



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes Planning Commission

Wednesday, July 25, 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 Commissioners Ezell, Dibble and Schroeder absent.

II. Approval of Minutes

1. [18-0883](#) Regular Meeting Minutes of July 11, 2018

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

III. Public Hearing (Items A - D) - 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, Chairman Villarreal opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve items "2 & 3" was made Commissioner Crull and seconded by Vice Chairman Lippincott. The motion passed.

2. [18-0884](#) 18PL1062
CIMARRON ACRES, BLOCK 1, LOT 1 (FINAL - 10.00 ACRES)
Located east of Yorktown Boulevard and north of Cimarron Boulevard.
3. [18-0890](#) 18PL1052
HUNTINGTON PARK UNIT 2, BLOCK 1, LOT 2AR (FINAL - 4.43 ACRES)
Located south of Saratoga Boulevard and west of South Staples Street (FM 2444).

Time Extension

4. [18-0885](#) 17PL1143
CAYO DEL OSO TOWNHOMES, BLOCK 27, LOT 7 (FINAL - 5.824 ACRES)
Located south of Oso Parkway and east of Rodd Field Road.

Mr. Collins read item “4” into record as shown above. The Planning Commission originally approved the referred plat on January 10 ,2018. This is the first request and the applicant is requesting a six-month time extension. The applicant stated the need for the extension is due to delays in obtaining plan approval for the public/private improvements. Mr. Collins stated the plat satisfies 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 item “4” was made by Commissioner Baugh and seconded by Vice Chairman Lippincott. The motion passed.

B. New Zoning

5. [18-0886](#) **Public Hearing - Rezoning Property at or near 7001 South Staples Street**

Case No. 0718-03 - Dr. Haysam Dawod, DDS:

Ordinance rezoning property at or near 7001 South Staples Street (located on the west side of South Staples Street, south of Timbergate Drive, and north of Lipes Boulevard), from the “CN-1” Neighborhood Commercial District to the “CG-2” General Commercial District.

Andrew Dimas, Development Services, 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. He stated the purpose of the rezoning request is for the construction of an automated carwash. 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. The four opposing notices were submitted by the same party. He also went over the zoning patterns for the surrounding area along with the UDC requirements for the change of zoning request. Mr. Dimas displayed a preliminary site plan showing the configuration of how traffic will enter/exit the site. Staff recommends denial of the requested change of zoning request, and in lieu thereof, approval of the “CN-1/SP” Neighborhood Commercial District with a Special Permit (SP) with the following conditions:

1. Uses: The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district is “Car Wash, automated” as defined by the Unified Development Code (UDC). All vehicle service and repairs must be done within an enclosed building and must follow all federal,

state, local regulations.

2. **Setback:** A setback at a minimum of 20 feet shall be maintained from the rear property line. No buildings or storage shall be allowed within the setback.

3. **Hours of Operation:** The hours of operation shall be daily from 8:00 AM to 8:00 PM.

4. **Dumpster Screening:** Any dumpster located on the Property shall be effectively screened from view by means of a screening fence or landscaping.

5. **Lighting:** All security lighting must be shielded and directed away from abutting residences and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line near all public roadways and residential development.

6. **Noise:** Must not exceed sixty (60) dB at the property line where adjacent to residential properties.

7. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.

8. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within twelve (12) months of this ordinance, unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

After Staff's presentation, the floor was opened for discussion/questions by Commissioners. Discussion took place regarding Staff's determination of the Special Permit and a shared access easement. It was noted that the car wash will be fully automated containing no hand-wash bays. After discussion/questions concluded, Chairman Villarreal opened the public hearing. Representing the owner, George Clower at 415 Starr Street, addressed the Commission and stated they agree with Staff's recommendation. With no one else coming forward the public hearing was closed. A motion to approve Staff's recommendation for item "5" was made by Vice Chairman Lippincott and seconded by Commissioner Hovda. The motion passed.

6. [18-0887](#)

Public Hearing - Rezoning Property at or near 7601 South Padre Island Drive and 5246 Lexington Road

Case No. 0718-04 - May Dev, LP:

Ordinance rezoning property at or near 7601 South Padre Island Drive and 5246 Lexington Road (located at the southeast corner of the intersection of South Padre Island Drive and Lexington Road, and north of Holly Road), from the "CG-2" General Commercial District to the "IL" Light Industrial District.

Mr. Dimas read item "6" into record as shown above. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. He stated the purpose of the rezoning request is to allow for the construction of an auto sales and service and boat sales and service establishment with service areas. The existing boat dealership is to the north (at the corner of South Padre Island Drive and Lexington Road) of the property and the proposed auto sales and service will be to the south. 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. Notices returned

in opposition stated they were not in support of the Light Industrial District but in support of a Special Permit for the car/boat dealership with repair facilities. According to the former Corpus Christi Zoning Ordinance, under the "B-4" Business District ("CG-2" General Commercial District), "Automobile service, painting and body work are permitted as an accessory use within an enclosed building when associated with auto sales establishment." Vehicle and boat sales establishments are allowed by-right in the "CG-2" General Commercial District. However, any heavy repair work is only allowed in the industrial districts as per the Unified Development Code (UDC).

Mr. Dimas also went over the zoning patterns for the surrounding area along with the UDC requirements (buffer yard) for the change of zoning request. Due to the adjacency to properties zoned "RS-6" Single-Family 6 District, "RM-3" Multifamily 3 District, and "CG-2" General Commercial District, a buffer yard will be required along the corresponding property line. In addition, a 155-foot-wide drainage corridor exists to the south to separate the proposed use from the single-family residences. Staff recommends denial of the requested change of zoning, and in lieu thereof, approval of the "CG-2/SP" General Commercial District with a Special Permit (SP) with the following conditions:

1. **Uses:** The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district is "Vehicle Service, Heavy" as defined by the Unified Development Code (UDC). All vehicle service and repairs must be done within an enclosed building and must follow all federal, state, local regulations.
2. **Setback:** A setback at a minimum of 20 feet shall be maintained from the southern and eastern property line. No buildings or storage shall be allowed within the setback.
3. **Screening:** A solid 6-foot screening fence shall be installed along the eastern property line.
4. **Hours of Operation:** The hours of operation shall be from 7:00 AM to 9:00 PM Monday through Saturday.
5. **Lighting:** All security lighting must be shielded and directed away from abutting residences and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line near all public roadways and residential development.
6. **Outdoor Paging Systems/Intercom Systems:** Outside paging, speakers, telephone bells, or similar devices are prohibited.
7. **Vehicular Access:** Exiting of vehicular traffic shall be limited to right turn only onto Lexington Road and shall not drive thru the residential neighborhood located to the south of the subject property.
8. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
9. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within twelve (12) months of this ordinance, unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

After Staff's presentation the floor was opened for questions/comments by Commissioners. Discussion took place regarding the future extension of Williams Drive (Urban Transportation Plan) and the definitions of limited/heavy

vehicle service.

After questions/comments concluded, Chairman Villarreal opened the public hearing. Karen Howden at 5637 Lexington Road addressed the Commission with concerns regarding the conditions of Lexington Road and the increase of traffic the proposed project may cause. She felt that the residential portion of Lexington Road (south of Williams Drive) is very narrow, especially during trash pick-up, and will not withstand the increase in traffic. She mentioned that Lexington Road does not have sidewalks and students from Adkins Middle School utilize the street to walk to school since a bus route is not provided. She wanted to know if the owner will address these concerns and if efforts will be made to avoid using Lexington Road for the transport of the vehicles and boats.

Joyce Moore at 5630 Lexington Road addressed the Commission and cited an increase in traffic as a concern as well. She mentioned that Lexington Road has three speed humps to control excessive speed but once people reach the drainage corridor they tend to speed up again after the last speed hump is reached.

Representing the owner, George Clower at 415 Starr Street, addressed the Commission and stated they agree with Staff's recommendation. He stated that the transport of vehicles will be executed from the frontage road of South Padre Island Drive. He also stated that the project will be developed in accordance with the UDC and all other City code regulations. He made a correction to Condition "4", Hours of Operation, and stated the business will be open unit 8 p.m. and not 9 p.m. With no one else coming forward the public hearing was closed. A motion to approve Staff's recommendation for item "6", with the caveat to amend Condition "4" as mentioned above, was made by Vice Chairman Lippincott and seconded by Commissioner Hovda. The motion passed.

C. Text Amendment

7. [18-0888](#) Unified Development Code and Annual Written Interpretation Report

Mr. Collins presented item "7". Section 3.23.3.B of the Unified Development Code (UDC) states that on an annual basis, written interpretations of the UDC shall be summarized in a report to the Planning Commission, Board of Adjustment and City Council. Based on the report, City Council shall authorize such UDC text amendments as it deems appropriate, to be processed in accordance with Section 3.2 of the UDC. Staff has drafted a text amendment to the UDC to codify a written interpretation of the UDC clarifying what is considered a "Minor Plat." Staff has also drafted five additional text amendments based on recent cases and circumstances that Staff believes warrant attention.

Mr. Collins began with the first UDC text amendment regarding an exception from platting requirement for State-Owned properties on beaches, bays and submerged lands. Because the Texas General Land Office (GLO) does not permit the platting of state-owned lands administered by the GLO, Staff recommends adding the following to Section 3.8.2: "J. Land, including submerged lands, owned by the State of Texas and administered by the General Land Office."

The second UDC text amendment aligns the UDC with Texas Local Government Code by clarifying that a "Minor Plat" refers only to the combination or consolidation of already-platted lots, and not the splitting or creation of new lots. "Minor Plats" are a city-created category, and are a subset of the state law category, "amending plats," which can be approved administratively under State law. Plats that involve "splitting" lots, that is, an increase in the number of lots, are not allowed to be approved administratively, under State law. Another prerequisite of a minor plat is that does not involve the creation of any new street or extension of municipal facilities. This text amendment also clarifies that it is the number of lots at the end of the consolidation process, not at the beginning, that determines whether the replat is minor (four or fewer lots). The text amendment will read as follows:

"3.10.1. Applicability

Minor, amending or vacating plats may be approved by the Assistant City Manager of Development Services in accordance with this Section.

A. Minor Plat

1. A minor plat is a replat for the combining or consolidating of any number of existing, platted lots, if the replat results in four or fewer lots fronting on an existing street, does not increase the number of lots, and does not require the creation of any new street or the creation or extension of municipal facilities or improvements. (Ordinance 030832, 05/02/2016) (Ordinance XXXXXX __/__/201__)
2. Any plat that requires a waiver from subdivision design and improvement standards of this UDC shall not be processed as a minor plat. (Ordinance 030832, 05/02/2016)"

The third text amendment changes the distance from a bar, tavern or pub, to churches, schools, daycares and public hospitals. To make the UDC and the Municipal Code consistent, and to make the UDC consistent with the Texas Alcoholic Beverage Code, Staff recommends the following UDC text amendment: "5.2.7 Bar, Tavern or Pub - A bar, tavern or pub shall be permitted in accordance with the use tables in Article 4 provided that the bar, tavern or pub shall not be located any closer than 300 feet from a place of worship, or elementary, middle or high school, day care use, or public hospital." Mr. Collins informed the Commission that to simplify the above UDC text amendment, the portion which states " elementary, middle or high school" would be changed to "public or private school".

The fourth UDC text amendment is in regard to Sanitary Sewer Connection Agreements. It would require recipients who receive a waiver from the wastewater construction requirement (Sec. 8.2.7), or an exemption from, or a refund of, Lot/Acreage fees (8.5.2.G), agree to connect to City sanitary sewer, and pay Lot/Acreage fee, and Pro Rata fee, if wastewater later becomes available. The waiver or exemption/refund shall only be granted on the condition that the land owner agrees to the following:

- To connect to City sewer at such time as a wastewater manhole is located at the frontage of the property, or a wastewater line extends along the frontage of the property;
- To pay wastewater lot or acreage fees (whichever is greater) at the rate in effect at the time of connection if wastewater services are available within fifteen (15) years from the recording date of the plat; and
- To pay tap fees and pro rata fees at the time of connection to City wastewater.

Such agreement shall run with the land and shall be enforceable against the current owner land owner and its successors, transferees, and assigns.

The fifth text amendment would eliminate the 5.5% interest rate paid to recipients of Water and Wastewater Lot/Acreage fee refunds. This amendment comes in response to a recommendation of the Audit Report of April 9, 2018, on Development Services Funding for Developer Agreements "to review UDC provisions related to refunding lot/acreage fees, paying interest and interest rate." Interest rate from 2013 to 2017 for the trust funds has been less than 1%. This amendment has been drafted in coordination with the Finance Department, which recommends that no interest be paid.

The sixth text amendment is in regard to UDC Article 1 "General Provisions", section 1.11 "Definitions", Subsection 1.11.3 "Defined Terms". It is amended by adding the definition of a "Smoking Lounge". Because of recent applicant interest in the establishment of a smoking lounge business in the city, specifically, a hookah lounge, Staff has drafted an amendment creating a new principal use within the Indoor Recreation Use Category. Because the expected late evening operating hours of such an establishment would have a similar impact on an area as bars, pubs, or taverns, Staff recommends that this use not be allowed in Neighborhood Commercial or Office districts, but rather, that it be allowed in Commercial Resort, Commercial General, Commercial Intensive, Central Business District, and Business Park zoning districts. Accordingly, "Smoking Lounge" was also added to UDC Article 4 "Base Zoning Districts", Section 4.5 "Commercial Districts", Table 4.5.2 "Permitted Uses (Commercial Zoning Districts)" and UDC Article 5 "Use Regulations", Section 5.1 "Use Categories", Subsection 5.1.4 "Indoor Recreation".

Staff recommends approval of the proposed UDC text amendments. After Staff's presentation the floor was opened for questions/comments by Commissioners. Discussion took place regarding the City's Municipal Code, Smoking Ordinance (Section 23-76). After questions/comments concluded, Chairman Villarreal opened the public hearing. Ms. Nina Nixon-Mendez, Director of Development Services, informed the Commission that she received an email from Fred Braselton, representing the Coastal Bend Home Builders Association. The letter expresses concern for the proposed UDC text amendment regarding the Sanitary Sewer Connection Agreement and requests that this text amendment be tabled for further discussion. With no one else coming forward, the public hearing was closed. A motion was made by Commissioner Crull to approve Staff's recommendation for item "7" with the exception to the proposed amendment regarding the Sanitary Sewer Connection Agreement and with the caveat to modify Section 5.2.7 by replacing "elementary, middle or high school" with "public or private school". The motion was seconded by Vice Chairman Lippincott. The motion passed.

D. Master Plan

8. [18-0891](#)

Urban Transportation Plan (UTP) amendments deleting a proposed A2 Arterial segment of CR 52 between IH 69 and Haven Drive; realigning proposed Yellow Oak Avenue, and at the intersection with CR 48, extend southward as an RA1 Minor Rural Arterial to intersect

with proposed east/west RA1 Minor Rural Arterial; realigning proposed arterial CR 48 between FM 1694 (Callicoate Rd) and FM 24 (Violet Rd) to the northeast and redesignate as a Local Rural Street; deleting a segment of proposed C1 Collector Oregon Trail; designating a segment of Haven Road from FM 24 to proposed point near north/south Collector west of Warrior Drive as a C1 Collector; deleting a proposed C1 Collector segment from Oregon trail to the intersection near FM 1694; adding an RA1 Minor Rural Arterial between IH 69 and FM 24, redesignating proposed C1 Collector to an RA1 Minor Rural Arterial between IH 69 and FM 24; and, adding a proposed rural street designation of (RS1) Local Rural Street to the UTP.

Kathleen Holmes, Development Services, presented item "8". To accommodate EPIC Midstream facility site requirements, amendments to the UTP map are proposed. The proposed UTP is based on developer input in coordination with the City of Corpus Christi Traffic Engineering Department, Planning Department, Nueces County Public Works and the Tuloso-Midway School District. Developer-initiated proposed amendments to the UTP accommodate the proposed industrial facility on a 297.80-acre site within the extraterritorial jurisdictional boundaries of the City of Corpus Christi. This industrial facility will process natural gas liquids from area pipelines. The EPIC Midstream facility is expected to be operational by June of 2021, with construction expected to commence in 2019. Ms. Holmes presented an aerial view of the subject property for location purposes. She also presented a map of the current UTP for the subject area along with another map detailing the following proposed amendments:

- 1) Delete a proposed A2 Arterial segment of CR 52 between IH 69 and Haven Drive;
- 2) Realign proposed Yellow Oak Avenue and at the intersection with CR 48, extend southward as an RA1 Minor Rural Arterial to intersect with proposed east/west RA1 Minor Rural Arterial;
- 3) Realign proposed arterial CR 48 between FM 1694 (Callicoate Rd) and FM 24(Violet Rd) to the northeast and redesignate as a Local Rural Street;
- 4) Delete a segment of proposed C1 Collector Oregon Trail;
- 5) Designate a segment of Haven Road from FM 24 to proposed point near north/south Collector west of Warrior Drive as a C1 Collector;
- 6) Delete a proposed C1 Collector segment from Oregon trail to the intersection near FM 1694;
- 7) Add an RA1 Minor Rural Arterial between IH69 and FM 24, and;
- 8) Redesignate proposed C1 Collector to an RA1 Minor Rural Arterial between IH69 and FM 24.

Ms. Holmes updated the Commission that the proposed amendment to delete the proposed A2 Arterial segment of CR 52 between IH 69and Haven Drive is removed and to be tabled for consideration at a later date. Staff and the Transportation Advisory Commission recommend approval of the proposed amendments as presented for the following reasons:

1. An adequate transportation network for the future land use plan is maintained for the area's large tract industrial developments, single-family

development and nearby parks and Tuloso-Midway High School.

2. The conflict of a proposed A2 Arterial (CR 52) intersecting an existing railway line where no railroad crossing exists, is removed;

3. A more efficient north-south and east-west traffic flow is provided.

After Staff's presentation, the floor was opened for comments/questions by Commissioners. After questions/comments concluded, Chairman Villarreal opened the public hearing. With no one coming forward, the public hearing was closed. A motion was made by Commissioner Crull to approve Staff's recommendation for item "8" with the caveat to redesignate the extension of CR 48 between Callicoatte Road and Yellow Oak Avenue as an RA1 Minor Rural Arterial. The motion was seconded by Vice Chairman Lippincott. The motion passed.

IV. Director's Report

Ms. Nixon-Mendez informed the Commission that a new Commissioner has been appointed by City Council, Kamran Zarghouni. Mr. Zarghouni was in attendance of the meeting and introduced himself. It was also noted that this meeting is Vice Chairman Lippincott's last meeting as he has fulfilled his term with the Planning Commission and was commended for his service.

V. Items to be Scheduled

None.

VI. Adjournment

There being no further business to discuss, Chairman Villarreal adjourned the meeting at 6:45 p.m.