



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, April 14, 2021

5:30 PM

Via WebEx Video Conference

I. Call to Order/Roll Call

Chairman Baugh called the meeting to order and a quorum was established with Commissioner Mandel absent.

II. PUBLIC COMMENT

Andrew Dimas, Development Services, informed the Commission that Staff has received written public comments for an item on the agenda they will be read into the record when the public hearing is opened for that specific item.

III. Approval of Absences: Commissioner Schroeder

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

IV. Approval of Minutes

1. Regular Meeting Minutes of March 31, 2021

Attachments: [MeetingMinutes03.31.2021.pdf](#)

A motion was made by Commissioner Miller to approve item "1" and it was seconded by Commissioner Salazar-Garza. The motion passed.

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

Chairman Baugh asked Staff to present the Consent Agenda, items V.A & V.B. Mr. Dimas read the Consent Agenda items into the record. New Plat items "2 , 3 & 4" satisfy all requirements of the UDC/State Law and the Technical Review Committee (TRC) recommends approval. Staff also recommends approval for New Zoning Item "5" as stated in Staff's report.

After Staff's presentation, Chairman Baugh opened the floor for Commissioner comments/questions. Commissioner Schroeder and Commissioner Miller inquired about item New Zoning item "5". Commissioner York inquired about New Plat item "4". After questions concluded, Chairman Baugh opened the public hearing for the consent agenda items. Representing the applicant for item "5", John Bell addressed the Commission to clarify that the dining area is strictly for residents of the facility and not an open "soup kitchen". Mr. Dimas added that The United States Postal Service Union Hall returned a public notice stating opposition for item "5". There being no further comments, the

public hearing was closed.

A motion was made by Commissioner York to approve items "2, 3 & 4" and it was seconded by Commissioner Salazar-Garza. The motion passed. A motion was made by Commissioner Zarghouni to approve item "5" as presented by Staff. The motion was seconded by Commissioner Miller. The motion passed with Commissioner York abstaining.

A. New Plats

2. 21PL1014
PORT ARANSAS CLIFFS, BLOCK 413, LOT 3A AND 3B (FINAL-0.321 ACRES)
Located north of Rossiter Street and west of Santa Fe Street.

Attachments: [CoverPg_21PL1014_Cliffs.pdf](#)
 [PA Cliffs Resol R1 3-10-21.pdf](#)
 [PA Cliffs Blk 413 R1 3-10-21.pdf](#)

3. 21PL1018
BAY VIEW NO.2, BLOCK 1, LOT 12R (FINAL-0.142 ACRES)
Located east of Twelfth Street between Hancock Avenue and Buford Street.

Attachments: [CoverPg_21PL1018_Bayview.pdf](#)
 [Bay View No. 2, Resol R1 3-11-21.pdf](#)
 [Bay View No. 2 R1 3-11-21.pdf](#)

4. 20PL1131
MOORLAND VIEW (PRELIMINARY - 24.49 ACRES)
Located east of Fred's Folley and north of Yorktown Boulevard.

Attachments: [CoverPg 20PL1131.pdf](#)
 [Moorland View-Plat Review Comments.R3.pdf](#)
 [MOORLAND VIEW - PRELIM.R3.pdf](#)

B. New Zoning

5. Public Hearing - Rezoning property at or near 3030 Buffalo Avenue and 902 Nueces Bay Boulevard

Case No. 0421-03, ERF West Side, Inc: Ordinance rezoning property at or near 3030 Buffalo Avenue and 902 Nueces Bay Boulevard (located at the northeast corner of the intersection of Buffalo Street, Buddy

Lawrence Boulevard, and Nueces Bay Boulevard, south of Interstate 37) from the "CN-1" Neighborhood Commercial District, "CG-1" General Commercial District, and "CG-2" General Commercial District to the "CG-1/SP" General Commercial District with a Special Permit.

Attachments: [Report - ERF West Side, LLC.pdf](#)
 [Presentation - ERF West Side, LLC.pptx](#)

VI. Public Hearing (Items C, D & E): Discussion and Possible Action

C. Plat - Appeal

6. 19PL1096
 WESTWOOD HEIGHTS UNIT 4 (FINAL - 9.06 ACRES)
 Located south of Leopard Street and west of Starlite Lane.
 Appeal from a Staff Determination of Plat Expiration as a Result of
 Insufficient Progress on Construction of Improvements.

Attachments: [PC Agenda Memo- Westwood Heights Unit 4.pdf](#)
 [Appeal Request Letter.pdf](#)
 [WESTWOOD_UNIT4_PCAPPRVD-11.13.19MTG.pdf](#)

Mr. Dimas presented item "6" for the record as shown above. A determination that a plat has expired as a result of insufficient progress may be appealed to the Planning Commission within 30 days of notification that the plat has expired (Plat Expiration per UDC Section 3.8.5.F). He informed the Commission the plat expired on November 13, 2020. If the Planning Commission approves the appeal, this will extend the plat to May 13, 2021. This represents a 6-month extension from November 13, 2020, being the second approved plat extension. Mr. Dimas went through a timeline of events relevant to this request. On November 7, 2020, the applicant communicated with City Staff and requested a second extension. Because it did not meet the UDC provision that required the request be submitted five business days prior the last scheduled meeting for PC prior to the date of expiration, the item was not placed on the November 11, 2020 Planning Commission agenda.

Staff recommends denial of the appeal. The applicant can resubmit a plat application and associated public improvements. The applicant had paused his application for trust fund reimbursement because he indicated he was getting updated cost estimates for public improvements. Additionally, he indicated he would not be ready to begin work until November 2021. During the preparation of this appeal, City staff confirmed with the applicant's engineer the information listed above. An expired plat must be resubmitted to Development Services for processing as a new plat.

After Staff's presentation, Chairman Baugh opened the public hearing. Mr. Dimas stated that no written public comment forms were submitted for this item. The applicant, Navid Zarghouni, addressed the Commission in support of his appeal. He stated he believed he submitted the extension request in a

timely manner. With no further public comment, Chairman Baugh closed the public hearing. A motion to approve the applicants appeal was made by Chairman Baugh and it was seconded by Commissioner York. The motion passed.

D. Tabled Zoning

7. Public Hearing - Rezoning Property at or near 1402 Flour Bluff Drive

Case No. 0321-02 - The Estate of Hart F. Smith & Julianna Dunn

Smith: Ordinance rezoning property at or near 1402 Flour Bluff Drive (located along the west side of Flour Bluff Drive, south of South Padre Island Drive (State Highway 358), and west of Compton Road) from the "RE" Residential Estate District to the "CG-2 General Commercial District and "RM-2" Multifamily District.

Attachments: [Report - The Estate of Hart F. Smith et al.pdf](#)
 [Presentation - The Estate of Hart F. Smith et al.pptx](#)

Mr. Dimas read item "7" into the record as shown above. This case was tabled from the March 17, 2021 Planning Commission meeting and the applicant has supplied an alternative proposal covering multiple zoning districts. For location purposes, he presented several aerial views of the subject property. Mr. Dimas went over the history of zoning patterns. He also went over the UDC requirements for the rezoning (bufferyard/setbacks) as well as available municipal facilities. He informed the Commission that of the 34 public notices mailed, two were returned in favor and two were returned in opposition; eight written public comment forms were submitted stating opposition but those were from owners outside the notification area. He mentioned that those comments will be read into the record when the public hearing is opened.

Mr. Dimas informed the Commission that the subject property is not located in one of the Navy's Air Installation Compatibility Use Zones (AICUZ). However, the subject property is located adjacent and within 60 feet at its nearest and within 500 feet at the further point from Accident Potential Zone (APZ) 2 of he AICUZ. While the subject property is not located within the AICUZ Overlay, the uses will still be impacted by potential danger of aircraft crashes and the daily impact of aircraft noise.

The subject property is located within the boundaries of the Flour Bluff Area Development Plan (ADP) and is planned for low density residential uses. The proposed rezoning is inconsistent with the adopted Comprehensive Plan (Plan CC) and with the Future Land Use map which will have a negative impact upon the adjacent properties. Officials with Naval Air Station-Corpus Christi (NAS-CC) have commented, "Due to the close proximity of the APZ and flight track that overflies this parcel (transition from Naval Outlying Landing Field (NOLF) Waldron to NAS-CC) the density level of the proposed site is not recommended." For the "RM-2" Multifamily District portion of the subject property, the applicant anticipates between 500 and 600 apartment units. The maximum possible build-out based on the proposed 35.80 acres of the "RM-2" district is 1,074 dwelling units. For the reasons listed above, Staff recommends

denial of the change of zoning.

After Staff's presentation, Chairman Baugh opened the floor for Commissioner comments/questions. Vice Chairman Dibble stated his support for the rezoning as it is not in the AICUZ overlay. Commissioner York inquired about impacts to infrastructure for water/wastewater and their capacity in this area. At this time, Ex-Officio and Navy Representative, Ben Polak, joined the discussion to reiterate the Navy's recommendation.

Commissioner Miller asked about the historical zoning pattern, specifically the hotel and Wal-Mart located to the north of the subject property that are zoned "CG-1" General Commercial District. Mr. Dimas stated that all uses of an existing zoning district are granted by right without restrictions even if it is located in an APZ. It was clarified that the AICUZ was adopted with the UDC in 2011 as a guideline in the event of a rezoning case and it is not a codified regulation. Mr. Dimas presented Table 4.8.2 Compatible Districts of the UDC and added that the subject property is not rendered useless nor does it need to remain open land due to its proximity to the AICUZ.

Commissioner York asked if this case required a Traffic Impact Analysis (TIA) report. Mr. Dimas stated the justification for requiring a TIA must reach a threshold of 501 peak hour trips (A.M. or P.M.). At the time the application was submitted for this case, 478 trips was reflected on the Peak Hour Trip form.

After Commissioner questions concluded, Chairman Baugh opened the public hearing. At this time, Mr. Dimas read the written public comment forms that were submitted for this case into the record (attached). After he concluded reading the forms, John Bell addressed the Commission in support of this rezoning case; he represents the applicant.

Mr. Bell went over the proposed, alternative plan which will consist of mixed uses and there are no plans for high-density development; 25-units per acre is proposed. He pointed out the difference in gross acre versus net acre calculations. He said the plan is to construct apartments behind the proposed commercial district along Flour Bluff Drive which will reduce peak hour trips. He reiterated that the property is outside of the AICUZ and presented the City wide AICUZ map. He stated this is a prime location for this project as there is accommodating and existing infrastructure that was improved during the time of construction for the Wal-Mart. Throughout Flour Bluff, this is the only location that can support this type of development. He stated there is a housing shortage and there are no "Class A" apartments available in the area. He said it has been at least 30 years since the last apartment development. He believes this project fulfills policies of the Comprehensive Plan and is a good transition for orderly growth considering the proximity to the Wal-Mart and hotel. He felt that not developing this area would be a waste of City resources and a waste of private property to deny a reasonable use. He added that the existing gas pipe line running through the property is not a high pressure line.

With no further public comment, the public hearing was closed. Discussion continued regarding the alternative proposal. The original proposal included a request for the "CG-2" district on the tract along Flour Bluff Drive. The alternative proposal changed that request to "CG-1". Staff recommends approval for this tract as it is consistent with the preliminary Future Land Use map. Staff along with the Navy do not recommend the proposed districts for

the remaining tracts and should remain low-density (1 - 2 dwelling units per acre). Staff acknowledges that the Flour Bluff ADP is currently being updated as well as the AICUZ maps.

A motion was made by Commissioner Miller to deny the rezoning request for item "7" and the motion was seconded by Commissioner Zarghouni. A roll call vote took place and the motion did not pass with Commissioners Miller, Zarghouni and Salazar-Garza voting in favor of the motion.

A motion was made by Vice Chairman Dibble to approve the alternative proposal presented by the applicant and it was seconded by Commissioner Schroeder. A roll call vote took place and the motion passed with Commissioners Miller, Zarghouni and Salazar-Garza voting "no".

E. Comprehensive Plan

8. Ordinance amending the Urban Transportation Plan Map (UTP), of Mobility CC, a transportation element of the Comprehensive Plan of the City of Corpus Christi, by shifting a proposed C1-Collector (Beach Access Rd. 2A) north, approximately 900 feet.

Attachments: [Agenda Memo MI UTP Beach Access Rd. 2A.pdf](#)
 [MustangIsland UTP PC 4.14.21.pptx](#)
 [MustangIsland UTP ExB.pdf](#)
 [ApplicantRequest.pdf](#)

Avery Oltmans, Planning Department, presented item "8" as shown above. For location purposes he presented an aerial map. This request is associated with the future development of Porto Villageo Subdivision located on Mustang Island. The expansion of Porto Villageo to the north would place the future beach access road within the middle of the project. The proposed shift would move this beach access road to the northern edge of the subject property. The shifting of the C1-Collector (Beach Access Rd. 2A) approximately 900 feet to the north has minimal impact on the Urban Transportation Plan and will provide the same level of connectivity and access to the beach. The proposed shifting of the road to the north will also avoid wetland areas during construction reducing environmental impacts and construction costs. Staff recommends approval of the request to shift the (C1) Collector (Beach Access Rd. 2A).

After Staff's presentation, the floor was opened for Commissioner questions. Commissioner Schroeder inquired how the adjacent property to the north would be impacted and if there is a mechanism for notification besides the public hearing. After Commissioner questions concluded, Chairman Baugh opened the public hearing. There being none, the public hearing was closed. A motion was made by Chairman Baugh to approve Staff's recommendation for item "8" and it was seconded by Commissioner York. The motion passed.

VII. Director's Report: None.

VIII. Future Agenda Items

Vice Chairman Dibble asked what the proper mechanism would be to broaden

the public notification process for Urban Transportation Plan Amendments. Mr. Dimas stated a UDC text amendment would be the mechanism to execute that (Article 3). Vice Chairman Dibble asked Staff to look further into this request as a text amendment (signage/mail), and to place on the list of proposed amendments. Commissioner Miller and Chairman Baugh concurred.

IX. Adjournment

There being no further business to discuss, Chairman Baugh adjourned the meeting at 7:00 p.m.