



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
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Meeting Minutes

Planning Commission

Wednesday, July 24, 2019

5:30 PM

Council Chambers

I. Call to Order, Roll Call

Vice Chairman Crull called the meeting to order at 5:30 p.m. and a quorum was established with Commissioners Williams, Zarghouni and Chairman Villarreal absent.

II. Opening Statement

III. Approval of Absences: Commissioners Hovda, Baugh and Zarghouni

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

IV. Approval of Minutes

1. [19-1009](#) Regular Meeting Minutes of July 10, 2019

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

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

Vice Chairman Crull informed the Commission that item "2" would be pulled from the Consent agenda and heard separately as Staff recommendation is to deny the waiver request. Vice Chairman Crull asked Staff to present the Consent Agenda, item V.B. Greg Collins, Development Services, read New Zoning item "3" into the record as shown below. Staff recommends approval for item "3" as stated in Staff's report.

After Staff's presentation, Vice Chairman Crull opened the public hearing for the Consent items. Lisa Mitchell (P.O. Box 10107, Corpus Christi, Texas) addressed the Commission and expressed safety concerns for County Road 69. She stated that County Road 69 is not maintained/suitable to withstand the addition of commercial activity in the area and it will cause an increase in traffic accidents. She also expressed concerns for the bird habitat at Hazel Bazemore Park, adding commercial activity will disrupt the bird habitat by causing pollution. James at 4991 CR 69 addressed the Commission and expressed his concern regarding how drainage systems in the area would be handled. With no one else coming forward, the public hearing was closed.

Commissioner Hovda expressed concern for the subject property's proximity to Hazel Bazemore Park and wanted to keep in mind that the City does invest time and money promoting Corpus Christi as a nature destination/birding community. She said that this is a unique area and an amenity, not just for locals but visitors as well. A motion to approve Staff's recommendation for item "3" was made by Commissioner Baugh and seconded by Commissioner Schroeder. The motion passed.

A. Variance (Waiver)

2. 19-1010

19PL1021

TULOSO RESERVE UNIT 1 (FINAL - 13.791 ACRES)

Located east of Rand Morgan Rd and north of McNorton Rd.
Request for a Plat Waiver of Sidewalk Construction Requirement in Section 8.1.4 and Section 8.2.2 of the UDC.

Mr. Collins presented item "2" for the record. Mr. Collins informed the Commission that the subject plat was conditionally approved by the Commission on April 3, 2019. For location purposes, he presented a vicinity map along the final plat and plan detail.

The UDC states, under Section 8.2.2.B.1-4, that a waiver may be granted, in accordance with the waiver procedure in Section 3.8.3.D, but only if certain conditions exist. None of the enumerated conditions in UDC 8.2.2.B.1-4 for a sidewalk waiver exist on this subject property:

- Permanent dead-end street with access to paved hike/bike trail
- Streets where each lot has direct access from side or rear to a paved hike/bike trail
- Residential subdivisions in FR and RE zoning districts
- Private streets: sidewalk on one side allowed if 6-feet wide and approved by Assistant City Manager of Dev. Services

In any event, Section 3.8.3.D of the UDC provides factors to consider plat waivers, and states that the need for the waiver shall be demonstrated to the Planning Commission's satisfaction. The waiver may be approved, approved with conditions, or denied, after consideration of the following factors:

1. The granting of the waiver shall not be detrimental to the public health, safety or general welfare, or be injurious to other property in the area, or to the City in administering this Unified Code;
2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity;
3. Application of a provision of this Unified Development Code 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 this Unified Development Code.

Factors in Support of the Waiver - The applicant states that they do not believe sidewalk should be required because:

1. Applicant believes that “the proposed sidewalk would be removed and replaced whenever Rand Morgan Road is widened and reconstructed in the near future.”

Additional factors in support of the waiver request are:

2. There are currently no adjacent sidewalks along Rand Morgan Road to connect to. The adjacent lots to the south are already platted, and are being developed, and do not have sidewalk.
3. There are no bus stops along Rand Morgan.
4. Rand Morgan Road is not on the City's ADA Master Plan.
5. Rand Morgan Road is not on the MobilityCC and the Corpus Christi Metropolitan Planning Organization Strategic Plan for Active Mobility, Phase 1: Bicycle Mobility Plan.
6. There is no crosswalk or traffic signal at Rand Morgan Road and Goodnight-Loving Trail, to facilitate pedestrian crossing of Rand Morgan Road, to connect to the sidewalk network at Northwest Crossing Unit 1 and the Tuloso-Midway Intermediate School.
7. Texas Department of Transportation (TxDOT) has stated that because Rand Morgan (FM 2292) has ditch drainage, there is no room for sidewalk in TxDOT right-of-way. When this road is widened, box culvert would be installed for drainage, and sidewalk would be installed at that time.

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

1. Rand Morgan is categorized as an A2 Arterial in the City's Urban Transportation Plan (UTP), and sidewalk is required along arterials.
2. The area is zoned residential.
3. The subdivision is 200 feet from the sidewalk network to the northwest in Northwest Crossing Unit 1 Subdivision, and 652 feet from Tuloso-Midway Intermediate School property and sidewalk. The subdivision is 1,216 feet (0.23 mile) from the entrance to the school. All are within walking distance from the subdivision.
4. Rand Morgan Road is in a school zone running the length of the subdivision's frontage along Rand Morgan.
5. The land to the north is undeveloped and not platted, and could connect to the sidewalk network in Northwest Crossing Unit 1 when it is platted.
6. To the south, there is existing sidewalk in McNorton subdivision about 850 feet (0.16 mile) away, within walking distance.
7. None of the exceptional conditions for a sidewalk waiver that are listed in UDC 8.2.2.B exist in this case.
8. Although ditch drainage occupies TxDOT right-of-way, the plat calls for dedication of an additional 10 feet of right of way from the landowner's property. In addition, there is five feet of available yard setback east of the utility easement that can be used for access easement on the platted property.
9. The Municipal Maintenance Agreement (MMA) between TxDOT and the City does not prohibit sidewalk in TxDOT right-of-way.
10. Ten feet of additional ROW dedication can be used for sidewalk.
11. The Comprehensive Plan, Plan CC, states the community's vision for Transportation and Mobility and calls for connected networks of good streets and sidewalks and safe bicycle routes.

Additionally, Mr. Collins informed the Commission that other plats in the area pre-date a March 2018 audit of the Trust Fund process and UDC platting provisions. Prior to March 2018, the plat waiver process for sidewalk construction was not done on a consistent basis. The subject plat was the first plat in this area since March 2018.

Referring to item "9" of the factors weighing against the waiver, Mr. Collins informed the Commission that TxDot places the City responsible for maintenance of a sidewalk but per Municipal Code Section 49-34, the City places the sidewalk maintenance responsibility on abutting landowners. He further detailed TxDot projects in the near future. In four years, TxDot plans to seal coat Rand Morgan Road but it will not go north of McNorton Road and there are no plans to widen FM 2292 (Rand Morgan Road). Staff recommends denial of the waiver request.

After Staff's presentation, Vice Chairman Crull opened the public hearing. The applicant, Moses Mostaghasi with MP Homes (P.O. Box 331308, Corpus Christi, Texas) addressed the Commission. He informed the Commission that he previously developed Royal Oaks, Units 1 & 2 which also abut Rand Morgan Road (approximately 1,200 feet) and he was not required to construct sidewalk at that time. He stated that if sidewalk construction is required for the subject plat, the route for children to get to Tuloso-Midway Intermediate School is not ideal and cited safety concerns because they would have to cross the existing ditch. He asked Commissioners to consider precedence.

In response to Mr. Mostaghasi's comments regarding Royal Oaks, Units 1 & 2, Mr. Collins informed the Commission that those plats went through the Technical Review Committee process in February of 2018 which predated the March 2018 audit. He stated that children are going to walk to school regardless if there is an existing sidewalk or not; he reiterated item "5" of the factors weighing against the waiver.

With no one else coming forward, the public hearing was closed and Vice Chairman Crull opened the floor for Commissioner comments/questions. Commissioner Schroeder stated that the issue of waivers for sidewalk continues to be a battle. He stated that continuing a precedent against current platting provisions does not make sense. Mistakes that were done in the past cannot be corrected. He felt that the building community can lobby the removal of this provision if they disagree with it. He said that building better communities needs to start somewhere. Commissioner Hovda reiterated Commissioner Schroeder's comments and stated that as a young child, she walked down Rand Morgan Road with her best friend to go to the corner store. She recalls that it was dangerous and having a sidewalk would have been an improvement. She said the Commission needs to take a stance by saying sidewalks are important to provide safer communities. Commissioner Dibble felt that precedence needs to be considered. He said there are many developments along Rand Morgan Road without a sidewalk and does not see the logic behind requiring 200 feet of sidewalk that does not connect to anything. He said that TxDot will eventually expand Rand Morgan Road.

A motion was made by Commissioner Schroeder to approve Staff's recommendation to deny the waiver request and the motion was seconded by Commissioner Hovda. The motion passed with Commissioners Dibble and Baugh voting "no".

B. New Zoning

3. [19-1011](#) **Public Hearing - Rezoning Property at or near County Road 69 and Northwest Boulevard**

Case No. 0719-05 - Mostaghasi Investment Trust:

Ordinance rezoning property at or near County Road 69 and Northwest Boulevard (located at the northwest corner of intersection of Northwest Boulevard (Farm-to-Market Highway 624) and County Road 69 (Hazel Bazemore Road), and north of Northwest Blvd) from the "RS-6" Single-Family 6 District to the "CN-2" Neighborhood Commercial District.

VI. Public Hearing: (Items C & D) - Discussion and Possible Action**C. Capital Improvement Program**

4. [19-0944](#) Proposed FY2019-2020 Capital Improvement Program (CIP) Budget and Planning Guide.

Kamil Taras, Capital Improvement Program Manager, presented item "4" for the record. He updated the Commission regarding an amendment due to the expansion of the residential street reconstruction program. He explained how the proposed funding has been increased by \$14 million dollars. After Staff's presentation, Vice Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion was made by Commissioner Dibble to approved item "4" as presented and the motion was seconded by Commissioner Hovda. The motion passed.

D. New Zoning

5. [19-1012](#) **Public Hearing - Rezoning Property at or near 5564 and 5566 Ayers Street**

Case No. 0719-07 - McCord Wholesale:

Ordinance rezoning property at or near 5564 and 5566 Ayers Street (located near the northeast corner of Holly Road and Ayers Street, south of Gibbs Street, and west of Civitan Drive) from the "IL" Light Industrial District to the "RV" Recreational Vehicle Park District.

Osei Amo-Menseh, Development Services, read item "5" into the record as shown above. For location purposes, he presented several aerial views of the subject property along with the Existing and Future Land Use maps. The applicant is requesting a rezoning from the "IL" Light Industrial District to the "RV" Recreational Vehicle Park District to allow for the construction of a 52-pad recreational vehicle park. Mr. Amo-Menseh informed the Commission that 1 public notice was returned in opposition of the change of zoning request

and zero notices were returned in favor. He also went over the history of zoning patterns for the surrounding area, UDC requirements and the allowed uses with the rezoning.

Staff recommends denial of the change of zoning from the "IL" Light Industrial District to the "RV" Recreational Vehicle Park District. The proposed rezoning is incompatible with neighboring properties and with the general character of the surrounding area. This rezoning will have a negative impact based upon the surrounding neighborhood. The subject property is not accessible to tourist destinations and is adjacent to a salvage yard, paint and body shop, tow service and self-storage. An RV Park is not compatible with these uses.

After Staff's presentation, Vice Chairman Crull opened the public hearing. Representing the owner, Michael York with Urban Engineering (2725 Swantner Drive), addressed the Commission. He stated the owner wants to improve the property and is trying to keep up with property taxes by raising revenue. He felt that in this case, the use of an RV park adjacent to heavy uses would be more suitable than placing a more intense use next to residential areas. An RV park would not be a detriment to the surrounding uses. He believes that the vacant land across from Ayers Street to the west and also north of Holly Road is likely to have commercial development/apartments, although there are no formal plans now. He also stated that further down Ayers Street, there is a large, manufactured housing community.

Michael Herring at 6908 Cross Timbers Drive, address the Commission. He stated that his plumbing business is adjacent to the subject property. He said that placing an RV park in this area is not suitable and he fears that future tenants would make noise complaints due to the working hours of nearby industrial businesses.

Kristine Pucket at 1802 Jordan Drive, addressed the Commission and stated she is representing the towing company that is adjacent to the subject property. She also had concerns regarding possible noise complaints by future tenants of the RV park. She said there is dust that continuously circulates in the area. The lighting they utilize is very bright because her employees need it to do their job. The towing company runs 24 hours a day. She said that towing companies are limited to where they can operate in the City, especially on the south side of town. She rents the property from her retired father, who lives off the income of his property. She fears that allowing an RV park would set a trend and take over the industrial district which would limit the use of her father's property to future tenants.

With no one else coming forward, the public hearing was closed. Commissioner Dibble made a motion to approve Staff's recommendation to deny the change of zoning request for item "5". Commissioner Hovda seconded and the motion passed.

VII. Briefing

6. [19-1020](#)

State Platting Mandates

Mr. Collins presented item "6" for the record. This is a briefing to Planning Commission on recent state legislation that goes into effect on September 1, 2019, relating to plats. The legislation requires that a municipal authority "act

on" a plat within a 30-day period. A plat cannot be tabled for a future recommendation or action. The 30-day period may be extended by the applicant if the extension is approved by the city. Conditional approvals or denials of plats shall have a written statement of the conditions to approval or reasons for disapproval. Each condition or reason must be directly related to the requirements under subdivision platting law and include a citation to the law and may not be arbitrary. The applicant may submit a written response that satisfies each condition or remedies the reason for disapproval. The city shall determine whether to approve or disapprove the plat not later than the 15th day after the response was submitted. It was clarified that the 30-day period starts when the plat is deemed complete and the application fee has been paid. This has been the practice historically and how it is done today. Currently, the platting process is being assessed regarding turnaround time.

Lastly, regarding replats, public notice is required for residential plats that have plat variances (waivers). Residential plats without plat variances (waivers) do not require public notice but do require the City to mail written notice of the approval of the replat to each lot owner in the subdivision not later than the 15th date after the replat is approved. Adjustments will be made to the Department's standard operating procedures to comply with these mandates and there is no need for text amendments to the UDC. No action was taken on this item.

VIII. Director's Report

None.

IX. Items to be Scheduled

None.

X. Adjournment

There being no further business to discuss, Vice Chairman Crull adjourned the meeting at 7:05 p.m.