



## Meeting Minutes

### Planning Commission

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Wednesday, September 29, 2021

6:30 PM

Council Chambers

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**I. Call to Order, Roll Call**

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

**II. PUBLIC COMMENT: None.**

**III. Approval of Absences: Commissioners Mandel and Salazar-Garza**

A motion was made by Commissioner Miller to approve the absence for Commissioner Salazar-Garza and disapprove the absence for Commissioner Mandel. The motion was seconded by Commissioner Schroeder. The motion passed with Vice Chairman Dibble voting "no"

**IV. Approval of Minutes**

**1. [21-1327](#) Regular Meeting Minutes of September 15, 2021**

A motion was made by Commissioner York to approve the minutes listed above and it was seconded by Commissioner Zarghouni. The motion passed.

**V. Discussion and Possible Action Regarding Planning Commissioner Representatives for the Unified Development Code Text Amendment Advisory Group**

A motion was made by Chairman Baugh to elect Commissioners Schroeder and York (alternate) as advisory group representatives. The motion was seconded by Commissioner Zarghouni. The motion passed.

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

Per Commissioner Zarghouni's request, Chairman Baugh stated items "13 & 15" will be pulled from the Consent Agenda for individual consideration. Senior City Planner, David Stallworth, read the remaining Consent Agenda items into the record. New Plat items "2 through 10" satisfy all requirements of the UDC/State Law and the Technical Review Committee (TRC) recommends approval; variance item "12" along with accompanying plat item "11" (satisfy all requirements of the UDC/State Law and TRC recommends approval). Staff also recommends approval for the Urban Transportation Plan amendment item "14".

After Staff's presentation, Chairman Baugh opened the public hearing. With no one coming forward, the public hearing was closed. A motion was made by Commissioner York to approve items "2, 3, 5, 6, 7, 8, 9, 10, 11, 12 & 14" as presented by Staff and it was seconded by Vice Chairman Dibble. The motion passed with no abstentions. A motion was made by Commissioner Schroeder to approve item "4" as presented by Staff and it was seconded by Vice Chairman Dibble. The motion passed with Commissioner York abstaining.

**A. Plats**

**New Plats**

2. [21-1306](#) 21PL1041  
PADRE ISLAND SECTION NO. 4, BLK 215, LOT 3RR (FINAL REPLAT - 0.2206 ACRES)  
Located south of Whitecap Boulevard and east of Cruiser Street.
3. [21-1307](#) 21PL1071  
FLOUR BLUFF ESTATES NO. 2, BLK 8, LOT 11E & LOT 12W (FINAL REPLAT - 0.3789 Acres)  
Located south of Webb Street and west of Jane Street.
4. [21-1308](#) 21PL1064  
PORTSIDE SUBDIVISION, BLK 3, LOT 30 (FINAL - 0.66 ACRES)  
Located at the northeast corner of Running Light Drive and Leeward Drive.
5. [21-1309](#) 21PL1081  
MONTROSE PARK, BLOCK 1, LOT 2A (FINAL - 0.2210 ACRE)  
Located north of Buford Avenue and east of 25th Street.
6. [21-1310](#) 21PL1098  
LEAR ADDITION BLOCK B, LOT 1 (FINAL - 3.947 ACRES)  
Located west of Kostoryz Road between Crockett Street and Santa Ana Street.
7. [21-1311](#) 21PL1101  
SHELL ROAD POULTRY ACRES, BLOCK 9, LOT 2R (FINAL REPLAT - 0.9186 ACRE)  
Located north of north of Leopard Street on Violet Road.

8. [21-1312](#) 21PL1111  
SHIPP TRACT, LOT 15A (FINAL - 0.197 ACRES)  
Located south of State Highway 37, north of Leopard Street, on Omaha Drive.
9. [21-1313](#) 21PL1112  
PADRE ESCAPE PUD (FINAL REPLAT - 0.52 ACRES)  
Located north of Whitecap Boulevard, on Leeward Drive and east of South Padre Island Drive.
10. [21-1314](#) 21PL1115  
PALM PARK, BLOCK 6, LOT 17 (FINAL REPLAT - 2.32 ACRES)  
Located at the northwest quadrant of Leopard Street and North Port Avenue.

**New Plat with a Variance (Waiver)**

11. [21-1261](#) **21PL1070 - CONDITIONAL**  
HALE HORSE RANCH, BLOCK 1, LOT 1 (FINAL - 1.64 ACRES)  
Located north of FM 665 and west of CR 763 along CR 32.
12. [21-1286](#) **21PL1070 - WASTEWATER**  
HALE HORSE RANCH, BLOCK 1, LOT 1 (FINAL - 1.64 ACRES)  
Located north of FM 665 and west of CR 763 along CR 32.

**B. New Zoning**

13. [21-1326](#) **Public Hearing - Rezoning Property at or near 3538 Airline Road**

**Case No. 0921-03, MVR Construction Company:** Ordinance rezoning property at or near 3538 Airline Road (located along the east side of Airline Road, south of Brooke Road (CR26A), west of Rodd Field Road, and north of Slough Road) from the "FR" Farm Rural District to the "RM-3" Multifamily District.

Andrew Dimas, Development Services Administrator, read New Zoning item "13" into the record as shown above. The applicant is proposing the construction of an apartment complex. He presented an aerial map of the subject property along with the Future Land Use map (FLUM). Mr. Dimas went over the history of zoning patterns in the area and adjacent development (UDC requirements - setbacks/buffer yards, etc.), along with available municipal facilities. He informed the Commission that of the 11 public notices mailed, zero notices were returned in favor and zero were returned in opposition.

Recent rezonings have occurred to the east to the RM-3 zoning in 2015 and the north to the RM-2 district in 2015. Based on recent zoning changes and existing commercial zoning along Airline Road (A1 Arterial Street), a trend towards commercial development is occurring. Such a trend is consistent with the goals and policies of the Comprehensive Plan and the FLUM. Based on this analysis, Staff recommends approval.

After Staff's presentation, the floor was opened for Commissioner comments/questions. Commissioner Zarghouni had questions regarding density with respect to the number of units/acre. After discussion concluded, the public hearing was opened. With no one coming forward, the public hearing was closed. A motion was made by Commissioner Schroeder to approve item "13" as presented by Staff and it was seconded by Vice Chairman Dibble. The motion passed.

**C. Urban Transportation Plan Amendment**

14. [21-1328](#) Ordinance amending the Urban Transportation Plan (UTP) Map of Mobility CC, a transportation element of the Comprehensive Plan of the City of Corpus Christi, by shifting a proposed C1 Minor Collector to the east, thereby extending Martin Street toward the south approximately 1,100 feet and connecting Martin Street to Lands Road.

**D. Master Plan**

15. [21-1332](#) Ordinance amending the Wastewater Collection System Master Plan for the Allison Service Area, a public utility element of the Comprehensive Plan of the City of Corpus Christi, by transferring 15 acres of land, located on the southside of Northwest Boulevard (FM 624) between FM 1889 and CR 69, from Basin 37 on the southside of Northwest Boulevard to Basin 40 on the northside of Northwest Boulevard.

Dan McGinn, Director of Planning Department, presented item "15" as shown above. For location purposes, he presented an aerial map of the subject tract of land along with the service area boundary for the Allison Wastewater plant. IHS Consultants and Urban Engineering propose an amendment to the Wastewater Master Plan that would make construction of the necessary wastewater infrastructure financially feasible and achievable within the timelines of the proposed commercial development (located on the southside of Northwest Boulevard between FM 1889 and CR 69). An existing church, restaurant, and hair salon are located on the adjacent seven acres of land and these buildings are currently connected to on-site septic systems. The proposed amendment will also allow this adjacent seven acres of land to connect to the City's public wastewater system in the future.

Mr. McGinn also presented maps showing the current plan and the proposed amendment (15 acres into Basin 40); detailed the general development requirements and the Utility Department Engineering analysis. Staff recommends approval of this item. After Staff's

presentation, the floor was opened for Commissioner comments/questions. Commissioner Zarghouni asked why this amendment does not account for future development. Mr. McGinn clarified that the applicant initially received a waiver from the requirement to construct wastewater infrastructure on the subject tract and planned for a septic system. He concurred that this area needs overall planning but that it is currently being analyzed with the impact fee study for updates to utility master plans.

After Commissioner questions concluded, the public hearing was opened. Representing the applicant, Murf Hudson with Urban Engineering addressed the Commission in support of the request. With no one else coming forward, the public hearing was closed. A motion was made by Commissioner York to approve item "15" as presented by Staff and it was seconded by Commissioner Schroeder. The motion passed with Commissioner Salazar-Garza abstaining.

## **VII. Public Hearing (Items E & F): Discussion and Possible Action**

### **E. New Plat with a Variance (Waiver)**

16. [21-1315](#) 21PL1037  
DRILLEN SUBDIVISION (FINAL - 9.59 ACRES)  
Located west of CR 73 and north of Northwest Boulevard
17. [21-1316](#) 21PL1037 - WASTEWATER  
DRILLEN SUBDIVISION (FINAL - 9.59 ACRES)  
Located west of CR 73 and north of Northwest Boulevard

Mr. Dimas presented items "16 & 17" for the record as shown above. For location purposes, he presented an aerial map of the subject property; a map showing the proposed path to connect to the existing system. The subject property is located outside the city limits. The owner proposes to subdivide the property for a smaller second lot encompassing 2.12 acres for a future residential development. The property is currently within the City of Corpus Christi Wastewater Master Plan and calls for a 10" Collection line fronting the property on FM 624.

Staff requested cost estimates of the construction of infrastructure along the frontage of the property. The applicant submitted a cost estimate of \$155,904.00. The applicant proposes a septic system for the lot, per UDC wastewater waiver standard, Section 8.2.7.B.1.a: "Reasonably accessible" means master plan facilities currently exist in the designated service area, and such facilities can be extended to serve the subdivision; collection lines of adequate capacity to service the proposed development are within 1,000 feet of the subdivision and can be extended. The proposed Drillen Subdivision is not "Reasonably accessible" to a public wastewater facility.

Section 8.5.2.G states that City Council, with the advice of Planning Commission, may exempt a tract of land from the wastewater lot/acreage fees, provided the area is not likely to be served with wastewater services within the next 15 years. The potential Wastewater Lot/Acreage Fees are approximately \$15,065.89. Staff finds that with current development along Northwest Boulevard (FM 624) and with anticipated development in this area, the subject property could be served by wastewater services within the next 15 years.

Mr. Dimas briefly went over platting requirements to construct wastewater lines/facilities per UDC Sections 3.30.1.A, 8.1.4 and 8.2.7; Section 3.8.3.D of the UDC lists the factors to be considered in whether to grant a waiver from a platting requirement. Staff recommends approval of the request for waiver of wastewater infrastructure construction per Section 8.2.7.A, and disapproval of an exemption from the Wastewater Lot/Acreage fees per Section 8.5.2.G of the UDC. After Staff's presentation, Chairman Baugh opened the public hearing.

The owners of the subject property, Butch and Margaret Drillen, addressed the Commission in support of their request. They currently have a septic system on the subject property for the mobile home they occupy. They will be abandoning the mobile home and the old septic system when their new home completes construction. With no one else coming forward, the public hearing was closed. Further discussion took place regarding Staff's position for not waiving the wastewater fees. Vice Chairman Dibble felt that the cost estimate is not feasible based on the acreage. A motion was made by Vice Chairman Dibble to approve items "16 & 17" and it was seconded by Commissioner Miller. The motion passed.

#### **F. Tabled Zoning**

#### **18. [21-1272](#) Public Hearing - Rezoning Property at or near 3942 Cimarron Boulevard.**

**Case No. 0921-01, Richard Jurach, Jerry Jurach, Patricia Hunt and Paula**

**Carter:** Ordinance rezoning property located at or near 3942 Cimarron Boulevard (located along the east side of Cimarron Boulevard, south of Lipes Boulevard, and north of Yorktown Boulevard) from the "FR" Farm Rural District to the "RM-2" Multifamily District.

Mr. Dimas presented item "18" for the record as shown above. He informed the Commission this case was tabled from the September 15, 2021 Planning Commission meeting; proceeded to briefly go over the same presentation from that meeting. He updated the Commission that of the 38 public notices mailed, zero notices were returned in favor and six notices were returned in opposition. After previous discussions from the September 29th meeting, Staff met with the applicant to formulate a Special Permit. Staff recommends denial of the change of zoning from the "FR" district to the "RM-2" district and, in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit subject to the following conditions:

1. Uses: The only uses authorized by this Special Permit other than uses permitted in the base zoning district is a multifamily apartment complex with a density not to exceed 30 dwelling units per acre and consistent with the attached site plan.
2. Setbacks: No structure shall be greater than two stories in elevation within 80-feet of the southern property line.
3. Buffer Yard: When adjacent to the "RS-6" Single-Family 6 District, the buffer yard requirement shall be 10-feet, with the required points and screening fence satisfied by including a row of canopy trees with a minimum caliper size of 2.5 inches every 30 linear feet and a 7-foot tall screening fence.
4. Lighting: All lighting must adhere to the standards set in the Unified Development Code (UDC).
5. Dumpster: No dumpster shall be placed within 80-feet of the southern property line.
6. Other Requirements: The conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.
7. Time Limit: In accordance with the UDC, this Special Permit shall be deemed to have expired within 24 months of this ordinance unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

After Staff's presentation, the floor was opened for Commissioner comments/questions. Discussion took place regarding the number of units/acre and if the total number should be limited. After discussion concluded, the public hearing was opened. Representing the applicant, John Bell at 13750 Primavera Drive, addressed the Commission. He said he reached out to the neighbors that spoke during public comment at the last meeting. He spoke to one of neighbors from the last meeting (not representing the HOA) and they are still concerned about noise and lighting. With that in mind, Mr. Bell suggested to amend the Special Permit conditions for item "3" to add the language "or a 6-foot tall masonry fence"; amend item "2" to add the language "Any two-story buildings must have a pitched roof with the ridge extending at least 6 feet above the eave of the roof." He stated that the number of units will not exceed 260 units/acre. He presented to the Commission a petition of signatures from the existing, adjacent apartment complex stating their support of the project. He said he is amenable to the Special Permit conditions.

Melissa Tanner at 6522 Miranda Drive, addressed the Commission and stated that her property is adjacent to the proposed development. She stated there is an issue with the loss of privacy no matter the height of the proposed building adjacent to her property and she is able to hear noise in her backyard from the existing apartment complex. She also felt that Cimarron Boulevard cannot handle additional traffic as it is already very congested. Sara Simm at 6514 Miranda Drive addressed the Commission. Her property is also adjacent to the proposed development and she cited issues with lighting. She said the lighting from the existing apartment complex can still be seen into her home. She also cited loss of privacy and traffic safety concerns for her children as they attend the schools nearby.

With no one else coming forward, the public hearing was closed. Further discussion took place regarding UDC lighting requirements. Commissioner Schroeder felt that the proposed Special Permit conditions for setback/buffer yard requirements are more stringent than if a single-family development were to be constructed adjacent to the existing single-family neighborhood. Vice Chairman Dibble concurred and pointed out that there would be an additional 50-feet of buffer yard, along with another fence and the requirement of canopy trees. A motion was made by Vice Chairman Dibble to approve the Special Permit for item "18" with the amendments requested by Mr. Bell. The motion was seconded by Commissioner York. A roll call vote took place and the motion passed unanimously.

**VIII. Director's Report: None.**

**IX. Future Agenda Items**

- Training Schedule
- State Mandates

**X. Adjournment**

There being no further business to discuss, the meeting adjourned at 8:00 p.m.