



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, November 14, 2018

5:30 PM

Council Chambers

I. Call to Order, Roll Call

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

II. Opening Statement

III. Approval of Absences - Commissioners Hovda, Ezell and Dibble

A motion to excuse the absences listed above was made by Commissioner Baugh and seconded by Vice Chairman Crull. The motion passed.

IV. Approval of Minutes

1. [18-1440](#) Regular Meeting of October 31, 2018

A motion to approve item "1" was made by Commissioner Baugh and seconded by Commissioner Zarghouni. The motion passed.

V. Discussion and Possible Action Regarding the Appointment of Stakeholder Representative for the Unified Development Code Evaluation

A motion was made by Commissioner Hovda to appoint Chairman Villarreal as the stakeholder representative and to appoint Commissioner Zarghouni as an alternate. The motion was seconded by Vice Chairman Crull and the motion passed.

VI. Discussion and Possible Action Regarding the Appointment of Stakeholder Representatives for the Southside/London Area Development Plan

Keren Costanzo, Planning and Environmental/Strategic Initiatives, addressed the Commission and explained the need for a liaison and an alternate for the Southside/London Area Development Plan Advisory Committee. She noted that it is one advisory committee for two separate plans. She briefly described the responsibilities which would require the attendance of four meetings through the end of next summer. The liaison will be asked to give comments on the draft plans and communicate to the Planning Commission. Attendance would also be required at public engagements/workshops for community outreach.

Commissioner Dibble asked for details on the whole process from how the stakeholder groups are organized and how the input from the community/stakeholders will be accounted for. Ms. Costanzo informed the Commission that public outreach will involve two types of surveys. The second survey will

be more in depth where the public can identify on a map very specific issues for topic of discussion. The Consultant team will also be highly involved during a multi-day event in the Spring to interact with the community/stakeholders. She stated there will be an additional meeting for the public to respond to the draft plans prior to the adoption process for an opportunity for revisions based on that input. Ms. Costanzo further informed the Commission that the advisory committee is currently being developed but it will consist of real estate interests, local area businesses as well as school districts.

A motion was made by Commissioner Hovda to appoint Vice Chairman Crull as representative to the advisory committee and to appoint Commissioner Williams as an alternate. The motion was seconded by Commissioner Dibble and the motion passed.

VII. Public Hearing (Items A & B) - Discussion and Possible Action

A. Plats

Variance (Waiver)

2. [18-1441](#)

18PL1100 - WAIVER

SOUTH CLARKWOOD ACRES, BLOCK 1, LOT 2 (FINAL - 15.874 ACRES)

Located east of Clarkwood Road (FM 2292) and north of Donna Avenue.

Bill Green, Assistant Director of Development Services, read item "2" into the record as shown above. This is a request for a plat waiver from the sidewalk construction requirement, requested by Voss Engineering, Inc. on behalf of land owner, Yiu Inc. (Conrad R. Yiu, President). Mr. Green presented a vicinity map to show the location and explained that the platting process requires the installation of public improvements, including sidewalks, under UDC 8.1.4. Per UDC 8.2.2.A.4, sidewalks shall connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks. Street Standards also dictate where sidewalk construction is required. Arterials and collectors are required to have sidewalk, per UDC Table 8.2.1.C. In this case, the street abutting the property along the west lot line, South Clarkwood Road, is designated an "A-3" Arterial in the City's Urban Transportation Plan (UTP). Mr. Green also showed an aerial map to detail the neighboring zoning/uses adjacent to the subject property. Currently, the nearest existing single-family house to the north is about 1,200 feet (0.23 mile) away. The San Juan Addition subdivision to the south does not have sidewalk along Clarkwood. It was platted back in 1946, prior to the City's subdivision sidewalk requirement, that has been operative since at least 1980.

Mr. Green went over the factors that are in support of the waiver and the factors that are against the waiver. The following factors weighing against the waiver are:

- The nearest sidewalk and crosswalk, north of the site, is at a convenience store (0.3 mile away) and at the intersection of Clarkwood and S.H. 44/Agnes Street and that sidewalk continues north of that intersection (street view provided).

- The land adjacent to the north is zoned Residential Single Family 6 ("RS-6").
- Commercial node at S.H. 44/Clarkwood Road with employment (U.S. Border/Customs (0.44 mile), Baker Hughes and L&F Distributors (0.73 mile).
- Plan CC vision for Transportation and Mobility: "connected networks of good streets and sidewalks, safe bicycle routes"

The following factors in support of the waiver are:

- No current sidewalk network within a quarter mile.
- Clarkwood Road is not on the City's ADA Master Plan.
- No transit route along Clarkwood Road.
- No proximate school or public or civic uses in the area.

Mr. Green continued that the need for a waiver shall be demonstrated to Planning Commission's satisfaction. Under Section 8.2.2.B, a waiver may be granted, in accordance with the waiver procedure in Section 3.8.3.D. The exceptions for required sidewalk improvements in UDC 8.2.2.B do not apply in this case:

- Sidewalks shall not be required along each side of a street right-of-way where such street is a permanent dead-end street and where there is pedestrian access from the permanent dead-end street to a paved hike and bike trail. In such instance, a sidewalk only shall be required on one side of the street right-of-way.
- Sidewalks shall not be required along street rights-of-way where each lot fronting on such street has direct access from the side or rear to a paved hike and bike trail.
- Sidewalks shall not be required for residential subdivisions in the Farm Rural and Residential Estate zoning districts.
- Sidewalks adjacent to private streets may be allowed to be placed on only one side of the street if the sidewalk width is 6 feet or greater and approved by the Assistant City Manager of Development Services.

Staff recommends denial of the request for waiver from the sidewalk construction requirement. The 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, Chairman Villarreal opened the floor for Commissioner comments/questions. Discussion took place regarding right-of-way (ROW) dedication and the future possibility of a City initiated sidewalk installation project to fill in gaps due to loss of connectivity. It was confirmed that sidewalk can be installed in a Texas Department of Transportation ROW but the maintenance would be the City's responsibility or the adjacent land owner. Commissioner Schroeder expressed his support for Staff's recommendation. He felt that this location is growing due to low property cost and the use of sidewalks will increase because lower income families who may not be able to afford a vehicle.

After Commissioner comments/questions concluded, Chairman Villarreal opened the public hearing. Representing the owner, Ron Voss, Jr. at 6838 Greenwood, addressed the Commission. He stated the owner acquired the property in 2008 prior to the UDC adoption in 2011. At that time, the property was also in extraterritorial jurisdiction and it is now in the City limits. At an initial meeting with the owner back in 2008, Mr. Voss explained the code regulations enforced at that time and told the owner he would not need to install sidewalk especially since there is another RV (Seamist Mobile Home Community) park adjacent to the property without a sidewalk. The owner's

development plan has not changed and was originally planned for a recreational vehicle park. Mr. Voss explained that the reason it has taken the owner a long time to develop the property is because he was saving money and did not want to take out a large loan. He felt that the cost to construct the sidewalk places a burden on the owner. Mr. Voss also discussed the inconsistency in ROW dedication in the area and a nearby drainage ditch as a possible obstacle. He reinforced some of the factors listed above in support of the waiver request.

With no one else coming forward, Chairman Villarreal closed the public hearing and called for a motion. A motion to approve the waiver request for item "2" was made by Vice Chairman Crull. The motion was seconded by Commissioner Williams. The motion passed with Commissioners Hovda and Schroeder voting "no".

New Plats

Mr. Collins informed the Commission that item "4" will be removed from the agenda per the owner's request as there are further revisions to be made. Mr. Collins read items "3 & 5" into the record as shown below. Mr. Collins stated the plats satisfy all requirements of the Unified Development Code (UDC) and State Law; the Technical Review Committee recommends approval. After Staff's presentation, Chairman Villarreal opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve items "3 & 5" was made Commissioner Dibble and seconded by Commissioner Baugh. The motion passed.

3. [18-1442](#) 18PL1100
 SOUTH CLARKWOOD ACRES, BLOCK 1, LOT 2 (FINAL - 15.874
 ACRES)
 Located east of Clarkwood Road (FM 2292) and north of Donna Avenue.

4. [18-1443](#) 18PL1087
 PERRY'S ESTATES, BLOCK 1 LOTS 23 AND 24 (FINAL - 0.396
 ACRES)
 Located west of Waldron Road and south of Graham Road.

5. [18-1444](#) 17PL1116
 SHORELINE VISTA UNIT 2 (FINAL - 6.70 ACRES)
 Located west of Flour Bluff Drive, north of Purdue Road and south of
 Division Road.

Time Extension

6. [18-1445](#) 17PL1082
 ARUBA PUD (FINAL - 3.65 ACRES)
 Located north of Whitecap Boulevard and west of Windward Drive.

Mr. Collins read item “6” into record as shown above. The Planning Commission originally approved the plat on September 20, 2017 (expires on December 13, 2018) and this is the second request for an extension. The applicant is requesting a six-month time extension as public improvement plans have been submitted to the City and comment and possible revision are pending. After Staff’s presentation, Chairman Villarreal opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve item “6” was made by Commissioner Baugh and seconded by Commissioner Zarghouni. The motion passed.

B. New Zoning

7. [18-1446](#) Public Hearing - Rezoning Property at or near 1902 Lipan Street.

Case No. 1018-05 - Habitat for Humanity of Corpus Christi, Inc.:

Ordinance rezoning property at or near 1902 Lipan Street (located on the north side of Lipan Street, east of North Port Avenue, and west of Coke Street) from the “IH” Heavy Industrial District to the “RS-4.5” Single-Family 4.5 District.

Andrew Dimas, Development Services, read item “9” into the record as shown above. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. The subject property is currently zoned “IH” Heavy Industrial District and consists of vacant land. He stated the purpose of the rezoning request is to allow for the construction of a single-family home. To the east are three single-family homes under construction which are also associated with Habitat for Humanity projects. The homes were rezoned to the “RS-4.5” Single-Family 4.5 District in 2016. Additionally, there are existing nonconforming single-family homes across Brennan Street and are zoned “IH” Heavy Industrial District.

Mr. Dimas informed the Commission that zero public notices were returned in favor of the change of zoning request and two notices were returned in opposition. It was noted that the notices returned in opposition did not specifically state the reason for opposition. He went over the zoning patterns for the surrounding area along with the UDC requirements for the change of zoning request. He also discussed municipal facilities that are available to the subject property. Staff recommends approval of the requested change of zoning.

After Staff’s presentation, Chairman Villarreal opened the floor for Commissioner comments/questions. Discussion took place regarding the drainage ditch to the north which could alternatively serve as a buffer yard. Staff is currently discussing resolution options such as a variance request to meet the buffer yard requirement. After Commissioner comments/questions concluded, Chairman Villarreal opened the public hearing. With no one coming forward the public hearing was closed. A motion to approve Staff’s recommendation for item “7” was made by Commissioner Dibble and seconded by Commissioner Hovda. The motion passed.

8. [18-1447](#) Public Hearing - Rezoning Property at or near 6402 Holly Road.

Case No. 1118-01 - Kyle McGee:

Ordinance rezoning property at or near 6402 Holly Road (located on the north side of Holly Road, east of Airline Road, and west of Woodbend Drive) from the "CG-2" General Commercial District to the "CG-2/SP" General Commercial District with a Special Permit.

Mr. Dimas read item "8" into the record as shown above. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. He stated the purpose of the rezoning request is to allow for the construction and operation of a 120' monopole wireless communications tower. He informed the Commission that zero public notices were returned in favor or opposition of the change of zoning request. He went over the zoning patterns for the surrounding area and then presented a site plan to highlight the following UDC regulations (Section 5.5):

- Wireless Telecommunication facilities in excess of 85' are permitted in nonresidential zoning districts as indicated in UDC Table 5.5.4.F. with a Special Permit.
- Wireless telecommunication facilities shall be set back a minimum of one and a half times the height of the tower from the public right-of-way of all federal and state highways and any arterial street.
- Wireless telecommunication facilities adjacent to residential dwellings shall be a minimum of one and a half times the height of the tower from any residential dwelling.

Staff recommends approval of the change of zoning from the "CG-2" General Commercial District to the "CG-2/SP" General Commercial District with a Special Permit with the following conditions:

1. Use: The only use permitted under this Special Permit, other than those permitted by right in the "CG-2" General Commercial District, is a wireless telecommunication facility of 120-feet in height.
2. Access: Access and placement shall be as per the site plan setback.
3. Telecommunications Tower Standards: The wireless communication tower is subject to all requirements of Section 5.5 of the Unified Development Code (UDC). These standards pertain to setbacks, screening, landscaping, and lighting.
4. Other Requirements: The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
5. Time Limit: In accordance with the UDC, this Special Permit shall be deemed to have expired within twelve (12) 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, Chairman Villarreal opened the public hearing. Representing the owner, Vince Huebinger at 1715 South Capital of Texas Highway, Austin, Texas, addressed the Commission and gave a short presentation in support of the rezoning case. He presented radio frequency maps to show the proposed wireless telecommunication facility will increase capacity in an area where it is needed to prevent a degradation of services. Construction of the wireless telecommunication facility will increase coverage

in areas that are currently underserved. Mr. Huebinger stated the development plans for the project are 90% complete and meet UDC regulations. With no one else coming forward the public hearing was closed. A motion to approve Staff's recommendation for item "8" was made by Commissioner Schroeder and seconded by Commissioner Baugh. The motion passed.

VIII. Director's Report

Nina Nixon-Mendez, Director of Development Services, informed the Commission that a presentation on the progress related to the UDC sidewalk exception and variance criteria will be given to Planning Commission in the near future.

IX. Items to be Scheduled

None.

X. Adjournment

There being no further business to discuss, Chairman Villarreal adjourned the meeting at 6:40 p.m.