



Meeting Minutes

Planning Commission

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Wednesday, July 26, 2017

5:30 PM

Council Chambers

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I. Call to Order, Roll Call

The meeting was called to order and a quorum was established with Commissioners Williams, Hastings and Baugh absent.

II. Approval of Minutes

1. [17-0926](#) Regular Meeting of July 12, 2017

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

III. Public Hearing Agenda Items

A. Zoning

**New Zoning**

2. [17-0929](#) **Case No. 0617-03 - CC Ventures Equities IV, LP:** A change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial. The property to be rezoned is described as being the west 170 feet of Foxwood Estates Phase III, Block 11, Lot 2, located along the east side of Weber Road, north of Bratton Road and south of Saratoga Boulevard.

Laura Sheldon, Development Services, read item "2" into record as shown above. She presented several aerial views of the subject property. She stated the purpose of the rezoning request is to allow for the construction of an Express Tunnel Car Wash. The property abutting the residential zoning will remain CN-1 to maintain the current buffer to protect the residences. The retail development will still need to abide by all requirements of the Unified Development Code (UDC). Specific requirements would entail a 10 foot buffer between the "CN-1" district and the residential area. Additionally, the "CN-1" district does not allow bars, pubs, taverns, or nightclubs. There was a previous case in 2005 for multi-family and commercial use for this property. At that time the application specified the land would be used for multi-family and commercial uses, however, the specific commercial use was not indicated. The application was denied for the multifamily use and the commercial use was maintained. Surrounding properties have been rezoned with a pattern towards commercial development.

Ms. Sheldon informed the Commission that zero public notices were returned in opposition of the change of zoning request and one notice was returned in favor. Staff recommends approval of the requested change of zoning as it is compatible with the Future Land Use Map, PlanCC, and the Southside Area Development Plan (ADP); the use is appropriate for the APZ-2 overlay.

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 "2" was made by Commissioner Schroeder and seconded by Commissioner Crull. The motion passed

3. [17-0930](#)

**Case No. 0717-01 - Alrich Enterprises Inc., D/B/A Richard Sanchez Motors and Ben L. Herndon, Jr.:** A change of zoning from the "ON" Neighborhood Office District and the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District. The property to be rezoned is described as Koolside, Block 6, Lots 24 and 25, less portion to right-of-way and Lot 26, located at the intersection of Airline Road and Gollihar Road, north of McArdle Road and south of South Alameda Street.

Andrew Dimas, Development Services, read item "4" into record as shown above. He presented several aerial views of the subject property. He stated the purpose of the request is to allow for the continued operation of a vehicle sales establishment. Mr. Dimas went over the zoning patterns/zoning decisions of the surrounding area. Several rezonings have occurred along this portion of Airline Road since 1974. Three Special Permits have been granted along Airline Road between South Alameda Street and McArdle Road. The first in 1987 for the Crossroads Shopping Center (Catfish Charlie's). The second in 2001 for House of Cars which limits the number of cars that can be sold (11 cars). The third in 2004 is for Airline Motors which limits the number of cars that can be sold (14 cars). Currently, both Special Permits for vehicle sales are in nonconformance. House of Cars has 14 vehicles posted for sale and Airline Motors has 24 vehicles for sale. Mr. Sanchez's unpermitted vehicle sales establishment (Sanchez Motors) has 32 vehicles posted for sale. Despite the notification by the City's Code Enforcement Department, Sanchez Motors has continued to operate with several non-conformities with the UDC and without a Certificate of Occupancy.

Mr. Dimas went over the Code Enforcement history of the property which dates back to the first notification in December of 2016 through the rezoning process which began in March 2017. He explained the UDC requirements such as noise, setbacks and parking; non-conforming factors such as dumpsters, lighting, gates/stacking and fill. He informed the Commission that one public notice was returned in favor and one notice was returned in opposition. Staff recommends denial of the change of zoning request as it is incompatible with PlanCC and the Southeast Area Development Plan.

Commissioner Crull asked whether City Staff and the applicant have had discussion regarding the option of a Special Permit. Mr. Dimas said that Staff has had a discussion with the applicant and the option of a Special Permit is available but Staff feels that the Special Permit history proves to be unsuccessful. Discussion continued with questions regarding the roles/duties of the Planning Commission verses Code Enforcement and also parking

requirements.

There being no further discussion/questions amongst the Commissioners, Chairman Villarreal opened the public hearing. Patrick Beam at 924 Leopard Street and the attorney representing the tenant, Richard Sanchez, addressed the Commission. He stated his client is trying to do his due diligence. The property has been used for many years as a car lot before Mr. Sanchez became the tenant. Currently, the Code Enforcement case is with the Municipal Court with no conviction. If the "CG-2" General Commercial District is not approved then his client is agreeable to the option of a Special Permit; his client will turn in a site plan meeting UDC requirements. He also stated they have reached out to the nearby property owner who was in opposition to the request and they have considered retracting their opposition. He stated the property owner in opposition was not aware of what the plans were for the subject property.

Ben Herndon, the owner of the subject property at 901 Airline Road, addressed the Commission and gave some background information regarding the property. He said in 1981 he was issued a Special Permit that was filed through the Planning Commission and assumed it was still in effect when he leased the property to Richard Sanchez. He said the property has had ongoing businesses and has never been vacant. He also stated Richard Sanchez is a good tenant.

The tenant of the subject property, Richard Sanchez, addressed the Commission and also gave some background information as to how/why he started the business. He said he obtained his dealership license and employs six to eight people; he is in partnership with his wife. Mr. Sanchez stated he has not had any issues while the business has been in operation up until now.

Alice Sanchez, wife of Richard Sanchez and co-owner of Alrich Enterprises, addressed the Commission in support of her husband and asked the Commission to consider a favorable decision.

Lisa McDonald, the accountant for Mr. Sanchez addressed the Commission and in support of Mr. Sanchez. She stated that in the short time the business has operated, it is successful and profitable. She also stated Mr. Sanchez is of good character.

With no one else coming forward, the public hearing was closed. Commissioner Crull asked Staff if there was a Special Permit that was granted in 1981 as Mr. Herndon revealed. Mr. Dimas stated that Staff found no historical evidence through the Geographic Information System nor hardcopy maps. Commissioner Crull suggested to do some further research with the City Secretary's office for City Council records. A motion was made by Vice Chairman Lippincott to table item "3" to the regularly scheduled Planning Commission meeting of August 23, 2017, so Staff can further discuss with the applicant the option of a Special Permit with terms/conditions. Commissioner Hovda seconded and the motion passed.

4. [17-0931](#)

**Case No. 0717-02 - Bradley W. Shirley & Valerie V. Shirley:** A change of zoning from the "RS-6" Single-Family Residential District to the "IL" Light Industrial District. The property to be rezoned is described as Bohemian Colony Lands, 6.379 acres out of Section 7, Lot 5, located north of Saratoga Boulevard and east of Greenwood

Drive.

Andrew Dimas, Development Services, read item "4" into record as shown above. He presented several aerial views of the subject property. He stated the purpose of the request is speculative zoning for sale of the property which is vacant. Mr. Dimas went over the zoning patterns of the surrounding area and the UDC requirements. Specific requirements would entail buffer yards and setbacks.

Mr. Dimas informed the Commission that zero public notices were returned in favor or in opposition. Staff recommends approval of the requested change of zoning as it is compatible with the Future Land Use Map, PlanCC, and the Westside Area Development Plan.

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 "4" was made by Commissioner Crull and seconded by Commissioner Hovda. The motion passed

## B. Presentations

### 5. [17-0932](#) Airport Zoning Commission - Establishment & Implementation

Chairman Villarreal informed the Commission that Staff recommends to table item "5". Commissioner Hovda made a motion to approve Staff's recommendation to table item "5" for a future Planning Commission meeting date. Commissioner Dibble seconded and the motion passed.

### 6. [17-0933](#) Downtown Area Development Plan

Daniel McGinn, Assistant Director of Planning and Environmental/Strategic Initiatives (ESI) addressed the Commission and gave a brief update for item "6". He stated work began in 2014 on the Downtown ADP and was suspended in 2015 to allow focus on completing/adopting the City's comprehensive plan (Plan CC). With the adoption of Plan CC in the fall of 2016, work to finalize and adopt the Downtown ADP has resumed.

After reviewing the November 2015 draft of the Downtown ADP, City Staff submitted recommended changes of the document to Goody Clancy and Associates. Ben Carlson, Principal Associate from Goody Clancy and Associates, traveled to Corpus Christi on March 1, 2017 to participate in a series of City Staff, Advisory Committee, and Stakeholder meetings to discuss the proposed updates to the Downtown ADP draft. From this meeting, a better understanding of how to move forward with the document was established, including changes reflecting current Harbor Bridge Replacement Project information. Mr. McGinn handed the presentation over to Mr. Carlson. Mr. Carlson began the presentation with the methodology behind the entire process of the plan. He stated that economic development is at the center of the plan with a strong demand for downtown living; research has been done with regards to the real estate market and feasibility.

Mr. Carlson described the five vision themes for the plan. He also explained the plan has 10 initiatives with three categories: real estate investment,

infrastructure and great places for people. Mr. Carlson went into detail for each of the 10 initiatives: the Tax Increment Reinvestment Zone #3, public/private partnership, activate vacant properties, improve key streets/parks, park more efficiently, organize event traffic, re-connect streets, where fun happens, embrace the waterfront and keep it clean/safe.

Mr. Carlson listed the following City districts as unique places in Corpus Christi: the Marina Arts District, Bayshore Neighborhood, Uptown/Surrounding Neighborhoods, the Washington-Coles area, Hillcrest area, the SEA District and North Beach.

Additionally, he went over some key elements of development guidelines due to the high interest of providing a more predictable framework of how buildings connect to different streets. The guidelines include a primary walking street, a flexible access street and a gateway street/boulevard. At this point of the presentation, he handed the presentation to Keren Costanzo, Planning and ESI, to go over the complimentary North Beach planning efforts.

Ms. Costanzo gave the Commission some background information regarding the North Beach redevelopment initiative and how Staff came to the decision to include the plan as an appendix in the Downtown ADP. She provided the Commission with two maps with different alternatives. She stated that the primary difference between the two alternatives is in regards to how the different methods of drainage/stormwater issues are mitigated around the median between Timon Boulevard/Surfside Boulevard. The maps also correlate to a list of Capital Improvement projects for the redevelopment initiative. Ms. Costanzo pointed out the area on the map which details the capital improvement projects for the Timon Boulevard/ Surfside Boulevard area which provide for the drainage solution in line with offering a recreational trail of amenities. Staff are also identifying which projects are moving forward due to the Harbor Bridge relocation. Ms. Costanzo went over the next steps for the adoption of the Downtown ADP.

After Staff's presentation, Commissioners asked questions regarding the strategy of planting trees/vegetation, tidal canals/bioswells open space in the North Beach area and the evaluation of the Hillcrest area. There being no further comments/discussion by Commissioners, Chairman Villarreal opened the public hearing.

Carolyn Moon at 4902 Calvin Drive addressed the Commission and stated she would like the plan to consist of more places available to sit. She is also in favor of the bioswell for the canal.

With no one else coming forward, the public hearing was closed. There was no action taken on this item.

7. [17-0867](#)

Fiscal Year 2018 Capital Improvement Program (CIP) Budget - Review and Make Recommendations to City Council

Mark Van Vleck, Assistant City Manager, presented item "7" as shown above. He presented this item at the last Planning Commission meeting on July 12, 2017 and went over a few pieces that have changed since then. He said the changes consist mostly of typographical errors and extended calculations. The cost estimates for Year 1 and Year 3 have not changed. He informed the Commission that the project for the Marina Break Water and McGee Beach

Improvements (#20) has been added which was not in the last presentation. Staff recommends approval of item "7".

Discussion took place amongst Commissioners regarding how the CIP planning guide is in a different format from previous years. It was clarified that the Planning Commission is making a recommendation for "Year 1". Mr. Van Vleck stated that the plan for the future is to present the CIP throughout the year with proposed amendments rather than just once year.

There being no further discussion/questions, Chairman Villarreal opened the public hearing. With no one coming forward, the public hearing was closed. Commissioner Hovda made a motion to recommend to City Council approval of item "7". Commissioner Crull seconded and the motion passed.

#### **IV. Directors Report**

[17-0940](#)

Informal Staff Report/Update on Proposed Unified Development Code Amendment - "Acceptance of Improvements" (2 Year Warranty)

Bill Green, Interim Director of Development Services, updated the Commission on the efforts made with the development community regarding the proposed UDC text amendment "Acceptance of Improvements (2 year Warranty)". He informed the Commission that a meeting took place on July 14, 2017 with the development community to form a consensus driven approach. The next meeting with the development community is scheduled for August 4, 2017. It is planned to bring this item back to the Planning Commission on August 23, 2017 for possible action.

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

None.

#### **VI. Adjournment**

There being no further business to discuss, Chairman Villarreal adjourned the meeting at 7:10 p.m.