



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, January 23, 2019

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 Baugh absent.

II. Opening Statement

III. Approval of Absences: Chairman Villarreal & Commissioner Ezell

A motion to approve the absences listed above was made by Commissioner Hovda and seconded by Commissioner Zarghouni. The motion passed.

IV. Approval of Minutes

1. [19-0129](#) Regular Meeting Minutes of January 9, 2019

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

V. Consent Agenda Public Hearing (Items A & B) - Discussion and Possible Action

Chairman Villarreal explained how consent items will be presented and gave an update on the sequence of agenda items. It was determined that items "7 & 8" would be pulled from consent and presented immediately after item "12" to be presented in the following order: "12, 8 and 7".

Greg Collins, Development Services, read consent items "2 through 6, 9, 10 and 11" into the record as shown below. He updated the Commission that the caption for item "2" needs a correction and specified that it is a waiver for the wastewater construction only and not for the exemption of lot/acreage fees. Mr. Collins stated Staff recommends approval for waiver items "2, 3 & 4". Items "5 & 6" satisfy all requirements of the UDC and State Law; the Technical Review Committee recommends approval. Staff also recommends approval for items "9, 10 & 11". 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 through 6, 9, 10 and 11" was made Vice Chairman Crull and seconded by Commissioner Hovda. The motion passed.

A. Plats**Plat Variance (Waivers)**

2. [19-0130](#) **17PL1125**
RIVER EDGE VILLAGE (formerly OCEAN VIEW GEORGE) (FINAL -47.00 ACRES)
Located west of CR 33 and north of FM 43.
Request for a Waiver of the Wastewater Infrastructure Construction Requirement in Section 8.2.7.A of the Unified Development Code (UDC), and an Exemption from Wastewater Lot/Acreage Fees in Accordance with Section 8.5.2.G of the UDC.

3. [19-0131](#) **18PL1119 - WAIVER**
DON PATRICIO, BLOCK A, LOT 7R (REPLAT - 0.454 ACRES)
Located south of Don Patricio and west of Waldron Road.
Request for a Plat Waiver of the Street and Sidewalk Construction Requirement in Section 8.1.4 and 8.2.2 of the Unified Development Code.

4. [19-0132](#) **18PL1117 - WAIVER**
PORT ARANSAS CLIFFS BLOCK 116, LOT 33R (REPLAT - 0.406 ACRE)
Located south of Ropes Street and east of Aransas Street.
Request for a Plat Waiver of Sidewalk Construction Requirement in Section 8.1.4 and Section 8.2.2 of the UDC.

New Plats

5. [19-0134](#) **18PL1117**
PORT ARANSAS CLIFFS BLOCK 116, LOT 33R (REPLAT - 0.406 ACRE)
Located south of Ropes Street and east of Aransas Street.

6. [19-0135](#) **18PL1119**
DON PATRICIO, BLOCK A, LOT 7R (REPLAT - 0.454 ACRES)
Located south of Don Patricio and west of Waldron Road.

Time Extensions

9. [19-0138](#) **18PL1043**
KENLEY ESTATES (FINAL - 13.636 ACRES)
Located east of Flour Bluff Drive between Grand Canal Drive and Glenoak Drive.
10. [19-0139](#) 18PL1037
HUDSON ACRES, BLOCK 2, LOT 43R (REPLAT - 0.196 ACRES)
Located north of Sedwick Road and west of Main Drive.
- B. **New Zoning**
11. [19-0140](#) **Public Hearing - Rezoning Property at or near 2725 Rand Morgan Road**
- Case No. 0119-04 - Tim Lange:**
Ordinance rezoning property at or near 2725 Rand Morgan Road (located on the west side of of Rand Morgan Road, south of Interstate 37, and north of Morrow Drive) from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

VI. Public Hearing: (Items C, D & E) - Discussion and Possible Action**C. Plats****Plat Variance (Waiver)**

12. [19-0141](#) **18PL1083 - WAIVER**
RIVERBEND SUBDIVISION (PRELIMINARY - 46.20 ACRES)
Located east of Fred's Folly Drive and south of Yorktown Boulevard.
Request for a Plat Waiver of the Sidewalk Construction Requirement in Section 8.1.4 and 8.2.2 of the Unified Development Code.

Mr. Collins read item "12" into the record as shown above. He presented an aerial map of the subject property (vacant) to show the location. The plat consists of 308 lots: 246 single-family residential lots, and 62 proposed townhome lots. The applicant requests a waiver from constructing sidewalk along the 607-foot frontage on Yorktown Boulevard. The Preliminary Plat shows that the applicant will be dedicating 65 feet for Yorktown Boulevard right-of-way.

Mr. Collins explained that the platting process requires the installation of public improvements, including sidewalks, under UDC 8.1.4. Per UDC 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, Yorktown Boulevard is designated an "A3" Arterial in the City's Urban Transportation Plan (UTP). A 5-foot wide sidewalk is required for A3 Arterials.

Mr. Collins presented an aerial map of the surrounding area to show that there are several residential, platted subdivisions fronting along the south side of Yorktown Boulevard, between Rodd Field Road and Starry Road, that do not have sidewalk built along Yorktown Boulevard: Rancho Vista Unit 1, Rancho Vista Unit 2, Riverbend Unit 1 and Startlight Estates Unit 1. He presented another aerial map of the subject property to show the location of the nearest sidewalks. The nearest existing sidewalk on Yorktown Boulevard is about one mile west, at the southeast corner of Yorktown and Bay Drive, at the Move-It Self Storage business. The Rodd Field Road expansion project plans, part of Bond 2014, includes sidewalk on both sides of Yorktown Boulevard, about 0.66 mile west of the Riverbend Preliminary Plat. There are or will be subdivision sidewalks around 200 feet away in the Riverbend Unit 1 subdivision to the west, and the Starlight Estates Unit 1 subdivision to the east. About 0.3 mile west of the plat is the planned Oso Parkway intersection with Yorktown Boulevard, per the UTP. The Oso Parkway Master Plan includes a planned bikeway/pedestrian network, with sidewalk on one side of the parkway, and bikeway/pedestrian path on the other side of the parkway. Mr. Collins gave a summary of the factors in support of the applicant's request for waiver, and factors against the waiver.

Factors in support of the waiver:

- No current sidewalk exists along Yorktown Boulevard, adjacent to the plat; the nearest connection is one mile away.
- Not located along an existing or planned transit route.
- Yorktown Boulevard, east of Rodd Field Road, is not on the ADA Master Plan.
- Other plats along Yorktown Boulevard do not have sidewalk along Yorktown.

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

- Adjacent subdivisions will have internal sidewalk 200 feet away.
- Planned Oso Parkway is 0.3 mile east, with a sidewalk & a pedestrian/bike path.
- Rodd Field Road expansion will have a sidewalk 0.66 mile away.
- The property is zoned "RS-4.5", and adjacent to residential and commercially zoned areas
- Plan CC's vision for transportation and mobility for the community calls for connected networks of good streets and sidewalks and safe bicycle routes.

Mr. Collins 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:

1. 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.
2. 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.
3. Sidewalks shall not be required for residential subdivisions in the Farm Rural and Residential Estate zoning districts.
4. 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 denial of the request for waiver from the sidewalk construction requirement. He mentioned that the alternative to provide cash, in lieu of construction, was not an option in Staff's recommendation. Planning Commission may choose to follow, or decline Staff's recommendation, and Planning Commission may approve, approve with conditions, or deny the waiver request. After Staff's presentation, Chairman Villarreal opened the floor for Commissioner comments and questions. Vice Chairman Crull asked if the platted subdivisions fronting along the south side of Yorktown Boulevard (Rancho Vista Unit 1, Rancho Vista Unit 2, Riverbend Unit 1 and Startlight Estates Unit 1) had formally requested a sidewalk waiver. Mr. Collins stated there were no sidewalk waivers requested or granted for those subdivisions because the prior process was handled during the public improvement plan review stage (after plat approval and before plat recording). The point was made that if sidewalk construction was required for this case, there would still be gaps of internal sidewalk connectivity between the subject plat, Riverbend Subdivision Unit 2, Riverbend Unit 1 and Startlight Estates Unit 1.

Commissioner Schroeder asked why the "cash in lieu of construction" option was not made available to the applicant. Mr. Collins stated the applicant was not made aware of the option since it is a fairly new option the department has used. Discussion took place regarding the "cash in lieu of construction" process and how it is accounted for. After Commissioner comments/questions concluded, Chairman Villarreal opened the public hearing. Representing the applicant, Murf Hudson with Urban Engineering at 2725 Swantner Drive, addressed the Commission. He gave background information on the "cash in lieu of construction" process and how in the past developers were not required to make a cash payment if it was presumed the street would be improved through a Capital Improvement project. He also said that in the past, sidewalk waivers were granted administratively by Staff. He felt that stakeholder input needs to be taken into consideration for changes in policy about "cash in lieu of construction". With no else coming forward, the public hearing was closed. A motion to table item "12" was made by Commissioner Schroeder. Staff recommended that action be taken on this item with respect to agenda items "7 & 8" which require action within 30 days due to the Texas Local Government Code regulations. Commissioner Schroeder rescinded his motion. A motion to approve the waiver request for item "12" was made Vice Chairman Crull and seconded by Commissioner Ezell. The motion passed.

New Plats

Mr. Collins read items “8 & 7” into the record as shown below. Mr. Collins stated the plats satisfy all 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 items “8 & 7” was made Commissioner Schroeder and seconded by Commissioner Hovda. The motion passed.

8. [19-0137](#) 18PL1083
 RIVERBEND SUBDIVISION (PRELIMINARY - 46.20 ACRES)
 Located east of Fred’s Folly Drive and south of Yorktown Boulevard.

7. [19-0136](#) **18PL1085**
 RIVERBEND SUBDIVISION UNIT 2 (FINAL - 10.87 ACRES)
 Located east of Fred’s Folly and south of Yorktown Boulevard.

D. New Zoning

13. [19-0142](#) **Public Hearing - Rezoning Property at or near 2001 Glenoak Drive**

Case No. 0119-03 - Four Baba Enterprise, LLC:

Ordinance rezoning property at or near 2001 Glenoak Drive (located on the north side of Glenoak Drive, west of Flour Bluff Drive, and north of Caribbean Drive) from the “RE” Residential Estate District to the “RS-15” Single-Family 15 District.

Mr. Dimas read item “13” into the record as shown above. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. The purpose of the request is to allow for the construction of 37 single-family homes. The subject property is 20 acres in size and currently vacant. He told the Commission that five public notices were returned in opposition of the change of zoning request and zero notices were returned in favor which constitutes approximately 43% opposition. 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. He also discussed municipal facilities that are available to the subject property. For Gas and Stormwater, utilities are not available. Water utilities are available (12-inch PVC line located along Glenoak Drive), but Wastewater is not. The nearest available manhole is approximately 5,800 feet away on Flour Bluff Drive. It was noted that the subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ). However, the subject property is located one third of a mile to the northwest of Accident Potential Zone (APZ) 1 of Waldron Field.

Staff recommends denial of the change of zoning request. The proposed “RS-15” District constitutes an increase in density of single-family homes which

is incompatible with the surrounding “RE” District and “FR” District properties. After Staff’s presentation, Chairman Villarreal opened the floor for Commissioner comments/questions. Discussion took place regarding setback requirements and septic systems. After Commissioner comments concluded, Chairman Villarreal opened the public hearing. Representing the applicant, Thomas Tiffin with Munoz Engineering at 1608 S. Brownlee Boulevard, addressed the Commission. He stated the reason for the request of “RS-15” is because they will be using cul-de-sacs and the “RS-22” does not allow for that since it requires a minimum lot width of 100-feet. He said the development will be a gated community with lots that are over an acre, unencumbered by any easements or right-of-way. Large homes will be built on large tracts of land to maintain the “country feel” of the surrounding area. He said that trees will be preserved unless they are in a right-of-way. There is a lake on the property which will also be preserved and surrounded by a park.

The following individuals addressed the Commission and stated their concerns/oppositions:

Bruce Hawn at 1542 Glenoak Drive
Turk Webb at 1901 Glenoak Drive
David Conolly at 930 Glenoak Drive
Ryan Thomas at 1956 Glenoak Drive
Charlene Thomas at 1517 Glenoak Drive
Bernard Seger at 1602 Glenoak Drive

The majority of comments consisted of concerns that the proposed development does not fit the character of the surrounding area. They felt that the proposed lot size is too small compared to other properties that are over 3 acres or more. An increase in traffic was another concern and the current condition of the area roads are not capable to withstand more activity. The area currently experiences egress/ingress problems at the intersection of Flour Bluff Drive and Glenoak Drive. They felt that the area already exhibits flooding and drainage issues. The subject property’s proximity to the APZ 1 of Waldron Field was also cited as a concern. It was noted that the surrounding area is used for the care of animals such as cattle and horses and they felt the proposed development would cause disturbance.

With no one else coming forward, the public hearing was closed. A motion to approve Staff’s recommendation and deny the rezoning request for item “13” was made by Commissioner Dibble and seconded by Commissioner Hovda. The motion passed.

E. Presentation

14. [19-0143](#) A Presentation by Development Services Staff on UDC Text Amendment Ideas for Exceptions to the Sidewalk Construction Requirement that would not Require a Plat Waiver Application.

Mr. Collins presented item “14” for the record. He began the presentation by citing the UDC sections which pertain to sidewalk construction requirements. The platting process requires the installation of public improvements, including sidewalks, under UDC 8.1.4. Per UDC 8.2.2.A.4, sidewalks shall connect to

existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks. Under Section 8.2.2.B, a waiver may be granted, in accordance with the waiver procedure in Section 3.8.3.D (previously listed in item "12"). The Street Standards Tables in UDC 8.2.1.B and C are the other source of our sidewalk construction requirement. He also referenced UDC Table 8.2.1.D for Rural Street Standards.

Mr. Collins explained that the Street Standards Tables contradict UDC Section 8.2.2.A.1.a. The Tables for Non-Local (collectors and arterials) and Local Streets state that sidewalks are not required in industrial areas. However, the text of UDC Section 8.2.2.A.1.a (previously shown slide) does require sidewalks in industrial areas under the three conditions listed there, relating to UTP arterials and collectors, through streets connecting arterials and collectors, and perimeter streets.

Staff proposed to have an automatic exception to the sidewalk construction requirement, with no requirement to apply for a waiver if the circumstances satisfy certain criteria. As a starting point for discussion, the possible criteria for exception to the sidewalk construction requirement are:

1. Local streets only are eligible (50-foot right-of-way and less).
2. Residential Single-Family and Two-Family Zoned properties only.
3. At least 75% of the block face (as measured by number of lots or by linear footage) does not have sidewalk.
4. At least 75% of the lots are developed with existing primary structures.
5. The residential lot in question already has a principal structure on it.

Additional possible criteria, that would apply to any property regardless of its zoning, would be an allowance for an alternative pedestrian plan (Director approval) where there are topographical challenges or other specific circumstances related to the land, drainage or other utilities. Other factors to consider for an exception to the sidewalk requirement are streets on the UTP, ADA Master Plan and the Mobility Plan. If the street is on any of those master plans, then the automatic exception is not available

He discussed reforming the language to the existing criteria for sidewalk waivers. Three possible changes to the existing criteria for exception / waiver to sidewalk requirement include:

- 1) Eliminating the waiver process for exceptions. If the conditions are met, the exception is granted.
- 2) Deleting the exception for RE zoned districts (min. 1 acre, 150-foot lot width). There may be circumstances, for instance, where RE-zoned property is adjacent to schools or other neighborhood nodes or amenities, that make sidewalk appropriate.
- 3) Deleting the exception allowing sidewalk on one side only if private street and the sidewalk is greater than 6 feet. This provision contradicts the Street Standard Tables for Rights-of-Way of 50 feet and greater. Also, providing for a Director-approved alternative pedestrian plan (discussed in the previous slide) could cover situations involving private streets.

Mr. Collins gave the following additional factors to consider for an exception to the sidewalk requirement:

- Date of original plat (sidewalk requirement adopted 3/23/1955).
- Adjacency/proximity to existing sidewalk.
- If a Capital Improvement project imminent, require cash in lieu of construction.
- Proximity (CCISD bus pick-up standard, or “Pedshed” 0.25 mile away) to the following:
 - Schools, public/civic uses, commercial uses, mixed-use, employment, or neighborhood amenities
- Require sidewalk on corner lots.
- Traffic Impact Analysis: consider allowing sidewalk and curb ramps as mitigation measures.
- Note: for TxDOT right-of-way, City is allowed to require sidewalks; maintenance responsibility is City’s
 - City requires adjacent land owners to maintain sidewalks per UDC

Mr. Collins gave case studies of previous sidewalk waivers that were approved by the Planning Commission: Roblex Industrial Subdivision Unit 3 (Approved on 8/22/18), Padre Island Point Tesoro Unit 1 (Approved on 9/5/18) and Laguna Business Center (Approved on 1/9/2019). For harder cases, one proposal is to leave the Plat Waiver option available to applicants and continue to have Staff and Planning Commission do a multi-factor test based on the circumstances. The legal standard would continue to be UDC Section 3.8.3.D, the standard for all plat waivers for any standard in Article 8 of the UDC.

After Staff’s presentation, Chairman Villarreal opened the floor for Commissioner comments/questions. Vice Chairman Crull brought up the complexity of the UTP process, future Capital Improvement projects and the option of creating funding to fill gaps for areas with “orphaned sidewalks”. He felt that assessment programs, regardless if it is a Capital Improvement project, need to be reinitiated by the City for sidewalks, driveways, and curb/gutter. He felt that the “cash in lieu of” construction option could help with assessment programs and should be added to the list of possible exception criteria. Discussion also took place regarding the reevaluation of street improvement standards by connecting sidewalk development with street improvements. No action was taken on this item.

VII. Director's Report

Nina Nixon-Mendez made an announcement on behalf of the Planning Department. She informed the Commission about an upcoming community meeting/open house with a presentation regarding the Southside/London Area Development Plans to be held on January 28, 2019, from 5:30 to 8:00 p.m. at the Kaffie Middle School Cafeteria.

VIII. Items to be Scheduled

None.

IX. Adjournment of Planning Commission Meeting

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