



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, September 4, 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 and a quorum was established with Commissioner Zarghouni absent.

II. Opening Statement

III. Approval of Absences: None

IV. Public Comment: The public is invited to speak on any agenda item and any other items that pertain to the Planning Commission. Comments are limited to 3 minutes.

V. Approval of Minutes

1. [19-1257](#) Regular Meeting Minutes of August 21, 2019

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

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

Chairman Crull asked Staff to present the Consent Agenda, items V.A, V.B and V.C. Mark Orozco, Development Services, read New Plat items "2 & 3", Appeal of an Expired Plat/Time Extension item "4" and New Zoning 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 item "4", Appeal of an Expired Plat/Time Extension, Staff recommends approval of the appeal and recommends the plat be extended to March 20, 2020. Staff also recommends approval for New Zoning item "5" as stated in Staff's report. 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 "2, 3, 4 & 5" was made by Vice Chairman Baugh and seconded by Commissioner Hovda. The motion passed.

A. New Plats

2. [19-1244](#) **19PL1062**
COUNTRY CLUB ESTATES UNIT 18, BLK 1, LOTS 2A & 2B (REPLAT - 5.00 ACRES)
Located south of Saratoga Boulevard and east of Long Meadow Drive.
3. [19-1245](#) **19PL1078**
STEELE'S ADDITION, BLOCK 11, LOT 33R (REPLAT - 0.14 ACRES)
Located south of Agnes Street and west of Port Avenue.

B. Appeal of an Expired Plat/Time Extension

4. [19-1248](#) **18PL1118**
NOTTARB PLACE NO.2, BLOCK 4, LOT 19R (REPLAT - 0.93 ACRES)
Located south of Saratoga Boulevard and west of Weber Road.

C. New Zoning

5. [19-1250](#) **Public Hearing - Rezoning Property at or near 6800 Sandra Lane**

Case No. 0819-04 - Mirabal Development Group, LC:
Ordinance rezoning property at or near 6800 Sandra Lane (located south of Sandra Lane, east of Airline Road and north of State Highway TX-357 (Saratoga Boulevard) from the "RS-6" Single-Family Residential District to the "RM-1" Multifamily Residential District.

VII. Public Hearing: (Items D, E & F) - Discussion and Possible Action**D. Plat with Variance (Waiver)**

6. [19-1243](#) **19PL1026 - SIDEWALK WAIVER**
CALLICOATTE ESTATES UNIT 5 (PRELIMINARY - 24.62 ACRES)
Located south of Leopard Street and east of Callicoate Road.
Request for a Plat Waiver of Sidewalk Construction Requirement in Section 8.1.4 and Section 8.2.2 of the UDC.

Gabriel Hinojosa, Development Services, read item "6" into the record as shown above. He informed the Commission the plat was approved on May 29, 2019 and the purpose of the plat is to develop a residential subdivision, Mr.

Hinojosa displayed a vicinity map of the subject property along with the approved preliminary plat. This proposed development is on Callicoatte Road, which is designated as an A-3 Arterial in the City's Urban Transportation Plan (UTP). The street design standards for A-3 Arterials also require sidewalks, per UDC Table 8.2.1.C. Mr. Hinojosa also went over the existing zoning and uses adjacent to the subject property including their distance to the subject property. He continued with the factors and arguments supporting the waiver request.

1. Current sidewalk network is 550 feet away.
2. Callicoatte Road is not on the City's ADA Master Plan and MPO Bicycle Mobility Plan.
3. No RTA transit route along Callicoatte Road.
4. No proximate school or public or civic uses along Callicoatte Road.
5. Callicoatte Road is built to a Rural street cross section.
6. Callicoatte Road is a state roadway maintained by TXDOT and no future improvements planned due to current traffic volumes.

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

1. The site is adjacent to an existing residential subdivision to the north that has sidewalks internal to the subdivision.
2. Callicoatte Road is an A-3 Arterial and the street standards require sidewalk; no plan for expansion of Callicoatte Road is in the foreseeable future.
3. Properties to the south are currently undeveloped and provide an opportunity for a sidewalk network; sidewalk would be required when that property is platted.
4. The sidewalk construction will support future connectivity to Calallen East Elementary School.
5. Dedication of a 25-feet of right-of-way for Callicoatte Road provides a sufficient area for sidewalk construction.
6. Plan CC: Vision for Transportation and Mobility: "connected networks of good streets and sidewalks, safe bicycle routes".
7. The Municipal Maintenance Agreement (MMA) between TxDOT and the City does not prohibit sidewalk.

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 a sidewalk waiver exist on this subject property. Weighing the factors of Section 3.8.3.D, 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 public hearing. With no one coming forward the public hearing was closed, and the floor was opened for Commissioner comments/questions. Commissioner Schroeder expressed how the sidewalk network needs to start with this phase of development to provide future connectivity. Discussion took place regarding the applicant's assertion that Callicoatte Road is currently built to a Rural street cross section and what the difference is between an A3 Arterial. Commissioners Dibble and York expressed that there is a potential that TxDot will remove the constructed sidewalk (and then reconstruct sidewalk) once the plans to expand Callicoatte

Road are initiated. Staff reiterated there is no plan for expansion in the foreseeable future and that there is 25-feet of right-of-way dedication. Commissioner York mentioned how cash in lieu of construction could be utilized in these circumstances. Staff responded that the cash in lieu of construction option was part of the text amendments that were brought forth to the Commission back in August. The Commission chose to forego the text amendments related to sidewalk and acted to have the consultants handle that portion. Commissioner Miller expressed his agreement with requiring sidewalk and that the length of sidewalk construction required is not very long. A motion was made by Vice Chairman Baugh to approve Staff's recommendation to deny the waiver request for item "6". Commissioner Hovda seconded and the motion passed with Commissioners York and Dibble voting "no".

E. Planned Unit Development

7. [19-1249](#) Public Hearing - Rezoning Property at or near 6810 Bison Drive

Case No. 0819-01 - MPM Development, LP:

Ordinance rezoning property at or near 6810 Bison Drive (located southwest of Bill Witt City Park to the Northeast, and Northeast of Bison Drive) from the "RS-4.5" Single-Family Residential to the "RS-4.5/PUD" Single-Family Residential and a Planned Unit Development Overlay.

Andrew Dimas, Development Services, read item "7" into the record as shown above. For location purposes, he presented several aerial views of the subject property along with the Existing and Future Land Use maps. The proposed rezoning to the "RS-4.5/PUD" Single-Family 4.5 District with a Planned Unit Development is consistent with the adopted Future Land Use Map and the Southside Area Development Plan. The subject property is vacant, and the purpose of the request is to allow for the construction of single-family homes on approximately 34 lots with a minimum lot size of 4,267 square feet. The minimum lot area for the "RS 4.5" district is 4,500 square feet. He also displayed a master site plan to illustrate the lot configuration. He informed the Commission that of the 35 public notices that were mailed, 14 notices were returned in opposition of the change of zoning request and zero notices were returned in favor.

Mr. Dimas went over the history of zoning patterns and existing land uses for the surrounding area. To the north is the Bill Witt Complex Park zoned "RS-6" Single 6 Family Residential. To the east is the CMC-Steel Group company zoned "IL" Light Industrial. He also went over UDC requirements with the rezoning such as buffer yards due to the proximity to the "IL" district and setbacks. The applicant is requesting a front yard setback of 15 feet, however, Staff recommends a minimum of 15 feet front yard setback for building front with a minimum of 20 feet setback for the garage adjacent to sidewalk. Staff's reason for this recommendation is that in more dense neighborhoods, the right-of-way is not maintained when the back-end of trucks/boats overhang into the sidewalk which forces pedestrians to walk out of the sidewalk. As an example, pictures were provided of a similar PUD, Country Club Estates Unit 34, which is experiencing the same issue.

Mr. Dimas presented a table comparing the proposed PUD development standards and the UDC standards for the "RS-4.5" Single-Family 4.5 District which noted all necessary deviations from the UDC being requested by the applicant. Staff recommends approval of the change of zoning request with the following conditions (a correction was noted to the above mentioned table of the powerpoint presentation regarding the width of the sidewalk):

1. **Planned Unit Development Guidelines and Master Site Plan:** The Owners shall develop the Property in accordance with Crosswind Estates Unit 2 Planned Unit Development (PUD) Guidelines and Master Site Plan. The development of the Property is to consist of 34 single-family residences.
2. **Setbacks and Lot Width:** The minimum street yard for a property that has sidewalk frontage is 15-feet for the home and 20-feet for the garage. The minimum street yard for a property without sidewalk frontage is 15-feet for the home and garage.
3. **Other Requirements:** The PUD conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.
4. **Time Limit:** This Planned Unit Development (PUD) shall be compliant with Section 3.5.9. of the Unified Development Code (UDC).

Mr. Dimas informed the Commission the applicant is requesting to table this item to the next Planning Commission meeting of September 18, 2019 to continue discussion with Staff regarding setbacks/dimensions for the driveway. After Staff's presentation, Chairman Crull opened the floor for Commissioner comments/questions. Commissioner Williams expressed how this proposed project is similar to Crossgate Subdivision in which the neighborhood is very crowded, and parking has become an issue. Commissioner York asked what the specific opposition was for those public notices that were returned. Mr. Dimas stated most of the notices cited traffic concerns and that the design (reduced lot size) of the proposed PUD differs from the character of the surrounding neighborhood. After comments/questions concluded, Chairman Crull opened the public hearing.

Joe Ommani with Oliver Homes and Construction addressed the Commission. As a property owner adjacent to the subject property, Mr. Ommani received several public notices. He said he is not opposed of the proposed development but is opposed to the size of the lots. He thinks the proposed lot size is too small and the development will reduce property values in the area.

Gabe Garcia at 6822 Bison Drive addressed the Commission and is opposed to the rezoning. He also thinks the lot sizes are too small and the proposed development will have a negative impact on the neighborhood. He felt traffic will increase with the proposed density causing safety concerns for children. He mentioned property values as well.

The owner of the property, Moses Mostaghasi at 6722 Brockhampton addressed the Commission. He mentioned the reason behind his request to table this item. He stated that traffic should not be cited as a concern as there is additional, residential construction planned in the area or at present time (Mr. Ommani's development). He said the reason for the PUD request is due to the property being very narrow creating design challenges. He felt he has worked out a design for the property that can best meet the required street and sidewalk dimensions. He detailed his plans to connect the subdivision's park

with a nature trail to Bill Witt Park. He believes the homes he plans to build are consistent to other homes in the area and they will be affordable. He felt the proposed development will not impact property values and will only increase property values. It was discussed that if there were no deviations from the lot size then the number of lots would decrease by two lots which in Mr. Mostaghassi's opinion does not impact density concerns. Discussion also took place regarding the similarity to Country Club Estates Unit 34 (photographs provided) in which the Planning Commission approved last year. Commissioner Hovda made a motion to table item "7" to the September 18, 2019 Planning Commission meeting and Commissioner York seconded. The motion passed.

8. [19-1246](#)

19PL1076 - CONDITIONAL

CROSSWINDS ESTATE UNIT 2 (FINAL 5.77 ACRES)

Located south of Yorktown Boulevard and east of Cimarron Boulevard.

Mr. Dimas read item "8" into the record as shown above. He informed the Commission that this plat is associated with PUD item "7" and is conditioned upon the approval of the PUD so this item will need to be tabled as well. Chairman Crull opened the public hearing for item "8". With no one coming forward the public hearing was closed. A motion was made by Vice Chairman Baugh to table item "8" to the September 18, 2019 Planning Commission meeting and Commissioner Dibble seconded. The motion passed.

F. **Unified Development Code Text Amendment**

9. [19-1251](#)

Landmark Certificate of Appropriateness

Mr. Dimas presented item "9" for the record as shown above. The proposed text amendment originated through a citizen request. Currently, a Certificate of Appropriateness is required if any building permit (other than minor repairs such as painting) or certificate of occupancy is requested. The purpose of the text amendment is to only require a Certificate of Appropriateness (C of A) if modifications are occurring to the exterior of a building that is designated a historic landmark. He specified that any work to be done on the interior of the building does not trigger the C of A requirement. To obtain a C of A, the Landmark Commission must approve the work done to the building within 30 days. Mr. Dimas provided the text amendment changes to Section 3.15.1 Applicability of the UDC. The proposed amendments were presented to the Landmark Commission on August 22, 2019 and received a recommendation of approval. This text amendment will be presented at the September 17, 2019 City Council meeting (1st reading). Staff recommends approval of the text amendment being presented. After Staff's presentation Chairman Crull opened the floor for Commissioner comments/questions. After comments/questions concluded, Chairman Villarreal opened the public hearing. With no one coming forward the public hearing was closed. A motion was made by Vice Chairman Baugh to approve Staff's recommendation for item "9". The motion was seconded by Commissioner Schroeder and the motion passed.

VIII. **Director's Report**

None.

IX. Items to be Scheduled

None.

X. Adjournment

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