



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, August 21, 2019

5:30 PM

Council Chambers

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Gilbert Garza, at 361-826-8454 or GilbertGa@cctexas.com, no later than 48 hours prior to this meeting so that appropriate arrangements can be made.

I. Call to Order, Roll Call

Chairman Crull called the meeting to order at 5:30 p.m. and a quorum was established with no absences.

II. Opening Statement

III. Approval of Absences: None

IV. Approval of Minutes

1. [19-1186](#) Regular Meeting Minutes of August 7, 2019

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

V. Consent Public Hearing: (Item A) - Discussion and Possible Action

Chairman Crull asked Staff to present the Consent Agenda, item V.A. Greg Collins, Development Services, read New Plat items "2, 3 & 4" and Time Extension item "5" into the record as shown below. New plat items "2 & 3" satisfy all requirements of the UDC and State Law; the Technical Review Committee recommends approval. For New Plat item "4", he stated that upon satisfaction of the remaining conditions/comments in the Plat Review Comments document, the plat will satisfy all requirements of the UDC and State Law; the Technical Review Committee recommends conditional approval. Time Extension item "5" satisfies all requirements of the UDC and Staff recommends approval.

After Staff's presentation, Chairman Crull opened the public hearing for the Consent items. With no one coming forward, the public hearing was closed. A motion to approve Staff's recommendation as presented for items "3, 4 & 5" was made by Commissioner Hovda and seconded by Commissioner York. The motion passed. A motion to approve item "2" as presented was made by Vice Chairman Baugh and seconded by Commissioner Zarghouni. The motion passed with Commissioner York abstaining.

A. New Plats

2. [19-1188](#) **19PL1053**
RANCHO VISTA SUBDIVISION, UNIT 19 (FINAL - 4.04 ACRES)
Located South of Repcon Drive between Fort Griffen and Cattlemen Drive.

Mr. Collins read item “2” into the record as shown above. New plat item “2” satisfies all requirements of the UDC and State Law; the Technical Review Committee recommend approval. After Staff’s presentation, Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve item “2” was made by Vice Chairman Baugh and seconded by Commissioner Zarghouni. The motion passed with Commissioner York abstaining.

3. [19-1189](#) **19PL1066**
SARATOGA INDUSTRIAL PARK SUBDIVISION (FINAL - 23.13 ACRES)
Located west of SH 286 (Crosstown Expwy) and south of Saratoga Boulevard.

4. [19-1192](#) **19PL1026 - CONDITIONAL**
CALLICOATE ESTATES UNIT 5 (PRELIMINARY - 24.62 ACRES)
Located south of Leopard Street and east of Callicoate Road.

Time Extension

5. [19-1193](#) **18PL1110**
MEDICAL CENTER SUBDIVISION, BLOCK 3, LOTS 1 & 2 (REPLAT - 20.16 ACRES)
Located west of 19th Street and north of Morgan Avenue.

VI. Public Hearing: (Item B) - Discussion and Possible Action**B. Plats with a Variance (Waiver)**

6. [19-1197](#) **19PL1068 - STREET ROW DEDICATION WAIVER**
THE VILLAGE AT TIMBERGATE, BLK 1, LOTS 1 THRU 4 (FINAL 8.462 ACRES)
Located east of South Staples Street and south of Timbergate Drive.
Request for a Plat Waiver of the Street Dedication Requirement in Section 8.2.1.C of the Unified Development Code

Mr. Collins read item “6” into the record as shown above. For location purposes, Mr. Collins displayed a vicinity map of the subject property and an excerpt of the final plat. The plat shows that there is only 50 feet of right-of-way (ROW) on the east side of the center line of the Staples Street right-of-way. There is also a short length of 55 feet of right-of-way for a short length to accommodate southbound vehicles executing a U-turn to travel northbound on Staples. The Urban Transportation Plan (UTP) designates South Staples Street (FM 2444) as an A3 Arterial. UDC Table 8.2.1.C indicates that the total required right-of-way width for A3 Arterials is 130 feet. UDC Table 8.2.1.C. also states that A3 Arterials are to have six through lanes with a median. Currently South Staples Street in this vicinity has four through lanes with middle turn lanes at intersections, and a median. The Technical Review Committee (TRC) commented on the plat and required the landowner to dedicate an additional 15 feet of right of way from his property, so that the west half of South Staples right-of-way is 65 feet (half of 130 feet).

Mr. Collins continued with the applicant statements supporting the waiver request:

1. Several recently platted lots on the same side of South Staples Street were platted without similar right-of-way dedications.
2. The developer is of the opinion that South Staples will not be widened in the future.

Staff asserts the following in support of denying the waiver and requiring the additional dedication of 15 feet:

1. Regarding the property on west side of Staples Street, north of Timbergate Drive, additional right-of-way was acquired after it was platted in 2006, to bring the total right-of-way width to 130 feet, extending approximately 110 feet along the frontage of that property.
2. Although the property south of the subject property (Barclay Grove, platted in 2016) did not dedicate additional right-of-way, that property is mid-block, about 1,020 feet from the nearest collector. The subject property is at the intersection of an arterial and a collector.
3. The right-of-way width on the west side of the center line is greater than the right-of-way width on the east side of the center line. Additional right-of-way on the west side of Staples was acquired after the date those properties were platted in 1985, 1981, and 1995. Requiring dedication on the east side of the center line would provide more equitable dedication on both sides of the center line.
4. City GIS mapping suggests that the sidewalk on the east side of Staples Street might not be in public right-of-way.
5. A right-turn lane may be installed in the future, at the intersection of Staples and Timbergate, as was done in the opposite, northwest corner of Staples and Timbergate. Also, a right-turn lane from Staples into this subdivision would be advisable in the future for this subdivision, to prevent stacking on Staples. This subdivision is zoned commercial.

Regarding sidewalk plat waivers, the UDC does state, under Section 8.2.2.B.1-4, that a waiver may be granted, in accordance with the waiver procedure in Section 3.8.3.D., but only if certain conditions exist. Weighing the factors, Staff recommends denial of the waiver 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 Crull opened the floor for Commissioner comments/questions. Discussion took place about the applicant's assertion regarding recently platted lots without similar right-of-way dedications. Commissioner Dibble felt that requiring the ROW dedication is placing an undue burden on the applicant. Chairman Crull took issue with Staff's ROW width dimensions for Staples Street. He felt that Staples Street does not meet A3 arterial standards from Saratoga Boulevard to South Padre Island Drive. He believes that a right turn lane can be accommodated without additional ROW dedication. After Commissioner comments/questions concluded, Chairman Crull opened the public hearing.

Representing the owner, Wayne Lundquist at 700 Everhart Road addressed the Commission. Mr. Lundquist reiterated the applicant's supporting statements for the waiver as listed above and agrees with Chairman Crull's statement questioning the UTP designation for Staples Street as an A3 Arterial. With no one else coming forward, the public hearing was closed. Discussion continued among Commissioners regarding TxDOT jurisdiction for Staples Street. Mr. Collins stated that he was in communication with engineers Ernest Longoria and Robert Todd Johnson with TxDOT and they stated that there is planned future expansion for South Staples Street at Timbergate Drive (no time frame given). Commissioner Miller asked if the plat could be notated as "future dedication". Mr. Collins stated that it is a possibility and it would be notated as a "reserve" strip and it would be non-buildable. After additional comments/questions concluded, Commissioner Zarghouni made a motion to approve the waiver for item "6" and Commissioner Dibble seconded. The motion passed with Commissioner Schroeder voting "no".

7. [19-1190](#)

19PL1068

THE VILLAGE AT TIMBERGATE, BLK 1, LOTS 1 THRU 4 (FINAL 8.462 ACRES)

Located east of South Staples Street and south of Timbergate Drive.

Mr. Collins read item "7" into the record as shown above. New plat item "7" satisfies all requirements of the UDC and State Law; the Technical Review Committee recommend approval. After Staff's presentation, Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve item "7" was made by Vice Chairman Baugh and seconded by Commissioner Zarghouni. The motion passed.

8. [19-1195](#)

19PL1052 - SIDEWALK WAIVER

CULLEN PLACE, BLOCK B-2E, LOTS 1 AND 2 (REPLAT - 1.45 ACRES)

Located east of Airline Road and north of Belmeade Street.

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

Mr. Collins presented item "8" for the record as shown above. For location purposes, Mr. Collins displayed a vicinity map of the subject property and an excerpt of the final plat. UDC Section 8.1.4 and 8.2.2.A require construction of sidewalks as part of the platting process. UDC Table 8.2.1.C. also requires sidewalk for Airline Road, which is designated an A1 Arterial in the Urban

Transportation Plan (UTP). He stated that one of the requirements in the Plat Review Comments document, Development Services Engineering Comment #5, states that "Accessible sidewalk ramp at existing Airline Road driveway" is required. Existing, tied sidewalk runs along the east side of Airline Road. Where the tied sidewalk and curb intersect the driveways, there is a drop off and difference in grade between the sidewalk and the driveway, thereby impeding accessible pedestrian traffic movement. As a result, two (2) curb ramps are required.

Mr. Collins continued with the factors and arguments supporting the waiver request:

1. The buyer will be developing the property at a later time and would address the ramp installation at the time of site development.
2. The applicant is concerned about duplication of cost and effort in construction now, when site development will occur in the future.
3. If curb ramps are installed now, they will likely require removal and replacement at the time of redevelopment.
4. The site development / building permit phase, when TDLR (Texas Department of Licensing and Regulation) review is required, is the appropriate time to require ADA compliance and not at the replat phase.

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

1. City staff and the Technical Review Committee review all plats for compliance with current subdivision standards in the UDC, whether the land is unplatted, or is a replat. In short, a replat is a new plat. This replat creates two new lots: Lot 1 and Lot 2. Just as improvements in water, wastewater, stormwater, and fire hydrant may be required in a replat, so too, improvements in sidewalk may be required.
2. Because the driveway and sidewalk in question are located along right-of-way, construction of accessible curb ramp is required at the time of platting, and not at the site development / building permit stage of development.
3. The Comprehensive Plan's vision for transportation and mobility calls for "connected networks of good streets and sidewalks and safe bicycle routes."

Regarding sidewalk plat waivers, the UDC does state, under Section 8.2.2.B.1-4, that a waiver may be granted, in accordance with the waiver procedure in Section 3.8.3.D., but only if certain conditions exist. None of the enumerated conditions in UDC 8.2.2.B.1-4 for the waiver exist on this subject property. Weighing the factors in this case and UDC 3.8.3.D, Staff recommends denial of the waiver from the sidewalk curb ramp construction requirement and recommends construction of two sidewalk curb ramps at the existing driveway on Airline Road. Alternatively, Staff recommends that the applicant enter into a deferment agreement with the City for the installation of the sidewalk curb ramps. 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, Vice Chairman Crull opened the floor for Commissioner comments/questions. Discussion took place regarding City projects for ADA compliance and Commissioner Schroeder agreed with Staff's

recommendation for a deferment agreement. After Commissioner comments/questions concluded, Chairman Crull opened the public hearing. Representing the owner, Chuck Urban with Urban Engineering at 2725 Swantner Drive addressed the Commission. He reiterated the factors in support of the waiver listed above. He said that he received the site plan for the proposed car wash today and they will not be utilizing the existing driveway at Airline Road. He mentioned that pavement rehabilitation is currently underway at adjacent Belmeade Street and there are accessible ramps at the corner. He felt that a deferment agreement is lengthy and in the long run will end up costing more than the sidewalk curb ramp construction. With no one else coming forward the public hearing was closed. A motion was made by Commissioner Dibble to approve the waiver request for item "8" and Vice Chairman Baugh seconded. The motion passed Commissioners Hovda and Schroeder voting "no". It was noted for the record that Commissioner York abstained from this item.

9. [19-1187](#)

19PL1052

CULLEN PLACE, BLOCK B-2E, LOTS 1 AND 2 (REPLAT - 1.45 ACRES)

Located east of Airline Road and north of Belmeade Street.

Mr. Collins read item "9" into the record as shown above. New plat item "9" satisfies all requirements of the UDC and State Law; the Technical Review Committee recommend approval. After Staff's presentation, Chairman Crull opened the public hearing. With no one coming forward, the public hearing was closed. A motion to approve item "7" was made by Vice Chairman Baugh and seconded by Commissioner Zarghouni. The motion passed with Commissioner York abstaining.

10. [19-1194](#)

19PL1053 - SIDEWALK WAIVER

ANNAVILLE BAPTIST CHURCH, BLOCK 1, LOTS 1 AND 2 (REPLAT - 4.24 ACRES)

Located south of Leopard Street and west of Violet 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 "10" for the record as shown above. For location purposes, Mr. Collins displayed a vicinity map of the subject property and an excerpt of the final plat. The plat was approved by Planning Commission on August 7, 2019. UDC Sections 8.1.4 and 8.2.2.A require construction of sidewalks as part of the platting process. Mr. Collins continued with the factors and arguments supporting the waiver request.

Factors in Support of the Waiver. The applicant states that they do not believe sidewalk should be required because:

1. Applicant, Annville Baptist Church is the owner of the property on both sides of Butler Road;
2. Bar ditches exist on either side of Butler Road and along Cliff Crenshaw Street and will not allow for the construction of the requested sidewalks (photographs provided by applicant).

Additional factors in support of the waiver request are:

3. Butler Road and Cliff Crenshaw Street are not on the City's ADA Master Plan.
4. There are no bus stops along Butler Road or Cliff Crenshaw Street.
5. Butler Road and Cliff Crenshaw Street are not on the MobilityCC and the Corpus Christi Metropolitan Planning Organization Strategic Plan for Active Mobility, Phase 1: Bicycle Mobility Plan.
6. There is no crosswalk or traffic signal at Cliff Crenshaw Street and Butler Road, to facilitate pedestrian crossing of Cliff Crenshaw, to connect to the County ballfields.
7. Cliff Crenshaw Street has no sidewalk.

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

1. The area is zoned residential.
2. There is existing sidewalk network on this plat, on Lot 2, along Violet Road to the east, that the applicant can immediately connect to and extend along Butler Road.
3. Butler Street and Cliff Crenshaw Street are both public streets with right-of-way widths of 50 feet.
4. The plat is directly across the street from, about 36 feet from, County little league baseball, softball, and kickball fields to the west, on Cliff Crenshaw Street. All are well within walking distance from the plat.
5. Neighboring residential neighborhoods to the north and south both have sidewalk connecting Violet Road to Cliff Crenshaw Street, the same as what is being requested here.
6. None of the exceptional conditions for a sidewalk waiver that are listed in UDC 8.2.2.B exist in this case.
7. Although ditch drainage occupies some of the Butler Road right-of-way, there is 25 feet of Yard Requirement ("Y.R.") available on the lots themselves. Also, there is space beyond this Yard Requirement that does not have structure on it. Access easement can be drawn on the plat and conveyed by the landowner, to provide space for sidewalk. The plat was approved by Planning Commission on August 7, 2019 and has not been recorded yet. The easement can be added and can be approved administratively by Staff prior to recordation of the Plat.
8. The Comprehensive Plan, Plan CC, states the community's vision for Transportation and Mobility and calls for connected networks of good streets and sidewalks and safe bicycle routes.

Regarding sidewalk plat waivers, the UDC does state, under Section 8.2.2.B.1-4, that a waiver may be granted, in accordance with the waiver procedure in Section 3.8.3.D., but only if certain conditions exist. None of the enumerated conditions in UDC 8.2.2.B.1-4 for the waiver exist on this subject property. Weighing the factors in this case and UDC 3.8.3.D, Staff recommends denial of the waiver from the sidewalk construction requirement along Butler Road and Staff recommends approval of the waiver from the sidewalk construction requirement along Cliff Crenshaw Street. Alternatively, if construction along Butler Road is not feasible due to the drainage ditches, Staff recommends the applicant convey access easement on Lots 1 and 2 to provide space for sidewalk. Revision to this plat (approved 8/7/2019) may be approved administratively.

After Staff's presentation, Chairman Crull opened the public hearing. Representing the owner, Chuck Urban with Urban Engineering at 2725 Swantner Drive addressed the Commission. He reiterated the factors in support of the waiver listed above and informed the Commission of the new construction plans for expanding the church campus. He mentioned that in the past there was discussion about a street closure for Butler Road, but Nueces County was opposed because of the overflow of off-street parking from the County Ballfields. He said the sidewalk construction would be very expensive (estimated at \$40,000) for the church and they will need to budget for creating access from the parking lots to their buildings. He felt that there is not enough pedestrian traffic to require sidewalk construction and that there are existing sidewalks on Brendel Lane and Guess Drive that provide access to facilities. With no one else coming forward, the public hearing was closed. Discussion continued regarding Mr. Urban's statement of closing Butler Road. Commissioner Schroeder asked if the applicant would be amenable to providing an access easement for Lot 2 to provide a means of connection for public ROW and comply with ADA requirements. Mr. Urban stated there seems to be enough space to accomplish that. A motion was made by Commissioner Schroeder to grant the waiver from construction of sidewalk along Cliff Crenshaw Street and Butler Road, on the condition that a public access easement be conveyed on Lot 2, running roughly parallel to Butler Road, across the extent of Lot 2, to provide future sidewalk connectivity between Lot 1 and the existing sidewalk along Violet Road. The motion was seconded by Vice Chairman Baugh and the motion passed Commissioner York abstaining.

VII. Director's Report

Nina Nixon-Mendez, Director of Development Services, informed the Commission that City Manager, Peter Zanoni has announced that Al Raymond will start at Development Services on September 16, 2019 as Director of Development Services. She will be transitioning as Assistant Director of Development Services and Michael Dice will be joining as Assistant Director on August 26, 2019 to head the Land Development Division. She also informed the Commission that the department has been reorganized to report to Assistant City Manager, Steve Viera. It is also Mr. Collin's last Planning Commission meeting as his last day as a City employee will be on August 22, 2019.

VIII. Items to be Scheduled

None.

IX. Adjournment

There being no further business to discuss, Chairman Crull adjourned the meeting at 7:00 p.m.