



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### Planning Commission

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Wednesday, October 17, 2018

5:30 PM

Council Chambers

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

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

#### II. Opening Statement

#### III. Approval of Absences - Commissioner Crull

A motion to excuse the absence of Vice Chairman Crull was made by Commissioner Baugh and seconded by Commissioner Zarghouni. The motion passed.

#### IV. Approval of Minutes

##### 1. [18-1307](#) Regular Meeting of October 3, 2018

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

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

##### A. Excavation Permit

##### 2. [18-1308](#)

##### **Case No. 18EX1000 - Benchmark Materials:**

An Excavation Permit for the property at or near 614, 702 & 718 S Navigation Boulevard, described as Russell Farms Blocks, 34.6220 acres out of Block 10, Lot 1.

Andrew Dimas, Development Services, read item "3" into the record as shown above. He informed the Commission that this item involves a two step process and was a former zoning case (GMG Partners, LP.) for a Special Permit involving excavation. The second part of the request is for resource extraction (excavation use). He presented an aerial view of the subject property along with a site plan. Staff recommends approval with the condition of a security fence, 7 feet in height, be installed and maintained around the perimeter of the site, a storm water pollution prevention plan be filed/implemented within 30 days after the permit is issued and the permit is valid one year after the issued date and to comply with the provisions of Corpus Christi Municipal

Code, Chapter 14, Article VI.

After Staff's presentation, 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 "2" was made by Commissioner Schroeder and seconded by Commissioner Baugh. The motion passed

**B. Plats**

**Waiver (Variance)**

**3. 18-1309**

**18PL1009**

**PUERTO LOS CABALLEROS TRACT, BLOCK 1, LOT 1 (FINAL - 39.75 ACRES)**

Located east of CR 73 and south of Northwest Boulevard (FM 624).

Bill Green, Assistant Director of Development Services, presented item "3" into the record. The waiver requests relate to Puerto Los Caballeros Block 1, Lot 1, a Final Plat of 39.75 acres, which was approved by Planning Commission on May 16, 2018. He presented an aerial view of the subject property to show the location. The Unified Development Code (UDC) requires the construction of wastewater improvements as a part of the platting process (Sections 3.30.1.A, 8.1.4 & 8.2.7).

Mr. Green explained the standards for granting a plat waiver from wastewater construction (UDC 8.2.7.B). A proposed subdivision must not be within 1,000 feet of a collection line of sufficient capacity, as determined by adopted City wastewater standards. In addition to the waiver standard in UDC 8.2.7.B., the factors in the plat waiver standard under UDC 3.8.3.D. must also be considered.

If the City were to require wastewater improvement installation, the Wastewater Master Plan calls for:

- Installation of a new 10-inch gravity line, widening to 12-inch diameter as it runs north from the property, to a proposed new Riverview Lift Station, for a distance of over one (1) mile;
- Construction of the proposed Riverview Lift Station;
- Installation of a new force main from that lift station, running east-southeast, a distance of over three (3) miles, connecting to an existing gravity line along Leopard Street just east of Interstate 69 near the interchange with Interstate 37.

An alternative to constructing wastewater according to the Allison Wastewater Service Area Master Plan, would be to connect a gravity line to the nearest manhole and collection line. However, that connection is over 1,000 feet away, around 2,600 feet away. Because of the depth of the existing manhole (around 11.3 feet), the flat topography, and the distance to be spanned, it is likely that there would be insufficient depth for a new manhole and a line serving the entire extent of the subject property, that would satisfy the City's minimum 4-foot depth requirement for manholes.

Staff recommends approval of the request for waiver of the wastewater construction requirement. Staff also recommends approval of the request for

exemption from the wastewater lot/acreage fee, based on the area being an “exempted area,” that is, an area “not likely to be served by City wastewater services within the next 15 years” (per UDC 8.5.2.G). Staff recommends conditional approval, conditioned upon the applicant entering into a Sanitary Sewer Connection Agreement with the City.

Part two of the applicant’s waiver requests is a request for a waiver of the sidewalk construction requirement. UDC Section 8.1.4. and 8.2.2.A. require construction of sidewalks as part of the platting process. Per UDC 8.2.2.A.4, sidewalks shall connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks. The UDC goes on to state, under Section 8.2.2.B, B.1 - B.4., that a waiver may be granted, in accordance with the waiver procedure in Section 3.8.3.D, but only if certain conditions exist. The conditions of UDC 8.2.2.B are not met. However, Staff finds that there is no existing sidewalk network to connect to along either Northwest Boulevard or CR 73. There are no transit stops along either road. Also, the area is beyond the current extent of the City’s ADA Master Plan. It should be noted that the Planning Commission, based on Staff’s recommendation, on September 5, 2018, approved a similar waiver of sidewalk construction along Northwest Boulevard for the Park Springs IHS plat, just a little over one mile east of this subject site. Staff recommends approval of the waiver of the sidewalk construction requirement.

After Staff’s presentation, Vice Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion was made by Commissioner Dibble to approve Staff’s recommendation for a waiver and exemption request for item “3” and Commissioner Baugh seconded. The motion passed. A motion was made by Commissioner Dibble to approve the waiver of sidewalk construction requirement for item “3” and Commissioner Baugh seconded. The motion passed.

**New Plats**

Greg Collins, Development Services, read items “4, 5, 6, 7 & 8” 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, Vice Chairman Crull asked where a proposed bridge on Park Road 22 will be located in relation to items “7 & 8”.

After Commissioner questions, Vice Chairman Crull opened the public hearing. Chip Urban, 2725 Swantner Drive, addressed the Commission to answer Vice Chairman Crull’s question regarding the location of the bridge. With no one else coming forward, the public hearing was closed. A motion to approve items “4, 5, 6, 7 & 8” was made Commissioner Baugh and seconded by Commissioner Hovda. The motion passed.

4. [18-1310](#)

**18PL1091**  
AIRPORT PARK SUBDIVISION NO. 2, LOT 1-D (FINAL REPLAT - 0.47 ACRES)

Located south of Morgan Avenue and east of Old Brownsville Road.

- 5.     [18-1311](#)                   **18PL1098**  
THE VILLAGE AT TIMBERGATE, BLK 1, LOTS 3 & 4 (PRELIMINARY - 21.18 ACRES)  
 Located south of Timbergate Drive and east of South Staples Street (FM 2444).
  
- 6.     [18-1312](#)                   **18PL1060**  
BEHMANN ADDITION, BLOCK 2, LOTS 5 & 6 (FINAL - 8.48 ACRES)  
 Located north of South Padre Island Drive between Crosstown Expressway and Ayers Street.
  
- 7.     [18-1313](#)                   **18PL1034**  
PADRE HARBOR (PRELIMINARY - 201.19 ACRES)  
 Located south of State Hwy 361 and east of South Padre Island Drive (Park Road 22).
  
- 8.     [18-1314](#)                   **18PL1077**  
PADRE HARBOR UNIT 1 (FINAL - 22.14 ACRES)  
 Located south of SH 361 and east of South Padre Island Drive (Park Road 22)

**Time Extension**

- 9.     [18-1318](#)                   **0816103-NP064 (16-20000008)**  
LEXINGTON CENTER UNIT 2 (PRELIMINARY - 32.798 ACRES)  
 Located east of Crosstown Expressway (SH 288) and north of Holly Road.

Mr. Collins read item “9” into the record as shown above. He informed the Commission the plat was approved on October 5, 2016. This is the first extension request for the project. The applicant is requesting a twenty-four-month time extension as the owner has been waiting on continued delays associated with the Holly Road/Crosstown to Greenwood bond project that includes a wastewater extension that will provide service to the subject tract. Mr. Collins added that he did not have information on the completion of the bond project. After Staff’s presentation, Vice Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve item “9” as presented was made by Commissioner Baugh and seconded by Commissioner Hovda. The motion passed.

**C.     Zoning**

**10. [18-1315](#) Public Hearing - Rezoning Property at or near 6502 Agnes Street.****Case No. 0318.02 - Hooten Family Trust A:**

Ordinance rezoning property at or near 6502 Agnes Street (located on the north side of Agnes Street (State Highway 44), west of Hopkins Road, and east of Bronco Road) from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit.

Mr. Dimas read item "10" into the record as shown above. He informed the Commission that this item was previously heard by City Council on June 12th and June 26th. The City Council voted to send the case back to Planning Commission for additional review. Since then, several discussions have occurred with the applicant, City staff, and outreach to the Federal Aviation Administration (FAA). Based on these discussions, the central issue has surrounded the terms and conditions of the Avigation and Hazard easement obtained by the Corpus Christi International Airport (CCIA) in 2012. The purpose of the Avigation and Hazard easement is to protect and enforce the requirements of the Runway Protection Zone (RPZ). Additionally, the easement limits the potential uses that can be established to prevent negative interaction with flight operations. The existing Planning Commission recommendation is in noncompliance with the terms of the Avigation and Hazard easement and should be further discussed. Subsequently, Staff and the applicant have met and resolved the non-compliant factors and the applicant has received a finding of "no hazard" from the FAA.

Mr. Dimas presented several aerial views of the subject property along with the Existing and Future Land Use maps. He informed the Commission that zero public notices were returned in favor or opposition of the change of zoning request. He also went over the zoning patterns for the surrounding area along with UDC requirements for the change of zoning request. Approval of the change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit 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 the wholesale storage and transfer of petroleum based products. No spherical tanks are permitted. All construction including the above ground fuel storage tanks shall be consistent with the attached site plan (Exhibit C), subject to adjustment as may be required to obtain a determination of no hazard to air navigation and/or flight operations to/from the Corpus Christi International Airport (CCIA) from the Federal Aviation Administration (FAA).
2. Fire Department Approval: Development of the Property, including the storage of fuels and blending agents, shall comply with all Fire safety regulations.
3. Storm Water Detention:
  - a. The Owner shall construct and maintain necessary storm water facilities designed to a 25-year storm event in a manner that prevents water from standing for longer than 48 hours after the storm and shall remain completely dry between storms. Any storm water conveyance that traverses the Avigation and Hazard Easement shall be a concrete lined open channel. Any storm water

- detention and conveyance that is a wildlife attractant is prohibited.
- b. Prior to obtaining building permits or beginning any construction, a Wildlife Hazard Study by a Wildlife Biologist indicating that the proposed storm water facilities in the site plan (Exhibit C) do not increase the potential of a wildlife strike to an aircraft in the approach and departure patterns of runway 18-36 must be submitted to the City’s Director of Aviation.
- 4. Federal Aviation Administration (FAA): Prior to obtaining building permits or beginning any construction, a Notice of Proposed Construction or Alteration (Form 7460) shall be submitted and a determination rendered by the FAA of no hazard to air navigation and/or flight operations to/from the Corpus Christi International Airport (CCIA) regarding any construction at the site including each structure, tank, rail line, road, detention pond, lights, or temporary structures such as construction cranes on site.
- 5. Corpus Christi International Airport Hazards:
  - a. Height: The maximum height of any structure shall not exceed a 62.5:1 slope from the end of the nearest runway.
  - b. Lighting: All lighting shall be shielded toward the site and shall not conflict with airport flight operations.
  - c. Other Airport Hazards: No use or activity shall create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- 6. Land Use Compatibility in Runway Protection Zone: Excluding ground level rail, no structures including lighting may be constructed in the Runway Protection Zone of the Corpus Christi International Airport, as identified by FAA Advisory Circular AC 150/5300-13A.
- 7. Avigation and Hazard Easement: This ordinance does not waive any rights or authorize or grant any permissions to deviate from the conditions of the Avigation and Hazard Easement granted by the owner to the City. Owner and owner’s successors and assigns are still obligated to comply with all requirements of the Avigation and Hazard Easement.
- 8. Other Requirements: The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
- 9. Time Limit: In accordance with the UDC, this Special Permit shall be deemed to have expired within 24 months of this ordinance unless a complete building permit application has been submitted. The Special Permit shall expire if the use is discontinued for more than six consecutive months.

After Staff’s presentation, Vice Chairman Crull opened the public hearing. With no one else coming forward the public hearing was closed. A motion to approve Staff’s recommendation for item “10” was made by Commissioner Dibble and seconded by Commissioner Baugh. The motion passed.

11. [18-1316](#) **Public Hearing - Rezoning Property at or near 10059, 10067, and 10075 Leopard Street.**

**Case No. 1018-02 - Southern Builders Co., LLC:**

Ordinance rezoning property at or near 10059, 10067, and 10075 Leopard Street (located on the south side of Leopard Street, west of

Rand Morgan Road, and east of McKenzie Road), from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District.

Mr. Dimas 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 and operation of a mini-storage complex. 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. For current municipal facilities, there are gas, water and stormwater utility lines available to the property. Wastewater service is currently unavailable to the subject property. The closest available wastewater manhole is approximately 100 feet to the west along Leopard Street.

Mr. Dimas also presented a site plan that was provided by the applicant. The site totals 6.2 acres in size and the south 1.9 acres is covered by Turkey Creek and a tributary leaving approximately 4.3 developable acres. The elevation drops from 68 feet to 48 feet at the rear of the property that will remain unplatted and not a part of this rezoning. This remaining acreage will act as a buffer in addition to the drainage creek to any single-family residences located further to the south. Staff recommends approval of the requested change of zoning.

After Staff's presentation, Vice Chairman Crull opened the floor for Commissioner comments/questions. Vice Chairman Crull pointed out an item for correction to the presentation. He said that there is a 24 inch, wastewater line at the rear of the subject property that runs along Turkey Creek. He also asked if the subject property was in a floodplain.

At approximately 6:05 p.m. the fire alarm was activated at City Hall and everyone exited the building. The meeting reconvened at approximately 6:30 p.m. with Commissioners Hovda and Zarghouni not in attendance. A quorum was reestablished with Vice Chairman Crull and Commissioners Baugh, Williams, Dibble and Schroeder in attendance.

Mr. Dimas continued with the presentation and further discussion took place regarding the other uses allowed in the "CG-2" district and the metes and bounds(depth) of the development. Discussion also took place regarding the UDC requirements such as buffer yard and lighting. Vice Chairman Crull asked if the option of a Special Permit was discussed with the applicant and Mr. Dimas confirmed that a Special Permit was discussed.

After Commissioner comments/questions concluded, Vice Chairman Crull opened the public hearing. Connie Brown at 10051 Leopard Street addressed the Commission and expressed her concern for the loss of privacy that the proposed development may cause. She asked what type of fence would be installed and how high it would be. She mentioned her concern for a gas pipeline that is adjacent to the subject property. She also asked where the access points would be located on the subject property. She stated that she is not certain if she is opposed or in favor of the proposed change of zoning because of her concern that the developer may change the use of the project if

granted the change of zoning request.

Chris Montalvo, owner of the subject property, addressed the Commission to help clarify Ms. Brown's concerns. He assured the Commission that he has no plans to change the use of the project and it will remain a mini-storage complex as it is in high demand. Mr. Montalvo said that he is open to the option of a Special Permit.

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 Williams. A roll call vote took place and the motion passed with Vice Chairman Crull and Commissioner Schroeder voting "no".

12. [18-1317](#)

**Public Hearing - Rezoning Property at or near 3426 County Road 52.**

**Case No. 1018-03 - Ricks Homes, LLC:**

Ordinance rezoning Property at or near 3426 County Road 52 (located on the north side of County Road 52, east of County Road 69, and west of Interstate 69) from the "FR" Farm Rural District to the "RS-6" Single-Family 6 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 stated the purpose of the rezoning request is to allow for the construction of single-family homes. The proposed rezoning to the "RS-6" Single-Family 6 District is consistent with the adopted Comprehensive Plan (Plan CC). He informed the Commission that zero public notices were returned in favor or 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. For current municipal facilities, there are gas, water and stormwater utility lines available to the property. Wstewater service is currently unavailable to the subject property. The closest available wastewater manhole is approximately 330 feet to the north. Staff recommends approval of the requested change of zoning. After Staff's presentation, 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 "12" was made by Commissioner Baugh and seconded by Commissioner Dibble. The motion passed.

**VI. Director's Report**

Nina Nixon-Mendez, Director of Development Services, informed the Commission of the 2019 calendar for Planning Commission meeting dates. Mr. Collins presented the proposed dates for 2019 for the Commission's consideration and asked that they be prepared to take action at the November 14, 2018 meeting.

**VII. Items to be Scheduled**



None.

#### **VIII. Adjournment of Planning Commission Meeting**

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

#### **IX. Convene Airport Zoning Commission Meeting (Planning Commission)**

##### **A. Call to Order, Roll Call**

Vice Chairman Crull called the meeting to order and a quorum was established with Chairman Villarreal and Commissioners Ezell, Hovda, Zarghouni and absent.

##### **B. Approval of Absences - September 19, 2018: Commissioners Hovda, Zarghouni, Baugh and Dibble**

A motion to excuse the absences of Commissioners Hovda, Zarghouni, Baugh and Dibble was made by Commissioner Schroeder and seconded by Commissioner Dibble. The motion passed.

##### **C. Approval of Minutes**

###### **1. [18-1319](#) Regular Meeting of September 19, 2018**

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

##### **D. Director's Report**

Nina Nixon-Mendez, Director of Development Services, updated the Commission on presentations to be made at future AZC meetings.

##### **E. Adjournment of Airport Zoning Commission**

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