



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
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## Meeting Minutes

### Planning Commission

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Wednesday, September 20, 2017

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 Vice Chairman Lippincott and Commissioners Schroeder and Baugh absent.

#### II. Approval of Minutes

1. [17-1206](#) Regular Meeting Minutes of September 06, 2017

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

#### III. Public Hearing Agenda Items - Discussion and Possible Action

##### A. Plats

##### New Plats

Ratna Pottumuthu, Development Services, read items "2, 3, 4 & 5" into record as shown below. Ms. Pottumuthu 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 "2, 3, 4 & 5" was made Commissioner Crull and seconded by Commissioner Hovda. The motion passed.

2. [17-1207](#) **17PL1086**  
COUNTRY CLUB ESTATES UNIT 20 PUD (FINAL - 9.46 ACRES)  
Located east of Aaron Drive and south of Acushnet Drive.
3. [17-1208](#) **17PI1092**  
LEXINGTON ESTATES, BLOCK 8, LOT 20R (FINAL - 0.26 ACRES)  
Located north of South Padre Island Drive and west of Carroll Lane.

4. [17-1209](#)                    **17PL1082**  
ARUBA PUD (FINAL - 3.65 ACRES)  
Located north of Whitecap Boulevard and west of Windward Drive.
5. [17-1210](#)                    **1015142-NP108 (15-21000041)**  
HOLLY INDUSTRIAL SUBDIVISION, LOT 1-B (FINAL - 1.615 ACRES)  
Located east of Ayers Street and north along Holly Road.

### **Time Extension**

6. [17-1211](#)                    **17PL1039**  
RUSSELL INDUSTRIAL AREA, BLOCK 7, LOT 1A (REPLAT - 6.88 ACRES)  
Located south of Baldwin Boulevard and north of Agnes Street.

Ms. Pottumuthu read item "6" into record as shown above. She informed the Commission the plat was originally approved on May 03, 2017. The applicant is requesting a six month time extension due to the timing of capital expenditure issues along with the applicant's Houston plant being affected by Hurricane Harvey. This is the first extension request for the project.

After Staff's presentation, Chairman Villarreal opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve item "6" was made by Commissioner Hovda and seconded by Commissioner Hastings. The motion passed.

### **New Plat with a Waiver Request**

7. [17-1212](#)                    **17PL1052**  
GATEWAY PARK, BLOCK 4, LOT 2A (FINAL - 0.15 ACRES)  
Located north of Knickerbocker Street and west of Laguna Shores.  
Request for a waiver of minimum lot area standard per Section 4.4.3 of the Unified Development Code.

Ms. Pottumuthu read item "7" into record as shown above. She presented an aerial view of the property along with the proposed plat and surrounding zoning patterns. She gave the Commission some background information and stated in 1964 the property was sold through a deed transaction resulting in the lot to become nonconforming. She presented a table for Multifamily Zoning District standards detailing the minimum lot area for the "RM-1" district to be 6,000 square feet. The current lot size of the subject property is 5,000 square feet. Although a potential rezoning to the "RS-4.5" Single-Family 4.5 District could resolve the deficiency in lot size, staff would not recommend approval due to a potential issue of spot rezoning. Staff recommends approval of the waiver request with the provision that building permits meet all other

Development Standards for the current Zoning District . Staff also recommends approval of the plat as it satisfies the requirements of the 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 item "7" was made by Commissioner Dibble and seconded by Commissioner Crull. The motion passed.

### **Construction Waiver/Lot & Acreage Fee Exemption Requests**

8. [17-1213](#)

**1015142-NP108 (15-21000041)**

**HOLLY INDUSTRIAL SUBDIVISION, LOT 1-B (FINAL - 1.615 ACRES)**

Located east of Ayers Street and north along Holly Road. A request for a waiver of Wastewater infrastructure construction per Section 8.2.7.A of the Unified Development Code (UDC). A request for an exemption from the Wasterwater Lot/Acreage fees in the accordance with Section 8.5.2.G of the UDC. A request for an exemption from the Water Lot/Acreage fees in accordance with Section 8.5.1.C.5 of the UDC.

Ms. Pottumuthu read item "8" into record as shown above. She presented an aerial view of the property along with the proposed plat; a preliminary cost estimate of \$203,713.76 for wastewater improvements. The nearest wastewater service manhole is approximately 1700 linear feet (lf) away to the southeast corner of the property. Due to the property being located more than the 1,000 foot benchmark of a reasonably accessible collection line of adequate capacity, the wastewater improvements requirement creates a burden for the industrial lot.

The applicant is also requesting an exemption of Water lot/acreage fees. Staff recommends approval of the Wastewater infrastructure waiver and Wastewater lot/acreage fees but denial of the request for exemption of the Water lot/acreage fees. Discussion took place regarding the possibility of future construction on the property as a Light Industrial zoning district. The applicant is proposing to erect a billboard on the subject property.

After Staff's presentation, 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 "8" was made by Commissioner Crull and seconded by Commissioner Hastings. The motion passed.

9. [17-1214](#)

**17PL1063**

**OSO GEORGE VILLAGE UNIT 2 (FINAL - 47.58 ACRES)**

Located north of Yorktown Boulevard and west of Roscher Road. Request for a waiver of wastewater infrastructure construction per Section 8.2.7.A of the Unified Development Code (UDC) and an exemption from the Wasterwater Lot/Acreage fees in the accordance with Section 8.5.2.G of the UDC.

Ms. Pottumuthu read item "8" into record as shown above. This item was originally tabled from the Planning Commission meetings of August 23, 2017

and September 6, 2017, as the Commission requested that a construction cost estimate be provided. She presented an aerial view of the property along with a preliminary exhibit showing the proposed infrastructure improvements. The preliminary cost estimate for the proposed improvements is \$2,767,918.50. Staff recommends approval of the waiver for Wastewater infrastructure and Wastewater lot/acreage fee exemption.

Discussion took place regarding the potential for future development in the area with respect to the trust fund accounts. A motion was made by Commissioner Crull to table item "9" to the next regularly scheduled Planning Commission meeting in order for Staff to research potential lot/acreage fee revenue for unplatted properties in the specified Wastewater service area. The motion was seconded by Commissioner Hovda and the motion passed.

10. [17-1215](#)

**0916112-P044 (16-22000042)**

**HARRIS ACRES, BLOCK 1, LOT 1 (FINAL - 4.07 ACRES)**

Located west of Flour Bluff Drive and north of Glenoak Drive. Request for a waiver of wastewater infrastructure construction per Section 8.2.7.A of the Unified Development Code (UDC) and an exemption from the Wastewater Lot/Acreage fees in the accordance with Section 8.5.2.G of the UDC.

Ms. Pottumuthu read item "10" into record as shown above. She presented an aerial view of the subject property along with a map of the Wasterwater Master Plan for Laguna Madre Service Area 3. She also presented a preliminary exhibit provided by the consultant showing the proposed infrastructure improvements with a cost estimate of \$1,161,683.85. Staff recommends approval of the waiver for Wastewater infrastructure improvements and exemption of the Wastewater lot/acreage fees.

After Staff's presentation, 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 "8" was made by Commissioner Dibble and seconded by Commissioner Williams. The motion passed.

B. **Zoning**

**New Zoning**

11. [17-1217](#)

**Case No. 0917-01 - Luxury Spec Homes, Inc:** A change of zoning from the "FR" Farm Rural District with the Island Overlay to the "RS-4.5/PUD" Single Family 4.5 District with a Planned Unit Development Overlay. The property to be rezoned is described as Blanche Moore School Subdivision, Lot 2, located on the south side of Durant Drive, south of Wooldridge Road, and west of Cimarron Boulevard.

Andrew Dimas, Development Services, read item "11" into record as shown above. He stated the purpose of the rezoning request is to allow for the construction of a 17-lot single-family development. The property is currently

vacant and and has never been developed as it used to be a City park which was sold. He presented several aerial views of the subject property along with existing and future land use maps. He informed the Commission that four public notices were returned in opposition of the change of zoning request and zero notices were returned in favor.

Mr. Dimas went over the zoning pattern for the area, indicating that the most of the adjacent properties are the "RS-6" district. The property is designated as per the future land use as medium density residential. As per PlanCC, medium density residential is between 4 and 13 units per acre. The proposed PUD is set as approximately 6.30 units per acre and is therefore in compliance with the future land use designation. The 17 lots will range in area between 5,352 and 7,680 square feet in size. Vehicular access will be provided by a reduced public right-of-way of 40 feet as opposed to the UDC requirement of 50 feet. The PUD amenities include a lower traffic speed limit of 25 miles per hour (mph), 5 foot sidewalk on one side of the street (UDC requirement is 4 feet on each side), a neighborhood entry feature and wall with landscaping, and a speed hump.

Staff feel that the request for the PUD is not justified since the deviations from UDC requirements consist mainly of design standards for the street rather than offering additional amenities and open space/recreational areas. With the exception of the requested deviations, the proposed development meets all the requirements for a "RS-4.5" district. Staff recommendation is denial of the change of zoning request, and in lieu thereof, approval of the "RS-4.5" Single-Family district.

After Staff's presentation, discussion took place amongst Commissioners regarding a similar case that was presented earlier in the year (reference Case No. 0617-01) in which the Commission recommended approval. Further discussion took place regarding the similarities/differences between this case and Case No. 0617-01. After the discussion, Chairman Villarreal opened the public hearing.

Representing the developer, Miguel Saldana at 4553 Moonlake Ridge Drive, addressed the Commission. He feels the rezoning request is not unprecedented and should be approved given that the Commission recommended approval for Case No. 0617-0 (approved by City Council as well) because of the similarities. He believes the facilities at the nearby public school can be utilized to serve as a recreational area. Mr. Saldana presented the following PUD conditions for the Commission's consideration:

1. Planned Unit Development Guidelines: The development of the property must comply with the Master Plan attached and made part of this ordinance.
2. Dwelling Units Per Acre: The residential density on the property shall not exceed 6.30 units per acre.
3. Lot Size: The minimum lot size within this development shall not be less than 4,500 square feet.
4. Lot Development Standards: All development within the Property shall comply with the minimum requirements of the "RS-4.5" Single-family 4.5 District with the exception that the lots that side on Durant Drive shall have a street side yard of not less than ten (10') feet.
5. Public Right-Of-Way: The public right-of-way shall be constructed as identified on the master site plan. The public right-of-way shall be a minimum

of 40 feet in width and the street cross-section of not less than 28 feet back of curb to back of curb. A 5-foot wide sidewalk shall be constructed along one side of the roadway as shown on the master site plan.

6. Other Requirements: The conditions listed herein does not preclude compliance with other applicable Unified Development Code, Building and Fire Code requirements.

7. Time Limit: Construction of the development shall commence within 24 months from the date the ordinance for the Planned Unit Development is approved by the City Council.

With no one else coming forward the public hearing was closed.

Commissioner Dibble made a motion for item "11" to approve the change of zoning request with a PUD and to include conditions similar to Case No. 0617-01. The motion was seconded by Commissioner Crull and the motion passed.

12. [17-1216](#)

**Case No. 0917-03 - Mostaghasi Investment Trust:** A change of zoning from the "RS-6" single-Family 6 District to the "CN-1" Neighborhood Commercial District. The property to be rezoned is described as Kings Point Unit 6, Block 1, Lot 1, located on the north side of Yorktown Boulevard, east of Gingerberry Drive and west of Lorie Boulevard.

Mr. Dimas read item "12" into record as shown above. He presented several aerial views of the subject property along with existing and Future Land use maps. With the adoption of PlanCC in 2016, the Future Land Use map shows the subject property to be designated as "Commercial". He stated the purpose of the rezoning request is to allow for the construction of a retail shopping center. He informed the Commission that zero public notices were returned in favor of the change of zoning request and 28 notices were returned in opposition; an additional 22 letters outside the notification area were submitted stating opposition. Opposition within the notice area is at 24.16%.

Mr. Dimas went over the zoning pattern for the area and UDC requirements such as buffer yards, setbacks, parking and allowed uses. Surrounding properties have been rezoned within the past twenty years indicating a pattern towards neighborhood commercial development. The proposed rezoning is compatible with the Future Land Use Map, PlanCC, and the Southside Area Development Plan (ADP). The proposed rezoning is also compatible with neighboring properties and with the general character of the surrounding area. Staff recommends approval of the change of zoning request.

It was noted that a zoning case requesting the "RM-1" Multifamily District was withdrawn by the applicant for the same site in January of 2015 for the purpose of constructing 128 apartments. Opposition within the notice area was 24%. It was also noted that apartments are still an allowed use in the "CN-1" district which is a current concern of opposition amongst the surrounding neighbors. Mr. Dimas informed the Commission there are preliminary plans to construct a dialysis clinic at the corner of Gingerberry Drive/Yorktown Boulevard and there have been no warnings that development plans will change from a retail shopping center to apartments.

After Staff's presentation, Chairman Villarreal opened the public hearing. Representing the applicant, Wayne Lundquist at 4466 Ocean Drive, addressed

the Commission. He confirmed the proposed construction of the dialysis clinic/medical office space and submitted copies of the preliminary plans to the Commission. He also stated that at the the proposed rezoning case in 2015, the surrounding neighbors were agreeable to a retail shopping center rather than apartments.

The following citizens addressed the Commission and expressed their opposition:

-Hobart Weaver at 5817 Loire Boulevard

-Darren Mesch at 5721 Loire Boulevard

-Bonnie Livsey at 5714 Loire Boulevard speaking on behalf of a homeowner.

-Eric Martinez in the Kings Crossing subdivision.

Elizabeth Barrera at 4029 Herndon Street addressed the Commission in support of the proposed rezoning.

With no one else coming forward the public hearing was closed. Discussion took place amongst Commissioner regarding traffic access and the differences between the "CN-1" and "CN-2" commercial districts. Mr. Dimas informed the Commission that the "CN-1" district allows 37 apartment units per acre and the "CN-2" district is at 15 units per acre. He also stated that the option for a Special Permit was not warranted because it is consistent with the the Future Land Use Map, the Southside ADP, and PlanCC.

A motion to deny Staff's recommendation and recommend a change of zoning from the "RS-6" Single Family 6 District to the "CN-2" Neighborhood Commercial District was made by Commissioner Crull and seconded by Commissioner Hovda. A roll call vote took place with Commissioner Williams voting "no" and Commissioner Hastings abstaining. The motion passed.

#### **IV. Director's Report**

- 1. Funding available for American Planning Association workshop on October 06, 2017*
- 2. Announcement of Community Outreach on October 02, 2017*
- 3. Annexation Update*

#### **V. Items to be Scheduled**

None.

#### **VI. Adjournment**

There being no further business to discuss, Chairman Villarreal adjourned the meeting at 7:40 p.m.