



Meeting Minutes

Planning Commission

Wednesday, June 9, 2021

5:30 PM

Council Chambers

I. Call to Order, Roll Call

Chairman Baugh called the meeting to order and a quorum was established with no absences. Commissioner Miller arrived after roll call.

II. PUBLIC COMMENT: None.

III. Approval of Absences: None.

IV. Approval of Minutes

1. [21-0665](#) Regular Meeting Minutes of May 26, 2021

A motion to approve the minutes listed above was made by Commissioner Schroeder and it was seconded by Vice Chairman Dibble. 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. Senior City Planner, David Stallworth, read the Consent Agenda items into the record. New Plat items "2, 3 (conditional approval), 4, 5, 6, 7, 8 & 9" satisfy all requirements of the UDC/State Law and the Technical Review Committee recommends approval; Staff recommends approval for Time Extension item "10". Staff also recommends approval for New Zoning items "12, 13 & 14" as stated in Staff's report. For New Zoning item "12", it was noted by Staff that the agenda caption had the incorrect districts for the zoning change. The caption should have read a change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-15" Single-Family 15 District". Mr. Stallworth confirmed that the legal ad notification and the public notices for this case did list the correct district information for the zoning change. Chairman Baugh informed the Commission that New Zoning item "11" will be pulled from the Consent agenda to be considered individually.

After Staff's presentation, Chairman Baugh opened the public hearing for the Consent agenda items. With no one coming forward, the public hearing was closed. A motion to approve items "2 through 10; 12, 13 & 14" was made by Vice Chairman Dibble and it was seconded by Commissioner York. The motion passed with no abstentions.

A. Plats

2. [21-0666](#) 20PL1140
WEBER PLAZA SUBDIVISION, BLOCK 3, LOT 28R (FINAL - 1.55 ACRES)
Located east of N Omaha Drive and south of Up River Road.
3. [21-0667](#) **21PL1024 - CONDITIONAL**
COTTAGES BY THE BAY UNIT 2 (FINAL - 7.55 ACRES)
Located west of Flour Bluff Drive between Glenoak Drive and Purdue Road.
4. [21-0668](#) 21PL1042
PADRE ISLAND-CORPUS CHRIST SECTION NO. 4, BLK 236, LOT 13R (FINAL REPLAT - 0.17 ACRES)
Located west of Cuttysark Street between Cutlass Avenue and Whaler Avenue.
5. [21-0669](#) 21PL1044
AZALI ESTATES UNIT 2 (FINAL - 24.240 ACRES)
Located north of Yorktown Boulevard and west of Cayo Del Oso.
6. [21-0670](#) 21PL1045
SAXET HEIGHTS, BLOCK 6, LOT 19R (FINAL REPLAT - 0.35 ACRES)
Located east of Brooks Drive and north Saxet Drive.
7. [21-0671](#) 21PL1021
LONDON TOWNE SUBDIVISION UNIT 6 (FINAL - 9.44 ACRES)
Located north of FM 43 and east of County Road 33.
8. [21-0672](#) 21PL1022
LONDON TOWNE SUBDIVISION UNIT 7 (FINAL - 10.86 ACRES)
Located north of FM 43 and east of County Road 33.
9. [21-0688](#) 21PL1049
RIVERBEND SUBDIVISION (PRELIMINARY - 23.60 ACRES)
Located east of Fred's Folly and south of Yorktown Boulevard.

Time Extension

10. [21-0680](#) 20PL1099
COASTAL COMMUNITY AND TEACHERS CREDIT UNION (FINAL - 5.6036 ACRES)
Located east of Airline Road and north of Saratoga Boulevard.

B. New Zoning

11. [21-0674](#) **Public Hearing - Rezoning Property at or near 13845 Mizzen Street.**
Case No. 0621-01, Joshua and Jasanía Morales: Ordinance rezoning property at or near 13845 Mizzen Street (located along the south side of Mizzen Street, west of Aquarius Street, and north of a canal (navigation channel)) from the "RS-6" Single-Family 6 District to the "RS-6/SP" Single-Family 6 District with a Special Permit.

Craig Garrison, City Planner, presented item "11" for the record. The applicant is requesting a special permit to allow for a Bed and breakfast home. He began the presentation by going over the zoning pattern for the surrounding area. The area to the north, south, east, and west of the property is zoned "RS-6" Single-Family 6 District. The surrounding uses are all single-family homes. Unified Development Code Section (UDC) 5.2.8 Bed and Breakfast Home allows for a bed and breakfast home as long as certain standards are met. Mr. Garrison continued with reading the following standards for this section.

A Bed and breakfast home shall be permitted in accordance with the use tables in Article 4 subject to the following standards (A - G):

- A. Sleeping accommodations shall not exceed five bedrooms and no more than 10 lodgers shall be accommodated at one time, not including the owner- occupied rooms.
- B. Kitchen and dining facilities may be included to provide meals to guests only. No food preparation shall be permitted in guest bedrooms.
- C. Parking in the street yard of a bed and breakfast home shall be prohibited. All parking shall be screened from an adjacent residential use by an opaque fence or a hedge a minimum of 6 feet in height.
- D. In residential districts, no exterior evidence of the bed and breakfast home shall be allowed, except that one attached sign no larger than 1 square foot in area shall be permitted with no additional advertising of any kind allowed on site. In nonresidential districts, the sign provisions of Section 7.5 shall apply.
- E. The operator shall keep a current request register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.
- F. A temporary use permit in accordance with Section 5.4 shall be required for any party, reception or similar special event that is anticipated to draw more than 10 total guests (including overnight guests) to the bed and breakfast home. Special events subject to the temporary use permit shall be limited to a total of six such functions per calendar year and shall be limited to between the hours of 7 a.m. and midnight. Such events shall be limited to the interior of the bed and breakfast home.
- G. The bed and breakfast home shall be not closer than 1,000 feet to any other bed and breakfast home.

All UDC Requirements for 5.2.8 have been met, or have been communicated by the applicant will be met through a submitted site plan or by application. If the SP is approved then the City's Code Enforcement division will be responsible to enforce the standards listed above. Mr. Garrison informed the Commission that of the 20 public notices mailed, eight notices were returned in opposition (38.84%) and zero notices were returned in favor. Based on Staff's analysis, Staff is recommending approval of the change of zoning.

After Staff's presentation, Chairman Baugh opened the public hearing. Dusty Gordon at 14854 Aquarius Street addressed the Commission and expressed that he is in favor of the rezoning request. The following individuals addressed the Commission and expressed their opposition to this rezoning case.

Gary Klepperich, representing the Padre Isles Property Owner's Association at 14015 Fortuna Bay
Robert Tortorello at 13846 Haylard Drive
Rene Totorello at 13845 Haylard Drive
Jeanette Protzeller at 13850 Haylard Drive
Ben Tortorello at 13841 Mizzen Street

The main comments from the opposed individuals included concern for safety (reckless boating in the canals) disruptive noise in the late evening hours, excessively bright spotlights and trash/pollution. These issues are a nuisance created by renters as the subject property has not previously operated in compliance. There is no Code Enforcement presence and it negatively impacts their neighborhood as it financially strains boating facilities for the Padre Isles Property Owner's Association. They felt that this SP use should not be allowed in a residential area.

With no one else coming forward, the public hearing was closed and further discussion continued amongst Commissioners. Commissioner Schroeder asked about State versus City mandates regulating short-term rentals (STR) and how Code Enforcement would regulate homes operating as a STR. Andrew Dimas, Development Services Administrator, informed the Commission the UDC states the minimum rental period is 30 days for a single family home in a single family district; less than 30 days would be a citable violation. By definition and to be compliant with the UDC, a home operating as a Bed & Breakfast must be owner occupied. Commissioner Gonzalez asked how Code Enforcement could verify that the home is owner occupied. It was also asked if the subject property is designated as a "Homestead" with the Nueces County Appraisal District. Discussion took place regarding possibly adding as a condition of the SP to require that the property be designated as a Homestead.

Vice Chairman Dibble asked if Code Enforcement has a history of complaints on this subject property. Mr. Dimas stated he had asked for an update from Code Enforcement but had not received the exact number of complaints submitted thus far. Mr. Dimas explained how Code Enforcement can issue warnings for an owner to take corrective action (time frame may vary depending on the violation); if the owner rectifies the issue

then the case does not move forward. If the violation is not corrected then a formal citation would be issued for municipal court resolution. If it became apparent that an owner was accumulating many violations then the City would consult their legal team for revoking the SP; the City has not established a maximum number of cases/violations one could receive. Discussion also took place regarding deed restrictions in which the City cannot enforce a private covenant.

Discussion concluded and a motion to deny the rezoning request for item "11" was made by Commissioner Miller and it was seconded by Commissioner Schroeder. The motion passed unanimously.

12. [21-0675](#) **Public Hearing - Rezoning Property at or near 9142 Staples Street (Farm to Market 2444)**
Case No. 0521-01, Kitty Hawk Development Ltd: Ordinance rezoning property at or near 9142 Staples Street (Farm to Market 2444) (located along the southeast corner of South Staples Street (Farm to Market 2444) and County Road 41) from the "RS-15" Single-Family 15 District to the "CN-1" Neighborhood Commercial District.
13. [21-0678](#) **Public Hearing - Rezoning Property at or near 5839 Williams Drive**
Case No. 0621-02, Glenn Lyons: Ordinance rezoning property at or near 5839 Williams Drive (located at the southeast corner of the intersection of Williams Drive and Braeswood Drive, and east of South Staples Street) from the "RS-6" Single-Family 6 District to the "ON" Neighborhood Office District.
14. [21-0679](#) **Public Hearing - Rezoning Property at or near 2302 County Road 43**
Case No. 0621-03, Mostaghassi Investment Trust: Ordinance rezoning property at or near 2302 County Road 43 (located along the east side of County Road 43, west of Yorktown Boulevard, and south of Farm-to-Market Road 43) from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District.

VI. Director's Report

Al Raymond, Director of Development Service, informed the Commission about the Development Services Task Force meeting to be held via WebEx video conference on Friday, June 11, 2021 at 9:00 a.m.

VII. Future Agenda Items: None.

VIII. Adjournment of Planning Commission Meeting

There being no further business to discuss, Chairman Baugh adjourned the meeting at 6.22 p.m.