



Meeting Minutes

Planning Commission

Wednesday, December 14, 2022

5:30 PM

Council Chambers

I. Call to Order, Roll Call

The meeting was called to order by Vice Chairman Miller at 5:30 p.m. A quorum was present with Chairman Zarghouni and Commissioner Mandel absent.

II. PUBLIC COMMENT: NONE

III. Approval of Absences : NONE

IV. Approval of Minutes

1. [22-2075](#) Regular Meeting Minutes of November 30, 2022

A motion was made by Commissioner Munoz to approve the minutes listed above and it was seconded by Commissioner Salazar-Garza. The motion passed

V. Consent Public Hearing (Items A & B) : Discussion and Possible Action

Andrew Dimas, Development Services, read the Constant agenda into record new plats items "2 through 5" and items "6 through 7" new zoning. The plats and zoning satisfy all requirements of the Unified Development Code (UDC)/State Law, and the Technical Review Committee (TRC) staff recommends approval. After Staff's presentation, Vice Chairman Miller opened the public hearing. With no one coming forward, the public hearing was closed. Commissioner York made a motion to approve the Consent Agenda items "2 through 7" as presented by staff and was seconded by Commissioner Motaghi. The motion passed.

A. Plats

2. [23-0003](#) 21PL1004 - CONDITIONAL
LA COSTA CENTER UNIT 1, BLOCK 1, LOTS 17-A1, 17-A2, & 17-A-3
(FINAL - 1.35 ACRES)
Located east of South Staples Street and north of Wooldridge Road.
3. [22-2112](#) 22PL1104
BRONX ACRES (FINAL PLAT - 16.84 ACRES)
Located north of Yorktown Blvd, on Lipes Boulevard, west of Bronx Avenue.

- 4. [22-2009](#) 22PL1037 - CONDITIONAL
LONDON RANCH ESTATES - (OCL PRELIMINARY PLAT 87.08 ACRES)
 Located on County Road 22, between County Road 51 and County Road 49

Plat with a Variance (Waiver)

- 5. [22-2113](#) **22PL1080 - WASTEWATER CONSTRUCTION**
PRELIMINARY PLAT OF RAMFIELD ESTATES (PRELIMINARY - 35.954 ACRES)
 Located east of Roscher Road and north of Ramfield Road.

B. New Zoning

- 6. [23-0001](#) **Public Hearing - Rezoning Properties at or near 802 Naval Air Station Drive**

Case No. 1222-01 ADR Investments: Ordinance rezoning properties at or near 802 Naval Air Station Drive, located at the southeast corner of Naval Air Station Drive and Claride Street, from the “CG-1” General Commercial District to the “CG-1/SP” General Commercial District with a Special Permit.

- 7. [23-0002](#) **Public Hearing - Rezoning Properties at or near 936 Waldron Road**

Case No. 1222-02 ADR Investments: Ordinance rezoning properties at or near 936 Waldron Road, located along the west side of Waldron Road, and north of Fawn Drive, from the “CG-1” General Commercial District to the “CG-1/SP” General Commercial District with a Special Permit.

VI. Presentation and Q & A

- 8. [22-2076](#) Unified Development Code Update - Zoning
 Suggestions from the Public available through
<https://www.youtube.com/user/CCTVCorpusChristi>
<https://www.facebook.com/citygov>

Nina Nixon-Mendez, Assistant Director, introduced the presentation on the Unified Development Code update into record, presented by the consultant Camiros Ltd. Open houses sessions have been hosted, and tonight's presentation is being broadcasted on Facebook and hope to receive comments from the online community. After the introduction the presentation began presented by Camiros Ltd.

A review and update of the Unified Development Code is warranted. In 2011, the City of Corpus Christi’s Unified Development Code was adopted and since has been

periodically amended. The Unified Development Code was developed by a consultant and subsequent changes in language were provided by several community groups. In 2019, an evaluation of the UDC was presented to City Council, based on significant stakeholder engagement, which provided detailed information and guidance on warranted amendments. In 2019-2022 staff brought forward minor amendments based on report recommendations as well as state mandates. In August 2021, the City contracted with Camiros Ltd. to assist with the update of the Unified Development Code and to address major revisions. Provisions of the code being addressed are zoning, overlay and special districts, off-street parking, tree planting, landscaping and buffers, subdivision, and traffic impact analysis. The specific scope of work included:

Zoning

- Reorganize/consolidate zoning districts and consolidate tables. Assign logical acronyms (UDC, Chapters 4 and 5). Correct contradicting language.
- Assess/Revise overlay district and special districts in Chapter 6, and Sections 7.11 and 7.12 to determine if use patterns by right could be applied in the base zoning without the necessity of the overlay district or through target districts and develop appropriate revisions. Assess/Update Two- Family and Townhome sections in UDC Section 4.4. similar to use pattern application.
- Review/revise off-street parking, loading, and stacking, residential and commercial landscaping (xeriscape), and buffer yard provisions in UDC Chapter 7.
- Provide guidance regarding any zoning map changes needed that may result resulting from the UDC update; provide disposition tables of any reclassified districts showing district conversions.

Subdivision

- Review/update subdivision provisions in UDC, Chapter 8 to address best management practices that are not currently included in the UDC. In particular, the following will be addressed/updated: neighborhood connectivity, substandard streets/sidewalks, right-of-way dedication/construction for existing and future local streets and Urban Transportation Plan streets that accommodate multi-modal users, half streets/cash in lieu consideration, street cross sections, street configuration, development patterns (rural, suburban, urban), access, traffic calming toolbox/strategies, stormwater, sodding, and low impact development design.

Traffic Impact

- Review/update traffic impact analysis and rough proportionality in UDC Chapters 3.9 and 3.29.

Stakeholder Engagement

In fall 2021, Camiros Ltd. conducted stakeholder and technical staff interviews. In 2022, initial drafts were prepared for zoning development standards, and reviewed by the Development Services Technical Advisory Group, Downtown Management

District, and Island stakeholders. The update includes a review of selected provisions and drafting of the proposed amendments to ensure the overall code is consistent with the proposed amendments. Drafting and review of the subdivision and traffic impact provisions for public presentation will begin in 2023.

After the presentation was concluded the floor was open for Commissioner’s comments/questions. Commissioner York asked as far as the zoning changes most of them are being combined, some with names changes, and then their are new ones, so how does this work. Staffed answered, there would be a disposition table that will assign the district and the zoning will be transferred to or changed. When it’s a new district like the residential professional or mixed used district how is the city going to initiate those changes based on the Plan CC Area Development Plan or how will that work. Camiros Ltd., answered in that the case the only new district that does not have equivalent is the Residential Professional District, and if the opportunity arises the applicant will come forth and ask for it, there is not a lot of proactive rezoning to this district type. Commissioner York added some suggestions, is the Commercial Compatible district needed since the Military Overlay is in place, can it be handled by buffer zones. Discussion continued between the Commissioners and staff. After Staff clarified Commissioner questions, the public hearing was opened. Judy Telge (3554 Santa Fe Street) her concern is the need for affordable housing and accessible housing, when she looks at the updates of the codes, her main concerns that she looks for is this going to promote or help promote or is this going to decrease the opportunities to build in terms of housing stocks. She wants to make sure that ADU’s are allowed, she feels they should be allowed in the community. With no one else coming forward, the public hearing was closed. Discussion concluded between the Commissioners and staff.

VII. Public Hearing (Item C): Discussion and Possible Action

C. Plat with a Variance (Waiver)

- 9. [22-2072](#) 22PL1139
DON PATRICIO, BLOCK F, LOT 47R (REPLAT - 0.985 ACRES)
 Located south of Don Patricio Road between Flour Bluff Drive and Waldron Road

- 10. [22-2073](#) **22PL1139 - STREET AND SIDEWALK CONSTRUCTION**
DON PATRICIO, BLOCK F, LOT 47R (REPLAT - 0.985 ACRES)
 Located south of Don Patricio Road between Flour Bluff Drive and Waldron Road

- 11. [22-2074](#) **22PL1139 - WASTEWATER CONSTRUCTION**
DON PATRICIO, BLOCK F, LOT 47R (REPLAT - 0.985 ACRES)
 Located south of Don Patricio Road between Flour Bluff Drive and Waldron Road

Nina Nixon-Mendez, Assistant Director read items “9 through 11” for the record as shown above. Bria Whitmire Development Services Engineer presented item “10”. The subject property, known as the proposed Don Patricio Addition Block F Lot 47R, 0.919 acres located south of Don Patricio Road, east of Poplar Avenue which is an undeveloped street. The land is zoned “RS-6” District. The original subdivision was approved by the Commissioners Court of Nueces County and recorded in 1941. The City of Corpus Christi annexed the area in 1961. The current lot is vacant and is missing 147’ of sidewalk across Don Patricio Road but has all the utilities. Don Patricio is a C1 Collector Street in the Urban Transportation Plan. Poplar Avenue is an undeveloped street and is missing the corresponding 300’ of street, sidewalk, water, wastewater, and storm infrastructure. This plat waiver request is for the construction of the 147’ of sidewalk along Don Patricio Road and the construction of 300’ of street and the related infrastructure along Poplar Avenue.

STAFF ANALYSIS and FINDINGS:

UDC Sections 8.1.4 and 8.2.1 requires construction of streets as part of the platting process.

UDC Sections 8.1.4 and 8.2.2 require construction of sidewalk as part of the platting process.

UDC Sections 3.30.1 and 8.1.4 require construction of sidewalk as part of the platting process.

Don Patricio Addition Block F Lot 47R (Replat) Request for a plat waiver for street and sidewalk construction in Sections 3.30.1, 8.1.4 and 8.2.2 of the Unified Development Code, Planning Commission Meeting of December 14, 2022. The UDC also states, under Section 8.2.2.B.1, that a waiver may be granted, in accordance with the waiver procedure in Section 3.8.3.D: The waiver may be approved, approved with conditions, or denied after consideration of the following factors:

1. The granting of the waiver shall not be detrimental to the public health, safety or general welfare, or be injurious to other property in the area, or to the City in administering this Unified Development Code;
2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity.
3. Application of a provision of this Unified Development Code will render subdivision of land unfeasible; or
4. The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Unified Development Code.

The enumerated conditions in UDC 3.8.3.D for a sidewalk waiver are not fully met on this subject property. Further UDC Section 8.2.2.C allows for Administrative Exemptions for sidewalk construction for residential lots that meet certain provisions; however, since the property fronts on a street that is listed on the MobilityCCPlan and as a Collector on the Transportation Plan it does not qualify for an exception:

8.2.2.C An administrative exception may be granted to the standard in paragraph

8.2.2.A only when the following conditions are met:

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, or
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, or
3. The lot is a minimum of 22,000 square feet and zoned Farm Rural or, Residential Estate, or
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, or
5. Sidewalk construction is not required if all the following conditions are met:
 - a. The lot does not front on, and is not adjacent to, a right-of-way, street, alignment, or corridor that is designated on:
 - i. The Urban Transportation Plan (UTP) or Thoroughfare Plan or has a right-of-way width greater than 50 feet, or
 - ii. the Mobility CC Plan, including the Trails Master Plan (HikeBikeCC) and the ADA Master Plan.
 - iii. the Corpus Christi Metropolitan Planning Organization's (MPO) Strategic Plan for Active Mobility, or
 - iv. any other plan that designates sidewalks or active transportation improvements.
 - b. The lot is zoned Farm Rural, Residential Estate or Single-Family Residential RS-4.5, RS-6, RS-10, RS-15, RS-22, or Single Family Residential Two Family (RS-TF);
 - c. There are no existing or planned sidewalks on adjacent lots;
 - d. At least 75% of the block face (lots fronting on the same side of the street as the subject plat) is improved, as measured by the number of lots, or, by the linear footage of the block face, and does not have sidewalks.

Factors in Support of the waiver request for street and sidewalk construction:

The applicant states that they do not believe the street and sidewalk construction should be required for the following reasons:

1. The proposed street known as Popular Avenue is considered a "Paper Street" since the plat of the subdivision that indicates street was filed and recorded on May 10, 1941.
2. The street would be a dead-end street that would not be extended, of which is evident since the proposed street was platted 79-years ago and has not been constructed.
3. The adjacent property, known as Don Patricio Lot 1R, Block G, and abutting the westside of Popular Avenue (also known as a "Paper Street") was platted through the City of Corpus Christi, with approval of the plat by the City of Corpus Christi Planning Commission on July 27, 2016, Development Services approval on May 23, 2017, and filed for recording by the City of Corpus Christi at Nueces County on June 2, 2017. The filed plat indicates that the City of Corpus Christi acknowledged that a street was

to be there by requiring a 5-foot street dedication, however, no construction was required, or payment of anticipated costs were required. This action indicates that the City of Corpus Christi at that time determined that there was no need for the road known as Popular Avenue to be constructed.

4. The adjacent property towards the east, known as Don Patricio Lot 1A, Block F, and fronting Don Patricio Road was platted through the City of Corpus Christi, with approval of the plat by the City of Corpus Christi Planning Commission on August 1, 2012, Development Services approval on January 25, 2013, and filed for recording by the City of Corpus Christi at Nueces County on January 30, 2013. The filed plat indicates that the City of Corpus Christi acknowledged that sidewalk construction was not required as part of the platting process.
5. The waiver will not affect the current or future right-of-way required.
6. The area is not located on any transit stops or transportation plan.
7. The comprehensive plan will not be substantially affected.
8. There are no sidewalks along the street along the adjacent properties.
9. The existing street is a rural street section.
10. Waiver of sidewalk will not affect the adjacent property in a manner to restrict or render unfeasible.
11. Not providing the street will not be detrimental to the public health, safety, or general welfare within or adjacent to the subdivision.

Factors Against the waiver request for street and sidewalk construction:

1. The construction of Poplar Avenue will encourage development in the adjacent lots on Poplar Avenue. The total length of the of Poplar Avenue is 1,290' and it could potentially help with the development of 42 undeveloped lots that have no access due the lack of a street.
2. Not building Poplar Avenue south of Don Patricio would landlock the neighboring lots to the south. These lots are bordered on the south end by another undeveloped road called Division Rd. Developing Poplar would better allow for the development of Division Rd. and the build out of Poplar Avenue.
3. Granting of the waiver would affect the feasibility of development on adjacent lots.
4. The water and wastewater line construction along Poplar Avenue are necessary in order to develop the rest of the vacant lots on Poplar Avenue and to meet the provisions of the UDC for continuity of services.
5. The examples customer cites as previous replats on Poplar Avenue is not recent. The property on the left had the plat approved in 2016, that is 6 years ago. The waiver requested a sewer septic tank variance not the street. The street requirement seems to have been overlooked during the platting process.
6. Building a sidewalk is part of the platting requirement. Sidewalk construction would start a sidewalk network that could be expanded with future development. Poplar Avenue connects with Don Patricio which is a C1 Collector on the Urban Transportation Plan. Staff recommends Disapproval of the waiver request for the construction of a street and sidewalk.

Bria Whitmire, Development Services Engineer presented item "11" a request for a plat waiver for wastewater construction. The subject property, known as the proposed

Don Patricio Addition Block F Lot 47R, 0.919 acres, located south of Don Patricio Road, east of Poplar Avenue which is an undeveloped street. The land is zoned "RS-6" District. The original subdivision was approved by the Commissioners Court of Nueces County and recorded in 1941. The City of Corpus Christi annexed the area in 1961. The current lot is vacant and is missing 147' of sidewalk across Don Patricio Road but has all the utilities. Don Patricio is a C1 Collector Street in the Urban Transportation Plan. Poplar Avenue is an undeveloped street and is missing the corresponding 300' of street, sidewalk, water, wastewater, and storm infrastructure. This plat waiver request is a variance to connect to the wastewater infrastructure and use a septic tank instead.

On April 29, 2020, the Planning Commission denied a request for a waiver of the plat requirement to construct wastewater infrastructure under Section 8.2.7.A of the Unified Development Code (UDC). The conditions in UDC 3.30.1.A requires installation of improvements, or financial guarantee, during platting. The conditions in UDC 3.30.2.C requires improvements include sanitary sewage disposal. UDC Section 8.1.4 and 8.2.7 requires construction of a wastewater line as part of the platting process as long there is an existing collection line of adequate capacity within 1,000 ft. of the property. The conditions in UDC 8.2.7 requires that every lot within a proposed subdivision shall be provided with access to an approved wastewater collection treatment system of sufficient capacity as determined by adopted City wastewater standards and master plans. The UDC also states, under Section 8.2.2.B.1, that a waiver may be granted, in accordance with the waiver procedure in Section 3.8.3.D: The waiver may be approved, approved with conditions, or denied after consideration of the following factors:

1. The granting of the waiver shall not be detrimental to the public health, safety or general welfare, or be injurious to other property in the area, or to the City in administering this Unified Development Code;
2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity.
3. Application of a provision of this Unified Development Code will render subdivision of land unfeasible; or
4. The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Unified Development Code.

Factors in Support of the waiver request for the wastewater construction:

1. The adjacent property towards the west (right), known as Don Patricio Lot 1R, Block G, and fronting Don Patricio Road and abutting the westside of Poplar Avenue was platted through the City of Corpus Christi, with approval of the plat by the City of Corpus Christi Planning Commission on July 27, 2016, Development Services approval on May 23, 2017, and filed for recording by the City of Corpus Christi at Nueces County on June 2, 2017. The filed plat indicates that the City of Corpus Christi acknowledged that wastewater infrastructure construction was not required as part of the platting process. The residential structure was constructed in 2015 with on-site sanitary sewer facility.

2. The adjacent property towards the east (left), known as Don Patricio Lot 1A, Block F, and fronting Don Patricio Road was platted through the City of Corpus Christi, with approval of the plat by the City of Corpus Christi Planning Commission on August 1, 2012, Development Services approval on January 25, 2013, and filed for recording by the City of Corpus Christi at Nueces County on January 30, 2013. The filed plat indicates that the City of Corpus Christi acknowledged that wastewater infrastructure construction was not required as part of the platting process. The residential structure was constructed in 2017 with on-site sanitary sewer facility.
3. The cost estimate of the wastewater is disproportional to the cost of developing the property

Factors Against the waiver request for wastewater construction:

1. There is an existing wastewater manhole 775' to the right on Don Patricio with a depth of 6.75' that they can connect. There is also a manhole on Sandy Way 730' to the left with a depth of 5.70'. Septic tanks within city limits are considered if the wastewater system is farther than a 1,000 ft away.
2. The examples customer cites as previous replats on Poplar Avenue are not recent. The property on the right had the plat approved in 2012 that is 10 years ago. And the property on the left had the plat approved in 2016, that 6 years ago.
3. The water and wastewater line construction along Poplar Avenue are necessary in order to develop the rest of the vacant lots on Poplar Avenue and to meet the provisions of the UDC for continuity of services.

Staff recommends disapproval of the waiver request for wastewater construction.

After staff presentation the floor was opened for Commissioner questions.

Commissioner York stated he understands they approved one waiver and denied the other, he said generally the Planning Commission has a hard time burdening a single homeowner with major improvements. He is not sure what the reasoning was for the disapproval of the wastewater waiver. With the manholes being so far away there are few developed homes that already exist, adjacent from this property how many of those are on septic, if any. Staff answered it is safe to assume that every developed home that is there is on septic. Commissioner York, asked if the waiver was to get approved and the developer installs septic is there a requirement, they would have to agree to connect to City sewer if and when it was ever put in. Staff answered as part of the Commission's approval they could condition an agreement that would require the developer to connect to city sewer if and when it is available.

There be no further questions the public hearing was opened for items "9 through 11". Jeff Kraus (3125 Quebec Drive) single father, disable veteran he does not have the funds to tie into the sewer for this property. He purchased the property five years ago and he is trying to build a single-family home, the waivers have prevented him from doing so. The surrounding neighbors all have septic tanks, they all received waivers when they built their homes. Unfortunately for him in 2020 due to covid he was unable to attend Planning Commission and state his case, he would appreciate the waiver so he can build his home. With no one else coming forward, the public hearing was closed. A motion was made by Commissioner York to approve item "9" the replat,

approve item "10" the waiver request for construction of street and sidewalk, and approve item "11" the waiver request for wastewater construction with a condition that the developer be required to connect to City services if and when they are brought to his property and was seconded by Commissioner Salazar-Garza. The motion passed.

VIII. Director's Report

Nina Nixon-Mendez, Assistant Director, wished everyone a Happy Holiday, she stated this is the last Planning Commission meeting of the year and she looks forward to seeing everyone in 2023.

IX. Future Agenda Items: NONE

X. Adjournment

There being no further business to discuss, the meeting adjourned at 6:55 p.m