



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, October 30, 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 no absences.

II. Opening Statement

Staff read the opening statement.

III. Approval of Absences: Commissioner Dibble

A motion to approve the absence listed above was made by Vice Chairman Baugh and seconded by Commissioner Hovda. The motion passed.

IV. Approval of Minutes

1. [19-1498](#) Regular Meeting of October 16, 2019

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

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

Chairman Crull asked Staff to present the Consent Agenda, items V.A and V.B. Andrew Dimas, Development Services, read Consent Agenda, items V.A and V.B into the record. Staff recommends approval for Variance item "2", as stated in Staff's report, along with accompanying new plat item "3" which satisfies all requirements of the UDC; the Technical Review Committee recommends approval. For New Plat items "4 & 5", he stated that upon satisfaction of the remaining conditions/comments in the Plat Review Comments document, the plats will satisfy all requirements of the UDC and State Law; the Technical Review Committee recommends conditional approval. New plat item "6" satisfies all requirements of the UDC and State Law; the Technical Review Committee recommends approval. Mr. Dimas informed the Commission that Time Extension item "7" is withdrawn as public improvement construction has begun. Time Extension items "8 & 9" satisfy all requirements of the UDC and Staff recommends approval.

Chairman Crull stated that New Zoning item "10" will be pulled from the Consent Agenda and presented separately. 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 was made by Vice Chairman Baugh to approve items "2, 3, 4, 5, 6, 8 & 9" as presented. The motion was seconded by Commissioner Dibble and the motion passed.

A. Plats

New Plat with Variance (Waiver)

2. [19-1508](#) **19PL1091 - WASTEWATER WAIVER**
MORTON MEADOWS (FINAL - 6.024 ACRES)
Located west of Flour Bluff Dr and south of Graham 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.
3. [19-1505](#) **19PL1091**
MORTON MEADOWS (FINAL - 6.024 ACRES)
Located west of Flour Bluff Drive and south of Graham Road.

New Plats

4. [19-1507](#) **19PL1102 - CONDITIONAL**
FISHPOND AT BAY TERRACE, Block 5, Lot 23, PUD (FINAL - 1.48 ACRES)
Located north of Morgan Avenue between Santa Fe Street and Staples Street.
5. [19-1506](#) **19PL1079 - CONDITIONAL**
PADRE ISLAND - CORPUS CHRISTI, SECTION 4, BLK 215, LOTS 4A & 4B (REPLAT - 0.22 ACRES)
Located south of Whitecap Blvd and west of South Padre Island Drive (Park Road 22).
6. [19-1504](#) **19PL1040**
EMPIRE SUBDIVISION (FINAL - 16.39 ACRES)
Located north of Slough Road and east of Ametrine Drive.

Time Extensions

7. [19-1499](#) 18PL1060
BEHMANN ADDITION, BLOCK 2, LOTS 5 & 6 (FINAL - 8.48 ACRES)
Located north of South Padre Island Dr. between Crosstown Expressway & Ayers St.
8. [19-1502](#) 18PL1090
WOOD ESTATES UNIT 4, BLOCK 50, LOT 10R (REPLAT - 0.58 ACRES)
Located north of Northwest Boulevard (FM 624) and west of Wood River Drive.
9. [19-1503](#) 19PL1011
VIOLET ROAD RV RESORT (FINAL - 6.46 ACRES)
Located south of IH 37 and west of Violet Road.

B. New Zoning

10. [19-1509](#) **Public Hearing - Rezoning Property at or near 1442 Farm-to-Market (FM) 43**

Case No. 1019-08 - The William Earl Hensch Trust, Anna Belle Hensch, Retta Maurine Kasper, Corpus Christi Community Church, and South Texas Children's Home Land Management:

Ordinance rezoning property currently being annexed at or near 1442 Farm-to-Market (FM) 43 (located along the north side of Farm-to-Market Road 43, east of Digger Lane, and west of County Road 33) from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District (Tract 1) and "CN-1" Neighborhood Commercial District (Tract 2).

Mr. Dimas read item "10" into the record as shown above. The subject property is 446.41 acres in size. The owner is proposing approximately 1,445 single-family residences and small commercial development along FM 43 (church). For location purposes, he presented several aerial views of the subject property along with the Existing and Future Land Use maps. He informed the Commission that of the 41 public notices that were mailed, one notice was 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, UDC requirements for the rezoning as well as available municipal facilities. He mentioned that wastewater utilities are not yet available as a lift station is being finalized. Based on Staff analysis, Staff recommends approval of the change of zoning request.

After Staff's presentation, Chairman Crull opened the floor for Commissioner comments/questions. Discussion took place regarding the areas to be served (acreage) with the new wastewater infrastructure the London Area Development Plan and street alignments/designations in the Urban Transportation Plan (UTP). After discussion concluded, Chairman Crull opened the public hearing.

Developer of the subject property, Moses Mostaghasi at 6725 Brockhampton, addressed the Commission. He mentioned that he has communicated with the Texas Department of Transportation (TxDot). He stated the amount of traffic generated on FM 43 is 14,000 daily trips. He plans to do a Texas Department of Insurance (TDI) report as there is no plan to install a traffic light near London Independent School District. He addressed Commissioner questions regarding the adopted UTP amendment for a portion of the area which includes the addition of two collector streets to alleviate traffic. He stated that the lift station that is being finalized will serve over 3,000 acres. He said there are undeveloped properties nearby that are commercially zoned but the only commercial development on the subject property will be a church. He also expressed that he has no plans to develop an apartment complex and his primary focus is building homes. He also discussed proposed lot sizes. He said the smallest lot is 50 x 115 which exceeds the minimum lot size for the RS-4.5 District. Commissioner Schroeder asked how his development plans would change if he considered the RS-6 District. Discussion also took place regarding the King's Landing Preliminary plat (19PL1098) that was approved at the October 16, 2019 Planning Commission meeting. He also mentioned that the Planning Commission recommended approval of a RS-4.5 District along CR 33 which abuts his property.

The following individuals addressed the Commission and stated their concerns/oppositions:

Brittany Hernandez at 6602 Wesley Way
Xavier Huerta at 615 N. Upper Broadway Street
Sandra Bramsford at 2474 Loxley Drive
Arlene Martinez at 745 Buffalo Creek Drive
Lindsey G. at 2409 Shaftsbury Drive
Shane Torno at 982 Santa Cruz Lane
Jimmy Dodson at 4222 FM 665
Matt Helm at 1357 Maid Marian
Sandra Escamilla at 2410 Shaftsbury Drive
Thomas Castillanos at 2489 Loxley Drive
Valerie Benavides at 2486 Loxley Drive
Fred Mary at 2626 Balchuck Drive
Veronica Hernandez at 6634 Wesley Way
Richard Harvey in London Village Subdivision
Sandra Guzman at 2504 Balchuck Drive
Jesse Fernandez at 2450 Loxley Drive
Jeff at 2534 Digger Lane
Noah at 2659 at Digger Lane
Adrian Hernandez at 6634 Wesley Way

The majority of comments consisted of concerns that the proposed development does not fit the character of the surrounding area which includes lots sizes of 1-acre or more. They felt that it is premature to initiate

development without an adopted area development plan. They are wary of the development plan and fear that an apartment complex will eventually be built and are in opposition to commercial development in the area. They cited safety concerns; felt that traffic issues are a problem and will be exacerbated with the proposed development. Traffic is also an issue at London ISD at arrival/dismissal of students. London ISD continues to grow and is currently overcrowded. The school is not prepared for an influx of students; student teacher ratios are not favorable. They also stated the roads in the area need improvement are in not in good condition to withstand an increase in traffic. They felt that the proposed use will have a negative impact on the neighborhood and decrease property values. They also took issue with the public notification process.

Once again, Mr. Mostaghassi addressed the Commission to speak to the public's comments/concerns. He stated that he has been in contact with London ISD and the President of the School Board and they expressed their support of the proposed project. He stated the school and the board are in discussion regarding plans to address growth. He described his drainage plans for the project and stated that the proposed development will drain into the Oso Creek. He also gave more information on street connectivity. He said that growth is inevitable and eventually the London area will have apartment development. He invited the public to contact him for any other concerns. With no one else coming forward, the public hearing was closed, and discussion continued amongst Commissioners.

Commissioner Miller stated that this area needs some further planning and thought before moving forward with development. Commissioner Hovda stated that the London area is a blank slate for smart development and is uncomfortable with the request for the CN-1 Distract for Tract 2. Commissioner Schroeder encouraged the public to be more involved in planning meetings as attendance has been low in the past. Commissioner Zarghouni asked Mr. Mostaghassi if he is open to considering the RS-6 District instead of the RS-4.5 District. Mr. Mostaghassi stated that there will be less density if it remains at RS.4.5. Discussion took place regarding other options such as a Special Permit or a Planned Unit Development. Discussion also consisted of possibly tabling this item. Mr. Mostaghassi preferred that it not be tabled.

A motion was made by Commissioner Dibble to approve item "10". The motion was seconded by Commission York. A roll call vote took place with Commissioners Hovda, Zarghouni, Miller, Williams and Vice Chairman Baugh voting "no". The motion did not pass.

A motion was made by Commissioner Miller to deny item "10" and it was seconded by Vice Chairman Baugh. A roll call vote took place with Commissioners Dibble, York, Schroeder and Chairman Crull voting "no". The motion passed.

VI. Public Hearing: (Item C) - Discussion and Possible Action

C. New Zoning

11. 19-1510 Public Hearing - Rezoning Property at or near 3001 Morgan Avenue

Case No. 1019-07 - AGCE Corp: Ordinance rezoning property at or near 3001 Morgan Avenue (located along the south side of Morgan Avenue, east of Elgin Street, and west of South Port Avenue) from the “IL/H” Light Industrial District with the Historic Overlay to the “IL” Light Industrial District.

Mr. Dimas read item “10” into the record as shown above. The applicant is requesting a rezoning from the “IL/H” Light Industrial District with the Historic Overlay to the “IL” Light Industrial District to allow for the renovation of the former Dr. Hector P. Garcia physician’s office building. For location purposes, he presented several aerial views of the subject property along with the Existing and Future Land Use maps. Mr. Dimas also presented some exterior/interior pictures of the subject building detailing the amount of damage that has occurred over time. Development Services staff visited the building on Friday, October 18th. The most notable structural danger is the partial collapse of the roof over the front portion of the building (former pharmacy). The exterior walls are in good condition, as well as the concrete roof that covers the rear half of the building. The storefront windows are in a deteriorated condition.

As previously presented to the Landmark and Planning Commission, City staff initiated a text amendment to the Unified Development Code (UDC) to allow interior renovations to occur on a property with a historic designation without the need of a Certificate of Appropriateness (C of A). The text amendment was approved by the City Council in early October of this year. An alternative to removing the (-H) Historic Overlay, would be a granting of a (C of A) to allow for the restoration and renovation of the building. In this case, the structure was not designated as historic due to architectural significance, but rather due to cultural significance. Therefore, staff contends that the Landmark Commission has the ability to grant a C of A to allow for the necessary repairs and potential improvements without jeopardizing the historic significance of the building. The Landmark Commission would need the application and review construction plans to consider the C of A. Nina Nixon-Mendez, Historic Preservation Office, gave more information on C of A process. If for any reason the Landmark Commission denied the issuance of a C of A there is a process of negotiation (90 days) between the applicant, Landmark Commission and the department’s Assistant City Manager. At the end of the 90-day period the C of A must be issued. The Landmark Commission has expressed that they are willing to work with the applicant even though plans have not been submitted.

Mr. Dimas informed the Commission that of the 34 public notices that were mailed, zero notices was 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 UDC requirements for the rezoning. An additional alternative that should be considered includes the underlying base zoning district. The “IL” Light Industrial District is inconsistent with the adjacent uses. The underlying base zoning district should be changed to the “CN-1” Neighborhood Commercial District which allows offices uses by-right and would serve as a better transitional district between the residential uses and the remaining light industrial properties. He also informed the Commission that a letter was submitted (attached to the Staff report) by the national office of the G.I. Forum supporting the removal of the historic overlay. In support of

Staff's recommendation, letters were submitted by Dr. Garcia's family and the manager of the archives at Texas A&M University. Based on Staff analysis, Staff and the Landmark Commission recommends denial of the change of zoning request.

After Staff's presentation, Chairman Crull opened the floor for Commissioner comments/questions. Commissioner Hovda asked questions about the background history of how the historic overlay process was accomplished for the subject property. Staff confirmed that there was no record of protest by the American G.I. Forum at the time of designation. She contended that when the subject property was sold, the realtor did not disclose the historic overlay to the buyer, and that the applicant is asking the City to rectify a problem that originated with the realtor not doing their job.

After Commissioner comment/questions concluded, Chairman Crull opened the public hearing. Representing the owner, Anthony Gutierrez from Austin, Texas, addressed the Commission. He reiterated that at the time the property was purchased, they were unaware of the historic overlay. He presented more photographs showing the deteriorated condition of the building and expressed how the previous owner made no efforts to minimally preserve the building. He also showed a rendering of the exterior of the building and explained how they plan to include a courtyard with a memorial to Dr. Garcia. The interior of the building will be used for office space conducting minor medical care or to be leased as construction offices. He added that they are willing to work to get a C of A issued in order to move the project forward. With no one else coming forward, the closed the public hearing.

Commissioner Miller asked what obstacles the applicant was experiencing due to the overlay. Mr. Gutierrez responded none currently, but he may want to change the color to earth tones. He stated they do not want to move forward until the overlay is removed and has not submitted construction plans. Commissioner Schroeder encouraged the applicant to work within the historic framework. A motion was made by Commissioner Miller to deny the change of zoning request for item "11". Commissioner Hovda seconded and the motion passed.

VII. Director's Report

None.

VIII. Items to be Scheduled

None.

IX. Adjournment

There being no further business to discuss, Chairman Crull adjourned the meeting at 9:00 p.m.