



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, May 15, 2019

5:30 PM

Council Chambers

I. Call to Order, Roll Call

Chairman Villarreal called the meeting to order at 5:30 p.m. and a quorum was established with Commissioners Hovda and Dibble absent.

II. Opening Statement

III. Approval of Absences: Commissioner Zarghouni

A motion was made by Commissioner Baugh and seconded by Vice Chairman Crull to approve the absence listed above. The motion passed.

IV. Approval of Minutes

1. [19-0695](#) Regular Meeting Minutes of May 1, 2019

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

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

Chairman Villarreal asked Commissioners if they would like any Consent items pulled to be heard separately during the Public Hearing. It was determined to pull items "V.B.4 & V.C.12" to be heard separately. Chairman Villarreal asked Staff to present the Consent Agenda, items V.A & V.B, excluding item "4" and item "12".

Greg Collins, Development Services, read items "2, 3, 5, 6, 7 8, 9, 10 & 11" into the record as shown below. Staff recommends approval for Plat Waiver item "2". New Plat items "3, 6 & 7", satisfy all requirements of the UDC and State Law; the Technical Review Committee recommend approval. New Plat item "5", upon satisfaction of the remaining conditions/comments in the Plat Review Comments document, will satisfy all requirements of the UDC and State Law; the Technical Review Committee recommends conditional approval. Time Extension items "8 through 11" satisfy all requirements of the UDC and Staff recommends approval.

After Staff's presentation, Chairman Villarreal opened the public hearing for the Consent items. With no one coming forward, the public hearing was closed. A motion to approve Staff's recommendation for items "2 through 11", with the exception of item "4" was made Commissioner Baugh and seconded by Commissioner Zarghouni. The motion passed.

A. New Plat with Variance (Waiver)

2. [19-0705](#) **19PL1038 - WASTEWATER PLAT WAIVER & LOT/ACREAGE FEE EXEMPTION**
YBARRA TERRACE, LOT 1(FINAL - 9.04 ACRES)
Located west of Yorktown Boulevard and north of Weber 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.
3. [19-0704](#) **19PL1038**
YBARRA TERRACE, LOT 1 (FINAL - 9.04 ACRES)
Located west of Yorktown Boulevard and north of Weber Road.

B. New Plats

4. [19-0702](#) **19PL1033 - HALF STREET REQUEST & CONDITIONAL**
RANCHO VISTA SUBDIVISION UNIT 17 (FINAL - 12.15 ACRES)
Located south of Yorktown Boulevard and east of Rodd Field Road.
A Request for Approval of Half-Street, in Article 8 of the Unified Development Code (UDC).

Mr. Collins presented item "4" for the record as shown above. New Plat item "4", upon satisfaction of the remaining conditions/comments in the Plat Review Comments document, will satisfy all requirements of the UDC and State Law; the Technical Review Committee recommends conditional approval. The applicant is also requesting half street right-of-way (ROW) dedication and half street construction. For this request, Mr. Collins referred to Land Development comment number 9 of the Plat Review Comments document which states: "Increase the corner lot side yards from 10' to 20' for Block 26 Lot 15 and Block 27 Lot 62. Make same change for any other corner lots that are not back-to-back with a fellow corner lot, per UDC 4.2.10". He stated the purpose of this comment ensures that sight lines are not infringed upon neighboring properties or traffic. Mr. Collins stated that the applicant did not address the yard requirement (YR) for Block 12, Lot 45 and Block 26, Lot 15. This is a zoning issue and does not fall within the purview of the Planning Commission. The applicant can pursue relief from the Zoning Board of Adjustment.

After Staff's presentation, Chairman Villarreal opened the public hearing. Representing the owner, Murf Hudson with Urban Engineering at 2725 Swantner Drive, addressed the Commission, cited UDC Section 4.2.10 and asked for an interpretation. Mr. Hudson opined that the intent of this section is not applicable in this circumstance. The lot in question is not back-to-back with another corner lot and sight lines are not affected. He also stated that this circumstance is not a matter that should be referred to the Zoning Board of

Adjustment since the lots themselves meet the zoning yard requirements but conflict with the language of the UDC. Bart Braselton at 5905 Lago Vista Drive, addressed the Commission and expressed the same opinion as Mr. Hudson. Chairman Villarreal said that a request for an interpretation is not under the purview of the Planning Commission.

With no one else coming forward, the public hearing was closed. A motion was made by Vice Chairman Crull to refer item "4" to the Zoning Board of Adjustment. Vice Chairman Crull retracted his motion once it was discussed that the plat could be conditionally approved based on Staff's recommendation and then the applicant can move forward with a request to the Zoning Board of Adjustment. Vice Chairman Crull made a motion to approve Staff's recommendation for item "4". The motion was seconded by Commissioner Williams and the motion passed.

5. [19-0719](#) **19PL1012 - CONDITIONAL**
LONDON TOWNE SUBDIVISION, UNIT 1 OCL (FINAL - 23.02 22.91 ACRES)
Located outside City Limits north of F.M. 43 and east and west of C.R. 33.
6. [19-0701](#) **19PL1047**
100 SOUTH PADRE, BLK 1, LOT 2 (FINAL - 2.068 ACRES)
Located west of Enterprise Parkway and south of Bear Lane.
7. [19-0703](#) **19PL1004**
THE PRESERVE AT MUSTANG ISLAND UNIT 2 (FINAL - 27.74 ACRES)
Located east of SH 361 and north of Zahn Road.

Time Extensions

8. [19-0696](#) 18PL1092
BESSAR PARK LOTS 17 & 18 (REPLAT - 0.80 ACRE)
Located north Melrose Street and east of Santa Fe Street.
9. [19-0697](#) 18PL1126
THE VILLAGE AT TIMBERGATE UNIT 1, BLOCK 1, LOT 3 (FINAL - 12.73 ACRES)
Located south of Timbergate Drive and east of South Staples Street (FM 2444).

10. [19-0698](#) 18PL1090
WOOD ESTATES UNIT 4, BLOCK 50, LOT 10R (REPLAT - 0.58 ACRES)
Located north of Northwest Boulevard (FM 624) and west of Woodriver Drive.
11. [19-0711](#) 18PL1054
BERRY PATCH UNIT 1, LOT 1 (FINAL - 2.41 ACRES)
Located north of Up River Road and west of Hart Road.

C. **Text Amendment**

12. [19-0470](#) Ordinance Amending the UDC Regarding Sidewalks

Mr. Collins presented item "12" for the record. Chairman Villarreal opened the floor for Commissioner comments/questions. Vice Chairman Crull raised questions regarding sidewalks in industrial areas, sidewalk passing space (bump-out), Section 8.2.2.B Exceptions for Required Sidewalk Improvements and cash in lieu of sidewalk construction. After Commissioner comments/questions concluded, Chairman Villarreal opened the public hearing. With no one coming forward, the public hearing was closed. A motion was made by Commissioner Baugh to approved Staff's recommendation for item "12". The motion was seconded by Commissioner Schroeder and the motion passed.

VI. **Public Hearing: (Items D & E) - Discussion and Possible Action**

D. **Plat**

13. [19-0364](#) 17PL1059 - HALF STREET REQUEST & RECONSIDERATION OF PLAT
THE COVES AT LAGO VISTA UNIT 3C (30.47 ACRES)
Located west of the Oso Creek and south of Staples Street (FM 2444).
A Request for Approval of Half-Street, in Article 8 of the Unified Development Code (UDC).

Mr. Collins read item "13" into the record as shown above. He added that the acreage has been reduced to 29.47 acres. This plat was initially approved by Planning Commission on August 9, 2017 and reconsidered on April 3, 2019 with a half street request (denied). After the initial approval but before completion of public improvement construction, one land owner on the east side of the Oso Parkway alignment, south of the former King Ranch Drive alignment opted out of the plat. The boundary of the plat was redrawn to exclude this lot. Mr. Collins proceeded to explain the differences between this proposed revision and what was presented on April 3, 2019. Mr. Collins stated that footnotes

would be added to the plat for each owner. One foot note delineates when the 20-foot reserve strip would convert from a privately-owned lot to a dedicated ROW providing City jurisdiction. He added that the pavement width for a section of South Oso Parkway has been increased from 20 feet to 24 feet with a 60-foot ROW dedication. Staff has reviewed the request and recommend conditional approval.

After Staff's presentation, Chairman Villarreal opened the public hearing. Representing the owner, Chuck Urban with Urban Engineering at 2725 Swantner Drive, addressed the Commission. Mr. Urban gave background information to illustrate the difficulty in trying to find the best solution for the subject property. Owner, Richard Voss at 5728 South Oso Parkway addressed the Commission to answer questions regarding the ownership history between lots. Vice Chairman Crull said an agreement should have been made regarding the construction of South Oso Parkway when the lots were sold. Vice Chairman Crull expressed his concern that the proposed plat is still unclear as to who will be responsible for the construction of South Oso Parkway. Assistant City Attorney, Buck Brice, stated that the City could require construction of the half street section by adjacent lots when platted or replatted. Director of Development Services, Nina Nixon-Mendez, stated this could be enforced through the Continuity Improvements provision of the UDC.

With no one else coming forward, the public hearing was closed. A motion to approve Staff's recommendation as presented was made by Commissioner Baugh and seconded by Commissioner Williams. The motion passed with Vice Chairman Crull and Commissioner Zarghouni voting "no".

E. New Zoning

14. [19-0706](#)

Public Hearing - Rezoning Property at or near 2502 and 2506 Johanna Street

Case No. 0519-04 - Blairtown Energy Center, LLC

Ordinance rezoning property at or near 2502 and 2506 Johanna Street (located on the north side of Johanna Street, east of Ayers Street, and west of Richter Street) from the "ON" Neighborhood Office District to the "CG-2" General Commercial District.

Andrew Dimas, Development Services, read item "14" into the record as shown above. For location purposed, he presented several aerial views of the subject property along with the Existing and Future Land Use maps. The subject property is vacant, and the purpose of the request is to allow for the construction of an auto repair facility. The proposed vehicle repair is defined by the UDC as "Vehicle Service, Heavy". He informed the Commission that zero public notices were returned in opposition of the change of zoning request and zero notices were returned in favor. Mr. Dimas went over the history of zoning patterns for the surrounding area, UDC requirements (parking requirements) and the allowed uses with the rezoning. The "CG-2" District opens the possibility of more intense commercial uses such as Mini-Storage, Bars, and Night Clubs adjacent to single-family residences. He also listed the municipal facilities available to the subject property. Based on the information

presented, Staff is recommending denial of the change of zoning from the "ON" Neighborhood Office District to the "CG-2" General Commercial District, in lieu thereof, approval of the "ON/SP" Neighborhood Office 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, Limited" as defined by the Unified Development Code (UDC).
2. Hours of Operation: The hours of operation shall be daily from 8:00 AM to 6:00 PM.
3. Buffer Yard: A Type C Buffer Yard as defined by Section 7.9.5.A of the Unified Development Code (UDC) shall be required where the subject property shares a property line with a residential zoning district and/or residential use.
4. Noise: Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.
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 fixtures. No light projection is permitted beyond the property line near all public roadways and residential development.
6. Indoor Work: All vehicle service and repairs must be done within an enclosed building and must follow all federal, state, local regulations.
7. Outdoor Paging Systems/Intercom Systems: Must not exceed sixty (60) dB at the property line where adjacent to residential properties.
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 twenty-four (24) months of this ordinance, unless a complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy or UDC compliance has been issued. The Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

After Staff's presentation, Chairman Villarreal opened the public hearing. Representing the applicant, Miguel Saldana at 4553 Moonlake Ridge, addressed the Commission and stated that they requested the "CG-2". district because the subject property is designated as commercial use on the Future Land Use Map. He suggested to Staff that the Future Land Use map should be amended for this area if it is intended for a less intensive district. He added that the owner is amenable to the Special Permit conditions. With no one else coming forward the public hearing was closed. A motion to approve Staff's recommendation for item "14" was made by Vice Chairman Crull and seconded by Commission Baugh. The motion passed.

15. [19-0707](#)

Public Hearing - Rezoning Property at or near 509 South Carancahua Street

Case No. 0319-04 - Advanced Housing Alternatives Corporation

Ordinance rezoning property at or near 509 Carancahua Street (located on the west side of South Carancahua Street, north of Park Avenue, and south of Agnes Street) from the ON" Neighborhood Office District and the "RM-1" Multifamily 1 District to the "CR-2" Resort Commercial District.

Mr. Dimas read item "15" into the record as shown above. For location purposed, 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 a senior living development. The owner is proposing to demolish the existing 35 units and re-develop a 42-unit, four-story senior multifamily project. The existing zoning district only permits 37 dwelling units per acre while the "CR-2" Resort Commercial District would allow for up to 44 dwelling units per acre. The "CR-2" District is not designed for the area in which the subject property is located as the area primarily consists of multifamily, office, and church/school uses. The subject property is not located in a tourist area.

Mr. Dimas informed the Commission that zero public notices were returned in opposition of the change of zoning request and zero notices were returned in favor. Mr. Dimas went over the history of zoning patterns for the surrounding area, UDC requirements and the allowed uses with the rezoning. He also listed the municipal facilities available to the subject property. Based on the information presented, Staff recommends denial of the change of zoning from the "ON" Neighborhood Office District and "RM-1" Multifamily 1 District to the "CR-2" Resort Commercial District, in lieu thereof, approval of the "ON/SP" Neighborhood Office District with a Special Permit (SP) with the following conditions:

1. **Uses:** All uses allowed in the "ON" Neighborhood Office District as defined in Section 4.5.2 of the Unified Development Code (UDC).
2. **Density:** The maximum density shall be 42 dwelling units per acre.
3. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
4. **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 or, if no building permit is required, a certificate of occupancy or UDC compliance has been issued. The Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

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 "15" was made by Commissioner Schroeder and seconded by Commissioner Zarghouni. The motion passed.

VII. Presentation

16. [19-0013](#)

Unified Development Code Evaluation Briefing

Brian Mabry, Deputy Project Manager with Kendig Keast Collaborative, presented item "16" for the record as shown above. Kendig Keast Collaborative is the firm that is conducting the UDC update/evaluation project which began

in December 2018. The purpose of the presentation is to give a summary to date of the evaluation, point out a few highlights and the next steps to be taken (scope/timeline). He emphasized the digital ease of use by utilizing EnCodePlus to draft code regulations. EnCodePlus is effective with the use of tables and graphics to consolidate information. He mentioned that they examined the efficiency of overlay/special purpose districts, clarification of the trust fund and best practices for incentivizing (appropriate increased density/low-impact development). He stated the UDC should assure the protection of the public's health, safety, and welfare. The UDC should implement the land use policies such as Plan CC, Area Development Plans (ADP), and City master plans. The UDC should be flexible enough to allow property owners the freedom to create lasting, valued, and affordable communities without unreasonable regulatory barriers that may delay a project or stifle creativity.

Mr. Mabry informed the Commission that two, open door meetings have taken place to obtain feedback from stakeholders. Comments from community stakeholders consisted of solutions for inconsistencies within the UDC, and between the UDC and City Municipal Code; more administrative decision-making (waivers). Other recommendations included the reduction of variances including the flexibility of pool placement/landscaping and lessening landscaping requirements for industrial uses in industrial districts. He explained how the recommendations of the evaluation are compiled into tables and contain categories for priority (time frame), source (Plan/ADP) and responsibility (Consultant/Staff).

Mr. Mabry concluded the presentation with the next steps to be taken. They plan short-term updates, categorized into three module topics: Zoning District/Land Uses, General Development and Subdivision Standards and Development Review Procedures. He said the evaluation will take approximately 20 months from the notice to proceed to adoption, including providing a scope, schedule, and budget for Phases 3 and 4 (medium and longer-term priorities). A presentation to City Council will take place on June 11, 2019. After Mr. Mabry's presentation, Chairman Villarreal opened the floor for Commissioner comments/questions. Commissioner Schroeder stated that he had an opportunity to attend the open door meetings and was impressed with the work the firm has put into the project with regard to incorporating stakeholder recommendations. He was also happy to see the inclusion of incentives for different housing models. He felt that this is needed to help bring new solutions to the City's housing issues. No action was taken on this item.

VIII. Director's Report

Nina Nixon-Mendez, Director of Development Services, informed the Commission on an upcoming training opportunity called Texas Citizen Planner Program to be held during June 27th and 28th in Rockport, Texas. The Planning Department can sponsor the registration fees for two Planning Commissioners.

IX. Items to be Scheduled

X. Adjournment