



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### Planning Commission

---

Wednesday, February 3, 2021

5:30 PM

Via WebEx Video Conference

---

#### I. Call to Order - Roll Call

Vice Chairman Dibble called the meeting to order and a quorum was established with Chairman Baugh absent.

#### II. PUBLIC COMMENT: Andrew Dimas, Development Services, informed the Commission that no public comment forms were submitted for any of the items listed on the agenda.

#### III. Approval of Absences: Vice Chairman Dibble

A motion was made by Commissioner York to approve the absence listed above and Commissioner Schroeder seconded. The motion passed.

#### VI. Approval of Minutes

##### 1. [21-0166](#) Regular Meeting Minutes of January 20, 2021

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

#### V. Consent Public Hearing (Item A): Discussion and Possible Action

Vice Chairman Dibble asked Staff to present the Consent Agenda, items V.A & V.B. Mr. Dimas read the Consent Agenda items into the record. New Plat items "2, 3 & 4" satisfy all requirements of the UDC/State Law and the Technical Review Committee recommends approval (items 3 & 4 - conditional approval). Staff also recommends approval for Time Extension item "5". After Staff's presentation, Vice Chairman Dibble opened the public hearing for the consent agenda items. With no public comment being submitted, the public hearing was closed. A motion was made by Commissioner Schroeder to approve items "2, 3, 4 & 5" and it was seconded by Commissioner York. The motion passed with no abstentions.

##### A. New Plats

##### 2. [21-0167](#) 20PL1133 KING'S LANDING UNIT 2 (FINAL - 30.896 ACRES) Located at FM 43 west of CR 33 and east of Digger Lane.

3. [21-0170](#)**20PL1138 - CONDITIONAL**NEMEC TOWNE CENTER PHASE I (FINAL - 4.73 ACRES)

Located north of CR 52 and west of IH 69.

4. [21-0173](#)**20PL1123 - CONDITIONAL**RANCHO VISTA SUBDIVISION (PRELIMINARY - 118+- ACRES)

Located east of Rodd Field Road and south of Yorktown Boulevard.

**Time Extension**5. [21-0172](#)

20PL1057

LA COSTA BUSINESS PRK, BLK 1, LOTS 1 - 6; BLK 2, LOTS 7 - 9 (FINAL - 11.63 ACRES)

Located at North Padre Island Drive (SH 358) between Hampshire Road and Hall Ave.

**VI. Public Hearing (Items B & C): Discussion and Possible Action****B. New Plats with a Variance (Waivers)**6. [21-0168](#)

20PL1135

CORFER TRACT, BLOCK 1, LOT 1 (FINAL - 2.35 ACRES)

Located east of Waldron Road and north of Yorktown Boulevard.

7. [21-0171](#)**20PL1135 - SIDEWALK**CORFER TRACT, BLOCK 1, LOT 1 (FINAL - 2.35 ACRES)

Located east of Waldron Road and north of Yorktown Boulevard.

Request for a Plat Waiver of the Sidewalk Construction Requirements in Section 8.1.4 and 8.2.2 of the Unified Development Code.

Mr. Dimas presented items "6 & 7" for the record. For location purposes, he presented a vicinity map of the subject property. The applicant states that they do not believe sidewalk should be required because:

1. No current sidewalk network exists along Yorktown Boulevard and there is not a sidewalk tie in with the existing sidewalk along any connecting streets.
2. The property is not located along an existing or foreseeably planned CCRTA fixed route service.
3. Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare, and adjacent property will not be restricted or rendered unfeasible.
4. The Comprehensive Plan will not be substantially affected.

**Factors against the waiver and in support of requiring sidewalk construction:**

1. The property is zoned "CG-1" General Commercial District with the Island Overlay from which a sidewalk network can be provided meeting current standards for a residential street.
2. The adjacent corner lot is undeveloped. As adjacent lots may be replatted and developed, sidewalks will be required as part of a future platting process.
3. The closest sidewalk connection is approximately 1,500 feet to the east at Holland Drive. The entrance to the little league baseball fields at Waldron Field is approximately 2,000 feet to the northwest along Waldron Road.

Section 3.8.3.D of the UDC provides factors to consider plat waivers, and states that the need for the waiver shall be demonstrated to the Planning Commission's satisfaction; the waiver may be approved, approved with conditions, or denied. Weighing the factors, Staff recommends denial of the waiver from the sidewalk construction requirement. After Staff's presentation, Vice Chairman Dibble opened the floor for Commissioner comments/questions. Commissioner Schroeder asked about a nearby, roadside ditch which may interfere with construction. After Commissioner questions concluded, Vice Chairman Dibble opened the public hearing. Representing the applicant, Xavier Galvan with Urban Engineering, addressed the Commission and reiterated the factors listed above in support of the waiver request. Mr. Dimas stated no public comment forms were submitted for this case. With no further public comment, Vice Chairman Dibble closed the public hearing.

Commissioner York also mentioned the roadside ditch and believes that sidewalk construction would not be feasible as it could create more drainage problems. A motion was made by Commissioner York to approve waiver item "7" along with the accompanying plat item "6". The motion was seconded by Commissioner Schroeder and the motion passed.

**8. 21-0169****20PL1118****PADRE ISLAND NO. 1, BLOCK 17, LOT 16BR (REPLAT - 0.34 ACRES)**

Located south of Encantana Avenue and east of Palmira Avenue.

**9. 21-0178****20PL1118 - SIDEWALK****PADRE ISLAND NO. 1, BLOCK 17, LOT 16BR (REPLAT - 0.34 ACRES)**

Located south of Encantana Avenue and east of Palmira Avenue. Request for a Plat Waiver of the Sidewalk Construction Requirements in Section 8.1.4 and 8.2.2 of the Unified Development Code.

Mr. Dimas presented items "8 & 9" for the record. For location purposes, he presented a vicinity map of the subject property. The applicant states that they do not believe sidewalk should be required because:

1. No current sidewalk network exists along Palmira Avenue and there is not a sidewalk tie in with the existing sidewalk along any connecting streets.
2. The property is not located along an existing or foreseeably planned CCRTA fixed route service.

3. Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare, and adjacent property will not be restricted or rendered unfeasible.
4. The Comprehensive Plan will not be substantially affected.

Factors against the waiver and in support of requiring sidewalk construction:

1. The property is zoned "CR-2" Resort Commercial District with the Island Overlay from which a sidewalk network can be provided meeting current standards for a residential street.
2. Adjacent lots are undeveloped. As adjacent lots may be replatted and developed, sidewalks will be required as part of a future platting process. Palmira Avenue is designated as a "C1" Minor Collector Street according to the Urban Transportation Plan and has both commercial and residential uses along its frontages. The nearest sidewalk section is located approximately 1,300 feet to the south along the east side of Palmira Avenue.
3. The subject property is located approximately 1,220 feet away from Beach Access Road 5 and 2,700 feet to the entrance of Padre Balli Park.

Section 3.8.3.D of the UDC provides factors to consider plat waivers, and states that the need for the waiver shall be demonstrated to the Planning Commission's satisfaction; the waiver may be approved, approved with conditions, or denied. Weighing the factors, Staff recommends denial of the waiver from the sidewalk construction requirement. After Staff's presentation, the floor was opened for Commissioner comments/questions. Commissioner York raised a question regarding additional street dedication. He felt that, currently, Palmira Avenue is not built as a C1 Collector. After Commissioner questions concluded, the public hearing was opened. There being no public comment, the public hearing was closed. A motion was made by Commissioner York to approve waiver item "9" along with the accompanying plat item "8". The motion was seconded by Commissioner Gonzalez and the motion passed.

#### C. New Zoning

##### 10. [21-0177](#) Public Hearing - Rezoning Property at or near 502 Clarkwood Drive

**Case No. 0221-01 Adhub, LLC:** Ordinance rezoning property at or near 502 Clarkwood Drive (located along the east side of South Clarkwood Drive (FM 2292), south of State Highway 44, north of County Road 34, and west of South Blockholt Road), from the "RS-6" Single Family 6 Residential District and the "IL" Light Industrial District.

Mr. Dimas read item "9" into the record as shown above. The purpose of the rezoning request is to allow for the construction of a warehouse and outdoor storage of modular offices. For location purposes, he presented several aerial views of the subject property along with the Existing and Future Land Use maps. Mr. Dimas went over the history of zoning patterns. The subject property is located in one of the Navy's Air Installation Compatibility Use Zones (AICUZ), APZ-I and APZ-II (Accident Potential Zone). The subject property is also in the path of a proposed runway which currently does not have a timeline for construction. The "IC" Industrial Compatible District and the "CC" Commercial

Compatible District were intended for properties within an AICUZ. There are many uses that are incompatible with the AICUZ Overlay; by-products of some of these uses to be aware of, as listed in the NAS-CC JLUS, are vibration, dust, smoke, steam, air quality, etc.

Mr. Dimas also went over the UDC requirements for the rezoning (bufferyard/setbacks) as well as available municipal facilities. The buffer yard requirement (adjacent to "IL & "RV") for the "IC" district is Type C with a 15-foot buffer yard and a point value of 15. He informed the Commission that zero public notices were returned in opposition of the change of zoning request and zero notices were returned in favor. Based on Staff analysis, we are recommending denial of the change of zoning request and, in lieu thereof, recommending the "IC" district with a Special Permit with the following conditions:

1. Height: The maximum height of any structure shall not exceed 35 feet. Stacking containers shall not exceed three containers high.
2. Buffer Yard: The required buffer yard along the southern property line shall be 30-feet in width and must include a solid screening fence at least 8-feet in height along the property line.
3. 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 or temporary structures such as construction cranes on site.
4. Time Limit: In accordance with the UDC, this Special Permit shall be deemed to have expired within 12 months of this ordinance unless a complete building permit application has been submitted, and/or 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 Commissioner comments/questions. Commissioner Miller asked if the applicant was amenable to Staff's recommendation. Staff stated the applicant may have concerns regarding the buffer yard requirement. Commissioner Schroeder asked how the special permit requirements deviate from the "IC" district alone. Staff stated the main differences are the height and buffer yard requirements. Staff thought it would be reasonable to increase the building height requirement from 25 feet to 35 feet considering the future runway. Staff also thought a good compromise would be to increase the buffer yard to 30 feet and decrease the point value by eliminating landscaping options (to avoid potential plane impacts from birds) and only requiring the 8-foot solid fence. Commissioner Miller asked for Staff's reasoning on determining the building height requirement/stacking container limitation. Discussion also took place regarding the type of fence (chain link vs. solid) to be installed, in particular if hurricane force winds were to occur. A chain link fence does not meet UDC requirements.

After Commissioner questions concluded, Vice Chairman Dibble opened the public hearing. Representing the applicant, Rick Valls, addressed the Commission in support of the rezoning case. Mr. Valls informed the Commission that they have already received a no hazard clearance from the FAA (SP requirement #3). Representing the applicant, Mark Adame, addressed

the Commission in support of the rezoning case. He stated the property has some challenges which is the reason they have an issue with the buffer yard requirement. He said one of the challenges includes a large water transmission line that runs through the property; a large gas pipe line. These constraints contribute to additional loss of land that they can work with. They are asking if the buffer yard requirement can be decreased to 15 feet from Staff's original recommendation. If it were decreased then they could have a additional acre that they can work with. Due to the applicant's budget, they are in favor of a chain link fence with slats.

Mr. Dimas stated no public comment forms were submitted for this item. Vice Chairman Dibble closed the public hearing. Commissioner Miller made a motion to approve Staff's recommendation and Commissioner Zarghouni seconded. Commissioner later withdrew his motion and Vice Chairman Dibble opened the public hearing again. Further discussion took place regarding the point value system (UDC Table 7.9.7) and how the applicant could achieve the minimum buffer requirement of 15 points. Commissioner Schroeder felt that the applicant could still achieve 15 points to be in line with the UDC; without needing to make an amendment to Staff's recommendation. Discussion also took place regarding whether to table this item. Mr. Adame stated that tabling the item is not an option for them due to time constraints.

With no further comment, Vice Chairman Dibble closed the public hearing. Commissioner Miller made a motion to approve Staff's recommendation with an amendment to omit Special Permit requirement #2 (base "IC" District requirement of 15-feet & 15 points). The motion was seconded by Commissioner Schroeder. A roll call vote took place and the motion failed with Commissioners Miller and Schroeder voting "aye". A motion was made by Commissioner Miller to approve Staff's recommendation as presented and Commissioner Mandel seconded. Another roll call vote took place and the motion passed with Vice Chairman Dibble voting opposed.

## **VII. Director's Report**

Al Raymond, Director of Development Services, informed the Commission the Master Plan and Impact Fee Study contract will be presented at the City Council meeting on February 9, 2021. The monthly Development Services Task Force meeting will be held on February 12, 2021. He also introduced new City employee, Brett Flint who has fulfilled the Engineer V position for public improvements. Mr. Flint gave a brief introduction.

## **VIII. Items to be Scheduled: None.**

## **IX. Adjournment**

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