



Meeting Minutes

Planning Commission

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Wednesday, October 13, 2021

5:30 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 Commissioner Mandel absent.

**II. PUBLIC COMMENT: None.**

**III. Approval of Absences: Commissioners Mandel and Gonzalez**

A motion was made by Vice Chairman Dibble to approve the absence listed above and it was seconded by Commissioner York. The motion passed.

**IV. Approval of Minutes**

**1. [21-1431](#) Regular Meeting Minutes of September 29, 2021**

A motion to approve the minutes listed above was made by Commissioner Miller and it was seconded by Commissioner Zarghouni. 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 and V.B. Andrew Dimas, Development Services, read the Consent Agenda items into the record. New Plat items "2 through 8" satisfy all requirements of the UDC/State Law and the Technical Review Committee (TRC) recommends approval; Staff recommends approval for Time Extension item "11". It was noted that the TRC comments had been updated for New Plat item "5" and a hard copy was distributed to Commissioners. Staff recommends approval for Waiver item "10" along with accompanying New Plat item "9" (satisfies all requirements of the UDC/State Law and TRC recommends approval). Staff also recommends approval for New Zoning item "12" as stated in Staff's report.

After Staff's presentation, Chairman Baugh opened the public hearing. Rix Musselwhite at 1633 14th Street, addressed the Commission stating opposition to item "12". With no one else coming forward, the public hearing was closed. A motion was made by Commissioner Zarghouni to approve items "2 through 8" as presented by Staff and it was seconded by Commissioner Salazar-Garza. The motion passed.

A motion was made by Vice Chairman Dibble to approve items "11 & 12" as presented by Staff and it was seconded by Commissioner York. The motion passed. A motion was made by Commissioner Gonzalez to approve items "9 & 10" as presented by Staff and it was seconded by Commissioner Zarghouni. The motion passed with Commissioner York abstaining.

**A. Plats**

**New Plats**

- 2. [21-1415](#) 21PL1040  
MADALYNN ESTATES (FINAL - 16.693 ACRES)  
Located south of Perry Lane and west of Shelton Boulevard.
- 3. [21-1418](#) 21PL1085  
Ferrell No.2, Blk 3, Lot 2A (Final Replat - 0.8018 Acres)  
Located east of Ayers Street and north of Sunnybrook Road.
- 4. [21-1419](#) 21PL1089  
RIVERBEND SUBDIVISION UNIT 4 (FINAL - 11.37 ACRES)  
Located east of Fred's Folley and south of Yorktown Boulevard.
- 5. [21-1420](#) 21PL1097  
QUEEN'S CROSSING UNIT 2 (FINAL - 19.747 ACRES)  
Located east of Cimarron Boulevard and south of Salsa Drive.
- 6. [21-1421](#) 21PL1125  
LAGUNA VISTA SHORES, BLOCK 15, LOT 1R (FINAL REPLAT- 0.23 ACRES)  
Located south of Las Palmas Drive and west of Laguna Shores Road.
- 7. [21-1426](#) 21PL1088  
LONDON TOWNE SUBDIVISION (PRELIMINARY - 138.30 ACRES)  
Located north of FM 43 between CR 33.
- 8. [21-1428](#) 21PL1094  
RODD PLAZA SOUTH (PRELIMINARY - 13.45 ACRES)  
Located east of Rodd Field Road and south of Yorktown Boulevard.

**Plat with a Variance (Waiver)**

- 9. [21-1422](#) 21PL1128  
HIGHWAY VILLAGE SECTION NO. 1, BLOCK 3, LOT 2R (FINAL - 1.24 ACRES)  
Located east of McKinzie Road and south of Harrington Drive.

- 10. [21-1423](#) **21PL1128 - SIDEWALK**  
HIGHWAY VILLAGE SECTION NO. 1, BLOCK 3, LOT 2R (FINAL - 1.24 ACRES)  
 Located east of McKinzie Road and south of Harrington Drive.

**Time Extension**

- 11. [21-1425](#) **21PL1010 - 1ST REQUEST**  
BRIDGES MILL VILLAGE UNIT 2 (FINAL - 23.850 ACRES)  
 Located north of Saratoga Boulevard and east of Kostoryz Road.

**B. New Zoning**

- 12. [21-1430](#) **Public Hearing - Rezoning Property at or near 1645 14th Street**  
**Case No. 1021-03, SRPC Properties, LLC.:** Ordinance rezoning property at or near 1645 14th Street (located along the west side of 14th Street, east of South Brownlee Boulevard, and north of Ayers Street) from the "RS-TF" Two-Family District and "CG-2" General Commercial District to the "RM-2" Multifamily District.

**VI. PUBLIC HEARING (ITEMS C & D): DISCUSSION AND POSSIBLE ACTION**

**C. Plats with a Variance (Waiver)**

- 13. [21-1435](#) 21PL1113  
NUECES RIVER IRRIGATION PARK, BLK 1, LOT 9A & 9B (FINAL - 16.17 ACRES)  
 Located south of County Road 52 and west of US HWY 77.
- 14. [21-1436](#) **21PL1113 - SIDEWALK**  
NUECES RIVER IRRIGATION PARK, BLK 1, LOT 9A & 9B (FINAL - 16.17 ACRES)  
 Located south of County Road 52 and west of US HWY 77.

Mr. Dimas presented items "13 & 14" for the record as shown above. For location purposes, he presented an aerial map of the subject property. The City of Corpus Christi annexed this property in May 2021. The current lot is vacant, and the owner proposes to plat the property into two lots for a proposed apartment site on Lot 9A and a commercial lot on Lot 9B. He proceeded to outline the factors in support and against the waiver.

The applicant states that they do not believe the sidewalk should be required because:

1. This development is for a proposed apartment site and a commercial tract.
2. The granting of the waiver is not detrimental to the public health, safety or general welfare, nor is it injurious to other property in the area, or to the City in administering the

UDC. There are no sidewalks on either side of CR 52 nor along I-69 frontage road. CR 52 is a strip-paved street (no curb & gutter) that will not support sidewalk until street is upgraded to a curb & gutter section.

3. The granting of the waiver would not substantially conflict with the Comprehensive Plan or the purposes of the UDC. The existing conditions do not support pedestrian movements and development of adjoining property does not make any changes to existing transportation systems.

4. Application of a provision of this UDC will render subdivision of land unfeasible.

5. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity. There is not any property in the vicinity that has sidewalks. That said, we believe the need for the waiver does apply to other property in the vicinity.

Factors weighing against the waiver:

1. The property is in the "RM-2" district & "CG-2" district and is a corner lot from which a street and sidewalk network can connect to the freeway.

2. This land was recently annexed, and a new lift station is being constructed north of CR 52 which will serve approximately 256 acres of land with various uses and build out rates that include low density residential, high density residential and commercial. It is anticipated that this will become a high growth area and the multifamily residential development will create a need for sidewalk along CR 52. Development of adjacent vacant tracts will provide an opportunity to expand a sidewalk network for future commercial and residential uses.

3. The property fronting CR 52 does not meet the Exemptions in UDC Section 8.2.2.C Administrative Exemptions as the lot fronts on and is adjacent to a street designated on the Urban Transportation Plan (UTP) as an Arterial street.

Section 3.30.1 and 8.1.4 of the UDC require construction of sidewalk as part of the platting process. The UDC also states, under §8.2.2.B.1, that a waiver may be granted, in accordance with the procedures outlined in §3.8.3.D. None of the enumerated conditions in UDC 3.8.3.D for a sidewalk waiver exist on this subject property. Further UDC Section 8.2.2.C allows for Administrative Exemptions for sidewalk construction for residential lots that meet certain provisions; however, since the property is zoned RM-2 & CG-2 and fronts on a street that is listed on the UTP as an Arterial street, it does not qualify for an exception. Staff recommends denial of the waiver from the sidewalk construction requirement. Planning Commission may choose to follow or decline Staff's recommendation, and Planning Commission may approve, approve with conditions, or deny the waiver request.

After Staff's presentation, the public hearing was opened. Representing the applicant, Murf Hudson with Urban Engineering addressed the Commission in support of the waiver request. With no one else coming forward the public hearing was closed. Commissioner York felt that sidewalk construction is not practical because there is no curb and gutter on CR 52 and stated a "cash in lieu" of construction option should be considered. A motion was made by Commissioner Miller to approve item "13" but deny the waiver request for item "14". The motion was seconded by Commissioner Schroeder. The motion passed with Vice Chairman Dibble and Commissioner York opposed.

- 15. [21-1416](#) 21PL1079  
FLOUR BLUFF ESTATES NO.2 BLK 4, LOTS 1A & 1B (FINAL REPLAT 0.38 Acres)  
 Located south of Webb Street and east of Military Drive.

- 16. [21-1417](#) **21PL1079 - SIDEWALK**  
FLOUR BLUFF ESTATES NO.2 BLK 4, LOTS 1A & 1B (FINAL REPLAT 0.38 Acres)  
 Located south of Webb Street and east of Military Drive.

Mr. Dimas presented items "13 & 14" for the record as shown above. For location purposes, he presented an aerial map of the subject property. The property is located at the intersection of Webb Street, a residential street, and Military Drive, a residential street on the Mobility Plan. The owner proposes to replat the lot into two lots for an additional, residential lot for a future, single-family home. He proceeded to outline the factors in support and against the waiver.

The applicant states that they do not believe the sidewalk should be required because:

1. No current sidewalk network exists along Military Drive or Webb St. The subdivision was approved with a rural street section containing ditches. The nearest existing sidewalk is at an east intersection with NAS Drive.
2. The property is not located along an existing or foreseeably planned CCRTA fixed route service.
3. Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare, and adjacent property will not be restricted or rendered unfeasible.

Factors weighing against the waiver:

1. The property is in the "RS-6" district and is a corner lot from which a street and sidewalk network can be continued.
2. The property is approximately 956 feet distance to a commercial area on NAS Dr. which has a sidewalk network on both sides and a bus route.
3. The subdividing of the property to add a new lot affords the opportunity to begin a sidewalk network on a corner lot and the new adjacent lot.
4. The property fronting Military Drive (Lot 1B) does not meet the Exemptions in UDC Section 8.2.2.C Administrative Exemptions as the lot fronts on and is adjacent to a street designated on the MobilityCCPlan.

Section 3.30.1 and 8.1.4 of the UDC require construction of sidewalk as part of the platting process. The UDC also states, under §8.2.2.B.1, that a waiver may be granted, in accordance with the procedures outlined in §3.8.3.D. None of the enumerated conditions in UDC 3.8.3.D for a sidewalk waiver exist on this subject property. Further UDC Section 8.2.2.C allows for Administrative Exemptions for sidewalk construction for residential lots that meet certain provisions; however, since the property fronts on a street that is listed on the MobilityCCPlan it does not qualify for an exception. Staff recommends denial of

the waiver from the sidewalk construction requirement. Planning Commission may choose to follow or decline Staff's recommendation, and Planning Commission may approve, approve with conditions, or deny the waiver request.

After Staff's presentation the public hearing was opened. With no one coming forward, the public hearing was closed. Vice Chairman Dibble and Commissioners Gonzalez and Miller felt that this request is a good candidate for a waiver. A motion was made by Commissioner Miller to approve both items "15 & 16" and it was seconded by Commissioner Salazar-Garza. The motion passed with Commissioner York abstaining.

- 17. [21-1433](#) 21PL1120  
PORTS O' CALL BLK 20, LOTS 6A THRU 6D; 7A THRU 7D; 12A THRU 12D & 13 THRU 13D (FINAL - 0.81 ACRES)  
 Located west of Gypsy Street between Ports O'Call Drive and Fortuna Bay Drive.
  
- 18. [21-1434](#) **21PL1120 - SIDEWALK**  
PORTS O' CALL BLK 20, LOTS 6A THRU 6D; 7A THRU 7D; 12A THRU 12D & 13 THRU 13D (FINAL - 0.81 ACRES)  
 Located west of Gypsy Street between Ports O'Call Drive and Fortuna Bay Drive.

Mr. Dimas presented items "17 & 18" for the record as shown above. For location purposes, he presented an aerial map of the subject property. The owner proposes to replat the four lots into 16 lots for a townhome development; the current lots are vacant. This request is to waive construction of a sidewalks on Ports O' Call Drive and Fortuna Bay Drive. He proceeded to outline the factors in support and against the waiver.

The applicant states that they do not believe the sidewalk should be required because:

1. None of the other properties in the neighborhood have sidewalks.
2. There are no sidewalks to connect to.
3. There are no bus stops located along Ports O' Call or Fortuna Bay Drives.

Factors weighing against the waiver:

1. The property is in the "RM-3" district and will not meet criteria for an exemption to sidewalk construction.
2. The entrance to this peninsula is Gypsy Street which is designated on the MobilityCCPlan as a bike route. Construction of a sidewalk will enhance connectivity for the area.
3. Fortuna Bay Drive has a city park that has an existing sidewalk encompassing the entire park. With construction of a sidewalk along the frontage of Fortuna Bay Drive and use of a crosswalk, access to the park could be easily reached by the residents of the townhome development.

Section 3.30.1 and 8.1.4 of the UDC require construction of sidewalk as part of the platting process. The UDC also states, under §8.2.2.B.1, that a waiver may be granted, in accordance with the procedures outlined in §3.8.3.D. None of the enumerated conditions

in UDC 3.8.3.D for a sidewalk waiver exist on this subject property. Further UDC Section 8.2.2.C allows for Administrative Exemptions for sidewalk construction for residential lots that meet certain provisions; however, since the property is zoned Multifamily 3, it does not qualify for an exception. Staff recommends denial of the waiver from the sidewalk construction requirement. Planning Commission may choose to follow or decline Staff's recommendation, and Planning Commission may approve, approve with conditions, or deny the waiver request.

After Staff's presentation, the public hearing was opened. With no one coming forward, the public hearing was closed. A motion was made by Commissioner Miller to approve both items "17 & 18" and it was seconded by Commissioner Gonzalez. The motion passed.

#### **D. NEW ZONING**

19. [21-1429](#) **Public Hearing - Rezoning Property at or near 8902 State Highway 44 Case No. 1021-02, BHHN, LLC.:** Ordinance rezoning property at or near 8902 State Highway 44 (located along the north side of State Highway 44, east of South Clarkwood Road, and west of Bockholt Drive) from the "RS-6" Single-Family 6 District IC" Industrial Compatible District.

Mr. Dimas presented item "19" for the record as shown above. For location purposes, he presented an aerial map of the subject property along with the Future Land Use map (FLUM). The FLUM has designated the subject property as an agricultural use. The proposed rezoning to the "IC" Industrial Compatible District is generally consistent with the adopted Comprehensive Plan (Plan CC) and warrants an amendment to the FLUM.

The applicant is proposing a warehouse; the subject property is in the path of a proposed runway. The proposed runway does not have a timeline for construction. The Air Installation Compatible Use Zone Overlay over the subject property has been established to protect the proposed runways (Corpus Christi International Airport Master Plan - adopted 2007). As part of the Naval Air Station's Joint Land Use Study, the City created two new zoning districts to increase land use compatibility around the runways. Those districts are the "IC" Industrial Compatible District and the "CC" Commercial Compatible District. An ideal zoning district for this use is the "IC" district. The proposed use of warehousing is allowed a Maximum Floor to Area Ratio (FAR) of 1.00.

Mr. Dimas informed the Commission that of the 23 public notices mailed, zero notices were returned in favor and one returned in opposition. Based on Staff's analysis, Staff recommends denial of the requested change of zoning and, in lieu thereof, approval of the "CC/SP" Commercial Compatible District with a Special Permit and subject to the following conditions:

1. Uses: The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district are as defined by UDC in Section 5.1.5.B "Warehouse and Freight Movement" and regulated per Section 4.8.2 "Permitted Uses" of the UDC.

Additionally, outdoor storage is prohibited.

2. **Setback:** A setback at a minimum of 20 feet shall be maintained from any residential property. No buildings, dumpsters, and/or compactors shall be allowed within the setback.

3. **Buffer Yard:** When adjacent to the "RS-6" Single-Family 6 District, the buffer yard requirement shall be 15-feet and 15 points as per Section 7.9.5 of the UDC.

4. **Lighting:** All lighting must be shielded and directed away from abutting residences and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line.

5. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.

6. **Hours of Operation:** The hours of operation shall be daily from 6:00 AM to 9:00 PM.

7. **Other Requirements:** The conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.

8. **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 Special Permit process. Commissioner Schroeder asked about combustible materials whether inside the warehouse or proximity to the warehouse. Commissioner Gonzalez asked Staff if there is a future development trend in the area. It was noted that the applicant is amenable to the listed conditions above of the Special Permit. After Commissioner questions concluded, the public hearing was opened.

Ron Ganer at 514 Catalina Place, addressed the Commission and stated there is a drainage issue along Agnes Street. He said the proposed development will contribute to more run-off with addition of more concrete. Andres Deharo at 220 South Clarkwood Road addressed the Commission. He stated he is in opposition and cited drainage issues as well. He stated that he mailed back his public notice letter but it was not counted in the final total. With no one else coming forward, the public hearing was closed.

A motion was made by Commissioner Gonzalez to approve Staff's recommendation for item "19" and it was seconded by Commissioner York. The motion passed.

## **VII. BRIEFING: STATE MANDATES**

- 20. 21-1451** Ordinance of the City of Corpus Christi, Texas adopting text amendments to the Unified Development Code (UDC), a component of the Code of Ordinances, involving the addition and removal of certain language contained in Articles Three that are relative to historic designations and to the review by the Board of Adjustment on potential variances.

Mr. Dimas presented briefing item "20" for the record. He began the presentation by

giving a brief background of the 87th Texas Legislature. The first State mandate he explained was Senate Bill 1585 which is in reference to historic designations for both landmarks and historic districts. If the property owner does not consent to the proposed designation or inclusion of the owner's property into a historic district, a three-fourths vote of approval is required by the Landmark Commission and the City Council (UDC Section 3.4.2.A). This amendment also refers to tables 3.1.6.A and 3.1.8 of the UDC. Section 3.4.2.B of the UDC has also been amended; Section 3.4.2.C of the UDC has been omitted.

Next, Mr. Dimas explained House Bill 1475 which refers to the Board of Adjustment and the required findings for hardships when considering a variance to a structure. Section 3.25.3.B of the UDC will omit Insufficient Finding #2: "There is a financial or economic hardship."; add Section 3.25.3.E Considerations on Variances for Structures.

With that, Mr. Dimas finished his presentation and stated that these mandates will be brought back to the Commission on November 10, 2021 for a public hearing and consideration. No action was taken on this item.

#### **VIII. Planning Commission Training Series**

##### **21. [21-1453](#) Platting/Zoning**

Mr. Dimas gave the Commission information on the schedule of upcoming training sessions to be held after meetings are adjourned. For October 27, 2021, training will consist of the platting process (purpose/types of plats). For November 10, 2021, training will consist of the zoning process: purpose, zoning districts & overlays, UDC/enforcement and Board of Adjustment. For December 8, 2021, a "Q & A" open session will take place also covering any other specific topics requested by the Commission.

#### **IX. Director's Report**

Nina Nixon-Mendez, Assistant Director Development Services, informed the Commission that on October 15, 2021, the Development Services Task Force meeting will be held at the Kleberg Bank Community Room at 5350 S. Staples Street at 9:00 a.m.

#### **X. Future Agenda Items: None.**

#### **XI. Adjournment**

There being no further business to discuss, the meeting was adjourned at 6:50 p.m.