



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, December 12, 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 no absences.

II. Opening Statement

III. Approval of Absences: November 28, 2018 - Commissioners Hovda and Williams

It was noted that Commissioner Williams was indeed present at the November 28th meeting. A motion to approve Commissioner Hovda's absence was made by Commissioner Baugh and seconded by Vice Chairman Crull. The motion passed.

IV. Approval of Minutes

1. [19-0009](#) Regular Meeting of November 28, 2018

A motion to approve item "1" was made by Commissioner Baugh and seconded by Vice Chairman Crull with the correction to count Commissioner Williams as present. The motion passed.

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

A. Plats

Plat Variances (Waivers)

2. [19-0008](#) **18PL1054** **BERRY PATCH UNIT 1, LOT 1 (FINAL - 2.41 ACRES)** Located north of Up River Road and west of Hart Road. Request for a Plat Waiver from the Sidewalk Construction Requirement in Section 8.1.4 and 8.2.2 of the Unified Development Code.

Bill Green, Director of Development Services, presented item "2" for the record as shown above. He informed the Commission the plat was approved on November 28, 2018. The reason for the plat is to obtain a building permit to construct a single-family home. He presented a vicinity map to show the

location of the subject property. The platting process requires the installation of public improvements, including sidewalks, under UDC 8.1.4. Per UDC Section 8.2.2.A.4, sidewalks shall connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks. Street Standards also dictate where sidewalk construction is required. Arterials and collectors are required to have sidewalk, per UDC Table 8.2.1.C. In this case, Up River Road is designated a "C1" Collector in the City's Urban Transportation Plan (UTP). Sidewalk is required for C1 Collectors.

Mr. Green listed the following factors that exist in the area in support of the waiver request:

1. No current sidewalk network exists on Up River Road, and no commercial or employment node or neighborhood amenities exist within a quarter mile of the subject property. (A quarter mile is the average radius of a pedestrian shed).
2. The parcel is not a corner lot. Harney Road was closed by Ordinance 030986 (October 18, 2016).
3. Up River Road in this vicinity is not on the City's ADA Master Plan.
4. The property is not located along an existing or foreseeably planned CCRTA service route service.
5. Although the property is in the RS-6 zoning district, the sizes of most of the lots in the area are over one acre.

Mr. Green continued that the need for a waiver shall be demonstrated to Planning Commission's satisfaction. Under Section 8.2.2.B, a waiver may be granted, in accordance with the waiver procedure in Section 3.8.3.D. The exceptions for required sidewalk improvements in UDC 8.2.2.B do not apply in this case:

- Sidewalks shall not be required along each side of a street right-of-way where such street is a permanent dead-end street and where there is pedestrian access from the permanent dead-end street to a paved hike and bike trail. In such instance, a sidewalk only shall be required on one side of the street right-of-way.
- Sidewalks shall not be required along street rights-of-way where each lot fronting on such street has direct access from the side or rear to a paved hike and bike trail.
- Sidewalks shall not be required for residential subdivisions in the Farm Rural and Residential Estate zoning districts.
- Sidewalks adjacent to private streets may be allowed to be placed on only one side of the street if the sidewalk width is 6 feet or greater and approved by the Assistant City Manager of Development Services.

Weighing the factors in this case and UDC 3.8.3.D, Staff recommends approval of the request for waiver from the sidewalk construction requirement. 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 "2" was made by Commissioner Dibble and it was seconded by Vice Chairman Crull. The motion passed.

3. [19-0011](#)

18PL1087

PERRY'S ESTATES, BLOCK 1 LOTS 23 AND 24 (FINAL - 0.396 ACRES)

Located west of Waldron Road and south of Graham Road.

Request for a Plat Waiver from the Sidewalk Construction Requirement

in Section 8.1.4 and 8.2.2 of the Unified Development Code.

Mr. Green presented item "2" for the record as shown above. The reason for the plat is to obtain a building permit to construct an accessory building for an existing single-family home. He presented a vicinity map to show the location of the subject property. The platting process requires the installation of public improvements, including sidewalks, under UDC 8.1.4. Per UDC Section 8.2.2.A.4, sidewalks shall connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks. Street Standards also dictate where sidewalk construction is required. Arterials and collectors are required to have sidewalk, per UDC Table 8.2.1.C. In this case, Graham Road is designated a "C1" Collector in the City's Urban Transportation Plan (UTP). Sidewalk is required for C1 Collectors. Local Streets also require sidewalks. Amber Drive right-of-way is 50 feet wide. Such streets are required to have sidewalk, per UDC Table 8.2.1.B.

Before listing the factors in support of the waiver request, Mr. Green said that the applicant asserts that his property qualifies for an exception from the sidewalk requirement because it is "impractical" to provide sidewalk abutting Graham Road, and that there is drainage ditch along both Graham Road and Amber Drive.

In support of the waiver request, the following factors exist in the area:

1. No current sidewalk network exists on Amber Drive, and there is no sidewalk along Graham Road adjacent to the property.
2. Amber Road is not on the City's ADA Master Plan.
3. The property is not located along an existing or foreseeably planned CCRTA fixed route service.
4. Applicant asserts that sidewalk installation is impractical because of drainage ditch on both streets, and the property abutting a major thoroughfare (Graham Road), and that UDC 8.2.2.A.2 allows an exception from the sidewalk requirement in these circumstances.

Factors weighing against the waiver and in support of requiring sidewalk:

1. The property is in an RS-6 zoned district, and is a corner lot, from which a sidewalk network can be started. The property is less than 0.25 mile (the average radius of a pedestrian shed) from an existing commercial / employment node and neighborhood amenities.
2. Graham Road is on the City's ADA Master Plan.
3. The property is about 385 feet (0.07 mile) from a CCRTA paratransit stop in front of the Ethyl Eyerly Senior Center. The property is about 1,328 feet (0.25 mile) from the nearest CCRTA fixed service transit stop, on Waldron Road to the east.
4. The property is about 940 feet (0.18 mile) from the nearest sidewalk connection at the northwest corner of Graham and Waldron Road, which is a commercial/employment node. The property is less than a quarter mile from a number of neighborhood amenities and commercial establishments.
- 5.Regarding the drainage ditches and applicant's assertion of impracticality under UDC 8.2.2.A.2, additional right-of-way will be dedicated during the platting process, specifically, an additional five feet for Amber Drive, and an additional five feet for Graham Road. In the event this additional right-of-way is not sufficient, easement may be obtained to accommodate the sidewalk.

Mr. Green continued that the need for a waiver shall be demonstrated to Planning Commission's satisfaction. Under Section 8.2.2.B, a waiver may be granted, in accordance with the waiver procedure in Section 3.8.3.D. The exceptions for required sidewalk improvements in UDC 8.2.2.B do not apply in this case (listed in item "2"). Weighing the factors in this case and UDC 3.8.3.D, Staff recommends denial of the request for waiver from the sidewalk construction requirement. After Staff's presentation, Chairman Villarreal opened the floor for Commissioner comments/questions. Discussion took place regarding easements, obstructions in the easement, dedication of right-of-way and funds for ADA compliance through the Capital Improvement/Bond Program. Commissioner Hovda stated that although she understands that on a case by case basis a waiver may be granted she stated that a commitment to Plan CC needs to be upheld. She felt that she has witnessed how the construction of new sidewalks in neighborhoods can improve the quality of life for residents. After Commissioner comments/questions concluded, Chairman Villarreal opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve the waiver request for item "3" was made by Vice Chairman Crull and seconded by Commissioner Williams. The motion passed.

New Plat

Greg Collins, Development Services, read item "4" into the record as shown below. 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 Commissioner Baugh and seconded by Commissioner Zarghouni. The motion passed.

4. [19-0007](#) 18PL1106
SOUTH AIRES NO. 2, BLOCK 2, LOTS 3 & 4 (FINAL - 3.90 ACRES)
Located east of Ayers Street and south of Holly Road.

B. Zoning

5. [19-0012](#) **Public Hearing - Rezoning Property at or near 4130 South Alameda Street**

Case No. 1218-01 - Carmelite Sisters:

Ordinance rezoning property at or near 4130 South Alameda Street (located on the north side of South Alameda Street, east of Carmel Parkway, and west of Everhart Road) from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood 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. As the property is currently zoned "RS-6" Single-Family 6 District, the operation of an assisted living facility (Mount Carmel Assisted Living Center) was a non-conforming use as these types of facilities are not allowed in the "RS-6" District as per the UDC. The facility was originally built prior to the former Corpus Christi Zoning Ordinance

and had been in operation until late 2017. It was noted that since the facility has been closed for over a year, a rezoning must be done even if it would continue to be Group Living use. He mentioned that to the north is a drainage right-of-way approximately 75 feet in width that is a portion of Carmel Parkway. Adjacent to the drainage ditch is the extension of Carmel Parkway approximately 40 feet in width.

Mr. Dimas went over the history of zoning patterns for the surrounding area, UDC requirements and the allowed uses for the change of zoning request. To encourage an adaptive reuse of the building, the "CN-1" District does allow the following uses by-right: Apartments, Group Living Uses, Day Care, Community Service, Medical Facilities, Offices, Overnight Accommodations, Restaurants, and Retail Sales and Service Uses. He told 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 discussed municipal facilities that are available to the subject property.

Mr. Dimas gave some background history of the building. Mount Carmel Assisted Living Center was built in 1953 and designed to look like a Spanish mission. The facility opened in 1954 and was the only assisted living center in Corpus Christi until 1997. Staff encourages the preservation of the building as it has architectural and cultural significance due to the building's design and service to the community. The building's age and Spanish Mission architectural design warrants further assessment for a national, state, or local historic designation to preserve the building. The designation can be initiated by the Landmark Commission, Planning Commission or City Council. It was noted that owner's consent is not needed for a historic designation. Historic designations do create opportunities for grants and tax incentives. For example, if a commercial property is listed on National Register of Historic Places it may be eligible for a 20% income tax credit for substantial rehabilitation. Staff recommends approval of the requested change of zoning.

After Staff's presentation, Chairman Villarreal opened the floor for Commissioner comments/questions. Discussion took place regarding the possibility of a rezoning by metes and bounds and also the landscaping/screening requirements to protect the adjacent residential properties if a future parking lot is constructed. Discussion also took place regarding low/high density residential uses and the respective zoning districts involved. Commissioner Ezell asked if the specific use for the property was known since the Staff report is general and only states "for a future commercial use and reuse of the building". Mr. Dimas explained that as part of the "completeness check" of a rezoning application, the proposed use is first to be evaluated. In some cases, Staff face obstacles where the proposed use is speculative, not specific, because the property is looking to be sold to a potential buyer. Working with the applicant, Staff will try and narrow a range of potential uses to allow the broker to market the property, but at the same time, not limit the use of the property. He noted that the proposed uses listed on the rezoning application has not changed.

After Staff's presentation, Chairman Villarreal opened the public hearing. The following individuals addressed the Commission and stated their concerns/oppositions:

Neil McQueen at 4213 Estate Drive

Darrin Aldrich at 426 Carmel Parkway (opposed)

Denise Villagran at 434 Carmel Parkway
Norman and Jackie Hannebaum at 482 Carmel Parkway (opposed)

Majority of the comments consisted of concerns for an increase in traffic congestion, loss of privacy and an increase in noise/lighting. Additional comments included possible run-off/drainage issues with potential construction and the concern for the adjacency to a popular recreational park (Lamar Park). They felt that the neighborhood should be preserved and have reservations about the future development since a specific use is unknown. They felt the Commission should reexamine another type of rezoning or table the case for further consideration.

Representing the owner, Mark Adame at 819 N. Upper Broadway, addressed the Commission. He stated that the ultimate goal of the Carmelite Sisters is to preserve the building as much as possible but they will not be seeking a historical designation. The property has been on the market for sale since the closing of the former nursing home and has garnished a great deal of interest from multiple parties. The interest has ranged from grocery/convenience stores, fast food restaurants, boutique hotels, apartments, etc. Mr. Adame stated that with the building being unoccupied, the Sisters will soon be responsible for burdensome tax payments. He said that they currently have an interested buyer, not confirmed, that also would like to preserve the building and time is of the essence. It is still unknown what the use will be. He restated what Mr. Dimas said in that a rezoning is still needed because it is currently a non-conforming use.

With no one else coming forward, the public hearing was closed. Commissioner Schroeder added that he also lives in the same neighborhood but by not approving the rezoning, the building would most certainly be demolished. He felt that it is a risk to be taken because without the change in zoning, any viable use would not be acceptable. Addressing the rezoning does not necessarily determine what the building can be used for. A motion to approve Staff's recommendation for item "5" was made by Commissioner Schroeder and the motion was seconded by Vice Chairman Crull. The motion passed.

C. Comprehensive Plan

6. [19-0016](#) Amendment to the Urban Transportation Plan map of MobilityCC, a transportation element of the Comprehensive Plan, by realigning the proposed location of Oso Parkway in the area north of the Oso Creek between Brezina Road and State Highway 286.

The Commission was informed that item "6" would not be presented tonight but at a later date in January 2019.

D. Presentation

7. [19-0013](#) Unified Development Code Evaluation

Brian Mabry, Deputy Project Manager with Kendig Keast Collaborative, presented item "7" for the record as shown above. Kendig Keast Collaborative

is the firm that will be conducting the UDC update/evaluation project. The presentation included introductions, background of the firm and the scope of work. He explained some of the code philosophies to be incorporated when evaluating the UDC, such as presenting regulations in plain terms and using the market to achieve objectives. He went over the project management objectives to achieve client satisfaction. For plan implementation, a preliminary observation is that the UDC predates most of the recently adopted plans and there are many zoning districts. The firm also plans to emphasize digital ease of use by utilizing Encode Plus to draft code regulations. Encode Plus is effective with the use of tables and graphics to consolidate information. He concluded the presentation with a timeline schedule of tasks for the project which runs through May 2019. After Mr. Mabry's presentation, Chairman Villarreal opened the floor for Commissioner comments/questions. Brief discussion took place on evaluating portions of the UDC regarding the trust fund and the importance of stakeholder outreach to ensure endorsement. No action was taken.

VI. Director's Report

Nina Nixon-Mendez, Director of Development Services, informed the Commission regarding an Open Door meeting on December 13, 2018 at 5:00 p.m. at Development Services Department. It is an opportunity for the public to obtain information on the update and evaluation of the UDC. An updated URL address will take you directly to the UDC and can be found at www.cctexas.com\UDC. This page will also include schedules pertaining to the UDC evaluation project. An email address has also been created for the department's outreach efforts: dsoutreach@cctexas.com. The Strategic Action Plan has been posted on the Development Services homepage. The Plan was an outcome from stakeholder engagement (May 2018) on how to improve business processes. The Plan outlines the strategies that the Department would like to accomplish in 2019.

VII. Items to be Scheduled

None.

VIII. Adjournment of Planning Commission Meeting

There being no further business to discuss, Chairman Villarreal adjourned the meeting at 7:00 p.m.