



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### Planning Commission

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Wednesday, July 11, 2018

5:30 PM

Council Chambers

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#### I. Call to Order, Roll Call

Comissioner Crull called the meeting to order and a quorum was established with Chairman Villarreal, Vice Chairman Lippincott and Commissioner Hovda absent.

#### II. Approval of Minutes

##### 1. [18-0817](#) Regular Meeting of June 27, 2018

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

#### III. Public Hearing (Items A - C) - Discussion and Possible Action

##### A. New Plats

Greg Collins, Development Services, read items "2 & 3" 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, Commissioner Crull opened the public hearing. Emanuel Cortez at 105 Main Drive addressed the Commission. He owns the property adjacent to item "3" and stated his belief that there is an error with the boundaries on the land between his property and the subject property. He has expressed his concern to Mr. Collins and met with him this morning to discuss the encroachment issue. He is asking the Commission to consider providing more time so that he has an opportunity to survey his property and proceed with any legal recourse. Mr. Cortez provided his deed during the meeting this morning.

Mr. Collins stated that he compared Mr. Cortez's deed to the deed for item "3" and they show no overlap or conflict in legal description in terms of each ownership. Mr. Collins presented the original plat from 1951 and went over linear dimensions. The replat's dimensions are consistent with the original plat's dimensions. Mr. Collins stated that as drafted, plat item "3" complies with the UDC and State law. Mr. Cortez and other residents are contesting fencing and other physical features on the ground.

Jeanie Cortez Hernandez at 8102 Sedwick, addressed the Commission and stated that their property has been surveyed three times for the purpose of obtaining building permits. She stated that she wanted to purchase the subject

property several years ago and was told by a tax attorney that she was not able to purchase the property for residential use.

Amado Iglesias at 8104 Sedwick addressed the Commission. He stated that he was also interested in purchasing the subject property to build a new home but was also told that he could not.

With no one else coming forward, the public hearing was closed. Commissioner Baugh commented that the property line issue between Mr. Cortez and the applicant is a private, civil matter. A motion to approve items "2 & 3" was made Commissioner Baugh and seconded by Commissioner Schroeder. The motion passed.

2. [18-0818](#)

**18PL1049**

WILLOWOOD UNIT 8 (FINAL - 5.70 ACRES)

Located west of Violet Road at the end of Willowood Creek Drive.

3. [18-0819](#)

**18PL1037**

HUDSON ACRES, BLOCK 2, LOT 43R (REPLAT - 0.196 ACRES)

Located north of Sedwick Road and west of Main Drive.

**B. New Zoning**

4. [18-0820](#)

**Public Hearing - Rezoning Property at or near 2407 Mary Street**

**Case No. 0718-01 - Siempre Mas:**

Ordinance rezoning property at or near 2407 Mary Street (located on the north side of Mary Street, east of South Port Avenue, and west of 19th Street), from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District.

Andrew Dimas, Development Services, read item "4" into record as shown above. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. The owner is proposing adding two additional duplexes to the site. Currently, there is an existing duplex that has been recently renovated. The subject property was originally zoned "A-2" Apartment House District (RM-3) under the former zoning ordinance and was changed to "R-1B" One-Family Dwelling District (RS-6) in 1980 due to the neighborhood wishing to reduce the amount of fees incurred by the then pavement assessment/street user fee.

He informed the Commission that zero public notices were returned in favor of the change of zoning request and one notice was returned in opposition. He also went over the zoning patterns for the surrounding area along with the UDC requirements for the change of zoning request. The proposed rezoning is generally consistent with the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the Future Land Use Map. There are still existing multifamily uses on Mary Street including a complex of 6 duplexes across 22nd

Street from the subject property. Staff recommends approval of the requested change of zoning.

After Staff's presentation, Commissioner Crull opened the public hearing. With no one coming forward the public hearing was closed. A motion to approve Staff's recommendation for item "4" was made by Commissioner Schroeder and seconded by Commissioner Baugh. The motion passed.

5. [18-0821](#)

**Public Hearing - Rezoning Property at or near 4502 Corona Drive**

**Case No. 0718-02 - Augusta Embassy House, LLC:**

Ordinance rezoning property at or near 4502 Corona Drive (located on the north side of Corona Drive, east of Flynn Parkway, and west of Everhart Road), from the "RS-TF" Two-Family District to the "RM-3" Multifamily 3 District.

Mr. Dimas read item "5" into record as shown above. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. The subject property is currently zoned "RS-TF" Two-Family District and consists of an existing apartment complex (Embassy House Apartments). The applicant is requesting a rezoning from the "RS-TF" Two-Family District to the "RM-3" Multifamily 3 District for the consistency of zoning classifications.

Mr. Dimas informed the Commission that the complex currently has an "RM-3" Multifamily 3 District designation on the front half of the property and an "RS-TF" Two-Family District designation on the rear half. The existing "RS-TF" District does not allow multifamily apartment uses. The subject property was zoned "R-2" Multiple Dwelling ("RS-TF" Two-Family) District as defined by the former Corpus Christi Zoning Ordinance in 1972. The former Zoning Ordinance allowed up to 10 dwelling units per acre by-right in the "R-2" Multiple Dwelling District. The existing apartments are nonconforming which has created issues with mortgage companies. There are no plans to build any additional units to the existing apartment complex.

Mr. Dimas stated that zero public notices were returned in favor or 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. The existing apartments closest to the single-family residences are in compliant with required 2:1 setback requirement. There is currently an adequate solid screening fence along the rear property line which serves as the buffer yard. Staff recommends approval of the requested change of zoning.

After Staff's presentation, Commissioner Crull opened the public hearing. Representing the applicant, Miguel Saldana at 4553 Moonlake Ridge, addressed the Commission to answer any questions and confirmed that there are no plans for expansion of the complex. With no one else coming forward the public hearing was closed. A motion to approve Staff's recommendation for item "5" was made by Commissioner Dibble and seconded by Commissioner Baugh. The motion passed.

**C. Text Amendments**

**6. [18-0822](#)****Ordinance Amending the Unified Development Code to Remove the Floodplain Administration, Beach Construction, and Dune Protection Regulations**

Yvette Dodd, Development Services, presented item "6" and informed the Commission that she will be providing an update to the Preliminary Flood Insurance Rate Maps, discussing the adoption of the maps/options for higher standards and discussing a text Amendment to the UDC. FEMA provided notice of Revised Preliminary Flood Insurance Rate Maps (R-FIRMS) on May 30, 2018. There will be an additional 30-day appeal period for portions of Nueces County after notice is published in the Federal Register. Maps cannot move to final adoption for insurance and construction until all appeals are complete.

Ms. Dodd presented a slide of the Preliminary Map versus the Appeal Map. After review of the preliminary FIRMS, the City appealed to FEMA to review findings along the Oso Creek. The appeal was successful and the preliminary flood plain and floodway were decreased. The City will send notices to property owners effected by the appeal on July 14th. Open house meeting is scheduled for July 23rd from 6PM to 8PM at the Botanical Gardens. After the Oso Creek appeal, 392 properties of the 807 originally mapped will be moving into a Special Flood Hazard Area. After the Oso Creek appeal, 100 properties of the 111 originally mapped will be moving into a floodway.

Ms. Dodd further explained the process for preliminary map adoption. Municipalities have the option of adopting the preliminary FIRMS for construction purposes. Adopting the preliminary FIRMS for construction purposes protects the homeowner from paying higher flood insurance premiums once the final FIRMS are adopted and effective. Currently, the preliminary FIRMS are used as best available data as an advisory, but since they are not adopted we cannot enforce compliance at building permit and construction. Council has directed that we move forward with preliminary map adoption and conduct outreach for higher standards.

Ms. Dodd further explained the proposed higher standard of the Limit of Moderate Wave Action (LiMWA) which is a newly created zone. Municipalities have the option to adopt the LiMWA. LiMWA is an area directly behind a velocity zone and is anticipated to have a wave height of 1.5 feet to 3 feet. Development within this zone would have to meet velocity zone standards which would require the structure to be elevated with piers, pilings, or columns without the use of structural fill. Adopting the LiMWA is considered a higher standard and would provide an additional 500 Community Rating System (CRS) points. The number of properties impacted by LiMWA are 1,836 (13,142 acres). The State or the Port of Corpus Christi own 68% of the proposed LiMWA and 63% of the proposed LiMWA is made up of Wetlands.

Ms. Dodd stated the City is also proposing one foot of freeboard. For example, if the base flood elevation for your lot is 10' then the construction requirement will be 11'. In a 2018 Texas survey for higher standards that included freeboard, 333 communities participated and 86% have adopted freeboard ranging from one foot to four feet. She continued with a slide which gave examples with the amount of incurred insurance savings if freeboarding was utilized and explained why freeboarding is important to the City. The City is

currently a Class 7 community with 1,689 total points and provides a 15% discount to Special Flood Hazard Areas flood insurance premiums. The City is 311 points away from being a Class 6 which provides a 20% discount. The creation of the Flood Hazard Mitigation Committee provides up to 160 points, adopting the LiMWA provides up to 500 points and adopting 1' of freeboard provides up to 100 points. The City is 811 points away from being a Class 5. A Class 5 provides a 25% discount to flood insurance premiums. Adopting the LiMWA is considered a higher standard and would provide an additional 500 Community Rating System (CRS) points. Ms. Dodd went over the next steps to be taken with the Preliminary FIRM adoption and with adopting the LiMWA with a projection for Council action in September.

For the UDC text amendment, it is necessary to remove redundant information from the Unified Development Code preparing for Preliminary Map adoption. It is proposed to remove Flood Hazard Prevention Code and Beachfront Management and Construction standards language because these regulations are already referenced in City Code of Ordinances Chapter 14, Article V and Chapter 10. The Planning Commission would still serve as Beach/Dune Committee. Staff recommends approval of the amendments.

After Staff's presentation, the floor was opened for questions/discussion by Commissioners. Once the language has been removed, Commissioner Crull suggested to add a cross reference in the subject section of the UDC stating to refer to Chapter 14 of the Municipal Code. Commissioner Schroeder had a question regarding the basis for which the appeal was initiated and Ms. Dodd stated Staff felt there were errors in the FEMA modeling. Staff used scientific data for the purpose of the appeal for a reduction in flood plain and floodway. Further discussion took place regarding freeboarding. After questions/comments concluded, Commissioner Crull called for a motion. A motion to approve Staff's recommendation for item "6" was made by Commissioner Dibble and seconded by Commissioner Schroeder. The motion passed.

7. [18-0823](#)

Proposed Adoption of Text Edits to Section 7.5 *Signs* of the Unified Development Code.

Dan McGinn, Director of Planning and Environmental/Strategic Initiatives, presented item "7". The City's Planning and Legal departments have been working on some minor amendments to the City of Corpus Christi's sign ordinance in response to the Reed vs. Gilbert Supreme Court ruling which calls for the removal of all content-based regulation within a city's sign ordinance. Reed v. Town of Gilbert (Ariz.) stemmed from a church's use of temporary directional signs. Since the services were held in different venues each week, these signs let people know the location of the meeting. The town's sign code limited how long these kinds of signs could be displayed and their size. Other types of temporary signs, including those with political and ideological messages, could be much larger and displayed for longer periods of time. The court unanimously found that placing limits on temporary directional signs that were more stringent than these other types of temporary signs was a content-based regulation of speech, a violation of the First Amendment.

Mr. McGinn proceeded to explain a slide which described Gilbert's regulations for content based signs including size and duration. Signs in which you must read the face to understand it's regulations are content based (Political Signs, Real Estate Signs and Ideological Signs). Non-content based sign regulations

are based on: structure of a sign, duration of display, location of a sign and number of signs. There are some exceptions regarding commercial, non-commercial, on-premise and off-premise signs. The State of Texas and the Ninth Circuit Court agree that regulation of commercial signs, including an on premise and off premise distinction is permissible.

Mr. McGinn gave a summary of the proposed changes. Staff consulted a legal team along with the Texas Municipal League for guidance in preparing for the text amendment. He explained that address identification has been categorized as content based and Staff has eliminated identification of institutional, political and real estate signage and have replaced definitions for signs and noncommercial messages. He informed the Commission that a stakeholder meeting for the sign industry was held on May 31, 2018. Staff recommends approval of the proposed text amendments.

After Staff's presentation, the floor was opened for questions/discussion by Commissioners. Discussion took place regarding duration times, feather blade signs, the definition of banner/temporary signs and how the ordinance will affect other content based signs. After discussion concluded, Commissioner Crull called for a motion. A motion to approve item "7" was made by Commissioner Ezell and seconded by Commissioner Baugh. The motion passed.

**D. Briefing**

**8. [18-0761](#)**

**Affordable Housing Policy**

Rudy Betancourt, Director of Housing and Community Development, presented item "8". The objective is to discuss the policy as it will be presented as a Resolution to City Council. He began the presentation with providing the definition of Affordable Housing and how the City plans to tie affordable housing into area development plans by way of policies and program initiatives. The policy/program ties into Plan CC, Element 3, Housing and Neighborhoods, Goals 1 & 9. He went into further detail regarding the strategies for Goals 1 & 9. Implementation for Goal 1 includes the continuation of Homebuyer Assistance Programs, establishing a Gap Financing Program and entering into the development process. Goal 9 will encourage private sector development of affordable housing by creating a development reimbursement program ordinance.

Mr. Betancourt continued that the Affordable Housing Reimbursement Program will be administered by Development Services and reimbursements are for owner-occupied housing that does not exceed current purchase price limit of new construction homes. The application for reimbursement must include the deed, contract of sale, and proof of permit fees. To qualify for reimbursement the deed must include a covenant restricting the sale of the dwelling unit for more than \$220,400 within five years from the initial date of the deed. And this restrictive covenant runs with the land and must be recorded in the Official Public Records of Nueces County, Texas.

After Staff's presentation the floor was opened for questions/comments by Commissioners. Discussion took place regarding the fees included in the reimbursement program. Nina Nixon-Mendez, Director of Development Services, confirmed that the reimbursements would be deducted from the

Development Services Enterprise fund. She went into further detail about other avenues of Affordable Housing Programs. Other discussion involved the levels of income (mid - lower incomes). Commissioner Dibble felt that the program is a step in the right direction but construction costs are very high. Commissioner Schroeder felt that an Affordable Housing Program should not only focus on new, single family residential construction and should promote the Plan CC vision of more walkable communities. For example, he felt that there is strategic value in utilizing townhomes. He also felt that the quality of homes built would suffer due to builders trying to meet construction budgets. Continued discussion took place regarding options for infill development. No action was taken.

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

Nina Nixon-Mendez, Director of Development Services, updated the Commission on the Designers Workshop that was held today with 40 people in attendance.

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

None.

#### **VI. Adjournment**

There being no further business to discuss, Commissioner Crull adjourned the meeting at 7:25 p.m.