



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, January 27, 2016

5:30 PM

Council Chambers

I. Call to Order, Roll Call

Chairman Ramirez called the meeting to order at 5:33 pm and verified that a quorum was present to conduct meeting.

(Note: Mr. McGinn arrived at 5:30pm)

Present 8 - Philip Ramirez, Eric Villarreal, Jeremy Baugh, Fred Braselton, Carl Crull, Mike Lippencott, Marsha Williams, and Heidi Hovda

Absent 1 - Jonas Chupe

II. Approval of Minutes

Motion to approve item "1", January 13, 2016 minutes, was made by Vice Chairman Villarreal and seconded by Commissioner Baugh. Motion passed.

1. Regular Meeting of January 13, 2016

Attachments: [01.13.16PCMins](#)

III. Public Hearing Agenda Items - Discussion and Possible Action

A. Plats

New Plats

Julio Dimas, Development Services, read New Plat Items "2 and 4" into record as shown below. Mr. Dimas stated these plats satisfied all requirements of the Unified Development Code (UDC) and State Law and the Technical Review Committee recommends approval.

2. 1015149-NP105 (15-21000045) SOUTHSIDE ADDITION, BLOCK 1, LOT 10A (FINAL REPLAT - 0.496 ACRE) Located east of Ayers Street and north of McArdle Road.

Attachments: [TRCPlatRequirements.Southside Addition, Blk 1, Lt 10A \(Final Replat\).012716PCMtg](#)
[Southside Addition, Blk 1, Lot 10A- Replat](#)

4. 1215162-NP125 (15-21000050) MAHAN ACRES, BLOCK 2, LOT 18R (FINAL REPLAT - 0.562 ACRE)

Located north of McArdle Road and east of Kostoryz Road.

Attachments: [TRCPlatRequirements.Mahan Acres, Blk 2, Lt 18R \(Final Replat\).012716PCMtg](#)
[Mahan Acres, Block 2, Lot 18A](#)

After Staff's presentation, the floor was opened for comments and discussion by commissioners. There being none, the public hearing was opened with no one coming forward and the public hearing was closed. A motion was made by Commissioner Crull, seconded by Vice Chairman Villarreal, that items "2 and 4" be approved. The motion carried by a unanimous vote.

Julio Dimas, Development Services, read New Plat Item "3" into record as shown above. Mr. Dimas stated there was a slight modification on the plat; there is a set of propertys/lots that are fronted by two streets within the front and the rear. There is a minor change from what is in the packet; there are now two front yards' one on either side of the street, that indicate the twenty foot yard requirements; this is the only difference in the plat that is listed in the packet. Both the owner and the applicant are satisfied with the change. Mr. Dimas stated the plat satisfied all requirements of the Unified Development Code (UDC) and State Law and the Technical Review Committee recommends approval.

3.

1215160-P040 (15-22000046)

BARCLAY GROVE UNIT 12 (FINAL - 12.00 ACRES)

Located south of Timbergate Drive and east of South Staples Street (FM 2444).

Attachments: [TRCPlatRequirements.Barclay Grove Unit 12 \(Final\).012716PCMtg](#)
[Barclay Grove Unit 12 Final R2 01-06-15](#)

After Staff's presentation, the floor was opened for comments and discussion by commissioners. Commissioner Crull stated these are double fronted lots. Mr. Dimas stated yes. Commissioner Crull asked if drive ways werer going to be prohibited. Mr. Dimas stated the typical scenario, the way the UDC identifies these are through lots; there would typically be a restriction; they do have a restriction on them stating they have no driveway access on one of the streets. Commisisoner Braselton asking if this has ever happened before; he doesn't recall seeing anything like this.

Mr. Dimas stated it is not a very common set up to have a single row of homes with two streets; this is a fairly new definition in the UDC; it is called a through lot, because of that, it is very specific that the yard requirement would be on both street frontages. Mr. McGinn added he could not find an example where this has occurred. Commissioner Crull stated there are older subdivisions; partuculary lots that back up to an arterial street that are considered double frontage; the lots back up to the arterial street but they face a residential street; there is always a prohibition against any driveways off of the arterial street.

After all comments were made, the public hearing was opened with no one coming forward and the public hearing was closed. A motion was made by Vice Chairman Villarreal, seconded by Commissioner Braselton, that item "3" be approved. The motion carried by a unanimous vote.

IV.

Flood Hazard Prevention Presentation

Attachments: [PC Presentation Flood Hazard Prevention-Higher Standards](#)

Mr. Dimas stated this will be the final presentation before we start taking some items in front of you for action; focus more on higher standards that we are proposing. Mr. Dimas continuing the main purpose of these new codes and standards is to: save lives, reduce flood damage, offer lower insurance rates and encourage a comprehensive approach to floodplain management. Mr. Dimas added the first thing he will speak about is the Freeboard.

The City of Corpus Christi is proposing one foot freeboard; this means, for new construction in a Zone A the top of the bottom floor must now be one foot above base flood elevation (BFE). If the BFE for your lot is 10' you will now need to be at 11'. In Zone A you can meet this requirement by filling the site. In Zone V the bottom of the lowest horizontal member would need to be one foot above BFE. This can only be done by elevating the structure on piers or pilings columns. No fill is allowed. Example of savings are as follows: National Flood Insurance Program (NFIP) Premiums based on October 2013 rates for multi floor residential structure with no basement. \$1,000 deductible/\$250,000 coverage for the building, no contents coverage.

Zone V: This Flood Insurance Rate Map designation refers to coastal areas that are subject to the highest levels of wave energy and flooding. Zone A: Also a FIRM designation, these areas are subject to flooding but with less wave energy than Zone V. 81% of the communities surveyed have adopted freeboard. Very few of these communities don't have some sort of freeboard; most of these communities are not part of the Community Rating System (CRS) program; even though they are not getting credit for flood insurance, they still have a freeboard on their requirements.

Chairman Ramirez stated with regards to the communities that are listed, 297 communities, let's say you have a community in a high elevation, like West Texas, the BFE whatever that may be, does it matter if you adopt a 4 foot freeboard, if 90% of the city does not sit in a BFE and only a portion sits in an area that may flood? Chairman Ramirez continued this community may have more because it's a coastal community; we have some areas that are prone to flooding; may see more of a significant impact with regards to how much of a built environment these freeboards effect verses another city. Chairman Ramirez stated that number sounds like a lot but he wants to make sure that number is not showing a skewed perception.

Mr. Dimas stated no, most of these communities have large amounts of their communities within a flood zone. Commissioner Braselton stated the annual savings being presented for the one foot is \$537.00 that would be if you went out and purchased the \$250,000 coverage, you would normally pay \$1000 if you didn't have the freeboard; right now insurance is \$400-\$500; where does the \$1000 come from? Mr. Dimas stated the presentation is displaying the national average.

Chairman Ramirez stated to follow up on Commissioner Braselton's question, in this presentation is it possible to find the average savings for a typical \$250,000 policy locally? he would like to have a more accurate reflection of what the cost would be per household. Mr. Dimas stated insurance amounts that are being presented are in a flood zone; a lot of the values that we hear today locally are skewed a little because they are not in a flood zone; total amount of savings for the City as a whole is over a million dollars a year.

Chairman Ramirez stated we need to make a more accurate reflection of the savings that are being presented; it's showing a better inflated number than what it is in reality. Commissioner Braselton stated to add another chart in the presentation. Mr. Dimas continued that he reached out to NFIP, the national program and now we are going to reach out to local insurance agents and give you four different scenarios. Commissioner Williams stated if you are in zone A, you are not in a flood zone, right? Mr. Dimas stated yes, you are in a flood zone. Commissioner Williams continued, which zone is the Island on? Mr. Dimas stated both A and B. Commissioner Williams replied most of the Island is 9 feet above level. Mr. Dimas stated each property has its own specific amount assessed because of the specific scenarios; very similar to a car insurance policy; a lot of variables to each policy; very unique to each property.

Commissioner Braselton stated savings we are talking about is for people that are purchasing flood insurance; there is no other benefit? Mr. Dimas stated yes. Commissioner Braselton continued is there other things besides saving money? Mr. Dimas continued yes, there are a couple of things; there are multiple ways this impacts the city as a whole; it begins with the that specific property owner for that home; whether they are one foot above the minimum requirement, then the insurance is going to be cheaper; then the community as a whole, because we are in a community rating system, we would get a higher ranking; then there is additional savings on top of that; then there is different organizations and groups that grade the city; building codes; etc.; different groups use that to classify your house insurance.

Commissioner Braselton stated it would be wise for that information to be publically known, otherwise everyone would say I don't buy flood insurance and I don't care if we have freeboard or not when in fact there are some benefits in addition to that. Mr. Dimas stated, yes, there could be a lot more negative effects. For example, building codes; International Organization for Standardization (ISO) will not give a good rating if the building code is old. Mr. Dimas continued with the presentation. The Limit of Moderate Wave Action (LiMWA) is a new feature on the maps it is adjacent to the velocity zone and velocity zone standards will be followed in this area, which is in addition to the velocity zone. For insurance purposes it is still rated as an A Zone; if you adopt this standard; you will get extra savings for individual home owner and also the City; currently our community rating is 300 points short of our next milestone to give us the additional 5%, this item alone will give us the extra 500 points; just adopting this one item by itself would move the City over into a higher rating.

Mr. Dimas presented a video explaining V Zones. Only properties adjacent to shore; treated just as a velocity zone; fill would be prohibited. Chairman Ramirez stated this is the instance where fill is also not acceptable. Mr. Dimas stated, correct; because of the wave action. Mr. Dimas continued with the last couple of items, the V-Zone: design and construction certificate; this is an item that will become a requirement as a part of our community rating system; even though currently under the current situation it would be considered higher standard; eventually if we wish to continue to get credit for elevation certificates we would have to include this with it; anytime there is construction in the V-Zone this certification would be required from the design professional stating that either breakaway walls and/or the foundation were designed to

accommodate this particular V-Zone scenario.

Chairman Ramirez stated with regards to breakaway walls being structurally certified; he doesn't know if there are a lot of properties in this area that actually have breakaway walls specifically engineered and designed; at best there are spotty resources to create one of these walls; to be clear the venting of these walls are no longer allowed in the VE-Zone, correct? Mr. Dimas stated, correct.

Mr. Dimas continued. The next item is Non-Conversion Agreement, again related to the Velocity Zone; whenever you have an area that is open below this agreement documents that the owner and contractor are now aware that, that space is not to be used for anything else in the future. Chairman Ramirez stated and the remedy that the City has is legally to change that if you find someone that is not in conformance to remove their certificate of occupancy or what is the ramification?

Mr. Dimas stated, we would start with a simple notification and build up to a violation for the building code and as far as removing the certificate of occupancy. Commissioner Crull asked if this agreement will be filed at the courthouse with deed? Mr. Dimas responded yes, it will be a recorded document so when someone pulls up title paperwork it will show up. Commissioner Braselton asked if it could be part of the deed or included in the deed or does it have to be a separate; like a 4709 from the Federal Government? Mr. Dimas continued it can be with the original deed if it is the first construction.

Mr. Dimas stated the last item is Cumulative Substantial Improvement or Damage, currently with FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) it states that they have generally speaking a 50% rule which is typical across standards and codes; if you exceed the 50% of the property value then you have to bring it up to compliance; what we are proposing is the substantial repairs and improvements will be counted for the preceding 10 years. This is for non-compliant properties; building should be brought up to compliance; look at the current value that is on the books and not the old value. Commissioner Lippencott asked if the adoption of this will affect existing properties. Mr. Dimas stated it only affects non-compliant properties. Commissioner Lippencott continued, as far as savings you are realizing a 50% savings for a one foot freeboard, how does that affect building a house and raising it up a foot? How does that affect your neighbor that is obviously in compliance but they are at BFE?

Chairman Ramirez added, what if you are at 18 feet and your neighbor is at 17 feet elevation and your base flood is 17 feet and you are a foot above? You are going to get the discount but what about the existing house next door? I believe is Commissioner Lippencott's question; how is this going to affect your insurance? Mr. Dimas stated they wouldn't receive that specific discount but they would receive some discount because of the CRS Program; if you are non-compliant and you have flood insurance you are receiving 50% discount today no matter what. Commissioner Lippencott stated how about the properties that are in this new coastal zone; previously they were in just an AE and not a Coast AE Zone; so they are in a more volatile or a dangerous zone so is their insurance more than likely going to go up? Mr. Dimas stated yes.

Chairman Ramirez stated that is what we have been talking about there is some new construction on North Beach that was built on fill, I am not saying it is in the LiMWA zone, potentially I have not looked at it; they could expect based on the new maps their insurance is going to go up and there is nothing the City can do about it because that is going to be a function of what FEMA does; whether or not we adopt these new standards or not; the way I hear it is the only thing we can do is improve that situation by moving forward with this so we can get a discount across the board to alleviate that to some degree through the CRS Program; they won't qualify for the ultimate discount but maybe we can help clip their overall insurance rate; is that correct, Mr. Dimas? Mr. Dimas stated, correct; properties that will have huge savings on their insurance and some properties insurance rates will increase; on the Island this is happening a lot; looking at the overall process to help the city as much as we can.

Chairman Ramirez continued asking Commissioner Villarreal and Commissioner Crull in the Cobra areas you couldn't get flood insurance in those areas; is that more of a function of conservation in those areas or is it really kind of more of a function of them condemning those areas because of the BFE in those particular areas? Commissioner Crull stated his understanding of the Cobra Zones on the barrier islands is to discourage construction and development in those areas that preserve the natural barrier of those Islands and to further that discouragement one could not get a federally backed mortgage regardless of that BFE.

Mr. Dimas stated, just for clarity there are the same standards in Cobra as compared to outside Cobra; there are BFE's set in Cobra; so if somebody chooses to build in Cobra, we would not recommend it but they still can. Mr. Dimas continued, that sometime in late March we will come back with some of the proposed changes and ordinances to adopt some of these cumulative standards and to adopt the preliminary maps; this is a rough overall future timeline.

Commissioner Braselton asked what is going to happen in areas where they are not presently in a flood zone and they are going into a flood zone? One particular area off of Saratoga and Greenwood, there is no way those houses can be brought up to standard, are they going to be condemned? Mr. Dimas stated no, we have no plans to do that right now. Commissioner Braselton continued if they have to have flood insurance and they have a loan and it goes up to \$300-\$500 a month, they are going to lose their house; that it is hard to vote on something like that. Mr. Dimas continued unfortunately that may be a reality in some cases; FEMA has not opened this up formally, there is an appeal process to these maps that can happen; any group or individual can appeal.

Commissioner Braselton added do they appeal in the judicial courts or in an administrative law? Mr. Dimas replied it is administrative through FEMA. Vice Chairman Villarreal stated just to be clear on Mr. Dimas comment that is going happen to happen regardless whether these codes go in to affect, right? That is happening with the new FEMA maps, if they are not in a flood plain right now they are going to be in a flood plain and they can't get insurance that is not having to do with these particular requirements. Mr. Dimas stated, that is correct.

Chairman Ramirez asked Mr. Dimas to explain once again; he ran through last time the adoption of the preliminary maps and the adoption of the finalized maps that are going to come and our role in the process is that we can either choose as a City to adopt it; if we don't, explain to us the process; again the insurance companies are going to look to FEMA not the City; we may have the ability to affect the insurance rate by how proactive we are on this but if we don't and we don't decide to support this; explain the ultimate scenario of what happens if FEMA does decide to finalize these maps?

Mr. Dimas stated we are trying to adopt the preliminary maps as enforceable maps, we are going to look at new construction to meet those requirements; that does not impact insurance at all today; then they would go through the process of any kind of appeals any kind of things that may happen during that process if those get worked out then FEMA will say there are no appeals or we worked out what appeals were valid then the next step is we would proceed as adopting them as final maps.

Chairman Ramirez stated the City only has control of the new construction because you are not going to go back; FEMA is going to do what they want to do whether or not we choose to adopt them or not; all we can do potentially is possibly help that scenario. Mr. Dimas stated yes; either FEMA will state to adopt program or get removed from the national program. Chairman Ramirez thanking Commissioner Braselton and Commissioner Lippencott for their questions and making this clear in his mind; it is important to understand what their role is and what they can and cannot do; FEMA is an organization that they don't have the ability other than the appeals process and how we get involved in that or if at all what they are going to do; our desire will be to help the homeowners as much as we can because we know it's coming; the City's position is to start preparing for this to happen in regards to new construction primarily is the focus.

Chairman Ramirez continued suggesting for Mr. Dimas to figure out a way to put the information out there right in front stating that this is what will happen; there is a lot of opportunity here for there to be misinterpretation for what is going on here and the reality is put in simple terms is this is the process that FEMA will follow and this is our intention and this is what we are trying to do here but it is not; we had to find our way through that through this presentation and we have arrived there but we shouldn't have to; to the average homeowner this presentation is not going to make sense.

Commissioner Crull stated there are two things that are going on that are parallel; one is the changes to the UDC and building codes that are going to provide freeboard and the result of that is going to be savings to owner in the insurance policies. The second part is what FEMA is doing and the adoption of the preliminary maps is to get a step ahead, the construction that occurs between now and whenever the final maps are adopted; how many of the developers are adhering to the draft maps in their development of their subdivisions? Mr. Dimas stated since they have received the maps in October 2015; most of them have come into the office asking what their new flood zone is. Commissioner Crull continued, a lot of the developers are voluntarily building their subdivisions to above the new BFE so that when they sell those lots it's a selling point that says the new lot your house is in, conforms with the new flood plain requirements, you are out of the flood plain.

Commissioner Williams stated when the developer is developing can they build the entire subdivision up? Is that allowed? Mr. Dimas stated, depending on the flood zone, yes. Commissioner Williams continued, she is getting a lot of questions about this and the people believe this can be stopped if the City doesn't do something; bad news is its coming and worse news if we don't do anything it could be worse; only way to soften is to come on board with these new standards. Chairman Ramirez stated the way this presentation reads is this is a City action that the City is taking somehow but the real process is happening at the Federal level and there is no stopping that; there may some amendments or appeals but the reality is that in a few years when they finally adopt these final maps the standards will be in place.

Commissioner Crull stated, to add to the presentation that if we are in the current system and already receiving a 15% discount if the City doesn't adopt the maps FEMA is going to adopt anyway and the 20% discount could go away but if we do adopt the 20% could help soften the blow; those are the kind of things that need to be pointed out to the public. Commissioner Braselton stated he agrees from here forward you can do that except you have land that is already developed and half the houses that are in there are already built and now the next set of houses or buildings that come along are going to be built up and it's going to look funny and no one is going to want to buy that house and in some of these subdivisions like the one on Saratoga that is half built out; it is almost a taking, you have just ruined this subdivision; you are not going to be able to comply in that subdivision; somebody is on the hook for all of that and for the people who live there, who are they going to sell their houses to? Maybe there is an appeals process; concerned about existing subdivisions. Mr. Dimas stated, several communities and states have adopted these already. After Staff's presentation concluded, all comments and discussion was concluded by Commissioners. No action was taken.

V. Director's Report

Mr. McGinn informed the Commission on the update on plan CC. Ms. Yankee will be sending out comments received from the City Council with staff summaries to be presented at the February 24, 2016 Meeting.

Commissioner Crull stated he just received an alert from Caller Times about the proposed Plan CC 2036 which he has not read the article yet. Commissioner Crull asked if it was a separate document? Chairman Ramirez stated the Commission will be reviewing comments from Council; this will be brought to us and how we review this and how we proceed with the comments from Council. Chairman Ramirez continued Plan CC 2036 is a proposal integrated with the comments that are provided by Council Member Magill. Chairman Ramirez informed Commissioners that Commissioner Chupe tendered his resignation to the Commission. We appreciated his contributions to the Commission and City Secretary's office will be looking for his replacement.

VI. Items to be Scheduled

None

VII. Adjournment

There being no further business, the meeting adjourned at 6:34 p.m.