock at 1802 Josea Court, addressed the Commission in support of the change of zoning request and felt that the subject property is suitable for the "RV" Recreational Vehicle District.

Michelle Williams at 4457 Church Street addressed the Commission in support of the change of zoning request. She stated her property is adjacent to this property. She felt that the subject property is suitable for the "RV" Recreational Vehicle District.

With no one else coming forward, the public hearing was closed. A motion to approve Staff's recommendation for item "6" was made by Commissioner Baugh and seconded by Commissioner Hovda. The motion passed.

## C. Master Plan

### 7. [18-0653](#)

Amendment to the City's Urban Transportation Plan map of Mobility CC for Alpine Street, Corn Products Road, Sedwick Road, Diamond Cut Drive, Hopkins Road, and Joe Mireur Road, located between Leopard Street and Agnes Street (State Highway 44) and between Bronco Road and Corn Products Road.

Isaac Perez along with Annika Yankee, Development Services, read item "7" into the record as shown above. The purpose of this item is to change the City's Urban Transportation Plan (UTP) map by realigning and deleting a series of streets to accommodate a proposed industrial development in the area north

of the Corpus Christi International Airport (CCIA) and between Bronco Road and Corn Products Road. He displayed an aerial view of the subject property along with a site plan. The proposed project is approximately 378 acres and the industrial facility will be for the wholesale storage and transfer of petroleum based products. The site will be developed with a rail facility connecting to the existing Kansas City Southern railroad on the north side of Agnes Street (SH 44). The developer (Pin Oak Terminals) proposes amendments to the UTP map to accommodate the proposed facility and improve and reorganize the neighboring street grid design.

By way of a map, Mr. Perez pointed out each of the following amendments proposed by the developer:

1. Realign a proposed segment of Sedwick Road, a C1 Collector;
2. Eliminate a proposed segment of Diamond Cut Road, a C3 Collector;
3. Eliminate a proposed segment of Alpine Road, a C2 Collector;
4. Eliminate a proposed segment of Hopkins Road, a C3 Collector;
5. Eliminate a proposed segment of Joe Mireur Road, an A2 Arterial;
6. Reclassify a portion of Hopkins Road from A2 Arterial to C1 Collector;
7. Reclassify a segment of Corn Products Road from A2 Arterial to C1 Collector;
8. Reclassify Diamond Cut Drive from C3 (proposed) to C1 Collector (existing).

Mr. Perez further presented two maps to illustrate the current plan versus the proposed plan. Staff and the Transportation Advisory Commission recommend approval of the proposed amendments for the following reasons:

- Maintains an adequate transportation network for the future land use plan:
  - For large tract industrial developments;
  - For an area where no significant destination nodes or trip generators exist.
- Reduces conflicts with CCIA's operations and existing pipeline/electrical easements.

After Staff's presentation, the floor was opened for comments/discussion by Commissioners. Commissioner Crull asked if Staff considered other realignment options to provide better access from Interstate Highway 37 to the CCIA and if Staff considered realigning Diamond Cut Drive along the eastern border of the subject property. Ms. Yankee stated that the developer initially proposed to shift the roads to the eastern boundary of the property but Development Services and Traffic Engineering Staff felt that combining Diamond Cut Drive with the future Joe Mireur Road would be sufficient. For justification, she further explained that there is current access to the east from Interstate Highway 37 to Corn Products Road and then to Hopkins Road which will lead you to State Highway 44 in order to meet the industrial capacity. She also explained that adding an overpass at Joe Mireur Road conflicts with the CCIA.

Commissioner Crull asked if the property adjacent owner to the east (vacant) of the subject property had been contacted regarding the proposed amendments. Ms. Yankee confirmed that the property owner had been contacted. After comments/discussion concluded, Chairman Villarreal opened the public hearing. Representing the landowner, Murf Hudson at 2725 Swantner Drive addressed the Commission to answer questions. He informed the Commission the developer is also working to buy the property north of Sedwick Road. Presently, the City is requesting a letter stating there is no objection of the

realignment from that current land owner. The purpose of the realignment is to avoid road construction over a series of pipelines and easements. Ms. Yankee added that if the property cannot be acquired then the amendment to realign Sedwick Road will not be executed.

With no one else coming forward, the public hearing was closed. A motion to approve Staff's recommendation for item "7" was made by Commissioner Baugh and seconded by Commissioner Hovda. The motion passed.

8. [18-0660](#)

Amendment to the City's Urban Transportation Plan Map of Mobility CC for the deletion of a proposed C1 Collector street (Las Tunas Drive), located approximately 0.2 miles south of Whitecap Boulevard between Palmira Avenue and South Padre Island Drive (Park Road 22).

Chairman Villarreal recused himself from the proceedings and left the Council Chambers.

David Thornburg, Development Services, read item "8" into the record as shown above. The purpose of this item is to change the City's Urban Transportation Plan (UTP) map by eliminating a portion of a planned Collector street, Las Tunas Drive, to accommodate a proposed commercial shopping center development for Padre Island, south of Whitecap Boulevard and west of South Padre Island Drive (Park Road 22). He displayed an aerial view of the subject property along with a site plan for the proposed development.

Mr. Thornburg presented a map of the current plan which shows that Las Tunas Drive will be extended as a "C1" collector from Palmira Avenue to South Padre Island Drive. Las Tunas Drive is a dedicated but unbuilt street with a 50-foot wide right-of-way (ROW). The ROW for Las Tunas Drive is located predominately within wetlands designated by the Army Corps of Engineers. He presented another map to illustrate the location of the wetlands. Since the site contains wetlands, a significant amount of fill is required to raise the site as much as seven feet above the existing grade of Las Tunas Drive. This grade differential will make access to the shopping center from Las Tunas Drive very difficult. The proposed amendment eliminates time and expense to mitigate the wetlands to construct the road.

Mr. Thornburg explained several more factors for eliminating a portion of Las Tunas Drive. As a requirement of the building permit, the developer will have to combine multiple smaller lots ("replat") into one commercial lot which will trigger the dedication of an additional five feet of ROW for the proposed C1 collector. This will cause difficulties with the shopping center lay out. The proposed amendment removes the need for the ROW dedication of platted land.

Mr. Thornburg further explained that Las Tunas Drive is about 2,100 feet from the next planned C1 Collector, Marquesa/Viento Del Mar Drive, and about 3,200 feet from the next existing C1 Collector, Merida Drive. Therefore, even with the closure of Las Tunas Drive, residents' access to South Padre Island Drive will be maintained and the collector spacing recommendation of 0.25- to 0.50-mile increments is also maintained. Also, to provide connectivity lost due to the elimination of Las Tunas Drive, the developer is willing to construct a cart path on the southern property boundary connecting the shopping center to the existing residential neighborhood west of Palmira Avenue. The use of golf

carts on Padre Island is increasing but is prohibited on South Padre Island Drive (PR 22) due to speeds/safety. The developer will be required to obtain driveway permits from TxDOT.

The proposed amendments conform to City policy, Plan CC Comprehensive Plan and Mobility CC. Staff and the Transportation Advisory Commission recommend approval of the proposed amendment for the following reasons:

- Quarter-mile to half-mile collector spacing requirements are maintained.
- Adequate residential traffic circulation is maintained.
- Impacts to wetlands are reduced.
- The need for additional vehicles to access Park Road 22 is reduced by the developer providing a pedestrian/golf cart access to the shopping center.

After Staff's presentation, the floor was opened for comments/discussion by Commissioners. Discussion took place regarding the shared or cross access with the property owner north of Las Tunas Drive following the removal of Las Tunas Drive and the street closure. Staff confirmed that the adjacent property owner to the north has been contacted and they are in agreement with the proposal. Further discussion took place regarding the fill and how drainage will be addressed.

After comments/discussion concluded, Vice Chairman Lippincott 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 Baugh and seconded by Commissioner Crull. The motion passed with Chairman Villarreal abstaining. Chairman Villarreal re-entered Council Chambers.

#### **IV. Director's Report**

Nina Nixon-Mendez, Director of Development Services, updated the Commission on the FEMA flood plain maps, their anticipated release and appeal opportunities. City Council has directed Staff to perform community outreach upon the release. The City has appealed the preliminary map with respect to the Oso Creek area and anticipate a successful appeal. Additional outreach will be done in those appeal areas with mail notification to property owners affected. She said that outreach will be conducted in the summer time. The Commission will be given a briefing on the outreach efforts and Council will be presented with an accelerated adoption of the preliminary maps based on community input. There is no specific meeting date scheduled for outreach but it will be publicized through press release and media outlets.

#### **V. Items to be Scheduled**

None.

#### **VI. Adjournment**

There being no further business to discuss, Chairman Villarreal adjourned the meeting at 7:00 p.m.