



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, February 20, 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 Ezell absent.

II. Opening Statement

III. Approval of Absences: None

IV. Approval of Minutes

1. [19-0286](#) Regular Meeting Minutes of February 6, 2019

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

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

Chairman Villarreal asked Commissioners if they would like any Consent items pulled to be heard separately. Commissioner Crull stated he did not want to remove any items from the Consent Public Hearing but commented on item "8" and said the amount of extension requests was excessive. Chairman Villarreal asked Staff to present the Consent Agenda, items V. A. and B., numbered 2 through 10. Greg Collins, Development Services, read Consent Public Hearing items "2 through 10" into the record as shown below. Mr. Collins stated Staff recommends approval for Waiver items "2 & 3". New Plat items "4, 5 & 6" satisfy all requirements of the Unified Development Code (UDC) and State Law; the Technical Review Committee recommends approval. Staff recommends approval for Time Extension items "7 & 8". Staff also recommends approval for New Zoning items "9 & 10" as stated in Staff's report.

After Staff's presentation, Chairman Villarreal opened the public hearing. Juan Cantu (address not given) addressed the Commission for new zoning item "10" and stated he wanted more information. He expressed his concerns for the poor quality of the street/sidewalks and drainage in the neighborhood and asked if there were plans for any improvements. Chairman Villarreal told Mr. Cantu that his concerns do not fall under the Planning Commission's authority but that they should be addressed at the platting/building permit stages. With no one else coming forward, the public hearing was closed. A motion to approve Staff's recommendation for items "2 through 10" was made Vice Chairman Crull and seconded by Commissioner Hovda. The motion passed.

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

2. [19-0297](#) **18PL1059 (SIDEWALK WAIVER)**
YORKWALD ACRES, LOT 11 (FINAL -2.35 ACRES)
Located north of Yorktown Boulevard and east of Waldron Road.
Request for a Plat Waiver of Sidewalk Construction Requirement in
Section 8.1.4 and Section 8.2.2 of the UDC.
3. [19-0298](#) **18PL1104 (SIDEWALK WAIVER)**
FLOUR BLUFF ESTATES UNIT 3, BLK 1, LOT 1 (FINAL - 0.344
ACRES)
Located east of East Lakeside Drive and north of South Padre Island
Drive. Request for a Plat Waiver of Sidewalk Construction Requirement
in Section 8.1.4 and Section 8.2.2 of the UDC.

New Plats

4. [19-0287](#) 18PL1116
CRESTMONT UNIT 11, BLK 2, LOT 1, FINAL PLAT - 3.86 ACRES
(PREVIOUSLY THE SHOPS AT DOMINION SQUARE SUBDIVISION)
Located west of Kostoryz Road and north of Masterson Drive.
5. [19-0288](#) 18PL1104
FLOUR BLUFF ESTATES UNIT 3, BLK 1, LOT 1 (FINAL - 0.344
ACRES)
Located east of East Lakeside Drive and north of South Padre Island
Drive.
6. [19-0289](#) 18PL1139
GRAY VILLAGE BLOCK 4, LOT 6 (FINAL REPLAT - 3.148 ACRES)
Located north of South Padre Island Drive and west of Calvin Drive.

Time Extensions

7. [19-0292](#) 18PL1073
AZALI ESTATES UNIT 1 (FINAL - 43.190 ACRES)
Located north and east of Yorktown Boulevard and west of Cayo Del Oso.
8. [19-0293](#) 0117006-NP005 (17PL1000)
ALEXA ADDITION, BLOCK 1, LOT 1 (FINAL - 2.829 ACRES)
Located south of Corpus Christi Bay and north of Ocean Drive.

B. New Zoning

9. [19-0294](#) **Public Hearing - Rezoning Property at or near 3502 County Road 7B**

Case No. 0219-03 - Mostaghassi Investment Trust:
Ordinance rezoning property at or near 3502 County Road 7B (located on the east side of County Road 7B, south of Brooke Road, and north of Slough Road) from the "FR" Farm Rural District and the "CG-2" General Commercial District to the "RS-6" Single-Family 6 District.
10. [19-0295](#) **Public Hearing - Rezoning Property at or near 213 Kleberg Place**

Case No. 0219-04 - SCCBH, LLC:
Ordinance rezoning property at or near 213 Kleberg Place (located on the north side of Golf Place, east of Surfside Boulevard, and west of Corpus Christi Beach (Corpus Christi Bay)) from the "RM-AT" Multifamily AT District to the "CR-1" Resort Commercial District.

VI. Public Hearing (Items D & E) - Discussion and Possible Action**D. Plats****Plat Variance (Waivers)**

12. [19-0300](#) **18PL1059 (WASTEWATER WAIVER & EXEMPTION)**
YORKWALD ACRES, LOT 11 (FINAL -2.35 ACRES)
Located north of Yorktown Boulevard and east of Waldron Road.
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.

Mr. Collins read item “12” into the record as shown above and displayed a vicinity map and aerial view for location purposes. The owners propose to develop a commercial self-service storage and/or boat and RV storage business. Mr. Collins cited Section 8.1.4.C of the UDC requires that a developer provide a wastewater system when platting, and Section 8.1.5 requires a continuity of improvements among adjacent properties. Section 8.2.7.A of the UDC requires that “every lot within a proposed subdivision shall be provided with access to an approved wastewater collection and treatment system of sufficient capacity as determined by adopted City wastewater standards and master plans.”

However, “when any subdivision is planned that is not reasonably accessible to a public wastewater facility of sufficient capacity as determined by adopted City wastewater standards,” such subdivision is eligible for a waiver from this requirement to construct or extend access to such a wastewater system. In such case, the subdivision shall have either an individual aerobic (septic) system, an individual wastewater treatment plant serving the subdivision, or interim service by construction of lift station(s) and force main(s). (UDC Section 8.2.7.B.1.a - c.) “Reasonably accessible” means master plan facilities (including trunk mains and lift stations) currently exist in the designated service area, and such facilities can be extended to serve the subdivision; collection lines of adequate capacity to service the proposed development are within 1,000 feet of the subdivision and can be extended. (UDC Section 8.2.7.B.1.d).

The proposed Yorkwald Acres, Lot 11 plat is “reasonably accessible” to a public wastewater facility. The plat is not in a wastewater master plan “designated service area,” it is in proximity to facilities and lines that have been extended from such master plan facilities, at Casa Blanca Estates. Although the collection line at Casa Blanca Estates on Yorktown Boulevard is approximately 1,645 feet away to the southeast (beyond 1,000 feet), there is an alternate connection option, about 670 feet from the back of the lot to the sewer line at Casa Blanca Court in the interior of Casa Blanca Estates, via utility easement in the rear yard of Yorkwald acres and the side yard of the Casa Blanca Estates lots (Footage figures were updated by Staff in their presentation to correct a prior distance in Staff Report stating the distance was 525 feet away). This connection has sufficient depth. The sewer line under Casa Blanca Court is an 8-inch PVC line, about 6.3 feet deep, which is sufficient depth for an extension to Yorkwald to have sewage flow by gravity to that 8-inch line.

Mr. Collins explained that the need for waivers shall be demonstrated to Planning Commission’s satisfaction. The waiver may be approved, approved with conditions or denied after consideration of the factors in Section 3.8.3.D of the UDC:

1. Not detrimental to public health, safety, or general welfare, or be injurious to other property in area, or to the City;
2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity;
3. Application of the provision will render subdivision of land unfeasible; or
4. The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of the UDC.

The second part of the applicant's request is a request for an exemption from the wastewater lot/acreage fees charged prior to recording of the plat. The fee is authorized under UDC 8.5.2.B. Under UDC 8.5.2.G., the areas qualifying for this fee exemption are those determined "not likely to be serviced by City wastewater services within the next 15 years." Based on Staff's recommendation of denial of the waiver from construction, Staff also recommends denial of the exemption from the wastewater lot/acreage fee. The landowner would be required to connect to the City's wastewater system, and pay the lot/acreage fee of \$3,691.85, based on the rate of \$ 1,571 per acre, multiplied by 2.35 acres. Planning Commission makes recommendation to City Council, and City Council makes the final determination.

After Staff's presentation, Chairman Villarreal opened the public hearing. Representing the owner, Victor Medina, addressed the Commission. He felt that the wastewater construction is not feasible for the type of project to be constructed. He said it would cost the owner over \$300,000 for wastewater construction. He said the storage business will not include any offices and will be self-maintained. With no one else coming forward, the public hearing was closed. A motion was made by Vice Chairman Crull to approve the wastewater construction waiver request but recommend denial of the lot/acreage fee exemption. The motion was seconded by Commissioner Schroeder. The motion passed with Commissioner Williams voting "no".

13. [19-0299](#)

18PL1118 (SIDEWALK WAIVER)

NOTTARB PLACE NO.2, BLOCK 4, LOT 19R (REPLAT - 0.93 ACRES)

Located south of Saratoga Boulevard and west of Weber Road.

Request for a Plat Waiver of Sidewalk Construction Requirement in Section 8.1.4 and Section 8.2.2 of the UDC.

Mr. Collins read item "13" into the record as shown above and displayed a vicinity map and for location purposes. The applicant requests a waiver from constructing sidewalk along Saturn Road. The land is currently occupied by Tukasa Creations, a home interior sales business with showroom, selling flooring, tile, countertops, cabinets, stone, wood, carpet and kitchen and bath remodeling design services). The purpose of the plat is to combine lots to enable the land owner to make improvements to the property. UDC Section 8.1.4 and 8.2.2.A require construction of sidewalks as part of the platting process.

The property is in a subdivision that is zoned Light Industrial ("IL"). Saturn Road is a "through-street" that connects Weber Road, an A3 Arterial to the east, to Kram Street, a C1 Collector to the west. Section 8.2.2.A.1.a.ii of the UDC requires sidewalk in industrial subdivisions for "through-streets that either are connecting to existing streets or to proposed arterials or collectors."

Also, Saturn Road has a right-of-way width of 60 feet. Although it is not designated as a C1 Collector in the City's Urban Transportation Plan (UTP), it has the equivalent right-of-way of a C1 Collector. The street design standards for C1 Collectors require 5-foot wide sidewalks per UDC Table 8.2.1.C. Mr. Collins continued the presentation with the factors in support and factors against the waiver request.

The following factors exist in support of the waiver request:

1. No current sidewalk network exists along Saturn Road, on either side of the street, within the entire Nottarb Place Unit 2 original platted subdivision, platted in 1972.
2. The majority of other properties in this subdivision have paved parking lot and drive aisle up to the street pavement.
3. Saturn Road is not on the ADA Master Plan.
4. There are not any transit stops along Saturn Road.

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

1. Saturn Road is in an industrial subdivision and is a through-street that connects an A3 Arterial, Weber Road, to a C1 Collector, Kram Street. Under UDC 8.2.2.A.1.a.ii, sidewalk is required under these circumstances.
2. Saturn Road has a 60-foot wide right-of-way. Although not designated as a C1 Collector in the Urban Transportation Plan, it has right-of-way equivalent to a C1 Collector, and under Table 8.2.1.C such rights-of-way require sidewalk.
3. The property is in an industrial subdivision that is an employment node, and it is less than 0.25 mile from transit stops, other industrial businesses, a church, and a post office.
4. The property is a corner lot, and Weber Road has existing sidewalk to connect to.
5. Plan CC's vision for transportation and mobility for the community calls for connected networks of good streets and sidewalks and safe bicycle routes.

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.

Staff recommends denial of the waiver of construction of sidewalk along Saturn Road, weighing the factors and evaluating the criteria in the UDC. 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/questions. Commissioner Schroeder brought up the observation that cars in the area often park in the right-of-way. Commissioner Baugh asked how the sidewalk would be constructed for ADA compliance since there is existing concrete. Chairman Villarreal asked how sidewalk

connectivity could be achieved for the remainder of Saturn Road since there are existing lots. After Commissioner comments/questions concluded, Chairman Villarreal opened the public hearing. Representing the owner, Victor Medina, addressed the Commission. Mr. Medina stated that the improvements to the property include concrete paving. He felt that ADA compliance should be handled when the review for the building permit occurs. He said the owner disagrees with the public improvement requirements at this stage. He said the ADA ramps will be constructed during the paving improvements but felt there is a risk of potential damage done to the newly constructed sidewalk before the building permit is issued. Mr. Collins stated there is a deferment agreement option with financial guarantee, along with a cost estimate and an approved design, that can help avoid that.

With no one else coming forward, the public hearing was closed. A motion to approve Staff's recommendation and deny the waiver request was made by Vice Chairman Crull and seconded by Commissioner Schroeder. The motion passed.

New Plats

Mr. Collins read items "14 & 15" 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, Vice Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve items "14 & 15" was made by Commissioner Baugh and seconded by Commissioner Zarghouni. The motion passed.

14. [19-0291](#)

18PL1059

YORKWALD ACRES, LOT 11 (FINAL -2.35 ACRES)

Located north of Yorktown Boulevard and east of Waldron Road.

15. [19-0290](#)

18PL1118

NOTTARB PLACE NO.2, BLOCK 4, LOT 19R (REPLAT - 0.93 ACRES)

Located south of Saratoga Boulevard and west of Weber Road.

E. **New Zoning**

16. [19-0296](#)

Public Hearing - Rezoning Property at or near 1401 North Alameda Street

Case No. 0219-02 - HCS 311, LLC:

Ordinance rezoning property at or near 1401 North Alameda Street (located on the east side of Sam Rankin Street, west of South Alameda Street, and north of Interstate 37) from the "RM-1" Multifamily 1 District to the "IL" Light Industrial District.

Andrew Dimas, Development Services, read item “16” 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 subject property is vacant and was formerly a multifamily apartment complex (Northside Manor) which was demolished in 2016. The purpose of the request is to allow for the construction of a lay down yard. There are two properties within the block of the subject property that are not part of this proposed rezoning.

These properties would remain zoned “RM-1” Multifamily 1 District. One of these remaining properties is an occupied single-family home. Additionally, the subject property is located to the east and outside of the buyout area affiliated with the new Harbor Bridge project. The only industrially zoned properties in the Washington-Coles neighborhood are located north of the subject property and across West Broadway Street. The uses are comprised of the Broadway Wastewater Treatment Plant, Union Pacific Railroad, and Concrete Street Amphitheater. The Downtown Area Development Plan (ADP) and Future Land Use Map clearly identify the Washington-Coles neighborhood for residential and small commercial redevelopment. The proposed rezoning is inconsistent with the adopted Comprehensive Plan (Plan CC). Granting this rezoning encourages future rezoning cases.

Mr. Dimas informed the Commission that of the 57 public notices mailed, eight notices were returned in opposition of the change of zoning request and two were returned in favor. Mr. Dimas went over the history of zoning patterns for the surrounding area, UDC requirements (buffer yards) and the allowed uses with the rezoning. He presented a rendering of the subject site and explained how the change of zoning would encourage cut-through, heavy truck traffic down Sam Rankin Street or North Alameda Street. These streets are designated as local / residential streets and were not designed to handle the heavy weight of semi-trucks plus the additional weight of the cargo being transported to and from the subject property. Further considering the new Harbor Bridge project that will only further encourage truck traffic. Based on the factors mentioned above, Staff recommends denial of the change of zoning request. After Staff’s presentation, Chairman Villarreal opened the public hearing.

Representing the applicant, Tim Clower at 415 Starr Street, along with Andy Mejia, addressed the Commission. Mr. Mejia, with Tex-Isle Supply at 1000 Memorial Drive, Houston, Texas, gave a brief explanation of the proposed use of the property. They are an asset-based distributor for oil field tubular products which support existing manufacturing and processing facilities such as the Port of Corpus Christi. Mr. Clower with the Clower Company gave a presentation on the background history of the subject site and the surrounding area. His main area of contention is that it is difficult to obtain financing for multifamily development in affordable markets. He believes the property is not suitable for multifamily development and gave several factors to support his assertion such as the proximity to the new Harbor Bridge, Broadway Wastewater Treatment Plant, Union Pacific Railroad, Concrete Street Amphitheater and refineries. He stated that with such proximities, it is difficult to also meet HUD requirements. He also mentioned census tract qualifications.

Before allowing the public to come forward and express their views, Chairman Villarreal opened the floor for Commissioners to ask questions of the representatives. Commissioner Schroeder said he heavily participated in the

planning of the new Harbor Bridge project and found it hard to support Mr. Clower's statements as he recalls no such similar information mentioned during those presentations. Commissioner Schroeder felt that there needed to be more realtor representation at those engagements. He felt that this neighborhood has an opportunity to emerge from what it was relegated to and granting this rezoning request does not allow that.

The following members of the public came forward to address the Commission and expressed their opposition to the change of zoning request:

Maury Wolfson at 3535 Santa Fe Street
Eddie Mathis with Saint Paul United Methodist Church
Pastor Nancy Foley with Saint Paul United Methodist Church
Gwendolyn Coleman, owner of Unity Chapel Funeral Home

Mr. Wolfson owns property in the area and stated that he has had several inquiries from outside developers that are interested in redeveloping this area for multifamily development. Ms. Mathis, Ms. Foley and Ms. Coleman expressed that this community needs to be preserved as it has historical significance and have faith it will be brought back to life. The prominent churches in the area have made many plans (construction of new playgrounds, etc.) with the anticipation of growth in the community.

With no one else coming forward, the public hearing was closed. Continued discussion took place among Commissioners and Vice Chairman Crull asked if research was done for the Downtown Area Development Plan regarding Mr. Clower's statements. Keren Costanzo with the Planning Department addressed Vice Chairman Crull's question. She stated that this area was recently designated as an "opportunity zone" and falls within a census tract. In the next two to three years there will be significant redevelopment potential because of this funding instrument (federal tax) to incentivize private investment in under-served areas. Discussion took place regarding the option of a Special Permit. Mr. Dimas also explained that the plan for this area is not limited to affordable housing and could include commercial development as well, creating a "mixed economy".

Commissioner Hovda and Chairman Villarreal both expressed their opposition to the rezoning and felt that recommending the rezoning could hamper the area's potential growth even though it may happen slowly. A motion to approve Staff's recommendation and deny the rezoning request for item "16" was made by Commissioner Schroeder and seconded by Vice Chairman Crull. A roll call vote took place with all Commissioners voting "yes". The motion passed.

VII. Director's Report - None.

VIII. Items to be Scheduled - None.

IX. Adjournment

There being no further business to discuss, Chairman Villarreal adjourned the meeting at 7:30 p.m.