



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### Planning Commission

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Wednesday, June 26, 2019

5:30 PM

Council Chambers

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#### I. Call to Order, Roll Call

Chairman Villarreal called the meeting to order at 5:30 p.m. and a quorum was established with no absences.

#### II. Opening Statement

#### III. Approval of Absences: Commissioners Williams and Dibble

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

#### IV. Approval of Minutes

##### 1. [19-0888](#) Regular Meeting Minutes of June 12, 2019

A motion to approve item "1" was made by Commissioner Schroeder and seconded by Commissioner Zarghouni. 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 that item "4" would be pulled from the Consent agenda and heard separately. Chairman Villarreal asked Staff to present the Consent Agenda, items V.A, V.B and V.C, except for item "4". Greg Collins, Development Services, read items "2, 3, 5, 6, 7, 8 & 9" into the record as shown below. Staff recommends approval for Variance item "2". New plat items "3, 5 & 6", satisfy all requirements of the UDC and State Law; the Technical Review Committee recommend approval. Time Extension item "7" satisfies all requirements of the UDC and Staff recommends approval. Staff also recommends approval for New Zoning items "8 & 9" as stated in Staff's report.

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 as presented for items "2, 3, 5, 6, 7, 8 & 9" was made by Vice Chairman Crull and seconded by Commissioner Baugh. The motion passed.

**A. New Plat with Variance (Waiver)**

2. [19-0893](#)      **19PL1010 - SIDEWALK WAIVER**  
AIRPORT INDUSTRIAL SUBDIVISION, BLOCK 2, LOT 4 (FINAL - 0.416 ACRE)  
Located east of Heinsohn Road and south of Agnes Street.  
Request for a Plat Waiver of Sidewalk Construction Requirement in Section 8.1.4 and Section 8.2.2 of the UDC.
3. [19-0889](#)      19PL1010  
AIRPORT INDUSTRIAL SUBDIVISION, BLOCK 2, LOT 4 (FINAL - 0.416 ACRE)  
Located east of Heinsohn Road and south of Agnes Street.

**B. New Plats**

4. [19-0894](#)      **19PL1054 - CONDITIONAL**  
ROB-LEX INDUSTRIAL AREA, BLOCK 1, LOTS 15R AND 17R (REPLAT - 3.61 ACRES)  
Located south of Agnes Street and east North Padre Island Drive.

Mr. Collins read New Plat item “4” into the record as shown above. He stated that upon satisfaction of the remaining conditions/comments in the Plat Review Comments document, the plat will satisfy all requirements of the UDC and State Law; the Technical Review Committee recommends conditional approval. After Staff’s presentation, Chairman Villarreal opened the public hearing. Representing the owner, Murf Hudson with Urban Engineering at 2725 Swantner addressed the Commission. Mr. Hudson disagrees with Land Development comment number “1” which states: Add a plat note stating that the private drainage easement is permanent and shall not be closed. The applicant’s response states: “The private drainage easement is private and between owners. We cannot predict the future and the City cannot impose its will on a private instrument.” Staff’s resolution comment states: Add a plat note stating that the private drainage easement shall not be closed or altered without consent of the lot owners and approval by the City of Corpus Christi Planning Commission or other municipal authority responsible for approving plats.

Mr. Hudson felt that this matter does not fall within the purview of the Planning Commission but accepts that it will need approval by a City Engineer. Mr. Collins stated that even though it is private drainage easement, the potential water flowing through the easement has a potential “public” effect on adjacent lots/landowners outside the boundaries of the plat. Mr. Hudson stated the City would not accept it as a public drainage easement.

Mr. Collins stated the scope and geographic service of this facility is not large enough to justify it being categorized as a public drainage easement. Chairman Villarreal and Vice Chairman Crull expressed their agreement with Mr. Hudson. A motion was made by Vice Chairman Crull to approve item "4" and remove Staff's resolution comment with regard to Land Development comment number "1". The motion was seconded by Chairman Villarreal and the motion passed.

5. [19-0890](#) 19PL1046  
CIMARRON ACRES, BLOCK 1, LOT 2 (FINAL - 12.22 ACRES)  
Located east of Cimarron Boulevard and south of Lipes Boulevard.

6. [19-0891](#) 19PL1032  
COLE PLACE, BLOCK 1, LOT 1R (REPLAT - 1.74 ACRES)  
Located south of Doddridge Street and west of Ocean Drive.

#### **Time Extension**

7. [19-0892](#) **13-22000013**  
KITTY HAWK SUBDIVISION (PRELIMINARY 298.72 ACRES)  
Located south of South Staples Street (FM 2444) and east of County Road 41.

#### **C. New Zoning**

8. [19-0895](#) **Public Hearing - Rezoning Property at or near 2934 Highland Avenue**

##### **Case No. 0519-03 - Sergio and Magali Martinez:**

Ordinance rezoning property at or near 2934 Highland Avenue (located at the northeastern corner of the intersection of Highland Avenue and Duncan Street, east of Osage Street, and west of South Port Avenue) from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District.

9. [19-0896](#) **Public Hearing - Rezoning Property at or near 916 South Alameda**

##### **Case No. 0619-02 - Texas State Roofing Company, LLC :**

Ordinance rezoning property at or near 916 South Alameda (located along the east side of South Alameda Street, south of Coleman Avenue, and north of Buford Street) from the "CG-2" General Commercial District to the "CG-2/SP" General Commercial District with a Special Permit.

**VI. Briefing****10. [19-0897](#) Unified Development Code Text Amendment Briefing**

Andrew Dimas, Development Services, presented item “10” for the record as shown above. The purpose of this item is to give a briefing on upcoming text amendments. The briefing will cover uses/businesses that require rezonings or Zoning Board of Adjustment action, updates which will reduce the need for Special Permits, and changes to State statutes. He began the presentation by explaining that automatic car washes are currently allowed in the “CG” General Commercial Districts (and up). The text amendment would allow by-right automatic car washes in the “CN” Neighborhood Commercial District with limitations.

Mr. Dimas informed the Commission that the former zoning ordinance allowed by-right paint and body shops (categorized as heavy vehicle service) as an accessory use to car dealerships (primary use). The text amendment will be reinstituting this language. Commissioner Crull suggested that any of the vehicle services to be performed be done in an enclosed building.

Mr. Dimas stated that aggregate storage is a common accessory use request for landscape nursery businesses. Aggregate storage is currently allowed in the Industrial Districts and the text amendment will allow aggregate storage as an accessory use to landscaping businesses. Commissioner Crull suggested that the aggregate storage be limited to a certain percentage of the area of property. Commissioners also brought up concerns for wind speeds, specifically during hurricanes. Mr. Dimas stated that the property owner would need to accept the liability of securing materials in those instances. Currently, crematoriums are also allowed in the Industrial Districts and the text amendment will allow them as an accessory use to funeral homes.

Mr. Dimas informed the Commission that there have been 10 Special Use Exceptions for above ground fuel tanks (typically accessory uses) since 2015. Above ground fuel tanks are currently allowed in the Industrial Districts as a primary use. The text amendment will remove the requirement for Zoning Board of Adjustment consideration/approval because they are already reviewed by the Fire Department.

For side yard requirement updates (also known as the “back to back” rule), Mr. Dimas explained the following scenarios:

- For corner lots backing to an adjacent lot’s rear yard, the corner lot street side yard requirement shall be not less than the adjacent lot’s rear yard, but in no case less than 10 feet.
- For corner lots backing to an adjacent lot’s front yard, the corner lot street side yard requirement shall be not less than the adjacent lot’s front yard, but in no case less than 10 feet.
- If a corner lot backs up to a parcel that is unplatted, zoned Farm Rural or is outside city limits, and is at least 10 acres in size, then the corner lot street side yard shall be a minimum of not less than ten (10) feet.

Vice Chairman Crull had a concern when side yards and front yards abut each other. To further assist with this text amendment, Chairman Villarreal

suggested to add some language to the amendment regarding previously approved preliminary plats.

Mr. Dimas informed the Commission that City staff will be reaching out to property owners to survey an opinion on the reduction of setback for accessory structures (particularly those in the southern part of the Flour Bluff area). The larger lot zoning districts, e.g. "RE" Residential Estate District, have increased side yard setbacks. Setbacks are applied to both primary and accessory structures. All structures including garages, sheds, patios, gazebos, and pergolas must also be setback 25-feet.

Mr. Dimas summarized the following points of House Bill 2496 (and Chapter 211 of the Local Government Code) relating to landmark designation, which was signed by the Governor and is effective immediately:

- The owner of the property consents to the designation. Religious structures must have the consent of the organization.
- Consent of the designation can be withdrawn at any time during the designation process.
- The designation must be approved by  $\frac{3}{4}$  of all bodies (Landmark Commission, Planning Commission, and City Council) if owner does not consent to designation.
- City must provide the property owner a letter 15 days in advance of the 1st hearing that describes the impact that a historic designation of the owner's property may have on the owner and the owner's property.

Mr. Dimas also informed the Commission about House Bill 2497 (Chapter 211 of the Local Government Code) regarding the Board of Adjustment (ZBA). The bill will be effective on September 1st and it requires procedures of the ZBA to be adopted by City Council. The ZBA will no longer be able to vote on their own rules. The bill has specifically listed who can file an appeal of an administrative decision and the appeal must be filed within 20 days of the administrative decision; must be heard within 60 days of the filing.

The next bill to be signed by the Governor is House Bill 2439 (Title 10 of the Government Code) regarding building materials. The bill states that a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code. For example, a specific item to consider would be overlay requirements for Padre Island which regulates types of roofing materials, architectural styles and color palettes.

The next text amendment involves townhomes (UDC Section 4.4.3.A). Mr. Dimas gave examples of two different types of townhomes to consider – "real townhomes" versus "apartment style" townhomes by design. In this case, the amendment applies to real townhomes. To apply the "RS-TH" Townhome District standards, the property must be zoned "RS-TH", "RM-1", or "RM-2" (intended for multifamily). Currently, a written interpretation exists which also allows townhomes in the "RM-3" district and the amendment will officially add this district to that list. An important item to consider is minimum lot size. For example, the minimum lot size for the construction of townhomes in an RS-TH

District is 20,000 square feet. Many in-fill lots are less than 20,000 square feet and remain undeveloped/vacant. Discussion will take place on whether the limitation should be changed to set a new minimum lot size.

The last amendment involves wastewater fee exemptions and construction waivers. It is proposed to designate certain areas across the city as zones unlikely to receive wastewater service in the next 15 years. These zones would receive automatic fee and construction waivers and not require Planning Commission or City Council action. An amendment to waive construction and fees for plats used for uninhabitable uses (Ex. electric substation, billboards, etc.) is also proposed. Commissioner Crull asked if plats would include a note stating that the area is uninhabitable. Commissioner Crull also asked if a study would be performed to determine what areas would be included and that maps would need to be updated/amended on a regular basis. He also asked if the maps would be amended administratively or would it involve Planning Commission action/City Council adoption. Commissioner Hovda asked if the number of service years can change.

#### **VII. Director's Report**

Nina Nixon-Mendez, Director of Development Services, introduced Gabriel Hinojosa (Engineer IV). Mr. Hinojosa will oversee the Platting, Engineering and Geographic Information System Departments as former Assistant Director, Bill Green, has retired.

#### **VIII. Items to be Scheduled**

None.

#### **IX. Adjournment**

There being no further business to discuss, Chairman Villarreal adjourned the meeting at 6:35 p.m.