



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### Planning Commission

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Wednesday, August 22, 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 no absences.

#### II. Approval of Absences: Commissioner Dibble

A motion to excuse the absence at the regularly scheduled Planning Commission meeting on August 8, 2018, for Commissioner Dibble was made by Commissioner Baugh and seconded by Vice Chairman Crull. The motion passed.

#### III. Approval of Minutes

##### 1. [18-1035](#) Regular Meeting Minutes of August 8, 2018

Commissioner Hovda had a correction to the minutes. She said that the minutes did not reflect her suggestion for Staff to highlight in all future zoning reports when projects plan to use spetic systems.

A motion was made by Commissioner Ezell to approve item "1" with the caveat that a correction be made to include Commissioner Hovda's direction regarding zoning Staff reports. The motion was seconded by Commissioner Baugh. The motion passed.

#### IV. Public Hearing (Items A - C) - Discussion and Possible Action

##### A. Presentation

##### 2. [18-1047](#) Capital Improvement Program (CIP) Budget

Mark Van Vleck, Assistant City Manager, presented item "2". Mr. Van Vleck began the presentation by updating the Commission on changes that were made to the CIP Budget and Planning Guide that was provided to them for review at their last meeting. He gave the purpose of the Guide which includes details on specific information for projects within the next three years. He explained sections of the document include Fiscal Year 2019 (Year One), Short Range Program (Years 2 and 3) and the Long-Range Forecast (items considered important but not funded). He briefly went over how each project's description/information is organized into a table.

The remainder of the presentation was categorized by the following departments: Airport, Parks and Recreation, Public Facilities, Public Health and Safety, Streets, Gas, Storm Water, Water Supply, Water and Wastewater. The slides for each department gave the budget for Year One, highlighted specific projects and their funding sources.

After Staff's presentation, Chairman Villarreal opened the public hearing. With no one coming forward, the public hearing was closed and the floor was opened for comments/questions from Commissioners. Commissioner Hovda commented on the Wastewater plan. She is concerned that the Guide does not reveal plans for the years past 2 and 3 considering the amount of growth in the south side and Flour Bluff areas. She is especially concerned with the lack of infrastructure in those areas which causes the increase of septic system installations along the City's bays (Oso Creek/Laguna Madre). She pointed out the City's reputation for poor water quality reflects badly on tourists and asked if Mr. Van Vleck could further explain the plan for Wastewater. Mr. Van Vleck assured Commissioner Hovda that the budget for Wastewater is not decreasing, however funds are focused on operating costs. The operating costs are increasing from the previous year of \$12 million to \$18 million. He added that they have a 20-year plan and are working with the Environmental Protection Agency/Texas Commission on Environmental Quality to address overflows due to capacity issues. He corroborated that the plan does not include much detail on expanding wastewater infrastructure but concentrates on solving issues for the current infrastructure. He said that the Commission/City Council can give direction to Staff to increase the budget but Staff is trying to limit rate increases. Mr. Van Vleck stated that Staff will also start to share with the Commission the locations with the highest work orders of overflow/backflow problems to assist the Commission on zoning/planning recommendations.

Vice Chairman Crull also raised the concern that the Planning Guide only details up to Year 3. His main areas of concern are for the Wastewater, Water Supply and Streets. He also did not see any funds for Master Plan updates regarding Water, Wastewater and Storm Water and felt that it needs to be included in the plan. Commissioner Schroeder commented on the capacity of aging infrastructure in established areas where infill and higher density development is occurring and asked how the City is preparing for repairs in such development. Chairman Villarreal reiterated Commissioner concerns regarding the long-range forecast and stated that the Guide in the past has provided years 4 through 10. He would like future guides to include this information and feels it would also better inform the public. No action was taken on this item.

## **B. Plats**

### **Amending Plat**

#### **3. [18-1036](#)**

##### **18PL1058**

##### **BRIDGEPOINT LANDING BLOCK 1, LOT 5R AND LOT 6R (AMENDING PLAT - 15.46 ACRES)**

Located South of SPID (SH 358) and east of Lexington Drive.

Greg Collins, Development Services Department, read item "3" into the record as shown above and presented an aerial view of the subject property. Mr. Collins informed the Commission the plat application was submitted on May 22, 2018 as a "replat". Soon after the submission, the applicant changed the application to state that it is an "amending" plat. In this plat application, the landowner seeks to adjust lot lines to, in effect, clip approximately two acres off the northeast corner of Lot 6 and combine that two acres with an adjacent Lot 5. The result is the creation of two new lots, Lot "6R" and Lot "5R". The applicant contends that this is an amending plat, under the Unified Development Code (UDC) and Texas Local Government Code (Section 212.016(a)(9)), because it is simply relocating one or more lot lines between one or more adjacent lots, and it is not increasing the number of lots. Applicant asserts that no improvements are required, and that this plat should be approved administratively by City Staff under UDC Section 3.10.1 as an amending plat.

Staff contends that this plat is a replat, not an amending plat, under Texas Local Government Code Section 212.016(a)(11) ("Amending plat"), because the plat "require[s] the creation of a new street". This requirement comes from the Urban Transportation Plan (UTP) adoption of Williams Drive (a C-3 Collector) alignment onto the southern edge of Lot 6, by Ordinance dated February 18, 2014. The street is planned, but not yet built, from Rodd Field Road to Ennis Joslin Road. Forty feet of right-of-way already exists along this alignment because this section line is indicated as a road in the original Flour Bluff and Encinal Farm and Garden Tracts plat of 1895. Staff is requesting additional dedication of land (35 feet) to have the full 75 feet of right-of-way, and construction of the street.

Staff also contends that this plat is a replat, not an amending plat, under Texas Local Government Code Section 212.016(a)(11) ("Amending plat"), because it "make[s] necessary the extension of municipal facilities." Mr. Collins informed the Commission that the extension of water lines/fire hydrants are required along Williams Drive and the installation of another fire hydrant along Lexington Drive. Additional dedication of drainage right-of-way is also required that delineates the natural watercourse in the south portion of the property.

Mr. Collins continued the presentation by giving a timeline of significant dates. Williams Drive was previously shown on this property as early as 1996 and 2004, in prior preliminary plats, and drainage right-of-way was also shown. It should be noted that on a May 12, 2010 preliminary plat approved by Planning Commission, Williams Drive was no longer shown on the property. A final plat was approved by Planning Commission that same day. The final plat for Lot 6 was recorded on May 22, 2014, after the placement of the Williams Drive alignment on the property (without construction or dedication of right-of-way of Williams Drive). The preliminary plat for Lot 6 expired at that same time, upon recordation of final plat in May 2014. Staff argues that, because Williams Drive was placed on the property by UTP and Ordinance, in 2014, prior to the current application in 2018, the applicant is required to dedicate the right-of-way for the street and the drainage, and to construct the street.

Staff also asserts that this proposed amending plat does not satisfy the following review criteria for amending plats in UDC Section 3.10.3:

1. Does not meet requirements of code and state law.
2. Inconsistent with Comp Plan, Utility Master Plans, other adopted plans relating to future streets, and extension/improvement of roads, water, stormwater.
3. Plat does not meet subdivision design and improvement standards to promote health, safety or general welfare.

Staff recommends denial of the amending plat.

After Staff's presentation, Chairman Villarreal opened the floor for comments/questions by Commissioners. Vice Chairman Crull asked where the previous location of the Williams Drive alignment existed and why it changed. He felt that the additional right-of-way is a burden on the subject property. He also stated that street construction would occur over a major drainage ditch in the area which he sees as an obstacle and creates no use of the roadway.

Commissioner Baugh commented on the UTP amendment process and emphasized how the Commission has considered recommendations to remove planned roads in the past. Commissioner Hovda asked if discussion took place between Staff and the applicant for UTP amendment options to remove the subject portion of alignment. Staff confirmed that discussion occurred at length and they felt that removing the alignment is not suitable at this time. Commissioner Hovda expressed her disapproval to Staff's position on this item and felt that it reflects poorly on the Development Services Department. Nina Nixon-Mendez, Director of Development Services, responded to Commissioner Hovda's comment and stated that the Department, along with the Technical Review Committee, is following the process/review criteria that is identified in the UDC related to amending plats. She also said the UDC dictates the Department cannot deny an amending plat and must be forwarded to the Planning Commission for consideration.

Chairman Villarreal referred to the timeline of events and reiterated that the final plat for Lot 6 was recorded in 2014 without the Williams Drive alignment. He said that during the plat review process for the final plat, Staff and the Technical Review Committee had an opportunity to apply the required street and municipal facilities. He also pointed out that with the Final Plat, the owner is not obligated to construct the Williams Drive alignment and is able to apply for a building permit for Lot 6 if they chose to do so without moving forward with the amending plat.

After comments/questions from the Commissioners concluded, Chairman Villarreal opened the public hearing. Engineer of record for the project, James Schwartz, addressed the Commission. He began by mentioning they have experienced a great working relationship with Staff. He gave background information to explain the purpose of the amending plat. Their only contention is the Williams Drive alignment as the cost would be burdensome and the UTP amendment process would take too long. He felt that the Williams Drive alignment is in a bad location and renders the property undevelopable.

Managing partner for the property, Alex May, addressed the Commission with a presentation. He explained the purpose of the proposed project to be constructed and a time line of events to show where the plat is at today. He

also mentioned the UTP amendment process was timely and they are at risk of losing the sale of the property. He echoed much of what Mr. Schwartz stated in that the cost is burdensome and the alignment is in a bad location. He provided maps in support of his position that the alignment should be moved. He felt Staff should have taken a common-sense approach to their assessment and asked that the Commission approve the amending plat.

With no one else coming forward, Chairman Villarreal closed the public hearing. Vice Chairman Crull made a motion to approve item "3" as an amending plat and Commissioner Hovda seconded. The motion passed. A motion was made by Vice Chairman Crull to approve the plat for item "3" and Commissioner Dibble seconded. The motion passed.

### **Plat Waiver (Variance)**

#### **4. [18-1037](#)**

##### **18PL1048**

##### **ROBLEX INDUSTRIAL SUBDIVISION UNIT 3, BLK 1, LOTS 4, 5, & 6 (FINAL - 11.990 ACRES)**

Located north of Bates Drive between North Padre Island Drive (SH 358) and Flato Road.

Request for a Waiver of Street Standards (Curb and Gutter, Sidewalk, and Allowing Concrete over Utilities) in Section 8.1.4 of the Unified Development Code (UDC)

Mr. Collins read item "4" into the record as shown above. The applicant has submitted a request for a waiver of installation of curb/gutter and sidewalks (UDC Section 8.1.4) on Kingpin Drive, planned as a C-1 collector in the Urban Transportation Plan (UTP). The waiver request is also to allow for the use of concrete instead of asphalt, even though utilities will be located underneath the concrete. He presented an aerial view of the subject property along with location maps. He cited UDC Section 8.2.2.A.1.a. which requires sidewalks in industrial subdivisions, for streets that are in the UTP as arterials or collectors, and for through-streets that either are connecting to existing streets or to proposed arterials or collectors. However, in UDC Table 8.2.1.C, the code states in a footnote that "[s]idewalks are not required in industrial areas."

Mr. Collins presented a slide showing the layout of a segment of Kingpin Drive to explain the proposed drainage system. The applicant's engineer states the proposed drainage system for proposed Kingpin Drive, running east-west, and connecting Flato Road to State Highway 358 (North Padre Island Drive) is a series of stormwater inlets, set in the ground, connecting to underground pipe running along the length of the road. Stormwater would drain off the road, across grass, and into the inlets and into the pipe. The pipe would convey the stormwater to ditches along Flato Road. He presented several photos as an example of this proposed drainage system on Transport Industrial Drive. Examples of photos were also presented to exhibit how curb/gutters are not resilient to heavy truck traffic occurring in industrial areas.

Mr. Collins cited the four factors for granting a plat waiver (UDC Section 3.8.3.D). For factor one, Staff finds that omitting curbs from street enables drainage, allows soaking into soil, filtration, and is a low-impact development practice. Regarding the remaining factors for granting a waiver from the curb

and gutter requirement and the use of concrete over underground utilities, Staff is neutral on whether these factors are satisfied. For the factors regarding sidewalks and utilities under concrete, Staff is neutral and do not have a recommendation.

After Staff's presentation, Chairman Villarreal opened the floor for discussion/questions by Commissioners. Discussion took place regarding the proposed drainage system. Bill Green, Assistant Director of Development Services, affirmed that detention is not required. After comments/questions by Commissioners concluded, Chairman Villarreal opened the public hearing. The owner, Mark Stockseth, addressed the Commission to answer questions. He felt that the Staff presentation was very thorough. With no one else coming forward, the public hearing was closed. A motion to approve item "4" was made by Commissioner Schroeder and seconded by Vice Chairman Crull. The motion passed.

### **New Plats**

Mr. Collins read items "5, 6, 7, 8 & 9" into the record as shown below. Mr. Collins stated the plats satisfy all requirements of the 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 "5, 6, 7, 8 & 9" was made Commissioner Baugh and seconded by Commissioner Ezell. The motion passed.

5.     [18-1038](#)                   **18PL1048**  
                                    ROBLEX INDUSTRIAL SUBDIVISION UNIT 3, BLK 1, LOTS 4, 5, & 6  
                                    (FINAL - 11.990 ACRES)  
                                    Located north of Bates Drive between North Padre Island Drive (SH 358)  
                                    and Flato Road.
  
6.     [18-1039](#)                   **18PL1053**  
                                    THE LAKES NORTHWEST UNIT 2, 3, 4, 5, 6, 7 (PRELIMINARY - 91.59  
                                    ACRES)  
                                    Located south of Northwest Boulevard and west of FM 1889.
  
7.     [18-1040](#)                   **18PL1061**  
                                    LAGUNA BUSINESS CENTER, LOTS 1, 2, & 3 (PRELIMINARY -  
                                    36.38ACRES)  
                                    Located south of Compton Road and west of Waldron Road.

8. [18-1041](#)                    **18PL1068**  
COGGIN SUBDIVISION, LOTS 2R & 3R (REPLAT - 2.085 ACRES)  
Located south of Gollihar Road and west of Kirkwood Drive.
9. [18-1042](#)                    **18PL1074**  
VALADEZ SUBSTATION LOT 1 & LOT 2 (PRELIMINARY - 20.82 ACRES)  
Located north of Brooke Road and west of Rodd Field Road.

**Time Extension**

10. [18-1043](#)                    **17PL1154**  
ROYAL CREEK ESTATES UNIT 8 (FINAL - 10.54 ACRES)  
Located east of Cimarron Boulevard and north of Oso Parkway.

Mr. Collins read item “10” into the record as shown above. He informed the Commission the the plat was originally approved by the Commission on February 21, 2018. The applicant is requesting a six-month time extension and this is their first request. The applicant is awaiting approval of construction plans and the completion of reimbursement agreements for street oversizing/grid main water construction. After Staff’s presentation, Chairman Villarreal opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve item “10” was made by Commissioner Baugh and seconded by Commissioner Zarghouni. The motion passed.

**C. New Zoning**

11. [18-1044](#)                    **Public Hearing - Rezoning Property at or near 5518 Curtis Clark Drive**

**Case No. 0818-04 - Marias Properties, LLC:**

Ordinance rezoning property at or 5518 Curtis Clark Drive (located on the north side of Curtis Clark Drive, east of South Staples Street, south of Williams Drive, and north of Holly Road), from the “RS-6” Single-Family 6 District to the “CN-2” Neighborhood Commercial District.

Andrew Dimas, Development Services, read item “11” 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 parking lot and a small retail/office building. He informed the Commission that zero public notices were returned in opposition of the change of zoning request and five notices were returned in favor. He went over the zoning patterns for the surrounding

area along with the UDC requirements (buffer yard) for the change of zoning request. He also specified the utilities (water, wastewater, gas and storm water) in place for the project and a proposed site plan. Staff recommends approval of the requested change of zoning.

After Staff's presentation, Chairman Villarreal opened the public hearing. The applicant, Cliff Atnip at 358 University Drive 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 "11" was made by Commissioner Dibble and seconded by Commissioner Zarghouni. The motion passed.

12. [18-1045](#)

**Public Hearing - Rezoning Property at or near 2141 Laguna Shores Road**

**Case No. 0818-05 - James Karstens:**

Ordinance rezoning property at or 2141 Laguna Shores Road (located on the east side of Laguna Shores Road, south of Lola Johnson Road, and north of Hustlin Hornet Drive), from the "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Mr. Dimas read item "12" 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 explained that the subject property was originally zoned "RS-6" Single-Family 6 District (formerly "R-1B" Property was zoned "R-1B" One-Family Dwelling District) previous to the 1983 area wide Flour Bluff rezoning. He informed the Commission that zero public notices were returned in opposition of the change of zoning request and two notices were returned in favor. He went over the zoning patterns for the surrounding area along with the UDC requirements for the change of zoning request.

Mr. Dimas also went over the available utilities for the subject area. Water and Gas are currently available along Laguna Shores Boulevard in front of the subject property but Wastewater is currently unavailable. There is a 16-inch, PVC Force Main located along Laguna Shores Boulevard but there is no access to that line. He informed the Commission that there is a Wastewater connection agreement between the owner and the City which was executed in 2007 at the time of the plat. The agreement does not obligate the owner to install wastewater until access is available in front of the subject property. For Storm Water, there is road side drainage located along Laguna Shores Boulevard in front of the subject property. Staff recommends approval of the requested change of zoning.

After Staff's presentation, Chairman Villarreal opened the floor for discussion/questions by Commissioners. Discussion took place regarding the difference between "RE", "RS-22" and "RS-15" zoning districts. the setback requirements for each and the minimum acre requirement for septic systems. It was noted that the property is platted for single-family development. Mr. Dimas stated that the owner plans to install septic systems for the proposed project but they are subject to the Health Department and environmental agency reviews, particularly due to being in close proximity to the bay.



After comments/questions by Commissioners concluded, Chairman Villarreal opened the public hearing. The owner, James Karstens, addressed the Commission and stated development options are limited with the current designation of the "CR-1" district. He felt that the "CR-1" district is not feasible for his property and has missed opportunities to sell his property for residential development interest. His property is also not adequate for commercial development since there is no connection to wastewater. He also noted that he installed a septic tank on his property 20 years ago and has had no issues. With no one else coming forward the public hearing was closed. A motion to approve Staff's recommendation for item "12" was made by Commissioner Baugh and seconded by Commissioner Ezell. The motion passed with Commissioner Williams voting "no".

13. [18-1046](#)

**Public Hearing - Rezoning Property at or near 2117 Laguna Shores Road**

**Case No. 0818-06 - Guy Brady:**

Ordinance rezoning property at or 2117 Laguna Shores Road (located on the east side of Laguna Shores Road, south of Lola Johnson Road, and north of Hustlin Hornet Drive), from the "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Mr. Dimas read item "13" 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 informed the Commission the subject property is located adjacent to item "12". He informed the Commission that zero public notices were returned in opposition of the change of zoning request and two were returned in favor. He went over the zoning patterns for the surrounding area along with the UDC requirements for the change of zoning request. Mr. Dimas listed the available utilities for the subject property and explained this item also has the same utility characteristics as item "12". Staff recommends approval of the requested change of zoning.

After Staff's presentation, Chairman Villarreal opened the public hearing. With no one coming forward the public hearing was closed. A motion to approve Staff's recommendation for item "13" was made by Commissioner Baugh and seconded by Commissioner Zarghouni. The motion passed with Commissioner Williams voting "no".

**V. Director's Report**

Ms. Nixon-Mendez updated the Commission on an upcoming orientation which will take place at Development Services for the newest members of the Planning Commission. The orientation will be on August 24, 2018.

**VI. Items to be Scheduled**

With the heightened concern for septic systems along the bays, Commissioner Hovda asked if Staff could look into possible solutions and bring the topic back for further discussion at a future meeting.

Ms. Nixon Mendez said they would look into bringing information back to the Commission on the topic and also mentioned that City Council has asked Staff to prepare a presentation related to development in the Oso Creek area. Ms. Nixon-Mendez told the Commission she will update them when the presentation is scheduled for a City Council meeting.

Commissioner Crull added that they are other alternative collection systems for larger lot subdivisions which aide connection issues but require more maintenance/operation. He suggested that Staff research those systems as well.

## **VII. Adjournment**

There being no further business to discuss, Chairman Villarreal adjourned the meeting at 8:05 p.m.