



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### Planning Commission

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Wednesday, September 5, 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 Ezell absent.

#### II. Approval of Absences - None

#### III. Approval of Minutes

1. [18-1110](#) Regular Meeting Minutes of August 22, 2018

A motion to approve item "1" was made by Commissioner and seconded by Commissioner. 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, addressed the Commission and stated that item "2" was presented at the last Planning Commission meeting and are requesting a recommendation of approval today. Chairman Villarreal opened the floor for Commissioner comments/questions. Vice Chairman Crull expressed his concern that future streets are not indicated in the plan. After discussion, 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 Vice Chairman Crull and seconded by Commissioner Hovda. The motion passed.

##### B. Plats

##### Plat Waivers (Variance)

3. [18-1112](#) **18PL1066**  
SANDY CREEK TOWNHOMES (REPLAT - 8.335 ACRES)  
Located south of Holly Road and east of Rodd Field Road.  
Request for a Waiver of Street Design Standards for Private Streets, Curb and Gutter and Sidewalk in Sections 8.1.4, 8.2.1.J, and 8.2.2 of the

## Unified Development Code (UDC).

Greg Collins, Development Services, read item "3" into the record as shown above. He presented an aerial map to show the location. Mr. Collins informed the Commission that a final plat was recorded in February 2018, infrastructure construction has been completed, building permits were issued and the development is under construction. The development was platted as one lot, one block, and the townhouse units were to be sold as condominiums. In the meantime, the developer learned from his lender that the lender wanted the land underneath the dwelling units to be individually-owned, enabling the land to be utilized as collateral. The Developer then applied for a replat, to change the plat from one lot, one block, to a 67-lot townhouse subdivision, with one common area lot for private access easement and private streets. Since the streets are private, they will not be dedicated to the City, and are the maintenance responsibility of the homeowners' association. Regardless, per UDC 8.2.1.J, the streets shall be built to public standard. City staff, including Development Services engineer, have reviewed the waiver request for the street design standards and find that the waiver, except for sidewalk, is justified. The alternative, removing the existing infrastructure and replacing it to City standard would render the subdivision of the land infeasible, per UDC 3.8.3.D.

Mr. Collins cited the following UDC sections to determine Staff's analysis:

- Section 8.1.4 of the UDC requires that during the platting process the "developer shall provide ... Streets, including but not limited to ... curb and gutter" and "sidewalks." (UDC Section 8.1.4.A.).
- Section 8.2.1.J.5 states that the design standards for private streets shall be the same as required for public streets.
- Section 8.2.1 states that streets shall be designed in accordance with the Comprehensive Plan, applicable area development and master plans, Mobility Plan, and the Design Standards. Section 8.2.1.1 states that streets shall be designed for a 30-year life.

The need for waiver shall be demonstrated to Planning Commission's satisfaction. The waiver may be approved, approved with conditions or denied after consideration of the following factors (UDC 3.8.3.D):

- Not detrimental to public health, safety, or general welfare, or be injurious to other property in area, or to the City;
- The conditions that create the need for the waiver shall not generally apply to other property in the vicinity;
- Application of the provision will render subdivision of land unfeasible; or
- The granting of the waiver would not substantially conflict with the Comp Plan and the purposes of the UDC.

The applicant requests plat waivers from these requirements for the following reasons:

- The concrete pavement for the private street will have a 30-year life; it is designed to withstand the weight of fire trucks and solid waste trucks;
- The subdivision will be gated which will reduce traffic and only residents/guests will be within the development; fire truck traffic will be infrequent;

- The street is inverted, meaning stormwater is directed to the center of the roadway, to inlet, rather than away from the center, so curb and gutter is not needed;
- The developer will be burdened with additional costs that other townhome developments did not have to bear. Other townhome developments have been allowed to develop without sidewalks.

No change in number of buildings or units. Configuration has not changed.

Only change is that the developer is platting separate lots for each unit;

- Adding sidewalk at this time would require the developer to go back and relocate all the connections out of the required sidewalk location. Even if the sidewalks are required, the sidewalks will practically be unusable because the car from the townhome unit not in the garage will be blocking the sidewalk.

Staff contends that all types of vehicles will be allowed in the subdivision and residents will enter/exit the gated community same as other subdivisions. Other townhome developments are required to build sidewalks. For example, the townhome development, Aruba PUD, are designed to have sidewalks. Also, Plan CC calls for “connected networks of good streets and sidewalks” (pages 14, 31, 40). Community input calls for a “healthier” city (page 20). Regarding the applicant’s position on relocating connections, Staff contends they do not appear to be affected by sidewalk because applicant’s engineer narrowed the private access easement containing the private street and sidewalk to 34 feet, from 50 feet; sidewalk will be allowed over any utilities.

Staff finds that the applicant does not fit within any of the circumstances for an exception and waiver from sidewalk improvements in UDC 8.2.2.B. A waiver may be granted in accordance with 3.8.3.D and only when the following conditions are satisfied:

1. Sidewalks shall not be required along each side of a street right-of-way where such street is a permanent dead-end street and where there is pedestrian access from the permanent dead-end street to a paved hike and bike trail. In such instance, a sidewalk only shall be required on one side of the street right-of-way.
2. Sidewalks shall not be required along street rights-of-way where each lot fronting on such street has direct access from the side or rear to a paved hike and bike trail.
3. Sidewalks shall not be required for residential subdivisions in the Farm-Rural and Residential Estate zoning districts.
4. Sidewalks adjacent to private streets may be allowed to be placed on only one side of the street if the sidewalk width is 6 feet or greater and approved by the Assistant City Manager of Development Services.”

Staff recommends approval of the request for waiver from the street design standards. Staff recommends denial of the request for waiver from the sidewalk construction requirement. After Staff’s presentation, Chairman Villarreal opened the floor for Commissioner comments/questions. Discussion took place regarding the instance of flooding without curb and gutter, stormwater drainage, the instance of off-street parking, fire lane dedication, setbacks/easements and the location of public/private utilities. Staff confirmed that meters are not located in the sidewalk and there is no conflict between utility connections and sidewalk. Staff also stated that it was agreed that no new construction would take place until the replat process was completed. Further discussion took place regarding maintenance obligations with respect to the City/Homeowner’s Association. Commissioner Williams asked if granting

the variance sets a precedence and City Attorney, Buck Brice stated that it does not. Commissioner Hovda asked for zoning clarification since the plat was compared to the Aruba PUD. Mr. Collins stated the plat is not a Planned Unit Development (PUD) but it displays similar configurations/dimensions as the Aruba PUD. Planned Unit Developments do require sidewalks but are allowed more design creativity for design standards. After Commissioner comments/questions concluded, Chairman Villarreal opened the public hearing.

Representing the owner, Miguel Saldana at 4553 Moonlake Ridge Drive, addressed the Commission. He felt compliance inspections are not taking place once public infrastructure requirements are constructed on private streets. He stated the plan for a townhome development was always the intent for this project. He compared the proposed development to an apartment complex as apartments are not required to provide sidewalks but do so as an amenity. Mr. Saldana provided photos of other townhome/PUD developments in the City that do not have sidewalks. He pointed out that fire hydrants would be an obstruction to the sidewalk. He estimated that the construction cost of sidewalks for this project would be \$90,000.00.

The owner, Dan Caballero at 5338 Greenbriar Street, addressed the Commission. Mr. Caballero was under the belief that the plat could be resubmitted as an "amending" plat. He said that developments for townhome construction have not changed since 1992. He discussed driveway dimensions to assist with understanding the townhome layout and concurs with statements made by Mr. Saldana.

Discussion took place regarding the examples of other townhome/PUD developments that Mr. Saldana provided and the year they were developed with respect to UDC adoption in 2011. For clarification, Nina Nixon-Mendez, Director of Development Services, informed the Commission that Chicago Townhomes is a PUD with a pedestrian easement design standard. The developer for Chicago Townhomes was contacted and they will be installing sidewalks. Dawson Ridge (Foxwood Estates) was also developed as one lot, one block development that was constructed prior to UDC adoption. With no one else coming forward, the public hearing was closed. A motion was made by Commissioner Dibble to approve the waiver request for item "3". Commissioner Baugh seconded and the motion passed with Commissioner Schroeder voting "no".

4. [18-1111](#)

**18PL1076**

**PARK SPRINGS IHS, BLOCK 1 LOTS 1 THROUGH 3 (FINAL - 3.87 ACRES)**

Located Hazel Bazemore Road (CR 69) and south of Northwest Boulevard (FM 624).

Request for a Waiver of the Wastewater Infrastructure Construction Requirement in Section 8.2.7.A of the Unified Development Code (UDC), and an Exemption from Wastewater Lot/Acreage Fees in Accordance with Section 8.5.2.G of the UDC and a Waiver from Sidewalk Construction Requirement in 8.2.2.

Mr. Collins read item "4" into the record as shown above and presented an aerial map to show the location. He began by stating that when any subdivision is planned that is "not reasonably accessible to a public wastewater facility of sufficient capacity as determined by adopted City wastewater standards," such subdivision is eligible for a waiver from this requirement to construct or extend access to such a wastewater system. In such case, the subdivision shall have either (a) an individual aerobic (septic) system, (b) an individual wastewater treatment plant serving the subdivision, or, (c) interim service by construction of lift station(s) and force main(s) (UDC Section 8.2.7.B.1.a-c.). Currently, there is no wastewater service / line connection, at sufficient depth, within 1,000 feet of the proposed subdivision.

Mr. Collins presented the applicant's preliminary wastewater main layout and cost estimate for the wastewater trunk line extension. If required by Planning Commission, the wastewater trunk line extension, will require installation of around 8,020 linear feet of gravity wastewater line, and around 5,300 linear feet of force main line and also installation of a lift station. Instead of this extension, the applicant proposes individual aerobic (septic) systems, for each lot, per UDC Section 8.2.7.B.1.a. The need for waiver shall be demonstrated to Planning Commission's satisfaction. The waiver may be approved, approved with conditions or denied after consideration of the factors in Section 3.8.3.D of the UDC (previously stated in item "3"). The Planning Commission alone considers Plat Waivers, they do not go to City Council.

For the exemption of wastewater lot/acreage fees, Section 8.5.2.G states that City Council, with the advice of Planning Commission, may exempt a tract of land from the wastewater lot/acreage fees, provided the area is not likely to be served with wastewater services within the next 15 years. Staff finds there are no plans or capital improvement projects at this time to provide wastewater services to this area within the next 15 years. Staff finds that the request meets the requirements for waiver of wastewater infrastructure construction per Section 8.2.7.A, and an exemption from the wastewater lot/acreage fees per Section 8.5.2.G of the UDC.

The applicant's third request is a waiver from the sidewalk construction requirement along Northwest Boulevard (FM 624) and along River Hill Drive. Mr. Collins presented an aerial view of the subject property to indicate existing sidewalk network along River Hill Drive, north of Northwest Boulevard. UDC Section 8.1.4 and 8.2.2.A require construction of sidewalks as part of the platting process. Staff finds that the applicant does not fit within any of the circumstances for an exception and waiver from sidewalk improvements in UDC 8.2.2.B (listed in previous item "3"). The need for waiver shall be demonstrated to Planning Commission's satisfaction. 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 (previously stated in item "3").

The Applicant asserts that Northwest Boulevard (FM 624) is Texas Department of Transportation (TxDOT) right-of-way and their right-of-way standards govern. Staff agrees that TxDOT standards govern for infrastructure in TxDOT right-of-way and is neutral on the request for plat waiver from the sidewalk construction requirement along Northwest Boulevard.

Regarding River Hill Drive, UDC 8.2.2.A.2 states that all required sidewalks shall extend along all street frontages, including the side of corner lots and block ends. UDC 8.2.2.A.4 states that sidewalks shall connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks. Given this subdivision's location along River Hill Drive's entry onto Northwest Boulevard, it is like a "block end" and will provide the beginning of a sidewalk network that can be developed over time as development occurs further south along River Hill Drive. Furthermore, sidewalk along River Hill Drive would connect to existing sidewalk north of Northwest Boulevard, leading to the Northwest Estates residential subdivision, other subdivisions, and the River Hills Country Club. Staff recommends denial of the waiver from sidewalk requirement along River Hill Drive.

After Staff's presentation, the floor was opened for Commissioner comments/questions. Commissioner Crull expressed his disagreement with Staff's assessment that the property is inaccessible to a wastewater connection and felt there is another possible solution to investigate. Mr. Collins stated the applicant's request is showing what would be required per the Wastewater Master Plan. It was also asked what zoning district the subject site is classified as and what is planned for construction. At this point, it is not known what will be constructed but it is zoned for commercial use. After Commissioner comments/discussion concluded, Chairman Villarreal opened the public hearing.

Engineer of record, Murf Hudson at 2725 Swantner Drive, addressed the Commission to answer questions. He believes the proposed project will be blinded from other utilities going under FM 624 and requires a Master Plan amendment. Regarding the sidewalk waiver, he said there would be a cost burden and sidewalks are not utilized on FM 624. Commissioner Crull asked Mr. Hudson if he performed any research to support his claim regarding the utilities under FM 624. Mr. Hudson said he is aware of water lines and fiber optic lines but not aware of the depths. With no one else coming forward, the public hearing was closed. A motion to approve Staff's recommendation for the waiver of sidewalk was made by Commissioner Crull. The motion was seconded by Commissioner Hovda and the motion passed.

A motion was made by Commissioner Crull to table the request for a waiver of wastewater construction/exemption of lot and acreage fees to the September 19, 2018, Planning Commission meeting so the engineer can provide a layout/schematic of the alternative wastewater connection/road bore underneath Northwest Boulevard to include a cost estimate. The motion was seconded by Commissioner Baugh and the motion passed.

5. [18-1109](#)

**0716083-NP050 (16-21000036)**

OCEAN VIEW ADDITION, BLK IIA, LOT 4A AND BLOCK X, LOT 1A  
(REPLAT - 17.78 ACRES)

Located south of Morgan Avenue and west of Ocean Drive.

Request for a Plat Waiver from the Easement Requirement in Section 8.2.3 of the Unified Development Code.

Mr. Collins read item "5" into the record as shown above and gave several aerial views of the subject property to show the location. He presented the plat (north and south views) to show the existing easements with the classification of the roads. UDC Section 8.2.3.A.2 requires dedication of 15-foot public utility easements along arterials and 10-foot public utility easements along collectors, as part of the platting process. One of the reasons for this public policy goal is to eventually move utilities out of transportation right-of-way, and onto property, so that utility maintenance does not affect traffic, and so that line maintenance is cheaper. He also presented a zoning map illustrating the yard requirements for Tract 1 (along Ocean Drive) and Tract 2 (west of Tract 1). Tract 1 is zoned CR-1/SP Resort Commercial District with a Special Permit which allows a minimum front yard requirement (setback) of 10 feet on Elizabeth Street and Ayers Street. Tract 2 is zoned CG-2/SP General Commercial District with a Special Permit and allows a minimum front yard requirement (setback) of 15 feet on Santa Fe Street, a 10-foot minimum setback on Elizabeth Street and Ayers Street, and a zero-foot setback on Third Street.

In support of the waiver request, Applicant asserts the following factors:

1. There are various encroachments, including structures and private utilities, which exist within these areas that existed prior to the most recent zoning change and current plat submittal for this property.
2. The property was previously in non-conformance regarding the required yards.
3. The North portion of the property being platted which is bounded by Morgan Avenue, Ocean Drive and Elizabeth Street was last platted in 2003. At that time, no easements were required along the street frontages and none have been dedicated by separate instrument to date.
4. The South portion of the property being platted is bounded by Elizabeth Street, Santa Fe Street and Ayers Street which were previously dedicated by instruments to cover utilities within those areas. No other utility easements currently exist along the right-of-ways.

Applicant also argues that this site is a major regional hospital facility, and the applicant is concerned about protecting its building and associated equipment, which could have significance from a life, health, and safety perspective, from potential excavation and other work by utilities.

Mr. Collins stated the waiver may be approved, approved with conditions or denied after consideration of the factors in Section 3.8.3.D of the UDC (previously stated in item "3"). He added that requiring easement would not render subdivision of land unfeasible. The waiver would conflict with Plan CC's vision for orderly utility networks that don't conflict with street ROW and traffic. However, utility lines are currently in street right-of-way, with no apparent current issues. Staff is neutral on the request for plat waiver from the utility easement requirement.

After Staff's presentation, Chairman Villarreal opened the floor for Commissioner comments/questions. Discussion took place regarding street closures and the long-range plan/process of easement requirements for large-scale projects. After Commissioner comments/discussion concluded, Chairman Villarreal opened the public hearing. Engineer of record, Michael York at 2725 Swantner Drive, addressed the Commission. He stated the platting process for the project was initiated in 2016 and has been drawn out due to unforeseen construction issues. He provided additional photos of the subject

site to show encroachments by existing, permanent structures and the easements to be eliminated/kept. They will not be eliminating any existing easements with utilities; current utilities have easements. There is no encroachment with the new construction taking place. He informed the Commission they have installed private utilities in the right-of-way in the past which required a Use Privilege Agreement. He pointed out that UDC Section 8.2.3.A.2 uses the phrase "typically require" which can give the ability to either require or not require the easement dedication. He added that with the Bond Projects for Ayers Street, Morgan Street and Ocean Drive, the utilities were not relocated and remained in the road. With no one else coming forward, the public hearing was closed. A motion was made by Commissioner Baugh to approve the waiver request for item "5" and Vice Chairman Crull seconded. The motion passed.

6. [18-1108](#)

**18PL1064**

OAK TERRACE ESTATES BLOCK 1, LOT 7 (FINAL - 1.0 ACRE)

Located north of Compton Road and east of Flour Bluff Drive.

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

Mr. Collins read item "6" into the record as shown above and presented several aerial views of the subject property to show the location. He explained the following plat requirements:

- UDC 3.30.1.A: Requires installation of improvements, or financial guarantee, during platting.
- UDC 8.1.4: During platting, the "developer shall provide": "Streets, including but not limited to pavement, curb and gutter, sidewalks ...."
- UDC 8.2.2: Sidewalks - Required Improvements: 1. Concrete sidewalks, having a width of not less than 4 feet and thickness of not less than 4 inches, shall be constructed.
- Exception for certain industrial subdivisions (UDC 8.2.2.A.1.a).
- All sidewalks generally shall be one foot from the property line within the street right-of-way (unless otherwise approved) and shall extend along all street frontages (UDC 8.2.2.A.1.a.2).
- Sidewalks shall connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks (UDC 8.2.2.A.1.a.4).

Staff finds that the applicant does not fit within any of the circumstances for an exception and waiver from sidewalk improvements in UDC 8.2.2.B (listed in previous item "3"). The need for waiver shall be demonstrated to Planning Commission's satisfaction. 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 (previously stated in item "3").

In support of the waiver request, Applicant asserts the following factors:

1. There is an open drainage ditch in front of the property, and there is no room for a sidewalk.
2. For the whole neighborhood along Compton Road, there is no existing sidewalk.
3. The granting of the waiver, with the current improvements existing on Compton Road, should not conflict with the Comprehensive Plan and the purposes of the UDC.



Staff's assessment of applicant's position finds that there may be sufficient space in the right-of-way for sidewalk, despite the ditch. The utility plan shows approximately five feet of space between the stormwater inlet and the front lot line. Street views show the inlet in shallow, narrow ditch. If there were insufficient space in right-of-way for sidewalk, easement could be provided to provide the additional space for the sidewalk. With regard to neighborhood connectivity, the rest of the neighborhood does not have sidewalk. The lot to the west of the subject property also does not have sidewalk that would connect the subject property to the Flour Bluff Drive sidewalk, which leads to churches, shopping, and a family entertainment center.

For Plan CC, the Comprehensive Plan's vision statements for housing/neighborhoods and for transportation and mobility call for "connected networks of good streets and sidewalks" (pages 14, 31, 40). Personal vision statements in the community input process called for "healthier" city (page 20). Mr. Collins added that for a plat of a single lot of this size, that is not adjacent to existing sidewalk network, is not necessarily detrimental to the health, safety and welfare of the community. If the land east of the subject property, currently owned by Real Life Church, were to be replatted in the future, that land would be required to have sidewalk, and that would connect the subject property to Flour Bluff Drive sidewalk, and the amenities north along that sidewalk. However, it is uncertain whether and when this parcel would ever be replatted. Staff is neutral on the request for plat waiver from the sidewalk construction requirement.

After Staff's presentation, Chairman Villarreal opened the public hearing. The owner, Kamal Ashour, addressed the Commission in support of his request and reiterated that there are no sidewalks in the neighborhood. He said that construction has been delayed due to the replat and rezoning process. He mentioned that construction costs have increased which creates a burden for the project. He also added that Development Services Staff has done a good job. With no one else coming forward the public hearing was closed. A motion was made by Commissioner Baugh to approve the waiver request for item "6" and it was seconded by Commissioner Williams. The motion passed.

7. [18-1134](#)

**18PL1067**

PADRE ISLAND-CORPUS CHRISTI POINT TESORO UNIT 1, BLK 9,  
LOT 17RR & 18R (REPLAT - 0.364 ACRE)

Located north of Whitecap Boulevard and west of Ducat Court.  
Request for a Plat Waiver from the Sidewalk Construction Requirement in Section 8.1.4 and 8.2.2 of the Unified Development Code.

Mr. Collins read item "7" into the record as shown above. He presented several aerial views of the subject property to show the location. He explained the same plat requirements as in item "6" for UDC Sections 3.30.1.A, 8.1.4, and 8.2.2. Staff finds that the applicant does not fit within any of the circumstances for an exception and waiver from sidewalk improvements in UDC 8.2.2.B (listed in previous item "3"). The need for waiver shall be demonstrated to Planning Commission's satisfaction. 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 (previously stated in item "3").

In support of the waiver request, Applicant asserts the following factors:

1. Ducat Court is a permanent dead-end street.
2. Ducat Court is one of several dead-end streets in Point Tesoro Unit 1, and all of them do not have sidewalks.
3. Other replats, by other surveyors also, did not have to construct sidewalks.
4. For Ducat Court, there are only 4 vacant lots left, including these 2 lots of this plat. For all the lots with improvements, a high majority of the houses have full concrete front yards and drives, thus prohibiting a continuous sidewalk for the full ROW of said Ducat Court.
5. The granting of the waiver, with the current improvements existing on Ducat Court, should not conflict with the Comprehensive Plan and the purposes of the UDC.

Mr. Collins stated the applicant’s asserted circumstances alone do not satisfy the conditions of UDC 8.2.2.B. He added that there appears to be sufficient space in the right-of-way for sidewalk. Two single lots, not adjacent to existing sidewalk network, is not necessarily detrimental to the community’s safety and welfare but is detrimental to the City’s interest in creating networks over time. The waiver would conflict with Plan CC’s vision calling for sidewalk networks. However, it’s uncertain whether and when the neighboring, built parcels would ever be replatted. Staff is neutral on the request for plat waiver from the sidewalk construction requirement. After Staff’s presentation, Chairman Villarreal opened the public hearing. With no one coming forward the public hearing was closed. A motion approve the waiver request for item “7” was made by Vice Chairman Crull and seconded by Commissioner Baugh. The motion passed.

**New Plats**

Mr. Collins read items “8, 9, 10, 11 & 12” 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 “8, 9, 10, 11 & 12” was made Commissioner Baugh and seconded by Commissioner Crull. The motion passed.

- 8.     [18-1116](#)             **18PL1066**  
           SANDY CREEK TOWNHOMES (REPLAT - 8.335 ACRES)  
           Located south of Holly Road and east of Rodd Field Road.
  
- 9.     [18-1118](#)             **18PL1076**  
           PARK SPRINGS IHS, BLOCK 1 LOTS 1 THROUGH 3 (FINAL - 3.87  
           ACRES)  
           Located Hazel Bazemore Road (CR 69) and south of Northwest  
           Boulevard (FM 624)
  
- 10.    [18-1114](#)             **0716083-NP050 (16-21000036)**  
           OCEAN VIEW ADDITION, BLK IIA, LOT 4A AND BLOCK X, LOT 1A  
           (REPLAT - 17.78 ACRES)  
           Located south of Morgan Avenue and west of Ocean Drive.

- 11. [18-1115](#)                    **18PL1064**  
OAK TERRACE ESTATES BLOCK 1, LOT 7 (FINAL - 1.0 ACRE)  
 Located north of Compton Road and east of Flour Bluff Drive
  
- 12. [18-1113](#)                    **18PL1067**  
PADRE ISLAND-CORPUS CHRISTI POINT TESORO UNIT 1, BLK 9,  
LOT 17RR & 18R (REPLAT - 0.364 ACRE)  
 Located north of Whitecap Boulevard and west of Ducat Court.

**C.    Zoning**

- 13. [18-1119](#)                    **Public Hearing - Rezoning Property at or near 6641 Lipes Boulevard**

**Case No. 0918-01 - Staples Development, LLC:**  
 Ordinance rezoning property at or 6641 Lipes Boulevard (located on the on the south side of Lipes Boulevard, east of Cimarron Boulevard, and west of Bronx Drive), from the “FR” Farm Rural District to the “RM-1” Multifamily 1 District.

Andrew Dimas, Development Services, 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 stated the purpose of the rezoning request is to allow for the construction of a multifamily apartment complex. He informed the Commission that zero public notices were returned in favor or opposition of the change of zoning request. He went over the zoning patterns for the surrounding area along with the UDC requirements for the change of zoning request. He also listed the available municipal facilities.

Mr. Dimas explained that with the eventual construction of the Del Mar College South Campus, the topic and creation of an "urban village" has come up during previous zoning cases. Based on recent zoning changes along Lipes Boulevard, a trend towards multifamily development is occurring and infill of remaining adjacent “FR” Farm Rural Tracts will be addressed by future rezonings. He presented another map to show the existing housing developments, identified recent rezonings and the approved rezonings with completed construction. Staff recommends approval of the requested change of zoning.

After Staff’s presentation, Chairman Villarreal opened the floor for Commissioner comments/questions. Discussion took place regarding the construction to build the remaining lanes for Lipes Boulevard. Mr. Dimas stated that the applicant and adjacent property owner have expressed they will construct the remaining lanes on Lipes Boulevard in order to serve their properties and to mitigate traffic. After discussion concluded, 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

Schroeder. The motion passed with Commissioner Williams voting "no".

#### **V. Director's Report**

Ms. Nixon-Mendez reminded the Commission of an upcoming Planning 101 Course to be held on September 28, 2018 by the American Planning Association Texas Southmost Section.

#### **VI. Items to be Scheduled**

Due to the increased number of sidewalk waiver requests, Commissioner Dibble suggested Staff to explore a UDC amendment for a process giving Staff authority to consider exemptions.

Ms. Nixon-Mendez suggested that the Commission define the specific criteria to automatically exempt a project. She felt that having well defined code language would be the best course of action to determine exemption and that it is not good policy to give waiver authority to the Director or Assistant Director. Once code language establishes exemption criteria, then Staff can also bring forth extraordinary cases for Planning Commission consideration. Staff will further look into the code and bring it back to the Commission.

#### **VII. Adjournment**

There being no further business to discuss, Chairman Villarreal adjourned the meeting at 8:00 p.m.