



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes Planning Commission

---

Wednesday, January 9, 2019

5:30 PM

Council Chambers

---

### I. Call to Order - Roll Call

Vice Chairman Crull called the meeting to order and a quorum was established with Chairman Villarreal and Commissioner Ezell absent.

### II. Opening Statement

### III. Approval of Absences: None

### IV. Approval of Minutes

#### 1. [19-0049](#) Regular Meeting Minutes of December 12, 2018

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

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

#### A. Plats

#### Plat Variance (Waivers)

#### 2. [19-0077](#) **18PL1081** LONDON TOWNE SUBDIVISION - O.C.L (PRELIMINARY - 214.34+/- ACRES)

Located outside city limits north of F.M. 43 and west and east of County Road 33.

Requests for Waivers of Certain Street Right-of-Way Dimensional and Sidewalk Standards and Request for Approval of Half-Street in Article 8 of the Unified Development Code (UDC).

Greg Collins, Development Services, read item "2" into the record as shown above. He presented an aerial map to show the location. The proposed subdivision is outside the city limits, but within the City's extra-territorial jurisdiction, which extends five miles beyond the city limits, and so the City's platting requirements for land subdivision do apply here. Because the site is

presently outside the city limits there currently is no zoning of the property. The land is currently used for agriculture. The applicant has stated that they will apply to the City to annex units of land within this preliminary plat, prior to any final plat application for those units. The Preliminary Plat consists of 686 lots total (including park lots), of which 675 lots are buildable. The Master Site Plan shows that 534 of the lots are for single-family residential dwellings, 141 lots are for townhomes and the remaining 11 lots are for park space.

The applicant requests four waivers from the City's platting standards for the dimensions of certain streets and sidewalk standards:

1. **Street F - 74' Right-of-Way (ROW):** The first waiver request is for the lower portion (eastern portion) of "Street F," the main entrance into the subdivision. This street does not meet City standard because it has a boulevard median in the middle of the ROW, and only one sidewalk, (6-feet wide) meandering down the middle of that median, instead of the standard two sidewalks, each 5-feet wide, on both sides of the street. Also, the proposed ROW width, 74-foot wide, is not a standard ROW width listed in the Unified Development Code's Non-Local Street Standards Table 8.2.1.C.

For waiver "1", the Applicant states that this street section was modeled after the previously approved Rancho Vista Boulevard in Rancho Vista Unit 14 in July 2016. The Applicant also states that the street and sidewalk dimensions "meet or exceed city standards." Applicant further states that the width of the pavement on each side of the boulevard has been set to accommodate Fire Access and has been coordinated with the Fire Department.

Staff recommends conditional approval of waiver request "1" to allow the 74' ROW boulevard, with two 21-foot wide paved streets, and only one sidewalk down the middle of the median, but on condition that the sidewalk width is increased to 8 feet, and, that the applicant explain and resolve the third parking bumpout that is situated outside the 74' ROW.

Alternatively, Staff recommends that this street be a Parkway Collector P1 with 80-foot ROW, 40-foot pavement width, with sidewalk on both sides of the ROW (five to eight feet wide), and meet the other standards for a P1, per UDC Table 8.2.1.C.

2. **Street F (60' ROW):** The second waiver request is for the upper portion (western portion) of the same street, "Street F." The street ROW width tapers down from 74 feet to 60 feet and does not have the boulevard median. Although the 60-foot wide ROW is a standard ROW width in the City's Street Standards table, this street does not meet City standard because the pavement is not centered in the ROW, and sidewalk is only proposed on one side of the street, the north side. The reason for this is that the applicant proposes a sidewalk, 6-feet wide, that would run alongside a park on the north side of the street.

For waiver "2", the Applicant states that UDC 8.2.2.B.4 allows sidewalk adjacent to private streets to be constructed on only one side of the road if the sidewalk is at least 6-feet wide and the Applicant is asking for the same consideration for this public street. In this proposal, the sidewalk is 6-feet wide.

For waiver “2”, Staff recommends denial because this street has 60 feet of ROW, the same as a C1 Collector in UDC Table 8.2.1.C, therefore sidewalks on both sides of the street (each five feet in width) are required. Also, the sidewalk along the south side of the ROW will provide connectivity to the sidewalk running along the western edge of Block 4 and connectivity further north to the collector (Street 1).

3. Street A (75' ROW) - Half Street Request for 37.5' ROW, 28' pavement: The third waiver request is regarding a Primary Collector Street, categorized as a C3 in the City's Urban Transportation Plan (UTP). C3 Collectors are required to have a ROW width of 75 feet, and a pavement width of 50 feet (from back of curb to back of curb). That street's current location and alignment in the City's UTP runs east-west through the interior of the plat, through future Units 7 and 9. The applicant is currently applying for an amendment to the UTP, to shift this alignment south. The approval of the preliminary plat would be conditioned, in part, on that amendment being adopted by City Council. If the UTP amendment is adopted, applicant requests that the street alignment be centered on the property line between their property, and the neighboring London I.S.D. property adjacent to the south. They request that they be responsible for half of the dedication of the ROW, that is 37.5 feet, and they would pave 28 feet (slightly over half) of the pavement, on their side of the property line.

**Applicant's Statement for Waiver “3”:**

- Street A is a UTP street located along the southern property boundary
- Typically, a developer is only responsible for funding construction of their half of street along a property line. Only required to construct their proportion, up to 40' wide residential collector.
- Since the adjacent land owner has no plans to dedicate ROW or construct a street that we are aware of, this developer has proposed to construct a typical residential street within his portion of the ultimate ROW.
- Proposed: 37.5' ROW dedication, 28' pavement width, curb & gutter one side only, ditch on the other side
- This developer will construct storm sewer and provide inlets along both sides of the road such that drainage from the other side of the road can enter the proposed storm system.
- In the future, when the street is to be upgraded to its ultimate section of 50-foot pavement width, the proposed street section will allow for expansion to ultimate dimensions with minimal rework, and the storm sewer lines crossing the street can be easily extended to the other side of the ultimate street section.

Staff recommends denial of waiver request "3" per UDC 8.2.1.F.1:

“Half streets shall be prohibited except when the Planning Commission may approve a plat containing half streets if it finds that it is essential to the reasonable development of the subdivision, lot, or lots in conformity with the other requirements of these regulations, that a half street is necessary for a reasonable and orderly street system, and that it will be practical to require the dedication of the other half when the adjoining property is platted.”

- It will not “be practical to require the dedication of the other half when the adjoining property is platted.” The southern adjacent property is owned by London ISD. London ISD is unlikely to plat in the near future, and therefore, unlikely to dedicate land for the other half of Street A. They already have city water service. They are not seeking a new water tap. They are not required to enter into a water contract with the City for present construction. They are not subdividing land or consolidating lots or building over lot lines that would necessitate lot consolidation. They are outside of city limits, and therefore, outside the City’s building permit authority. Accordingly, their circumstances do not trigger a platting requirement, and they are unlikely to dedicate the other half of the street in the foreseeable future.
- Current UTP alignment runs through the interior of the plat, not along the southern boundary as currently depicted in the plat. Staff was supportive of two other UTP amendments favorable to applicant, to facilitate this development. Regarding this third, southern Collector, full right-of-way dedication is crucial, because of the unlikelihood the adjacent landowner will plat, and also the expected future development that will occur to the west.
- Shifting Street A south but with full dedication of ROW, has a roughly net neutral effect on number of lots, and appears to create a net gain of buildable lot area in square feet.

Staff recommends denial of this waiver request and recommends full ROW dedication, 50’ pavement width and accordance with the other standards in the UDC.

- In the alternative: If Planning Commission declines recommendation and grants the waiver, Staff recommends conditional approval, to cure a potential access issue:
  - (a) provide fire access and vehicular turnaround at lower end (eastern end) of Street A, by connecting Street A with Street T-5, by eliminating the small nonbuildable park Lot 13, Block 4, or,
  - (b) provide an outlet to CR 33.

Mr. Collins noted that Nueces County platting standards require full dedication of collectors or arterials and incorporation into the subdivision when such a street “traverses any part of the land being subdivided.”

4. Street T-5 Hammerhead (46’ ROW): The fourth waiver request is regarding a “hammerhead street” which is an alternative to a cul-de-sac street. This street, labeled “T-5” is in the southern portion of the plat, one block north of the southern boundary of the plat. This hammerhead does not match Development Services’ recently developed standard for hammerheads. The proposed “T” portion of the hammerhead is angled, and not perpendicular, to the long end of the street. The City’s current standard requires that hammerheads and the long end of the street be configured perpendicular, 90 degrees to one another. Applicant requests a waiver to allow for this angled hammerhead.

For waiver “4”, Staff recommends denial at this time, and deferring this question to final plat stage, to obtain a solution to meet city standard and fire code.

The need for waivers shall be demonstrated to Planning Commission’s satisfaction. The waiver may be approved, approved with conditions or denied after consideration of the factors in Section 3.8.3.D of the UDC:

1. Not detrimental to public health, safety, or general welfare, or be injurious to other property in area, or to the City;
2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity;
3. Application of the provision will render subdivision of land unfeasible; or
4. The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of the UDC.

After Staff's presentation, Vice Chairman Crull opened the floor for Commissioner comments/questions. Commissioner Williams asked questions regarding street widths and current UTP street alignments. Commissioner Schroeder asked if there are procedures in place that determine how many collector streets are required for subdivisions. He also asked for more information on the Department's standard for hammerheads. Commissioner Crull felt that presenting the proposed waivers prior to City Council's determination on the proposed UTP amendments is premature. He also asked if the City has taken into consideration any comments made by Nueces County and London ISD.

After Commissioner comments/questions concluded, Vice Chairman Crull opened the public hearing. Michael York with Urban Engineering at 2725 Swantner Drive and consultant for the developer addressed the Commission. He pointed out that the proposed plat also includes other streets that only have sidewalk on one side because they fit typical street section standards. He stated they have designed the proposed plat with a pedestrian friendly approach and have added unique characteristics (not "cookie cutter") such as winding/wider sidewalks. He also gave some background information on the process to date to answer Commissioner Crull's concern regarding the timing of the waivers. He referred to waiver "1" and reiterated that they modeled the proposed plat to the previously approved Rancho Vista Unit 14 which he felt has been successful. He stated that there is no parking bumpout outside of right-of-way as mentioned in waiver "1". For waiver "3", He added that a note has been added on the preliminary plat stating it is contingent upon the approval of the UTP. He further discussed the applicant's response for waiver "3". For waiver "4", he said the plat consists of four other hammerheads that are perpendicular. He agreed that the geometry and dimensions of the T-5 hammerhead are not ideal, but it is the result due to the shape of the land. He addressed the visibility issue of the hammerhead and fire access concerns.

Bart Braselton with Braselton Homes addressed the Commission. He mentioned the presented waivers are not unusual and, in the past, similar waivers have been resolved at a Staff level without coming before the Planning Commission. He said the street designs for this plat have been used before on previous plats. He reiterated that the property is unique, and it will be the first piece of land on the other side of Oso Creek to have a sewer system. He gave some background information as to why the process for this plat has taken so long. He felt that the lack of Master Plans for the area are part of the reason for delay and the UTP amendment should have been executed by the City much earlier. He reiterated that a vast majority of the streets in the plat are typical sections which center around a park. The park is the central focus of the subdivision and they designed curving sidewalks to give the appearance of a trail. This prompted the use of wider streets (60 feet) with sidewalks on one side. He discussed waiver "3" regarding access

concerns to London ISD (County Road 33). He also discussed the reasoning behind providing hammerheads. He was asked by Commissioner Hovda to explain how the property will be "pedestrian friendly" if they are only providing sidewalks on one side.

Xavier Huerta addressed the Commission. He stated he is an architect that is working with London ISD on the development of their property. He said London ISD is currently developing the land and have invested millions of dollars on existing baseball fields and septic systems. He stated the school is not required to plat the property nor are they obligated to make any modifications to the existing conditions of the land. The City does not possess any instrument to compel the school to construct a road on the north side of their property nor will they use funds to do so. Proposed road realignments will impact the existing baseball fields and they do not have additional land for relocation. Mr. Huerta showed an exhibit to detail how the proposed half street would take away about an acre of land owned by London ISD that is reserved for additional educational facilities. The realignment is an imposition on London ISD. He added that London ISD has been preparing for the growth in the area and they have had a large increase of students which means they will need the land for development. He stated the C3 Collector (waiver "3") needs to remain as is to maintain circulation through for the neighborhoods.

With no one else coming forward, the public hearing was closed. Commissioners further discussed topics of annexation, Nueces County platting standards and the responsibility of constructing portions of a C3 Collector street by the adjacent land owners. Commissioner Schroeder raised a concern regarding how the triggering of a replat can occur if the UTP is not approved. After Commissioner comments/questions concluded, Vice Chairman Crull called for separate motions on each waiver.

A motion to approve the applicant's request for waiver "1" was made by Commissioner Schroeder and seconded by Commissioner Hovda. The motion passed.

A motion to approve Staff recommendation and deny waiver "2" was made by Commissioner Zarghouni. The motion failed for lack of a second. A motion to approve the applicant's request for waiver "2" was made by Commissioner Dibble and seconded by Commissioner Baugh. The motion passed with Commissioner Zarghouni voting "no".

A motion to approve Staff's recommendation and deny waiver request "3" was made by Commissioner Schroeder and seconded by Commissioner Hovda. The motion passed with Commissioners Baugh and Dibble voting "no".

A motion to approve the applicant's request for waiver "4" was made by Commissioner Baugh and seconded by Commissioner Hovda. The motion passed.

3. [19-0056](#)

18PL1101

HEINES SUBSTATION (FINAL - 4.0 ACRES)

Located east of Lexington Boulevard and north of Holly Road.

Request for a Waiver of the Wastewater Infrastructure Construction Requirement in Section 8.2.7.A of the Unified Development Code (UDC),

and an Exemption from Wastewater Lot/Acreage Fees in Accordance with Section 8.5.2.G of the UDC; a Request for a Plat Waiver of the Sidewalk Construction Requirement in Section 8.1.4 and Section 8.2.2 of the UDC.

Mr. Collins read item “3” into the record as shown above. He presented an aerial map to show the location. The purpose of the proposed plat is to obtain a building permit to construct an AEP electrical substation, to serve future development in the area. The potential Wastewater Acreage fee is approximately \$6,284, based on the rate of \$1,571 per acre (multiplied by 4 acres). He listed the platting requirements to construct wastewater improvements from UDC Section 3.30.1.A, Section 8.1.4 and Section 8.2.7. He stated that when any subdivision is planned that is “not reasonably accessible to a public wastewater facility of sufficient capacity as determined by adopted City wastewater standards,” such subdivision is eligible for a waiver to construct or extend access to such a wastewater system. In such case, the subdivision shall have either (a) an individual aerobic (septic) system, (b) an individual wastewater treatment plant serving the subdivision, or, (c) interim service by construction of lift station(s) and force main(s) (UDC Section 8.2.7.B.1.a-c.). Currently, there is no wastewater collection line on the Wastewater Collection System Master Plan Oso W.R.P. Service Area within a “reasonably accessible” distance from the subject property with sufficient depth.

Mr. Collins presented an aerial view of the preliminary wastewater main lay out to detail three options the Applicant provided to build a sanitary sewer system serving the property that ties into the City’s system:

**Option 1 (Cost Estimate is \$380,004): Tie-In to the existing Master Plan, 15-inch VCP line running along Williams Drive, at the Ennis Joslin Road intersection.**

- To connect to this manhole would require about 3,600 feet of pipe and 13 manholes.
- The depth of the line is around 17.4 feet, which is sufficient for the extension to flow by gravity.
- However, the 3,600’ extension is not on the Wastewater Master Plan, and so a master plan amendment would be required.

**Option 2 (Cost Estimate is \$38,026): Tie-In “A” – This is the closest manhole connection to Heines Substation, located south of Holly Road, at the intersection of Encino Drive and Sabo Drive, in the Los Arboles at Terra Mar Unit 1 subdivision. The manhole is about 300 feet from the property. However,**

- The depth of this manhole is only about 5.3 feet deep. This will not allow sufficient slope for wastewater to flow by gravity from Heines Substation to the manhole.

- Also, connecting to this manhole would require crossing Holly Road.
- Crossing Holly Road would require a wastewater master plan amendment, because the manhole and waste water lines on the south side of Holly Road, in Los Arboles at Terra Mar subdivision, are in a different lift station area than the land on the north side of Holly Road. The Los Arboles at Terra Mar wastewater lines flow south to the Wooldridge East Lift Station. By contrast, the wastewater lines on the north side of Holly Road flow north to the Perry Place Lift Station.

Option 3 (Cost Estimate is \$56,144): Tie-In "B" - This manhole is located on the northside of Holly Road, on Lexington Road This manhole is about 1,000' west of the property. However,

- The depth of the manhole is only about 5.2 feet deep. This will not allow sufficient slope for wastewater to flow by gravity from Heines Substation to the manhole.

- This extension is not on the wastewater master plan, and so a master plan amendment would be required.

For these reasons, Staff finds the applicant's request for a waiver from wastewater construction meets the requirements in UDC 8.2.7.B. The need for waiver shall be demonstrated to Planning Commission's satisfaction. The waiver may be approved, approved with conditions or denied after consideration of the factors in Section 3.8.3.D of the UDC (previously listed in item "2").

Staff finds that the standard and factors are met for granting a waiver from the wastewater construction requirement. The applicant is also requesting an exemption from the wastewater lot/acreage fees charged prior to recording of the plat. The fee is authorized under UDC 8.5.2.B. Under UDC 8.5.2.G., the areas qualifying for this fee exemption are those determined "not likely to be serviced by City wastewater services within the next 15 years." Based on this, Staff recommends conditional approval, conditioned upon the applicant executing a Sanitary Sewer Connection Agreement. Should wastewater services become available to this area within 15 years of recording the plat, the landowner would be required to connect to the City's wastewater system and pay the lot/acreage fee at that time.

After Staff's presentation, Vice Chairman Crull opened the floor for Commissioner comments/questions. Vice Chairman Crull felt that in this case, the 15-year mark for the area to be serviced is too long. He felt that it should be decreased because development in this area is increasing. After Commissioner comments/questions concluded, Vice Chairman Crull opened the public hearing. Engineer of record, Jarod Cain with CDS Muery, 3411 Magic Drive, San Antonio, Texas, addressed the Commission and confirmed that there will be no restroom on the site. The only building on-site will be a "control house" that holds batteries/switches and it will have no occupants. With no one else coming forward, the public hearing was closed. A motion to approve the waiver from the wastewater construction requirement and conditional approval of the exemption from the wastewater acreage fee, conditioned upon the applicant executing a Sanitary Sewer Connection Agreement, was made by Commissioner Baugh and seconded by Commissioner Hovda. The motion passed with Vice Chairman Crull voting "no" for the exemption from the wastewater lot/acreage fees.

The second part of item "3" is the request for the plat waiver from the sidewalk construction requirement. 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, Holly Road is designated as a "A3" Arterial in the City's Urban Transportation Plan (UTP). A five-foot wide sidewalk is required for A3 Arterials.



Mr. Collins provided the applicant's grading plan. The applicant asserts that the location is too steep and not flat enough for a sidewalk to adhere to ADA requirements. The grading plan shows a planned storm water detention pond with a sloped embankment. The plan also shows drainage ditch within the ROW of Holly Road. The applicant states that these slopes make sidewalk construction infeasible. He also provided an excerpt from the Heines Substation Plat. The plat shows that the applicant will be dedicating an additional 26 feet for Holly Road ROW, north of the drainage ditch. He showed another map to illustrate several residential platted subdivisions fronting along the north and south sides of Holly Road between Rodd Field Road and Paul Jones Avenue/North Oso Parkway that do not have sidewalk built along Holly Road. He presented another aerial view of the subject property to illustrate the nearest sidewalks. The nearest sidewalk on the north side of Holly Road is the Holly Road Hike/Bike Trail about 0.55 mile east, at Paul Jones Avenue. The next closest sidewalk on the north side of Holly Road is at the Stripes fuel service station and convenience store at the northeast corner of Holly and Rodd Field Road, about 0.58 mile west.

Mr. Collins listed the factors in support of the waiver:

1. The location is too steep for sidewalk and ADA requirements; detention pond and drainage ditch.
2. No current sidewalk network along the properties adjacent to the site.
3. No transit service along Holly Road.
4. Not on the ADA Master Plan.
5. Other plats along Holly Road do not have sidewalk along Holly Road.
6. Capital Improvement Project for Holly Road is imminent.

Factors against the waiver:

1. The plat will dedicate additional 26 feet of ROW that could accommodate sidewalk; detention pond and pad can be shifted north.
  2. Holly Road is on the HikeBike Trails Master Plan (Mobility CC Plan).
  3. The site is in the "RS-TF" District and adjacent to vacant, unplatted "RS-6" Single-Family 6 District land to the east and developed "RS-6" land west.
  4. Plan CC
- Vision for Transportation and Mobility: "connected networks of good streets and sidewalks, safe bicycle routes"

Mr. Collins 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:

1. 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.
2. 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.
3. Sidewalks shall not be required for residential subdivisions in the Farm Rural and Residential Estate zoning districts.
4. 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, and instead require payment of cash in lieu of construction. After Staff's presentation, Vice Chairman Crull opened the floor for Commissioner comments/questions. Discussion took place regarding the detention pond. After Commissioner comments/questions concluded, Vice Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve Staff's recommendation for item "3" to deny the waiver and require payment of cash in lieu of sidewalk construction was made by Commissioner Baugh and seconded by Commissioner Hovda. The motion passed.

4. [19-0075](#)

**18PL1065**

**SWAN VILLAGE - PHASE I (FINAL - 44.90 ACRES)**

Located west of County Road 41 and south of FM 2444.

Request for a Waiver of the Wastewater Infrastructure Construction Requirement in Section 8.2.7.A of the Unified Development Code (UDC), and an Exemption from Wastewater Lot/Acreage Fees in Accordance with Section 8.5.2.G of the UDC.

Mr. Collins read item "4" into the record as shown above. He presented an aerial map to show the location. The land is outside city limits and is not zoned. The land is within the City's extra-territorial jurisdiction (ETJ) and thus within the City's platting authority. The owner is proposing to develop a 61-lot single-family residential subdivision. He listed the platting requirements to construct wastewater improvements from UDC Section 3.30.1.A, Section 8.1.4 and Section 8.2.7. He stated that when any subdivision is planned that is "not reasonably accessible to a public wastewater facility of sufficient capacity as determined by adopted City wastewater standards," such subdivision is eligible for a waiver from this requirement to construct or extend access to such a wastewater system. In such case, the subdivision shall have either (a) an individual aerobic (septic) system, (b) an individual wastewater treatment plant serving the subdivision, or, (c) interim service by construction of lift station(s) and force main(s) (UDC Section 8.2.7.B.1.a-c.).

Mr. Collins presented the Applicant's exhibit showing the site is on the southwest side of Oso Creek. The area is not on any current wastewater master plan. It is not in a service area with master planned facilities. There are no collection lines of sufficient capacity within 1,000 feet. The closest wastewater manhole is over two miles away, on the other side (the northeast side) of Oso Creek. Staff finds that the standard and factors are met for granting a waiver from the wastewater construction requirement. The waiver may be approved, approved with conditions or denied after consideration of the factors in Section 3.8.3.D of the UDC (previously stated in item "2").

The second part of the applicant's request is a request for an exemption from the wastewater lot/acreage fees charged prior to recording of the plat. The areas qualifying for this fee exemption are those determined "not likely to be serviced by City wastewater services within the next 15 years." Staff finds that

there are no plans or Capital Improvement projects at this time to provide wastewater services to this area within the next 15 years. Staff recommends conditional approval of the exemption from the wastewater acreage fee, conditioned upon the applicant executing a Sanitary Sewer Connection Agreement. Should wastewater services become available to this area within 15 years of recording the plat, the landowner would be required to connect to the City's wastewater system and pay the lot/acreage fee at that time. The potential Wastewater Lot/Acreage Fees are approximately \$70,531.62, based on the rate of \$ 1,571.00 per acre, multiplied by 44.896 acres.

After Staff's presentation, Vice Chairman Crull opened the floor for Commissioner comments/questions. Commissioner Schroeder raised a concern for water quality regarding storm water run-off. He mentioned there is a drainage canal that runs through the subject property and wanted to know if filtering methods will be used since an aerobic system will be employed. After Commissioner comments/questions concluded, Vice Chairman Crull opened the public hearing. Engineer of record, Juan Perales with J. Perales Civil Engineering and Planning Services, came forward to answer Commissioner Schroeder's question. With no one else coming forward, the public hearing was closed. A motion to approve the waiver from the wastewater construction requirement and conditional approval of the exemption from the wastewater acreage fee, conditioned upon the applicant executing a Sanitary Sewer Connection Agreement, was made by Commissioner Baugh and seconded by Commissioner Hovda. The motion passed.

5. [19-0054](#)

18PL1099

LAGUNA BUSINESS CENTER, BLOCK G, LOT 1 - 10.61 ACRES)

Located west of Waldron Road and south of Compton Road.

Request for a Plat Waiver of Sidewalk Construction Requirement in Section 8.1.4 and Section 8.2.2 of the UDC.

Mr. Collins read item "5" into the record as shown above. He presented an aerial map to show the location. The purpose of the plat is to obtain a building permit to build a boat and recreational vehicle storage facility. This use is allowed under the Special Permit, Ordinance 030910, adopted August 9, 2016. Prior to recordation of the plat, all public improvements must be completed and inspected by the City's Engineering Services Department. In turn, prior to inspection of public improvements, all requested waivers of construction of public improvements must be resolved.

Mr. Collins stated arterials and collectors are required to have sidewalk, per UDC Table 8.2.1.C. In this case, Compton Road is designated a C1 Collector in the City's UTP. A five-foot wide sidewalk is required for C1 Collectors. The Applicant asserts that Compton Road is functionally a rural section, and per UDC 8.2.1.D, sidewalks are not required for rural streets. Staff's opinion is that Compton Road is not a rural street, because of the actual ROW width of Compton Road along the plat, the pavement width, the zoning, density, actual uses of the property, the proximity to South Padre Island Drive (S.H. 358) and commercial establishments/neighborhood amenities. If the statement by the applicant was accepted, that the pavement and/or ROW of Compton Road, east of 1st National Drive, was not of C1 Collector standard, the alternative would be to apply Local Street Standards to that substandard portion of Compton

Road, not Rural Street Standards. In that case, the street would be comparable to an L-1E or L-1F standard, and sidewalk is required for such streets.

Mr. Collins presented more aerial views of the subject property to show commercial establishments, places of employment, and neighborhood amenities that form a commercial/employment node, within walking distance of the plat. There is an existing sidewalk network on the property, on both sides of Compton Road, east of 1st National Drive, and along 1st National Drive, Security Drive, Sunburst Drive, and South Padre Island Drive (SPID), that serve this commercial/employment node. The sidewalk requested as part of the platting process would extend this sidewalk network west, towards the "RE" Residential Estate District neighborhood.

Mr. Collins listed the Applicant's asserted factors in support of the waiver:

1. Compton Road is functionally a rural section, and per UDC 8.2.1.D, sidewalks are not required.
2. Compton Road is incorrectly classified as C1 Collector; property west of 1st National Drive is "RE" District.
3. Not on the ADA Master Plan.

Factors weighing against the waiver and in support of requiring sidewalk:

1. Compton Road is correctly classified as a C1 Collector based on distance from SPID.
2. Alternatively, classifying the street based on current dimensions, it would be a Local Street, not a Rural Street. Local Street requires sidewalk.
3. There is an existing sidewalk network on the plat, connecting to existing commercial / employment nodes, with numerous places within walking distance
4. The site is adjacent to the "RE" District, that would connect the neighborhood to commercial / employment nodes.
5. Plan CC
  - Vision for Transportation and Mobility: "connected networks of good streets and sidewalks, safe bicycle routes"

Mr. Collins 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 (previously listed in item 3). The exceptions for required sidewalk improvements in UDC 8.2.2.B do not apply in this case.

1. 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.
2. 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.
3. Sidewalks shall not be required for residential subdivisions in the Farm Rural and Residential Estate zoning districts.
4. 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. After Staff's presentation, Vice Chairman Crull opened the public hearing. Representing the applicant, Murf Hudson with Urban Engineering at 2725 Swantner Drive, addressed the Commission. He presented several exhibits (aerial view/photographs) of the area. For the area northwest of the property, the aerial view had a statement reading "Zoned Residential Estate with all but one property fully developed. Road is a strip paved road and parallel ditches without sidewalks on either side of street." He reiterated that typical roadway sections in the "RE" District are rural streets. He stated that none of the properties in the area have sidewalk nor will there ever be sidewalk developed. Additionally, he stated that this area was improved by a City construction project within the last five years. He presented a photograph of the intersection at 1st National Drive/Compton Road to show how the City constructed new ramps without also constructing a connecting sidewalk for any of the streets through Flour Bluff Drive. Mr. Hudson felt that at the time of this improvement, the City could have also constructed sidewalk and upgraded the street section to a C3 Collector.

With no one else coming forward, the public hearing was closed. A motion to approve the waiver request for item "5" was made by Commissioner Dibble and seconded by Commissioner Baugh. The motion passed with Vice Chairman Crull and Commissioner Hovda voting "no".

6. [19-0055](#)

18PL1107

FLOUR BLUFF GARDENS, BLOCK 7, LOT 2R (FINAL REPLAT - 0.267 ACRES)

Located north of Blossom Street and east of Amber Drive.

Request for a Plat Waiver of Sidewalk Construction Requirement in Section 8.1.4 and Section 8.2.2 of the UDC.

Mr. Collins read item "6" into the record as shown above. He presented an aerial map to show the location. This proposed plat fronts on the east side of Amber Drive. Amber Drive has a substandard ROW width of 40-feet. In the plat, the landowners are dedicating an additional five feet to help bring this street ROW up to the minimum 50-foot local street standard in UDC Table 8.2.1.B. The 50-foot local street standard in UDC Table 8.2.1.B requires sidewalk. He presented another aerial map to show the property's relation to the Primera Iglesia Bautista Church which is within walking distance, around 1,025 feet (0.19 mile).

Mr. Collins listed the Applicant's asserted factors in support of the waiver:

1. Open drainage ditch in front of property; no room for sidewalk.
2. No sidewalks in the whole neighborhood along Amber Drive (originally platted in 1947).
3. Not on the ADA Master Plan.
4. No transit stops on Amber Drive.
5. Waiver should not conflict with Comprehensive Plan and purposes of UDC; not on UTP.

Factors weighing against the waiver and in support of requiring sidewalk:

1. The property is within walking distance, around 1,025 feet (0.19 mile) of one civic use, a church, the Primera Iglesia Bautista of Flour Bluff.

2. The property is in a residential neighborhood zoned "RS-6" District.
3. The Comprehensive Plan, Plan CC, states the community's vision for Transportation and Mobility calls for connected networks of good streets and sidewalks and safe bicycle routes.

Mr. Collins stated that 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 (previously listed in item "5"). Staff recommends approval of the request for waiver from the sidewalk construction requirement. After Staff's presentation, Vice Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve the waiver request for item "6" was made by Commissioner Schroeder and seconded by Commissioner Williams. The motion passed.

### New Plats

Mr. Collins read items "7 through 11" into the record as shown below. Mr. Collins stated the plats satisfy all requirements of the UDC and State Law; the Technical Review Committee recommends approval. After Staff's presentation, Vice Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve items "7 through 11" was made Commissioner Schroeder and seconded by Commissioner Hovda. The motion passed.

7. [19-0050](#) 18PL1101  
HEINES SUBSTATION (FINAL - 4.0 ACRES)  
Located east of Lexington Boulevard and north of Holly Road.
8. [19-0051](#) 18PL1087  
PERRY'S ESTATES, BLOCK 1 LOTS 23 AND 24 (FINAL - 0.396 ACRES)  
Located west of Waldron Road and south of Graham Road.
9. [19-0052](#) 18PL1107  
FLOUR BLUFF GARDENS, BLOCK 7, LOT 2R (FINAL REPLAT - 0.267 ACRES)  
Located north of Blossom Street and east of Amber Drive.
10. [19-0053](#) 18PL1121  
SWACO TRACT, BLOCK 1, LOTS 2B & 2C (REPLAT - 2.40 ACRES)  
Located east of Greenwood Drive and north of Saratoga Boulevard.
11. [19-0074](#) **18PL1065**  
SWAN VILLAGE - PHASE I (FINAL - 44.90 ACRES)  
Located west of County Road 41 and south of FM 2444.

Mr. Collins read item “12” into the record as shown below. The submitted plat satisfies the requirements of the UDC and State Law upon satisfaction of remaining conditions (listed below) and the Technical Review Committee recommends conditional approval, subject to the following conditions being met to Staff’s satisfaction:

1. City Council approval of amendments to the Urban Transportation Plan for all relevant streets relating to the preliminary plat.
2. Revisions to the preliminary plat resulting from denial, conditional approval, or approval of plat waivers.

After Staff’s presentation, Vice Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve Staff’s recommendation of conditional approval for item “12” was made Commissioner Dibble and seconded by Commissioner Williams. The motion passed.

12. [19-0076](#)

**18PL1081**

LONDON TOWNE SUBDIVISION - O.C.L (PRELIMINARY - 214.34+/- ACRES)

Located outside city limits north of F.M. 43 and west and east of County Road 33.

**B. New Zoning**

13. [19-0068](#)

**Public Hearing - Rezoning Property at or near 6001 Crosstown Expressway (SH 286)**

**Case No. 1118-02 - Charles L. Kosarek and Dane Casey Holdings, LLC:**

Ordinance rezoning property at or near 6001 Crosstown Expressway (located on the west side of the Crosstown Expressway, south of Holly Road, and north of Saratoga Boulevard) from the “RS-6” Single-Family 6 District and the “ON” Neighborhood Office District to the “ON” Neighborhood Office District, “CN-1” Neighborhood Commercial District, and the “CC” Commercial Compatible District.

Andrew Dimas, Development Services, read item “13” 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 owner is proposing the construction of a medical office building. He told the Commission that zero public notices were returned in favor of the change of zoning request and in opposition. He provided another aerial view to detail the three tracts of land with the proposed zones and informed the Commission that a portion of the

subject property (4.45 acres) is located in one of the Navy's Air Installation Compatibility Use Zones (AICUZ). For this portion (Tract 3), Staff is recommending the use of the "CC" Commercial Compatible District which will limit the uses related to the congregating of people and also limit the size of buildings to a specific Floor Area Ratio. A previous rezoning case was heard by the Planning Commission and City Council in 2018 and the rezoning from the "RS-6" District to the "ON" Neighborhood Office District was approved. The applicant wishes to rezone a portion (Tract 2) of the previous rezoning case, approximately 300 feet in depth, along the Crosstown Expressway, to allow for potential commercial development (i.e. retail, restaurants, etc.).

Mr. Dimas went over the buffer yard requirements in the UDC for this change of zoning request along with the uses which are allowed/not allowed. He also discussed municipal facilities that are available to the subject property. Staff recommends approval of the change of zoning request. After Staff's presentation, Vice Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve Staff's recommendation for item "13" was made by Commissioner Baugh and seconded by Commissioner Hovda. The motion passed.

14. [19-0069](#)

**Public Hearing - Rezoning Property at or near 0 Enterprise Parkway**

**Case No. 0119-01 - Devary Durrill Foundation:**

Ordinance rezoning property at or near 0 Enterprise Parkway, located on the west side of Enterprize Parkway, south of Bear Lane, and east of North Padre Island Drive (State Highway 358), from the "IL" Light Industrial District to the "CG-2" General Commercial District.

Mr. Dimas read item "14" into the record as shown above. The purpose of the rezoning request is to allow for the construction of a hotel. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. He told the Commission that one public notice was returned in favor of the change of zoning request and zero notices were returned in opposition. Mr. Dimas went over the history of zoning patterns for the surrounding area, UDC requirements and the allowed uses for the change of zoning request. He also discussed municipal facilities that are available to the subject property. He added that several other hotels have been constructed approximately one-half mile to the south at the intersection of SPID (State Highway 358) and Old Brownsville Road. This commercial node has also had a rezoning to the "CG-2" General Commercial District. Staff recommends approval of the change of zoning request. After Staff's presentation, Vice Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve Staff's recommendation for item "14" was made by Commissioner Hovda and seconded by Commissioner Zarghouni. The motion passed.

15. [19-0070](#)

**Public Hearing - Rezoning Property at or near 1752 Rand Morgan Road**

**Case No. 0119-02 - NP Homes, LLC:**

Ordinance rezoning property at or near 1752 Rand Morgan Road



(located on the east side of Rand Morgan Road, south of Leopard Street, and north of McNorton Road) from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Mr. Dimas read item "15" into record as shown above. He presented several aerial views of the subject property along with the Existing and Future Land Use maps. He told the Commission that one public notice was returned in favor of the change of zoning request and one notice was returned in opposition by the Tuloso-Midway Independent School District (TMISD). The school district cited safety concerns for students who walk to school regarding traffic at high rates of speed on Rand Morgan Road and also access/connectivity concerns.

Mr. Dimas went over the history of zoning patterns for the surrounding area. The subject property was recently rezoned from the "FR" Farm Rural District/ "IH" Heavy Industrial District to the "RS-6" District in 2016. To the east is a vacant tract zoned "FR" District and a large industrial area zoned "IH" District. The industrial area consists of the former Celanese Technical Center (currently for sale) and Sam Kane Beef. An increase in density next to the large tract, heavy industrial facilities will potentially subject additional residential homes to hazards such as: noise, smoke, vibration, dust, and odors. Within the last five years, Sam Kane Beef has had 135 separate violations for Air Quality filed with the Texas Commission on Environmental Quality (TCEQ).

Mr. Dimas informed the Commission that the site currently only has 200 feet of access to Rand Morgan Road which will present connectivity issues, as well as non-conformity to the International Fire Code which requires multiple points of access for the 109 proposed homes. Additionally, all the higher density single-family residential neighborhoods are located to the west of Rand Morgan Road and across the road from the subject property and there is sufficient interconnectivity between neighborhoods. The subject property is isolated with no possible connectivity with the single-family neighborhood to the south. Granting this rezoning to the "RS-4.5" District encourages future rezoning cases, specifically the 57-acre vacant tract to the north for higher density development in close proximity to the large industrial facilities which could compromise public health and safety.

Staff also pointed out that increasing the density from "RS-6" to "RS-4.5" would allow the potentiality of 42 additional homes at maximum build-out. Should the property be rezoned to the "RS-4.5" District, a new plat could be submitted allowing up to a maximum of 167 single-family residences which is an increase in density by 33%. Current maximum build-out at the "RS-6" District density is 125 single-family homes which is allowed by-right today. The submitted preliminary plat identifies 109 units. However, of these units, 13 units (i.e. 12%) are not conforming to the "RS-6" land development requirements either due to lot size or setback requirements. Staff recommends denial of the requested change of zoning.

After Staff's presentation, Vice Chairman Crull opened the floor for Commissioner comments/questions. Discussion took place regarding access points and separation requirements regarding the Fire Code, setback/buffer yard requirements for "RS-4.5" and "RS-6" Districts and the option of a Special Permit for the additional 13 units that are not conforming to the "RS-6" land

development requirements. After Commissioner comments/questions concluded, Vice Chairman Crull opened the public hearing. Moses Mostaghasi with NP Homes, LLC, addressed the Commission. He stated the plat that was submitted to the City has been designed in a way to best suit the unique piece of property. He felt that the proposed "RS-4.5" District is consistent with the types of lots in the area and they are requesting the change of zoning because they want 20-foot, front yard setbacks. He stated there will be no cul-de-sacs to assist with traffic and his proposed plat creates a large loop through the property. He informed the Commission that they plan to add another access point in the future. He confirmed they have no plans to increase the number of units from 109. He also addressed Staff's concerns regarding air quality. With no one else coming forward, the public hearing was closed. A motion to approve the change of zoning request for item "15" was made by Commissioner Dibble and seconded by Commissioner Zarghouni. A roll call vote took place with Commissioners Williams, Hovda, and Schroeder voting "no". The motion passed.

#### **VI. Director's Report**

Nina Nixon-Mendez, Director of Development Services, suggested that future lengthy Planning Commission agendas be formatted to have a "consent agenda" for items/cases where Staff would be recommending an approval. The Planning Commission can choose which consent items would need further discussion. With the Planning Commission's approval, the agenda for the January 23rd meeting would be drafted as such since it is determined to be very long. The Planning Commission agreed for Staff to restructure future agendas as such.

#### **VII. Items to be Scheduled**

None.

#### **VIII. Adjournment**

There being no further business to discuss, Vice Chairman Crull adjourned the meeting at 8:53 p.m.