



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, June 13, 2018

5:30 PM

Council Chambers

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 Minutes

1. [18-0699](#) Regular Meeting Minutes of May 30, 2018

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

III. Public Hearing (Items 2 - 10) - Discussion and Possible Action

A. Plats

New Plats

Greg Collins, Development Services, read items "2, 3, 4, 5, 6 & 7" 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. Suzie Luna Saldana at 4710 Hakel Street addressed the Commission for item "5". Her property is adjacent to the subject plat and she understands there are plans to construct a single-family home. She asked if there were current provisions for the construction of a fence. She would prefer that a fence be built because she understands that the neighbors have dogs. Mr. Collins confirmed the zoning of the subject plat and stated that apartments are not allowed in the "RS-6" district. He also stated that fences are allowed, but not required, for the construction of a single-family, detached house in the "RS-6" zoning district.

Olivia Rojas at 4674 Cosner Street addressed the Commission for items "4 & 5". Ms. Rojas wanted to know the purpose of the replat. Chairman Villarreal confirmed that both plats are zoned "RS-6".

With no one coming forward, the public hearing was closed. A motion to approve items "2, 3, 4, 5, 6 & 7" was made by Commissioner Baugh and seconded by Commissioner Schroeder. The motion passed.

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2. [18-0700](#) 18PL1015
GARDENDALE ADDITION NO. 3, BLOCK 11, LOT 15R (REPLAT - 1.69 ACRES)
Located north of Williams Street and west of South Staples Street.
3. [18-0701](#) 18PL1030
IHS PARK SPRINGS (PRELIMINARY - 10.19 ACRES)
Located west of Hazel Bazemore (CR 69) and south of Northwest Boulevard (FM 624).
4. [18-0703](#) 18PL1040
MAHAN ACRES, BLOCK 4, LOTS 12A & 12B (REPLAT - 0.457 ACRES)
Located east of Kostoryz Road and north of Foley Drive.
5. [18-0704](#) 18PL1045
MAHAN ACRES, BLK 6, LOTS 1A & 1B (REPLAT - 0.48 ACRES)
Located north McArdle Road and east of Kostoryz Road.
6. [18-0705](#) 18PL1046
JERRY PLACE, BLOCK 1, LOT1R (REPLAT - 1.87 ACRES)
Located east of Ayers Street and south of Gollihar Road.
7. [18-0706](#) 18PL1055
WOOLDRIDGE CREEK UNIT 9, BLOCK 3, LOTS 1A & 1B (FINAL - 5.45 ACRES)
Located north of Wooldridge Road and west of Airline Road.

Time Extension

8. [18-0707](#) 17PL1128
PARK PID UNIT 1 (FINAL - 18.86 ACRES)
Located south of Bates Drive and east of North Padre Island Drive and west of Flato Road.

Mr. Collins read item "8" into record as shown above. He informed the Commission the the plat was originally approved on December 13, 2017. This is the applicant's first request and they are requesting a six month time extension. The applicant submitted the request as a safeguard, in case there is a hold up for the construction start date.

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 "8" was made by Commissioner Schroeder and seconded by Vice Chairman Lippincott. The motion passed.

Appeal

9. [18-0708](#)

17PL1082

ARUBA PUD (FINAL - 3.65 ACRES)

Located north of Whitecap Boulevard and west of Windward Drive.

Appeal from a Staff Determination of Plat Expiration as a Result of Insufficient Progress on Construction of Improvements Aruba P.U.D. Plat

Mr. Collins read item "9" into record as shown above. He presented several aerial views of the subject property. He proceeded to give a timeline of events that lead up to the plat expiration. The timeline began with the date the plat application was received and included significant dates for the landfall of Hurricane Harvey, Planning Commission approval, expiration date (Tuesday, March 20, 2018) and applicants request for an extension. The last scheduled meeting of the Planning Commission prior to the expiration date was Wednesday, March 7, 2018. A request for time extension was required to be submitted by the Wednesday, February 28, 2018, Planning Commission Meeting. No request for time extension was filed by that date.

Mr. Collins also cited section 3.8.5.F of the UDC which states that if improvements are not in place or construction initiated on said improvements within six months of such plat approval, the final plat shall expire, unless the improvements are secured by a developer's financial guarantee; a final plat shall not expire if construction has been initiated and substantial progress continues toward completion of the improvements.

Considering the UDC requirements cited above, Staff found that there were no improvements in place or initiation of construction. Substantial progress is neither initiated nor continuing. Complete construction plans were not submitted or approved by the deadline. No Release Letter authorizing initiation of construction was issued by Staff nor has Staff received a developer's financial guarantee.

A determination that a plat has expired as a result of insufficient progress may be appealed to the Planning Commission within 30 days of notification that the plat has expired. The appeal was timely submitted. Staff recommends denial of the appeal of determination of expiration and denial of the extension of the plat expiration date. Staff also recommends resubmittal of the expired plat for processing as a new plat.

After Staff's presentation, the floor was opened for questions/comments by Commissioners. Discussion took place regarding fees, any changes to UDC requirements, public improvements and establishing precedence. Questions by Commissioners also took place regarding review processes moving forward if the appeal/extension were granted or not granted. Mr. Collins added that Staff

is exploring a legislative solution to plat expirations and are considering lengthening the plat expiration time frame from six months to twelve months.

After Commissioners comments/discussion concluded, Chairman Villarreal opened the public hearing. Representing the owner, Craig Thompson with Hanson Professional Services, addressed the Commission. He stated there are no plans to make any changes to the PUD and it is not customary to make changes to a PUD that has already been approved by City Council. He informed the Commission construction drawings were near 60% completed in November 2017 but the project got set aside as the owner was overwhelmed with Hurricane Harvey repercussions. Mr. Thompson said that construction drawings at 100% completion will be submitted this week. He said the owner, Alex Harris, has much experience with PUD development and obtaining financial guarantee is not a concern.

Alex Harris at 2138 Highway 286 addressed the Commission to further explain the reasons for delay in the project. He informed the Commission that in July of 2017, the location of his business office was the victim of arson and he was not able to access the building for 30 - 45 days as an investigation was taking place. He went into detail regarding the hurricane damage that was done to his property (over 100 dwelling units) in Port Aransas and provided pictures. Mr. Harris expressed that he made the decision to rebuild his property as a priority to his displaced homeowners and ceased all other continuing projects. He stated he would have either asked for an extension before the expiration date, or he would have been making substantial progress on the construction of improvements, had Hurricane Harvey not occurred.

With no one else coming forward, Chairman Villarreal closed the public hearing. A motion was made by Vice Chairman Lippincott to approve the applicant's appeal from Staff determination of plat expiration and approve the extension for the plat expiration date with an additional six months (from today's date). The motion was seconded by Commissioner Hovda and the motion passed.

B. New Zoning

10. [18-0709](#) Public Hearing - Special Permit Time Extension Request at or near 7442 Wooldridge Road

Case No. 0618-01 - Dorsal Development, LLC:

Ordinance rezoning property at or near 7442 Wooldridge Road (located on the north side of Wooldridge Road, east of Roddfield Road, and west of Ennis Joslin Road), from the "RM-1" Multifamily 1 District to the "RM-2" Multifamily 2 District.

Andrew Dimas, Development Services, read item "10" into record as shown above. The purpose of the request is to extend the time limit of the Special Permit for an additional 6 months. The original application for a Special Permit was for the construction of an apartment complex. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. He informed the Commission that zero public notices were

returned in favor and four notices were returned in opposition of the change of zoning request. He also went over the zoning patterns for the surrounding area along with the UDC requirements for the change of zoning request. Staff recommends approval of the requested Special Permit time extension for a period of 6 months.

After Staff's presentation, the floor was opened for questions/comments by Commissioners. Discussion took place regarding the difference in density (units per acre) for the "RM-1" and "RM-2" zoning districts. It was noted that the property was previously zoned "RM-1" Multifamily 1 District. Staff recommended denial of the change of zoning to the "RM-2" Multifamily 2 District that was requested, and in lieu thereof, approval of the change of zoning to the "RM-1/SP" Multifamily 1 District with a Special Permit.

After Commissioners comments/discussion concluded, Chairman Villarreal opened the public hearing. Representing the applicant, Miguel Saldana at 4553 Moonlake Ridge, addressed the Commission and stated that per the UDC, City Council may grant a maximum of two time extensions for a Special Permit. He informed the Commission that this is the applicant's first request and the construction plans for the project are near completion. The applicant contends that due to difficulties and repercussions of Hurricane Harvey, he has experienced extreme difficulty in obtaining financing. Additionally, due to the after effects of Hurricane Harvey, there has been a shortage of available contractors.

With no one else coming forward the public hearing was closed. A motion to approve Staff's recommendation for item "10" was made by Vice Chairman Lippincott and seconded by Commissioner Dibble. The motion passed.

Briefing

11. [18-0710](#)

Small Cell Design Manual

Dan McGinn, Director of Planning and Environmental/Strategic Initiatives, presented item "11". He proceeded to give some background information on Small Cell Technology and recent State legislation. In September 2017, Senate Bill No.1004, amending the Texas Local Government Code by adding Chapter 284. Deployment of Network Nodes in Public Rights-of-Way, required cities to allow Network providers to install wireless antennae (network nodes) in city right-of-way and set parameters for: height, size, fees and clearance. He noted there is also a provision that sets the maximum fee to be collected for the installation of a new node at \$250.00 at each location.

He explained that Section 284.107 of SB 1004 allows cities to adopt a Design Manual. The Corpus Christi Small Cell Design Manual includes rules and recommendations that help guide the City, and Network Providers, with Small Cell installation in special districts, and also with preferred locations within the City, as well as undergrounding requirements, removal and relocation, electrical supply and other aesthetic requirements. He presented a slide which gave examples of appropriate and inappropriate installations of nodes.

Staff and the Texas Municipal League drafted a Small Cell Design Manual in June 2017 to prepare for the passage of Senate Bill 1004 and recommended

that member cities adopt some or all the document. Planning Staff evaluated the draft Design Manual along with several other cities manuals and made some small modifications to fit the needs of Corpus Christi. The draft is near completion and will be brought back for Planning Commission consideration/formal action. Mr. McGinn further described the rules and regulations for the design manual which include the permitting process, installation/inspection, responsibilities of Network Providers and general provisions.

After Staff's presentation, the floor was opened for questions/comments by Commissioners. Discussion took place regarding fees and Commissioner Crull suggested to add a provision to the design manual that states the relocation of a node should be at the applicant's expense if there is a need for necessary public improvements. Mr. McGinn added that the City of McAllen is leading a case to challenge the constitutionality of the fees suitability. Commissioner Williams asked about the companies deploying small cell technology in the City. Commissioner Schroeder asked if windstorm loads have been considered and Mr. McGinn said there was provision for that, and he would find verification for his concern. No action was taken.

IV. Director's Report

Nina Nixon-Mendez, Director of Development Services, updated the Commission on a series of upcoming stakeholder workshops for the design community hosted by the Development Services Department. Discussion topics for the workshop include Texas Department of Insurance, Texas Windstorm Insurance Association and City of Corpus Christi Windstorm requirements, Texas Engineer and Architect engagement requirements, Residential and Commercial plan review and the 2015 International Energy Conservation Code Requirements. The workshops are open to the public and seating is limited so an R.S.V.P. is recommended. The workshops will be held on Friday - 6/15/2018 and Tuesday - 7/10/2018 from 1-4 p.m. at the Ben F. McDonald Public Library. She also announced that at a future meeting, the Housing and Community Development Department will brief the Commission on affordable housing initiatives.

Renissa Garza-Montalvo also addressed the Commission to announce upcoming meetings for the Southmost Section of the Texas Chapter of the American Planning Association. Dan McGinn also announced plans for a release of a request for interest for redevelopment of the John W. Cunningham water plant in the Calallen area.

V. Items to be Scheduled

None.

VI. Adjournment

There being no further business to discuss, Chairman Villarreal adjourned the meeting at 6:30 p.m.