



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes Planning Commission

Wednesday, December 9, 2020

5:30 PM via WebEx. The live stream of the Planning Commission meeting can be viewed online at the following address:
www.cctexas.com/cctv

I. Call to Order, Roll Call

Chairman Baugh called the meeting to order and a quorum was established with no absences.

II. PUBLIC COMMENT:

For the record, Craig Garrison, Development Services, informed the Commission that written public comment forms were submitted for New Zoning items "12 - 15" and that he will read those into the record at time of presentation.

III. Approval of Absences: Chairman Baugh

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

IV. Approval of Minutes

1. [20-1413](#) Regular Meeting Minutes of November 11, 2020

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

V. Discussion and Possible Action Regarding the Planning Commission and Airport Zoning Commission (AZC) Meeting Calendar for 2021

2. [20-1432](#) 2021 Planning Commission & AZC Meeting Calendar

A motion was made by Commissioner Miller to approve item "2". The motion was seconded by Commissioner Zarghouni and the motion passed.

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

Chairman Baugh began by informing the Commission that New Zoning item "15" will be pulled from the Consent agenda to be considered individually. It was requested by Commissioner Schroeder to also pull New Plat item "9" to be considered individually. Chairman Baugh asked Staff to present the Consent Agenda, items VI.A & VI.B. Nina Nixon-Mendez read into the record New Plat items "3, 4, 5, 6, 7, 8 & 10". She informed the Commission that item "10" is

amended with no conditions. The New Plats satisfy all requirements of the UDC/State Law and the Technical Review Committee recommends approval.

Craig Garrison, Development Services, read New Zoning items "12, 13 & 14" into the record. Staff recommends approval for these items as stated in Staff's report. After Staff's presentation, Chairman Baugh opened the floor for Commissioner comments/questions. Commissioner Zarghouni asked if New Plat item "7" requested a waiver for wastewater construction. Ms. Nixon-Mendez clarified that item "7" does not require a wastewater waiver because it is not within a wastewater master plan. Commissioner Miller asked if item "7" will be seeking annexation. Ms. Nixon-Mendez stated if sewer lines are extended then annexation would need to be requested, especially if the trust fund is utilized. It was also noted that the half-acre lots can utilize septic systems.

After Commissioner questions concluded, Chairman Baugh opened the public hearing. Mr. Garrison proceeded to read into the record the public notification or public comment forms that were submitted for New Zoning items "12, 13 & 14". For item "12", a public notification form was received from D&E Development at 1038 Hilly Country Road. They are in favor of the rezoning request and stated it will stimulate development in an area that has remained undeveloped.

For item "13", a public notification form was received from Sergio Galvez at 15009 Harbor View Drive, stating opposition with no rationale. Also for item "13", a public notification form was received from Deanna Stevens at 4517 Clearwater Drive, stating opposition: "Please keep the zoning Single Family Residential in accordance with the Goals and Strategies in Plan CC's Vision for Housing & Neighborhoods. Quality of life and safe, quiet, residential neighborhoods are a cornerstone to successful communities. There are numerous commercial/retail/office properties currently located across the street along the southwest and southeast corners of Saratoga and Everhart to support business growth."

For item "14", a public notification form was received from Gene Di Russo at 4525 Clearwater Drive, stating opposition. He stated that an increase in traffic will cause safety issues for children in the area. He also cited loss of privacy due to the proposed three story building.

For item "14", a public notification form was submitted by Royce and Heather Hallock at 6417 Swansea, stating opposition. They stated "this rezoning application it not in alignment with our City's Comprehensive Plan, it is not in alignment with the Southside Area Development Plan and it is not in alignment with the Country Club Estates deed; it is not in the best interest of our established neighborhood."

It was noted that the City does not have the purview to enforce deed restrictions. Commissioner Schroeder questioned the alignment with the Southside Area Development Plan for item "14". Mr. Garrison stated the proposed rezoning is partially consistent with the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the Future Land Use Map. Other policies include encouraging orderly growth of new residential, commercial, and industrial areas; promoting a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses

based on compatibility/location needs. Staff felt that the "ON" district is a good transitional district and is compatible with the adjoining residential properties; the "ON" district limits retail uses. Unified Development Code requirements for the rezoning request were also discussed with regard to height limitations.

With no further public comment to be read into the record, Chairman Baugh closed the public hearing. A motion was made by Commissioner Schroeder to approve Staff's recommendation as presented for item "13" and it was seconded by Vice Chairman Dibble. The motion passed with Commissioner York abstaining.

A motion was made by Commissioner Miller to approved Staff's recommendation as presented for items "3, 4, 5, 6, 7, 8, 10 & 12". The motion was seconded by Commissioner Zarghouni and the motion passed.

A motion was made by Vice Chairman Dibble to approve Staff's recommendation as presented for item "14". The motion failed for lack of a second. A motion was made by Commissioner Miller to deny the rezoning request for item "14" and it was seconded by Commissioner Zarghouni. A roll call vote took place and the motion passed with all Commissioners in favor to deny the rezoning request.

Ms. Nixon-Mendez read New Plat item "9" into the record. Commissioner Schroeder asked questions regarding the conditional comments not addressed by the applicant. After Commissioner comments concluded, Chairman Baugh opened the public hearing. No comments were submitted for this item and the public hearing was closed. A motion was made by Commissioner Miller to approve item "9" as presented. The motion was seconded by Commissioner Miller and the motion passed.

A. Plats

New Plats

3. [20-1408](#) 20PL1098
PHILLIPS 66 SUBDIVISION, LOTS 6A & 6B (REPLAT - 0.4934 ACRES)
Located east of South Port Avenue and south of Francis Street.
4. [20-1409](#) 20PL1101
LAMAR PARK SUBDIVISION SECTION 4, BLOCK 13, LOT 19R (FINAL - 0.249 ACRES)
Located north of Santa Monica Place and west of Santa Fe Street.
5. [20-1410](#) 20PL1106
STARLIGHT ESTATES UNIT 6 (FINAL - 18.76 ACRES)
Located south of Yorktown Boulevard and east of Fred's Folley Drive.

6. [20-1428](#) 20PL1104
CAYO DEL OSO SUBDIVISION SECTION 4, BLOCK 12, LOT 2,
BLOCK 3, LOTS 12-31 (FINAL - 10.919 ACRES)
Located east of Rodd Field Road and south of Oso Parkway.
7. [20-1430](#) 20PL1039
CAROLINE'S HEIGHTS (PRELIMINARY - 37.44 ACRES)
Located south of FM 2444 and east of CR 43.
8. [20-1440](#) 20PL1113
BYRON WILLIS SUBDIVISION, BLK 2-A, LOTS O-1 & O-2 (REPLAT - 3.77
ACRES)
Located west of Flynn Parkway and north of Tiger Lane.
9. [20-1411](#) 20PL1109 - CONDITIONAL
CALLICOATTE ESTATES UNIT 5 - PHASE II (FINAL - 12.03 ACRES)
Located south of Leopard Street and east of Callicoate Road.
10. [20-1429](#) **19PL1125 - CONDITIONAL**
RIVER RIDGE UNIT 4 (PRELIMINARY - 38.75 ACRES)
Located north of County Road 52 and east of County Road 69.

Time Extension

11. [20-1412](#) 20PL1029
WESTPOINT CROSSING UNIT 2, BLOCK 1, LOT 1 (FINAL - 6.58
ACRES)
Located west of SH 358 and north of Westpoint Road.

Ms. Nixon-Mendez informed the Commission that this item has been withdrawn for consideration as the plat has been recorded.

B. New Zoning

12. [20-1433](#) **Public Hearing - Rezoning Property at or near 7005 Saratoga Boulevard**

Case No. 1220-01 Alty Enterprises, Inc: Ordinance rezoning property at or near 7005 Saratoga Boulevard (located along the south side of Saratoga Blvd (State Highway 357), west of Rodd Field Road, and east of Airline Road) from the "CG-2" General Commercial District and "IL" Light Industrial District to the "ON" Office Neighborhood District.

13. [20-1434](#) **Public Hearing - Rezoning Property at or near 14737, 14733, 14729, and 14725 Running Light Drive**

Case No. 1220-02 Mario A. Martinez, LLC: Ordinance rezoning property at or near 14737, 14733, 14729, and 14725 Running Light Drive (located along the south side of Running Light Drive, and west of Aruba Drive) from the “RS-6” Single Family Residential District to the “RM-AT” Residential Multifamily Tourist-Attraction District.

14. [20-1435](#) **Public Hearing - Rezoning Property at or near 4518 Saratoga Boulevard**

Case No. 1220-03 The Episcopal Church Corporation in West Texas: Ordinance rezoning property at or near 4518 Saratoga Boulevard (located along the north side of Saratoga Boulevard (State Highway 357), the west side of Brisbane Drive, east of Swansea drive, and south of Clearwater Drive) from the “RS-6” Single Family Residential District to the “ON” Office Neighborhood District.

15. [20-1436](#) **Public Hearing - Rezoning Property at or near 7349 and 7325 State Highway 361**

Case No. 1220-04 Gulf Realty Trust, Poseidon Realty Trust and North End Realty Trust: Ordinance rezoning property at or near 7349 and 7325 State Highway 361 (located along the east side of State Highway 361, south of West Palm Beach Road, and west of the Gulf of Mexico), from the “RM-AT” Residential Multifamily Tourist Attraction District to the “RV” RV Resort District.

Mr. Garrison read item “15” into the record as shown above. The purpose of the rezoning request is to allow for the development of a high-end, RV resort community. For location purposes, he presented several aerial views of the subject property along with the Existing and Future Land Use maps. He went over the history of zoning patterns, existing land uses and UDC requirements for the rezoning (buffer yard/setbacks, etc.) as well as available municipal facilities.

He informed the Commission that of the 67 public notices that were mailed, zero notices were returned in favor of the change of zoning request and 25 notices were returned in favor. He noted that there were twenty-one notices returned in opposition by one property owner. Percentage of opposition is over the 20% threshold and will require a 3/4 majority approval vote by City Council. Staff recommends approval of the change of zoning request..

After Staff's presentation, Chairman Baugh opened the floor for Commissioner comments/questions. Discussion took place regarding the notices of opposition from adjacent properties. After discussion concluded, Chairman Baugh opened the public hearing.

Mr. Garrison proceeded to read into record the public notification or public comment forms that were submitted for item "15". A statement of opposition was received from John D. Bell, representing Admirals' Row Condominiums Council of Co-Owners which represents the owners of the property immediately south of the proposed development: "Although the southern neighbors to this tract technically are zoned RM-AT, the properties actually are developed as single-family residences. Such a development would create tremendously high density in this area that essentially is bordered by single family subdivisions. Additionally, State Highway 361 at this location has limited width and lanes. The existing roadway is inadequate to handle this type of density, particularly with motor homes and large recreational vehicles. Vehicle stacking on the highway would create severe traffic issues. If the City elects to proceed with rezoning for the proposed project, it should be as a Special Permit with several critical conditions."

Mr. Garrison informed the Commission that a petition was submitted to the City consisting of 181 signatures from property owner's outside of the notification area. The petition states: "The condos, commercial condos and beach home subdivisions along the SH 361 corridor from Corpus Christi to Port Aransas are the lands highest and best use; the present use of these properties reflects that value. Changing the use to RV lots will reduce surrounding property values and the yearly tax base. This will be a step backward for the City of Corpus Christi. Granting the rezoning request will negate all the progress which has been made in recent years as well as the next few years."

A public notification form from Turnkey Construction of San Antonio, Texas, stating opposition. They cited safety concerns due to hurricanes, incompatibility with the surrounding area and a significant change from the original zoning district.

A public notification form from Clint and Danielle Tucker at 1738 Ramfield Road, stating opposition because of decreased property values.

A call-in request was made by Carl Badalich and Mr. Garrison proceeded with the phone call (opposed owner of the 21 properties previously mentioned above). He felt that the proposed development negatively affects adjacent properties, is incompatible with the surrounding area and will not create a significant increase in the City's tax base; it does not benefit hotel/motel taxes. He also cited hurricane concerns with respect to evacuation issues on the island.

A public comment form was returned in favor by Richard Yates at 162 La Concha Boulevard: "This property is directly behind our house, which means it controls the view we have from our two back decks. We have reviewed the planned project and are satisfied that it will be a good addition to the area."

A public comment form was returned in favor by Ron Hollenbeck and Kelly Lamson at 162 La Concha Boulevard #16: "We feel the development will add exceptional value to the local economy by bringing in high net-worth guests

who will undoubtedly want to stay for long periods of time. We feel that the central part of the island has been underdeveloped and this will likely attract other quality developers and amenities to the area."

At this point in the public hearing, Michael Congdon, representing the applicant of this rezoning case, gave a brief presentation in support of the rezoning request. He said the purpose of the presentation is to give people a better idea (renderings) of what the project will entail because it is not a "trailer park" as some have described it to be. The resort will be a gated community, which will include approximately 144 oversized RV sites and accessory uses, such as a community center, a golf cart-friendly boardwalk to the beach, a large swimming pool/splash pad, a putting green, pickle ball courts, dog park and 22 acres of manicured and tropically landscaped grounds. He mentioned the design is by an award-winning RV resort designer with 25 years and 650 projects worth of experience. He provided a layout/site plan of the project and clarified there will be 15 beach front homes constructed in the existing "RM-AT" district. He also presented information on the economic impact of the proposed development to refute assumptions regarding property taxes. He said some homes will generate a hotel occupancy tax, a sales tax will be generated on rentals/market good, and close to \$9 million tourism dollars (gross annually) will be generated. The development (and taxes) will begin in 2021, compared to the Bella Vista and La Concha developments which began over 12 years ago and are only 21-27% sold and/or developed. He finished his presentation by stating that the goal of the project is to provide tranquility and comfort to the modern RV'er and be great neighbors celebrating the Mustang Island community.

With no further public comment to be read into record, Chairman Baugh closed the public hearing. A motion was made by Chairman Baugh to approve Staff's recommendation as presented. The motion was seconded by Commissioner Miller. A roll call vote took place and the motion passed unanimously.

VII. Public Hearing (Items C & D): Discussion and Possible Action

C. New Plat with a Variance (Waiver)

16. [20-1407](#) 20PL1084
FLOUR BLUFF GARDENS, BLOCK 4, LOT 15R (REPLAT - 0.53 ACRES)
Located west of Waldron Road and north of Don Patricio Road.
17. [20-1443](#) **20PL1084 - WAIVER**
FLOUR BLUFF GARDENS, BLOCK 4, LOT 15R (REPLAT- .53 ACRES)
Located west of Waldron Road and north of Don Patricio Road.
Request for a Plat Waiver for construction to the Street Right-of-Way Dimensional Standards in Section 8.2.1.B with all related infrastructure (Water, Wastewater, Storm water and Sidewalks).

Ms. Nixon-Mendez presented items "16 & 17" for the record. She presented a location map and an aerial view of the subject property. The land is zoned "RS-6" Single-Family 6 District. The site is currently vacant and the owner proposes to develop a single-family home on a .53-acre lot.

The City is requesting a 28-foot street section width with a 4-ft. sidewalk. The plat (Flour Bluff Gardens, Block 4, Lot 15R) will provide an additional 5-foot dedication to meet the standard 50-foot right-of-way width for Dove Lane. Currently, Dove Lane does not exist and is considered a "Paper Street". The original subdivision plat was approved by the Nueces County Commissioners and recorded in 1947. The subdivision plat provided street dedication for the layout of the subdivision, but many streets were ultimately not completed and constructed by the developer.

Ms. Nixon-Mendez continued the presentation citing the applicants factors in support of not requiring the street with curb, gutter and sidewalk:

1. The proposed street is considered a "Paper Street" since the plat of the subdivision that indicates Dove Lane was filed and recorded on July 16, 1947.
2. Only one adjacent property owner would benefit from the street.
3. There are no existing sidewalks anywhere in the vicinity of the subject property and therefore constructing a sidewalk would serve no purpose.
4. The area is not located along an existing or foreseeably planned CCRTA service route.
5. The Comprehensive Plan will not be substantially affected.
6. Not providing the street will not be a detriment to the public health, safety, or general welfare within or adjacent to the subdivision.
7. The property is not along a road on the Mobility Plan (Map H4) or ADA Master Plan.

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

1. The property is in the "RS-6" Single-Family 6 District and is a corner lot from which a street and sidewalk network can be continued for future development of single-family homes down Dove Lane.
2. The crossroad is Don Patricio Road, designated as Collector street on the Urban Transportation Plan (UTP). Dove Lane, if constructed, would tie two Collector Roads, the other being Graham Road to the north, where the north portion of Dove Lane is developed.
3. A 1,300 linear-foot section of Dove Lane was constructed south of Graham Road. This construction would start the road development from the south and could encourage infill development of the subdivision.
4. The approval of the requested waiver will put extra burden on the additional lots which must have access to Dove Lane, they will end up constructing more of Dove Lane than their fair share.
5. There is a serviceable Wastewater manhole at 6.75 ft depth at the street corner that can be utilized to extend to a new Wastewater manhole at the property's north frontage along Dove Lane.
6. To avoid unfeasible construction cost for looped water line, a 100 ft water line extension with Fire Hydrant can be considered to meet water infrastructure requirement for Dove Lane.
7. The developer can opt to not replat, and build on one of the platted lots, if they do not want to install the required infrastructure along Dove Lane.

Ms. Nixon-Mendez informed the Commission that the applicant provided a cost estimate for construction. The estimate for the 28-foot street section is \$113,708; half-street construction estimate is \$56,854. 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. Staff recommends denial of the waiver from construction of Dove Lane to the Local Street Standards in Section 8.2.1.B. of the UDC along with all related infrastructure.

After Staff's presentation, Chairman Baugh opened the floor for Commissioner comments/questions. Discussion took place regarding the location of possible driveway/street cut permits. Staff stated the permits would be allowed if the waiver is approved; the access would be on Don Patricio Road. Discussion also took place regarding adjacent property owners and the property owners on the opposite side of Dove Lane and how the waiver could impact them. Commissioner Miller felt it should not be the sole responsibility of the applicant to construct the full section of the street and Commissioner York concurred. After discussion concluded, Chairman Baugh opened the public hearing.

Owner of the subject property, Josh Gonzalez, addressed the Commission in support of the waiver. He mentioned he was not aware that replatting his property would entail the construction of public improvements. He pointed out that his physical address is on Don Patricio Road and not Dove Lane; he has access to utilities and an existing driveway from Don Patricio Road. He reiterated that there are no existing side walks in the vicinity. He said that requiring these public improvements is cost prohibitive. Renee Gonazalez also addressed the Commission in support of the waiver (no address given).

Murf Hudson, engineer of record for the applicant, addressed the Commission in support of the waiver request. He reiterated that the original subdivision plat was approved by the Nueces County Commissioners and recorded in 1947; the City annexed this area in 1961. The City should participate in street construction and the burden should not be placed on the property owner. He also mentioned a similar waiver on Don Patricio road was previously approved by the Planning Commission earlier this year. He felt that requiring full participation from the property owner essentially makes this area undevelopable.

With no further comments, Chairman Baugh closed the public hearing. A motion was made by Commissioner Miller to approve New Plat item "16" and also approve the waiver request for item "17". The motion was seconded by Commissioner York and the motion passed.

D. Unified Development Code Text Amendments

18. [20-1444](#) 2020 Code Cycle Unified Development Code Amendments

Yvette Dodd-Wallace, Development Service, presented item "18" for the record. She briefly went over some key points from the presentation originally given on November 11, 2020 and added more clarification on Minor Edits/Policy Changes. a minor edit includes appeals to be considered by the Assistant City Manager of Development Services prior to City Council for

proportionality of Municipal infrastructure cost and incentivizing development of distressed historic buildings. With regard to Trust Funds, policy changes include providing additional and necessary language to Water and Wastewater trust funds to be consistent with the Texas Local Government Code and removing the Stormwater trust fund.

Ms. Dodd-Wallace went into further policy change details for reducing lots sizes and side yard setbacks for accessory dwelling units. Side yard setbacks are reduced to 5-feet for detached, non-habitable accessories with out residential use in the "RE" district. The square footage has increased for an allowable detached accessory dwelling unit in the following districts:

- 1000 maximum total square footage for FR, RE and RS-22
- 800 maximum total square footage for RS-15 and RS-10
- 500 maximum total square footage for RS-6 and RS-4.5

The side yard setbacks have been reduced for the following districts: RE (single) from 25 to 15 feet; RE (total) from 50 to 30 feet. Minimum lot width size has been reduced for the following districts:

- RE from 150 to 100 feet
- RS-22 from 100 to 75 feet
- RS-10 from 80 to 50 feet

To facilitate development and redevelopment, policy changes include removing zero lot line development, providing density bonuses for low impact development/improved parking and encouraging alternatives to demolition for historic properties by extending the allowed maximum number of days; providing an exemption for existing non-conforming lots to remain non-conforming after a natural disaster or when utilizing local, State or Federal funding for the reconstruction or rehabilitation

Ms. Dodd-Wallace informed the Commission that in 2021, Development Services will work with internal and external stakeholders to move forward with discussion/consideration for the following amendments: Park and Community Enrichment fees, traffic signal placement, restructuring zoning districts, landscaping, streets, wastewater exemption and signs.

Lastly, Ms. Dodd-Wallace described the amount of outreach that has taken place. The Development Services Technical Advisory Group was created to vet proposed amendments and provide agreeable amendments to be considered for adoption. The group consists of representatives from Planning Commission, Residential and Commercial Builders, Property Owner Association, Insurance and Real Estate Industry and various design professionals. They held meetings in March, June, August and September. Additional stakeholder outreach included posting the proposed amendments and summary table for public comment on the City website the first week of November. Additionally, staff provided the summary table and amendments to the Coastal Bend Home Builders Association, Associated General Contractors and a previously established UDC stakeholder group. Staff met with representatives from the Coastal Bend Homeowner Association on December 4, 2020 to further discuss the amendments prior to consideration. The amendments will go before City Council for a first reading on January 12, 2021 and the second reading/action on January 26, 2021.

After Staff's presentation, the floor was opened for Commissioner comments/questions. Commissioner Schroeder asked a question regarding zero lot lines. After discussion concluded, the public hearing was opened. There being no public comment, Chairman Baugh closed the public hearing. A motion was made by Commissioner York to approve item "18" as presented by Staff. The motion was seconded by Commissioner Miller and the motion passed.

VIII. Briefing and Discussion Regarding Process Changes for the Planning Commission 2020 Annual Report

[20-1449](#)

Resolution Approving Revised City Council Policies for City Boards, Committees, Commissions, Ad Hoc Committees and Task Forces

Ms. Nixon-Mendez presented item "VIII" for the record. A Resolution was passed by City Council on March 17, 2020 approving revised policies for City Boards/Commissions. More specifically, the resolution includes new process changes to the submittal of annual reports (Section 10.3.8). The report must include the following:

- (1) a statement of the goals and objectives for the previous calendar year;
- (2) description of the actions taken in furtherance of those goals and objectives during the previous calendar year;
- (3) the number of times board met or failed to meet; and
- (4) the goals and objectives for the new calendar year.

In years past, annual reports were done administratively with no involvement required by the Commission/Chairman. For this year's report, it will be completed and submitted electronically after it is approved by the Commission. The report will be reviewed by the Commission in January with a deadline submittal on the 31st. Once Staff concluded the presentation, Chairman Baugh solicited for comment/feedback for the annual report. No input was submitted; no action by the Commission was taken on this item.

IX. Director's Report: None.

X. Items to be Scheduled: None.

XI. Adjournment

With no further business to discuss, Chairman Baugh adjourned the meeting at 7:40 p.m.